The findings and recommendations of a 21-month study of the culture, needs, and concerns of Native Hawaiians are presented in this final report, the first volume of a report commissioned by the United States Congress. Following a brief description of the approach and methodology used and the executive summary, part I deals with socioeconomic and cultural factors affecting the past and present lives of Native Hawaiians. The following topics are covered: (1) demography; (2) the historical and cultural background of Native Hawaiian health and government health programs, both those covering all residents and those specifically for natives; (3) the education system; (4) housing costs and characteristics for Native Hawaiians and other ethnic groups; (5) the history of Hawaii from ancient times through the adoption of the Reciprocity Treaty of 1875; (6) an explanation and description of the Hawaiian language and a discussion of historic preservation in Hawaii; and (7) an analysis of the Native Hawaiian religion. Part II covers the following aspects of land-related claims and interests: (1) land laws and relationships; (2) diplomatic and congressional history, from monarchy to statehood; (3) existing law, Native Hawaiians, and compensation; (4) the Hawaii Home Lands program; (5) Federal responses to the unique needs of Native Hawaiians; (6) State responses to Native Hawaiians' unique needs; and (7) private and local responses to the special needs of Native Hawaiians. An appendix contains: Title III of Public Law 96-565, the Act that created the Native Hawaiians Study Commission; the substitute "Summary of Findings, Conclusions, and Recommendations" prepared by three dissenting Commissioners; a summary of the written comments received by the Commission during the public comment on the Draft Report of Findings; and the written comments themselves. (KH)
Volume I

NATIVE HAWAIIANS STUDY COMMISSION

Report on the culture, needs and concerns of Native Hawaiians

June 23, 1983
Cover photos:

UPPER LEFT: The statue of King Kamehameha the Great; photo by Robert Goodman.
UPPER RIGHT: A Hawaiian elder or kupuna; photo by Robert Goodman.
LOWER RIGHT: Iolani Palace; photo by Robert Goodman.
LOWER LEFT: A Hawaiian girl; photo by Robert Goodman.

The Commission is grateful to Toni Auld Yardley for supplying the cover photos and the photos that appear in Volume I of this Report.
Volume I

NATIVE HAWAIIANS STUDY COMMISSION

Report on the culture, needs and concerns of Native Hawaiians

Pursuant to Public Law 96-565, Title III

June 23, 1983
A Hawaiian girl.
June 23, 1983

Honorable James A. McClure, Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20515

Honorable Morris K. Udall, Chairman
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20510

Dear Sirs:

It is my privilege respectfully to submit the Final Report of the Native Hawaiians Study Commission to the Committees on Energy and Natural Resources and Interior and Insular Affairs.

This Final Report is presented in two volumes and, as mandated by Public Law 96-565, Title III (adopted December 22, 1980), reflects the findings, conclusions, and recommendations of a 21-month study of the culture, needs, and concerns of native Hawaiians by the Native Hawaiians Study Commission.

The Commission's Final Report, including conclusions and recommendations, is contained in Volume I. Three Commissioners dissented from portions of the Report and their conclusions and recommendations are contained in Volume II.

It is our sincere hope that these volumes will provide a well-considered and detailed basis for further review and consideration by your Committees.

A unanimous final report was desired and sought by all. While this did not prove possible, we believe the Native Hawaiians Study Commission has attempted to satisfy the requirements of Public Law 96-565 to "conduct a study of the culture, needs and concerns of Native Hawaiians," and to "make recommendations to the Congress based on its findings and conclusions." This final report offers a comprehensive and thoughtful range of possible responses by the Congress to issues and concerns that are complex and difficult.

On behalf of the entire Native Hawaiians Study Commission, I would like to express our appreciation for this opportunity to serve the United States Congress and the nation.

Sincerely,

Kina'u Boyd Kamali'i
Chairperson
Commissioners And Staff

Commissioners

Kina'u Boyd Kamali'i
Chairperson

Stephen F. Shipley
Vice Chairman

Carl A. Anderson

Winona K. D. Beamer

H. Rodger Betts

Carol E. Dinkins

James C. Handley

Diane K. Morales

Glenn R. Schleede

Staff

Mary M. Lyon-Allen
Executive Director

Linda Delaney
Hawaii Coordinator

Kathy L. Wade
Secretary

Leonie Randall
Secretary
Preface

The Native Hawaiians Study Commission was created by the Congress of the United States on December 22, 1980 (Title III of Public Law 96-565; see Appendix). The purpose of the Commission is to "conduct a study of the culture, needs and concerns of the Native Hawaiians."

The Commission published and released to the public a Draft Report of Findings on September 23, 1982. An initial comment period of 60 days was set and the Commission solicited written comments on the Draft Report from native Hawaiian organizations, government agencies, and the general public. The comment period was extended an additional 60 days after native Hawaiian groups requested more time to prepare their comments. The comment period ended on January 24, 1983.

According to the law establishing the Commission:

Sec. 303(d). After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and copies of all written comments on the draft submitted to the Commission...to the President and the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

Sec. 303(e). The Commission shall make recommendations to the Congress based on its findings and conclusions...

This volume comprises the Commission's Final Report. It was completed after review and consideration of all written comments received by the Commission, and includes findings, conclusions, and recommendations. The written comments received by the Commission appear in the Final Report in three different ways. First, as required by statute, all written comments received by the Commission are reproduced in full in the Appendix of this report. Second, some of the comments were used to revise the text of the main report and these comments are referenced in the text where they were used. Finally, there is a summary in the Appendix of all written comments that are not specifically referenced in the text of the report.
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Approach And Methodology
King David Kalakaua
Approach And Methodology

A. APPROACH

The Native Hawaiians Study Commission was established by an Act signed into law on December 22, 1980 (Public Law 96-565, Title III). This Act defined the duties of the Commission as follows:

Sec. 303(a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

The Congress provided in the Act that a Commission of nine members be appointed by the President. Further, it provided that "not more than three of such members shall be residents of the State of Hawaii." President Reagan appointed to the Commission three persons from Hawaii and six government officials. */

*/ Appointment of government officials to the Commission was specifically contemplated by Congress, since the enabling Act provided that "members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their services on the Commission" (Section 302(g)).

Since the Congress had not appropriated funds for the Commission, it was immediately faced with a decision as to whether to (1) delay all work until a supplemental appropriation could be obtained (possibly not until late Spring of 1982), or (2) seek funds from the President's unanticipated needs appropriation. (Other funding options were blocked by the Anti-Deficiency Act.) To avoid delay, the Commission chose to seek funds from the unanticipated needs appropriation. Since funds in that account are limited, the Commission developed a work plan that would permit holding Commission funding to a minimum and permit heavy reliance on assistance from other agencies, pursuant to the authority of Section 303(j) of P.L. 96-565.

Upon approval of funds by the President, the Commission established a staff, with two persons in Washington and two in Honolulu. As part of the Commission's "budget submission to Congress in March, 1982, it stated that its resource requirements had been reduced to a minimum and that "to the greatest extent possible, the Commission will rely on other agencies for the support needed in its information-gathering activities." (Request for Supplemental Appropriation, March, 1982.) Thus, the full Commission had decided, and the Congress was fully informed, that material for the Report would be developed, researched, and prepared by government officials. In fact, the Commission has relied extensively on the substantial expertise of employees of appropriate agencies. At every stage the full Commission was aware of the scope of the project and who would develop information for and write particular portions of the Report.

Also, as provided for in the Act establishing it, the Commission has
developed materials and written its Report with extensive public participation. It conducted hearings throughout Hawaii in January 1982. It has held a number of meetings open to the public. Its Draft Report has been circulated for public comment, and the comments received from a spectrum of the public have been analyzed and reflected in the Report. Thus, a large number of people of diverse background, experience, and race have contributed to and commented on this Report, as envisioned in the Act that established the Commission.

The findings of the Draft Report and a major part of the Final Report have been reviewed and adopted by the nine Commission members. The goal of the Act, to assure a fair Report through diverse representation and contribution, has been realized.

B. METHODOLOGY

President Reagan appointed the nine Native Hawaiians Study Commissioners in September, 1981, and the Commission's first meeting was held on September 23, 1981. During the remainder of 1981, the Commission developed and adopted a study plan and a budget. The Commission's study plan outlined the substantive areas of study as well as the timing of the various phases of the study. Substantively, the study plan proposed the gathering of information in two basic areas:

- Socioeconomic and cultural, including education, health, employment, housing, history, language, and religion; and
- Federal, State, and local relationships, including diplomatic history, history of land ownership, assessment of the State, private and local programs, review of the overthrow of the Hawaiian monarchy and the subsequent annexation of Hawaii to the United States, and identification of Federal programs for which native Hawaiians might be eligible.

The study plan also defined the schedule for the Commission's work:

I. Organize Commission and staff, November-December, 1981;

II. Collect facts and information, January-June, 1982;

III. Assimilate and analyze facts and information, draft findings, June-August, 1982;

IV. Commissioners review, discuss, and revise first draft of findings, August, 1982;

V. Publication of Draft Report of Findings, circulated for 60 days for public comment, September 23, 1982 (publication date required by Sec. 303(c) of P.L. 96-565);

VI. Further study and development of proposals for the Final Report, November, 1982-June, 1983;

VII. Submission of Final Report to Congress, June 23, 1983 (submission date required by Sec. 303(d) of P.L. 96-565).

As indicated above, Commission funding for fiscal year 1982 was received from the President's Unanticipated Needs Fund in December 1981. (In October 1982, the Commission received an appropriation for the fiscal year 1983 funding necessary to complete its work.) In January 1982, the Commission hired its staff--an Executive Director and a
secretary for the Washington office, and a Hawaii Coordinator and a secretary for the Hawaii office.

The Commission's series of public hearings in Hawaii to begin the data collection phase of the study plan was held in January 1982. Eight public hearings were held on the islands of Oahu, Molokai, Maui, Hawaii, and Kauai. The Commission heard testimony and received written statements from hundreds of individuals during the dozens of hours of hearings. Everyone who wanted to testify was given the opportunity. Those testifying included native and non-native Hawaiians of all age levels and from all walks of life. In addition, an informational meeting was held to acquaint Commissioners with the key issues relating to native Hawaiians. At this meeting, Commissioners heard expert testimony from representatives of several organizations that are intimately involved in native Hawaiian programs and problems, including: Alu Like, Inc., the Hawaiian Homes Commission, the Office of Hawaiian Affairs, and the Bishop Estate.

Throughout its stay in Hawaii, the Commission heard and experienced, first-hand, numerous statements on the entire spectrum of issues regarding the culture, needs, and concerns of native Hawaiians: the homesteading program, preservation of religious sites, educational problems, health, land issues, legal rights, preservation of the Hawaiian language and culture, and many more.

The Commission then divided its members into two committees to organize, research, and draft the two primary sections of its study plan. As a result of the wealth of information received at the hearings in Hawaii, the two committees of the Commission were able to refine and elaborate on the Commission's original study plan. As contemplated by the Commission's approved study plan, data collection and drafting of particular sections of the study were assigned to various Commissioners and to the staff. As indicated earlier, the Commission relied on the resources of other agencies for assistance in information-gathering activities, including the U.S. Census Bureau, the U.S. Department of Health and Human Services, the U.S. Department of Housing and Urban Development; the U.S. Department of Agriculture, the U.S. Department of the Interior, the U.S. Department of Justice, and the Naval Historical Research Center.

As the data collection effort continued, the third phase of the study plan (assimilation and analysis of facts and information) was begun by the two committees and the staff, based on the information already collected from the public hearings, from State and Federal agencies, and from other organizations. Preliminary drafts of the Draft Report of Findings were reviewed by the Commission in June and August. The culmination of this process was the publication of the Commission's Draft Report of Findings on September 23, 1982, as required by law.

After publication of the Draft Report, the Commission announced in the Federal Register, and through its office in Hawaii, that there would be a public comment period on the Draft Report of sixty days—from September 23 to November 23, 1982 (as set forth in the Commission's study plan). To encourage the submission of written comments, copies of the Report were circulated in Hawaii to individuals, native Hawaiian organizations, and State government agencies. Copies of the Draft Report were also placed in public libraries throughout the State to ensure increased access to the Report by the public at large. On the mainland, copies of the Report were circulated to members of Congress, to Federal Government agencies, and to other interested organizations and individuals.
Interest in the Draft Report was great, and the Commission received numerous requests for an extension of the deadline for public comments. To accommodate all of those who wished to comment, the Commission announced in the Federal Register and through its office in Hawaii that it would extend the comment period for an additional sixty days—to January 23, 1983.

By the end of January, the Commission had received almost one hundred written comments on the Draft Report from individuals, native Hawaiian organizations, State government agencies, Congressmen, and Federal agencies. The Commission's Draft Report was revised based on all these comments, as well as on the new information that had been collected by the Commission since the publication of the Draft Report. Because of their importance, the written comments received considerable attention as the Final Report was drafted. As a result, the written comments received by the Commission on its Draft Report appear in the Final Report in three different ways. First, as required by statute, all written comments received by the Commission are reproduced in full in the Appendix of the Final Report. Second, some of the comments were used to revise the text of the main Report and these comments are referenced in the text where they are used. Finally, there is a summary in the Appendix of all written comments that are not specifically referenced in the text of the Report.

The revised Draft Report, including draft conclusions and recommendations based on the Report and the information gathered by the Commission, was sent by the chairmen of the two committees for review, prior to the Commission's meeting in March 1983. At this meeting, the Commission reviewed each section of the Report and voted on whether to approve and accept each chapter. The results of these votes are as follows:

- **Preface**: unanimously approved
- **Approach and Methodology**:
  - approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede)
  - disapprove (Kamali'i, Beamer, Betts)
- **Executive Summary**:
  - approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede)
  - disapprove (Kamali'i, Beamer, Betts)
- **Conclusions and Recommendations**:
  - approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede)
  - disapprove (Kamali'i, Beamer, Betts)
- **Part I**
  - "Demographics": unanimously approved
  - "Health and Social Services": unanimously approved
  - "Education": unanimously approved
  - "Health": unanimously approved
  - "Ancient History to the Reciprocity Treaty":
    - approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede)
    - disapprove (Kamali'i, Beamer, Betts)
  - "Native Hawaiian Culture": unanimously approved
  - "Native Hawaiian Religion": unanimously approved
Part II

"Land Laws and Land Relationships":
- approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede);
- disapprove (Kamalii, Beamer, Betts)

"Diplomatic and Congressional History: From Monarchy to Statehood":
- approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede);
- disapprove (Kamalii, Beamer, Betts)

"Existing Law, Native Hawaiians, and Compensation":
- approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede);
- disapprove (Kamalii, Beamer, Betts)

"Review of Hawaiian Homes Commission Programs":
- approve (Shipley, Anderson, Dinkins, Handley, Morales, Schleede);
- disapprove (Kamalii, Beamer, Betts)

"Federal Responses to the Unique Needs of Native Hawaiians": unanimously approved

"State of Hawaii's Responses to Native Hawaiians' Unique Needs": unanimously approved

"Private and Local Responses to Special Needs of Native Hawaiians": unanimously approved

List of References: unanimously approved

Appendix: unanimously approved

Three of the Commissioners also presented a substitute for the "Conclusions and Recommendations" section. The latter had been previously circulated by the committee chairmen. During the second day of the Commission's March meeting, the three Hawaiian members announced that they would be developing and submitting a minority report.

This substitute was reviewed by the Commissioners during their March meeting, but had not been circulated previously. The substitute section is reproduced in this Report in the Appendix.
Hawaii's multi-ethnic society is reflected in the faces of this high school cheering section.
Executive Summary
The statue of King Kamehameha the Great.
Executive Summary

VOLUME I

CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations of the Native Hawaiians Study Commission immediately follow this Executive Summary. They are not summarized here.

PART I: SOCIOECONOMIC AND CULTURAL SECTION

Part I of the Final Report of the Native Hawaiians Study Commission presents information and statistics on various socioeconomic and cultural factors affecting the lives of native Hawaiians. The contents of each chapter are summarized below.

"Demographics"

This chapter presents a demographic profile of native Hawaiians in the following areas.

Characteristics of the Population

After the arrival of foreigners in Hawaii in 1778, the native population drastically declined. This trend was reversed in the beginning of this century when the part-Hawaiian population began a rapid increase, a trend that continues today.

This section also summarizes the present characteristics of the native Hawaiian population. According to the State of Hawaii, in 1980 there were 9,366 full-Hawaiians and 166,087 part-Hawaiians, comprising about 19 percent of the State's population. Native Hawaiians are a young population—in 1980, the median age for males was 22.0, and the median age for females was 23.2. The male/female ratio for native Hawaiians is fairly equal—in 1980 males accounted for 49.5 percent of the native Hawaiian population, and females accounted for 50.5 percent.

Geographic Distribution

The majority of the native Hawaiian population (as well as the majority of the State's population) lives on Oahu. There still exist pockets of native Hawaiians located in economically-deprived, rural areas on many islands.

Education

The percentage of native Hawaiian children between the ages of 14 and 17 who were enrolled in school in 1970 was lower than that for any other group in Hawaii (91.6 percent for females and 90.7 percent for males, compared to an overall State figure of 94.8 percent). The median number of years of school completed by native Hawaiians over 25 years of age in 1970 was 12.0, compared to a State median of 12.3. Only 49.7 percent of native Hawaiians over 25 had graduated from high school in 1970. In 1970, only 4.2 percent of native Hawaiians over 25 had completed four or more years of college, a figure lower than that for any of the other ethnic groups in Hawaii.

State of Hawaii data for 1977 show little improvement: only 46.9 percent of native Hawaiians over 25 had graduated from high school. Figures for that same year also showed that only 4.6 percent of native Hawaiians over 25 had completed four or more years of college, a percentage still lower than that for any other ethnic group. A 1976 Alu Like, Inc., Needs Assessment Survey indicated, however, that education for their
children was a top priority for native Hawaiian parents.

**Employment**

In 1970, 4.3 percent of native Hawaiian men and 5.2 percent of native Hawaiian women were unemployed, compared to State figures of 2.6 percent and 3.7 percent, respectively. Of all native Hawaiian males over the age of 16, 76.4 percent were in the labor force in 1970, compared with the total State figure of 81.5 percent. Also in 1970, 47.9 percent of native Hawaiian women over the age of 16 were in the labor force, compared with 49 percent for the State as a whole.

A 1975 Census Update Survey estimated that the unemployment rate for native Hawaiians was 11.6 percent, compared to 6.5 percent for the State of Hawaii as a whole. The present rate is probably even higher. Other data for 1975 show that only 17.8 percent of native Hawaiian men have professional/managerial positions, while 53.6 percent are classified as blue collar workers.

**Income**

In 1949, the proportion of native Hawaiian males in the lowest income brackets was above that for all other groups. Their median income for the same year was higher than the "all races" and Filipino groups but below that of the Chinese, Caucasian, and Japanese groups. By 1969, the situation of the native Hawaiians had improved somewhat. According to the U.S. Census, they were no longer over-represented in the lowest income categories.

According to the 1975 Census Update Survey, however, native Hawaiian personal income was still below the Caucasian and State-wide figures. Other data for 1977 show that the (civilian) median family income of pure Hawaiians was lower than the part-Hawaiian, Filipino, Caucasian, Japanese, and Chinese groups. The part-Hawaiian group was third lowest (Filipinos were second).

In 1975, over one-fourth (27 percent) of native Hawaiians were classified as below the poverty level. In 1982, the number of native Hawaiians on welfare (Aid to Families with Dependent Children) and general assistance) was significantly higher than their relative share of the population.

**Criminal Justice**

The percent of native Hawaiian adults arrested in Hawaii in 1981 was higher than the native Hawaiian percentage share of the population. The percentage of native Hawaiians arrested for specific crimes was also larger for many types of crime than their share of the population.

The picture for native Hawaiian juveniles arrested is even more striking. Native Hawaiian juveniles comprised the largest percent of those arrested for each crime examined.

**Health**

Infant mortality remains significantly higher for native Hawaiians compared to the other groups in Hawaii. Part-Hawaiians have a birth rate of 23.1, compared to 17.5 for full-Hawaiians and 19.5 for the State. Part-Hawaiians and full-Hawaiians also have a significantly higher rate of illegitimate births than the other ethnic groups.

Native Hawaiians have historically had a lower life expectancy than other groups in Hawaii. This trend continues—in 1970, the native Hawaiian life expectancy was 67.62 years, compared with an average for the State of 74.20 years.
A study published by the State of Hawaii Department of Health examined mortality rates among full-Hawaiians, part-Hawaiians, and all other races in Hawaii from 1910 to 1980. The study concluded that:

- Part-Hawaiians' mortality rates for heart disease were generally higher than the "all races" group except for some years, while the rate for full-Hawaiians was consistently higher than that for the other groups;

- Part-Hawaiians and the "all races" group had similar mortality rates for cancer, while the rate for full-Hawaiians was much higher than both of the other groups; and

- The mortality rate for accidents did not differ for part-Hawaiians and the "all races" group but was two times higher for the full-Hawaiian group.

Statistics from the Hawaii Tumor Registry show that native Hawaiian men had the highest incidence of stomach and lung cancer for the period from 1973 through 1980, compared to Caucasian, Chinese, Filipino, and Japanese. Native Hawaiian women, compared to these same groups, had the highest incidence of lung and breast cancer.

The Hawaiian and part-Hawaiian group reports the highest prevalence among ethnic groups in Hawaii of "acute conditions," especially respiratory conditions. For chronic conditions, the prevalence for the native Hawaiians is high, relative to the other groups, only for asthma, mental and nervous conditions, and bronchitis/emphysema. Native Hawaiians, according to this data, report the lowest prevalence of cancer, compared to the other groups.

According to the Hawaii substance abuse needs survey:

- Of the total number of estimated substance abusers in Hawaii (103,748, or 14.7 percent of Hawaii's general population), 20.9 percent were Hawaiian or part-Hawaiian.

- Hawaiians and part-Hawaiians account for 19.4 percent of alcohol abusers, 22.3 percent of drug abusers, and 22.8 percent of the population abusing both alcohol and drugs.

Socio-political Profile

The State of Hawaii consists of a population of considerable racial and cultural diversity. From the earliest times, interracial marriage was accepted by the community. Native Hawaiians have among the highest interracial marriage rates. This racial and ethnic mixture has affected the political sphere. Since the 1930's, no one ethnic group has had an electoral majority, although ethnic factors do play a role in politics in Hawaii.

In 1978, the Office of Hawaiian Affairs was created, which has a board of trustees that is elected only by native Hawaiians. For the first board election in 1980, 31 percent of the total native Hawaiian population registered to vote, 80 percent of those who registered actually voted, and 100 candidates ran for the nine board positions.

The 1981 Hawaii State Legislature consisted of seven part-Hawaiians in the House of Representatives (out of
Two main topics are included in this chapter. First, the historical and cultural background of native Hawaiian health is discussed. This section (written by Dr. Richard Kekuni Blaisdell) includes information on the health and illnesses of native Hawaiians in three distinct time periods: prior to contact with foreigners (1778 and before), contact with foreigners (1778 to 1893), and from the overthrow of the monarchy to the present (1893 to 1983). The second part of the "Health and Social Services" chapter describes the State and Federal programs available to native Hawaiians. Programs include those in the mental health area, medical and family health, and communicable diseases.

"Education"

The education system in Hawaii is reviewed in this chapter. The historical development of the education system is traced from ancient times through the activities of the missionaries and the education system of the Territory of Hawaii. The chapter also includes a discussion of the present system, reviews programs initiated specifically for native Hawaiians, and discusses native Hawaiian participation in the educational community, including the problem of underrepresentation of native Hawaiians in higher education and in the teacher workforce.

"Housing"

Housing costs and characteristics for native Hawaiians and other ethnic groups in Hawaii are examined in the chapter entitled "Housing." Among the findings of this section are:

- The median value of a house in Hawaii is two and one-half times greater than the 1980 national median value.
- The native Hawaiian group has the lowest median value of owner-occupied housing units of all ethnic groups in Hawaii.
- In comparing owners versus renters, native Hawaiians and Filipinos are split almost equally between owners and renters (similar to the State average), while over two-thirds of Chinese and Japanese households are owner-occupied. For the White group, only 43 percent of households are owner-occupied.

The "Housing" chapter also discusses some unique features in the housing situation of native Hawaiians that result from the Hawaiian Home Lands program. It reviews the programs of the Hawaii State Department of Hawaiian Home Lands for homestead homes construction and repair, cost and financing, and loans. Impediments to the use of programs of the U.S. Department of Housing and Urban Development by native Hawaiian homesteaders are also identified.

"Ancient History to the Reciprocity Treaty"

Knowledge about history of the Hawaiian Islands and their inhabitants is necessary to understand the culture and lifestyle of native Hawaiians. This chapter in Part I
traces the history of Hawaii from ancient times through the adoption of the Reciprocity Treaty between Hawaii and the United States in 1875. The chapter includes a discussion of: ancient Hawaii prior to the arrival of western foreigners; the arrival of Captain Cook in 1778; the changes wrought by the activities of the missionaries; the transformation of the kingdom’s system of government toward an Anglo-American style; the kingdom’s relationships with foreign governments and citizens; the agitation for annexation to the United States; and the growth of the sugar industry in Hawaii and its effect on the politics and economy of the kingdom.

"Native Hawaiian Culture"

The Commission was fortunate to have had the assistance of knowledgeable native Hawaiian authors in compiling the information on native Hawaiian culture and religion. The chapter on "Native Hawaiian Culture" contains a detailed explanation and description of the Hawaiian language, including comparison to other Polynesian languages, the cultural importance of the Hawaiian language, the history of the Hawaiian language, the rise of English as the dominant language in Hawaii, and the role of pidgin in Hawaii today. This section on the Hawaiian language was written by Larry L. Kimura, at the direction of and funded by the Office of Hawaiian Affairs, which submitted the paper to the Commission.

This chapter also contains a discussion of historic preservation in Hawaii. It examines the roles of the State and Federal Governments in preserving historic properties, and describes the practical problems in the implementation and enforcement of historic preservation regulations in Hawaii today.

"Native Hawaiian Religion"

The chapter on "Native Hawaiian Religion" was written by Rubellite K. Johnson. Professor Johnson's paper (also written at the direction of and funded by the Office of Hawaiian Affairs) discusses: the ancient Hawaiian concept of the soul of man in relation to ancestral or spiritual beings in nature, or beyond nature, during human life and in a spiritual afterlife; the relationship between the community worship of the chiefs and priests as a ruling class, and family worship from pre-contact to the present; post-conversion Hawaiian conflict in native identity or crisis in self and group esteem, including Hawaiian resiliency in adjusted identity change; the need felt by some emerging native Hawaiian groups to recover self-esteem by pledging faith in ancient religious beliefs and customs, through participation in a revitalized religious setting.

PART II. FEDERAL, STATE, AND LOCAL RELATIONSHIPS

This section of the report covers two separate aspects of the unique interests and needs of native Hawaiians: their land-related claims and interests, and the responses of Federal, State, local, and private entities to their concerns about land and other issues.

"Land Laws and Relationships"

The chapter on "Land Laws and Relationships" reviews land tenure relationships among the king, high chiefs, sub-chiefs (konohiki) and maka'ainana (commoners). It describes
traditional land tenure relationships before the arrival of westerners and it reviews changes in these relationships brought about by changes in practice and law from 1778 to 1846. The chapter also sets forth the history of the Board of Land Commissioners, established in 1848 to address landholding matters, and the resulting principles that led to the Great Mahele of 1848. The Great Mahele divided the land of the Hawaiian Kingdom among the king, the chiefs, and the commoners, with designated rights. Resulting landholding relationships are described. Also, the chapter outlines subsequent laws, including the Act of 1846 that permitted sales of government lands, the Kuleana Act that provided for acquisition of land by commoners, and patterns of land acquisition by foreigners.

In response to specific questions about land ownership raised during the course of the January 1982 hearings of the Commission, the chapter also analyzes certain issues of concern to native Hawaiians. These issues include a description of water and fishpond rights under Hawaiian law. Fishponds remain in private ownership today, while fisheries are in private ownership only to the extent that the owners followed specified procedures to obtain recognition of their rights. Rights to use of water are established by a series of rules unique to Hawaii and closely related to ancient Hawaiian land law. Further, the chapter summarizes geothermal and mineral rights under Hawaiian law, and describes the possible effect of geothermal development on traditional native Hawaiian communities. The history of kuleana land rights (rights accorded to commoners to acquire land), including present problems in ownership of these plots, is described. The Hawaiian law of adverse possession—a legal doctrine that allows persons who have occupied land under certain conditions to claim it for their own—is set forth, and its effect on native Hawaiian landholding rights discussed. Finally, the chapter addresses the necessity of genealogical searches to satisfy land ownership requirements of native Hawaiian landholdings.

"Diplomatic and Congressional History: From Monarchy to Statehood"

This chapter continues on from the history section of Part I. It divides the history of Hawaiian-United States relationships into four sections. The first covers this history from 1875 to 1893. As background, it outlines the events leading to the signing of the Reciprocity Treaty of 1875 between the United States and Hawaii. It also sets forth the relations between the king and certain American advisors who, throughout this period, had a strong influence on Hawaiian policies. The next part of this section encompasses the events from 1881 to 1893, including financial problems in Hawaii and internal political struggles among different American advisors to the crown. The next portion of this section describes the events surrounding the writing of a new constitution in 1887 and the establishment of cabinet government, which subsequently curtailed the power of the king. The period from 1887 to 1893 was marked by efforts of native Hawaiians to take back some of the power that had been removed from them with the formation of a cabinet government. In 1891, King Kalakaua died and Princess Liliuokalani became queen. The final part of this section covers the efforts of the queen to take back authority for the crown and annexation movements during this same period, leading to the sequence of events that resulted in the overthrow of the monarchy.
The second section of this chapter addresses the fall of the monarchy and the annexation of Hawaii to the United States. Because of the sensitivity of this period of history, this section was prepared by a professional historian. It sets forth relationships within Hawaii and between Hawaii and the United States, providing background for the fall of the monarchy. It also details the events of the days and weeks leading up to the establishment of a provisional government and the queen's resignation in January 1893. Further, the section outlines the unsuccessful steps that the queen took in an effort to regain her kingdom. Finally, the section describes the United States' response to the developments in Hawaii, and the resulting efforts to annex Hawaii, first by treaty, and eventually, by joint resolution of both houses of Congress in 1898. Formal transfer of sovereignty occurred on August 12, 1898, when the Hawaiian Islands became a territory of the United States.

The third section of this chapter analyzes a number of specific questions regarding the process of annexation. These include a review of Hawaii's annexation by joint resolution rather than by treaty. The primary reason for the use of the joint resolution was expediency: the United States was concerned about protection of its strategic position in the Pacific; waiting to obtain the required two-thirds majority in the Senate for annexation by treaty could have been too slow to guarantee that protection. This section also describes the Congressional debate surrounding annexation. It then compares the procedures for annexation of Hawaii to the procedures used to annex other territories of the United States, including Florida, Louisiana, and Texas. The final portion of the analysis reviews whether any native Hawaiians signed annexation documents in Hawaii, noting the difficulties of making such an assessment with the genealogical data now available.

The fourth section of the chapter describes the history of Hawaii's admission to statehood, and compares Hawaii's admission to that of Louisiana, Florida, Texas, Oregon, and Alaska.

"Existing Law, Native Hawaiians, and Compensation"

The question addressed in this chapter is "whether native Hawaiians are entitled to compensation for loss of land or sovereignty." In light of the history of landholding laws in Hawaii and the history of the fall of the monarchy and annexation, the Commission has examined whether native Hawaiians have any claims under present law for compensation from the United States for loss of land or sovereignty. The chapter first describes the background of law on these matters, and states that much of the law has developed in relation to American Indians. Second, the chapter analyzes whether native Hawaiians meet the legal requirements for holding "aboriginal title" to Crown and Government lands and whether they are entitled to compensation for loss of any such title. It reviews each of the factors that must be met to establish aboriginal title, in light of the history and sociological facts about native Hawaiians. The requirements that must be met are: the group must be a single landowning entity; there must be actual and exclusive use and occupancy of the lands; the use and occupancy must be of a defined area; and the land must be used and occupied for a long time before aboriginal title was extinguished. While the native Hawaiians may meet some of these requirements, they do not meet all of them.
Further, if aboriginal title existed, the question of whether the United States could be responsible to compensate for its loss is determined by when that title was extinguished. The assumption of sovereignty over the area by the United States must have acted to cause the extinguishment of aboriginal title in order for compensation to be considered. The chapter reviews the history of Hawaiian land law, and finds that acts of the Hawaii legislature before 1893 had the effect of extinguishing aboriginal title, if it had indeed existed. Because the United States did not extinguish any such title, it is not responsible to compensate for its loss. Further, any such loss cannot be compensated under either the Fifth Amendment or under the Indian Claims Commission Act, as presently written.

The question of whether native Hawaiians are entitled to compensation for loss of any "recognized" title to Crown and Government lands is also examined in this chapter. It reviews the definition of the possible laws by which the United States may be regarded as having "recognized" that native Hawaiians have title to Crown and Government lands. The analysis determines that the United States did not recognize title of native Hawaiians to these lands. Further, even if there were recognized title, no compensation for loss of that title would be available under present law.

The next section of the chapter considers whether native Hawaiians are entitled to compensation for loss of sovereignty. The section defines sovereignty, primarily as that concept has been developed in the context of Indian tribes. Since the United States Congress can take away sovereignty of native groups at will, loss of sovereignty is not compensable under the Fifth Amendment. Moreover, it cannot be compensated under the Indian Claims Commission Act.

Therefore, native Hawaiians have no present legal entitlement to compensation from the United States for any loss of sovereignty.

The next section of this chapter considers whether there is any trust relationship arising from statutes or other laws, between the natives of Hawaii and the United States. It examines each possible source of such a trust relationship and determines that if there is any such relationship, it is at most a very limited special trust that would not entitle native Hawaiians to any compensation. Finally, the chapter compares any possible native Hawaiian claims to claims of native Alaskans, for which the latter were compensated in the Alaska Native Claims Settlement Act.

"Review of Hawaiian Homes Commission Programs"

The review of the Hawaiian Home Lands program was conducted by the Office of Inspector General of the U.S. Department of the Interior, in response to a request in February 1982. The Inspector General submitted a report in September 1982, and it is that report, along with the reply by the Governor of the State of Hawaii, that appears as this chapter of Part II. The report discusses problems concerning the status of the Hawaiian Home Lands, program accomplishment, financial management, applicant eligibility lists, and leasing activities.

"Federal Responses to the Unique Needs of Native Hawaiians"

The steps that the Federal Government is taking to meet the unique needs of native Hawaiians are outlined in this chapter. These include identification of federal programs for
which native Hawaiians may be eligible, particularly those programs that meet needs identified in Part I of this report. These responses also include a study of military property requirements in Hawaii, which identifies possible surplus military land. The chapter describes the work of the President's Federal Property Review Board, and states that the federal members of the Commission will work with that Board to ensure that it is aware of the needs of native Hawaiians in considering property dispositions. Finally, the chapter describes the present status of the establishment of the Kaloko/Honokohau National Historic Park.

"State of Hawaii's Responses to Native Hawaiian's Unique Needs"

This chapter describes three groups of steps that the State has taken to address the needs of native Hawaiians. The first section outlines Section 5(f) of the Admission Act. Section 5(f) provides that the State must hold certain lands, including the proceeds from their sale or disposition, as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. The chapter describes the implementation of this provision, including the return of federally-controlled lands (ceded lands) to the State of Hawaii, the State's responsibilities in relation to the ceded lands, and the State's exercise of those responsibilities.

A second section of this chapter describes the Office of Hawaiian Affairs (OHA), established by an amendment to Hawaii's Constitution in 1978. A primary motive for establishing OHA was to secure a pro rata portion of the public land trust fund for native Hawaiians. OHA also provides an opportunity for all native Hawaiians to choose leaders and exercise self-government and self-determination. OHA's purposes and operations are described.

A final section notes that other existing State programs for education, health, and other needs of native Hawaiians are described in Part I of the Report.

"Private and Local Responses to Special Needs of Native Hawaiians"

The last chapter of the Final Report describes four private organizations that work to meet the needs of native Hawaiians. These are the Kamehameha Schools/Bernice Pauahi Bishop Estate, the Queen Liliuokalani Children's Center, the Lunalilo Home, and Alu Like, Incorporated.

APPENDIX

The Appendix contains four main sections. First, it includes Title III of Public Law 96-565, the Act that created the Native Hawaiians Study Commission. Second, it contains the substitute "Summary of Findings, Conclusions, and Recommendations" section that was submitted by three of the Native Hawaiians Study Commissioners at the Commission's last meeting in March, 1983.

The next section of the Appendix contains a summary of the written comments received by the Native Hawaiians Study Commission during the public comment period on the Commission's Draft Report of Findings. These written comments are reproduced in their entirety, as required by statute, in the final section of the Appendix.
VOLUME II

Volume II contains the dissenting views submitted by Native Hawaiians Study Commissioners Kina' u Kamali'i, Winona Beamer, and H. Rodger Betts.
Conclusions And Recommendations

During the past 18 months, the Native Hawaiians Study Commission has learned a great deal about the culture, needs, and concerns of native Hawaiians. This education has come through study by the Commission and its staff of expert resource documents and data, public testimony from hundreds of native Hawaiians during dozens of hours of public hearings, and close to 100 written comments from individual citizens, private organizations in Hawaii, and State and Federal government agencies on the Commission's Draft Report of Findings. From these contributions, the Commission has compiled what we believe to be the most extensive and up-to-date summary available on the socioeconomic and cultural conditions of native Hawaiians. In addition, the Commission has collected and analyzed important material on key legal and historical factors that may affect matters of concern to many native Hawaiians, such as reparations and land ownership. We also believe that our report to Congress is an important step toward increasing public awareness of native Hawaiians, their history, culture, and special needs.

A. CONCLUSIONS

1. Social, Economic, and Cultural Concerns

The detailed report of the Commission includes extensive data on social, cultural, and economic conditions. This information, in summary, supports the following conclusions:

- After the arrival of foreigners in Hawaii in 1778, the native population drastically declined, both as a percentage of the population and in absolute numbers. This trend was reversed in the beginning of this century when the part-Hawaiian population began a rapid increase, a trend that continues today.

  - The part-Hawaiian population now constitutes about 19 percent of the State of Hawaii's total population. The population is the youngest, in terms of median age, among Hawaii's ethnic groups and this fact has important implications for education and employment not only today, but in the future as well.

  - Native Hawaiians have followed the statewide trend in moving toward the island of Oahu. The Hawaiian Homes program has not alleviated this movement since the majority of applicants desire residential homesteads on Oahu. The reason is obvious: employment opportunities on Oahu are more numerous than on the other islands.

  - Although education for native Hawaiians has improved, many problems still remain. Educational data show that native Hawaiian students have high absenteeism and drop-out rates, score lower in some standardized tests, and many do not go on to college. Thus, there are fewer native Hawaiians enrolled at the University of Hawaii and fewer native Hawaiians in the educational workforce. These educational data explain to some degree the problems of native Hawaiians in the employment and income areas.


It has been shown that education is a high priority of native Hawaiian parents, and this fact will facilitate the efforts to improve educational attainment at several levels—the students themselves, the family, the school, the community, and the State.

- Unemployment is a greater problem for the native Hawaiian population than for other ethnic groups in Hawaii. Data also show that native Hawaiians still lag behind most other ethnic groups in terms of the percentage of their population in professional positions. Over 22 percent of native Hawaiian men have jobs classified as "menial."

- Income levels for native Hawaiians fall below that of some of the other ethnic groups. Data for 1977 show that full-Hawaiians had the lowest median family income of civilians in Hawaii compared to other ethnic groups. Part-Hawaiians had the third lowest. As suggested above, lower employment and income are due, to a large extent, to educational and training deficiencies.

- In 1975, over one-fourth (27 percent) of native Hawaiians were classified as below the poverty level. In 1982, the number of native Hawaiians on welfare (Aid to Families with Dependent Children and general assistance) was significantly higher than their relative share of the population.

- The high unemployment rate of native Hawaiians generally, and the educational problems of native Hawaiian youth are reflected in criminal justice data. Native Hawaiian youth constitute the largest percent of juveniles arrested for several crime categories. Alcohol and drug abuse problems also exist for native Hawaiians, although incidence is lower than for some other groups, including Caucasians.

- Native Hawaiians continue to have a shorter life expectancy than other ethnic groups in Hawaii and a higher infant mortality rate. The incidence of cancer is higher than that of other groups for both men and women of native Hawaiian descent. Other health problems include a high prevalence of respiratory conditions and a high mortality rate, particularly for full-blooded Hawaiians, for heart disease, cancer, and accidents.

- Given the high cost of housing on the islands, housing problems exist for all groups in Hawaii: the median value of a house in Hawaii is two and one-half times greater than the 1980 national median value. The lack of adequate housing may be even more acute for native Hawaiians because of their lower income levels. For native Hawaiians on Hawaiian Home Lands, there exist impediments that prevent them from using the assistance programs of the U.S. Department of Housing and Urban Development.

- The State of Hawaii consists of a population of considerable racial and cultural diversity. From the earliest times, interracial marriage was accepted by
the community. Native Hawaiians have among the highest interracial marriage rates. This racial and ethnic mixture has affected the political sphere. Since the 1930's, no one ethnic group has had an electoral majority, although ethnic factors do play a role in politics in Hawaii.

- The native Hawaiian people have a rich cultural heritage. An important part of that heritage is the Hawaiian language, as demonstrated by the attempts that are being made to revive and preserve it. Another key aspect of this cultural heritage is the native Hawaiian religion and its relationship to the needs of native Hawaiians today. Historical preservation could play a greater role in preserving this heritage.

2. Federal, State, and Local Relationships

The Final Report of the Native Hawaiians Study Commission also analyzes issues related to Hawaiian history and land ownership. This information and analysis support the following conclusions:

- The history of land ownership and tenure in Hawaii is unique and complex. In the mid-nineteenth century the king developed a process and had enacted a series of laws to change the ownership patterns to fee simple ownership. These laws, the way they were implemented, and other economic, social, and political forces in Hawaii at the time put a large amount of Hawaii's land in the hands of westerners by 1890.

- Native Hawaiians have expressed concern about a number of specific legal questions that affect land ownership. Some of these questions, such as ownership problems arising from the exercise of kuleana land rights, are unique to Hawaii and will take time to resolve. Others, such as laws affecting rights to water and adverse possession, are similar to problems existing in many other states.

- Hawaii has a long and rich history. As a separate sovereign nation, it developed relations with the United States through treaties and other dealings prior to 1893. For example, treaties were developed between the two countries to facilitate trade and to serve the interests of those in Hawaii seeking economic development to improve the country's financial situation. The treaties also promoted the economic, security, and defense interests of the United States. In addition to these foreign policy considerations, tensions between the monarch and the legislature also affected Hawaiian politics during these years, as did efforts by the native Hawaiians to regain power from reformers. The culmination of these trends occurred in 1891 when Liliuokalani became queen and attempted to reassert the power of the throne against the legislature and the reformers.

- In 1893 the monarchy was overthrown. The overthrow, and the lack of resistance by the queen and her cabinet, was encouraged in part by the presence of United States forces, consisting of one company of Marines and two companies of sailors (approximately 100 men), acting without express authority from the United States Government.
President Cleveland, inaugurated just after the landing of United States forces, dispatched Representative Blount to investigate the events. His report blamed the American Minister, John L. Stevens, for the revolution. The United States Senate then commissioned the Morgan report, which reached an almost opposite conclusion. The Commission believes the truth lies between these two reports.

In 1897, Hawaii's new government and the United States entered into an agreement that Hawaii would be annexed to the United States. The annexation question was submitted for consideration by the Hawaii legislature. In the United States, it was passed by Joint Resolution of both houses of Congress, rather than as a Treaty requiring a two-thirds majority of the Senate. President McKinley's concern to secure a foothold in the Pacific for the United States in the face of the Spanish-American War prompted use of a Joint Resolution. (Texas is the only other territory that was annexed to the United States by Joint Resolution.) The relations between the United States and Hawaii up to the time of annexation were relations between two separate, sovereign nations, not between a sovereign and those subject to its sovereignty.

Determining if any native Hawaiians signed annexation documents is difficult without extensive genealogical research. An estimate is that six native Hawaiians were in the Hawaiian legislature when it adopted the 1894 Constitution calling for annexation.

In 1959, Hawaii became a State of the United States. The history of its admission to statehood, like that of other states, is unique.

The Commission examined both common law and statutes to determine whether there currently exists any legal basis for compensation for loss of land. The Commission also reviewed articles and reports making the legal argument for compensation. Generally, the most likely possible theories for the award of compensation to native groups for loss of land were aboriginal title or recognized title doctrines:

- The law has developed specific tests for establishing aboriginal title: the group must be a single land-owning entity; there must be actual and exclusive use and occupancy of the lands; the use and occupancy must be of a defined area; the land must have been used and occupied for a long time before aboriginal title was extinguished. Additionally, title must have been extinguished by the government of the United States, not by another body, such as the government of Hawaii before the United States annexed Hawaii. Finally, some law must give the native group, here the native Hawaiians, a right to compensation for loss of aboriginal title. The Commission finds that the facts do not meet the...
tests for showing the existence of aboriginal title. Even if the tests had been met, the Commission finds that such title was extinguished by actions of the Hawaiian government before 1893, and certainly before annexation, which was the first assumption of sovereignty by the United States. Finally, even if these tests had been met, neither the Fifth Amendment to the United States Constitution nor current statutes provide authority for payment of compensation to native Hawaiians for loss of aboriginal title.

- The law also has developed specific legal requirements for compensation of loss of lands by recognized title. The Commission examined the question of whether treaties and statutes, the Joint Resolution of Annexation, or the Fifth Amendment to the United States Constitution provide a basis for payment under the theory of recognized title, and concluded that no basis exists.

- The Commission examined whether a trust or fiduciary relationship exists between the United States and native Hawaiians and concluded that no statutes or treaties give rise to such a relationship because the United States did not exercise sovereignty over the Hawaiian Islands prior to annexation, and the Joint Resolution of Annexation, No. 55 (July 7, 1898) did not create a special relationship for native Hawaiians.

- The Commission considered whether native Hawaiians are entitled to compensation for loss of sovereignty, and found no present legal entitlement to compensation for any loss of sovereignty.

- A report prepared by the Inspector General of the Department of the Interior summarized a number of problems with regard to the Hawaiian Home Lands program. A Federal/State Task Force was created to propose solutions to these problems and its report is due to the Governor of Hawaii and the U.S. Secretary of Interior by mid-1983.

- The State of Hawaii has taken a number of steps to respond to the unique needs of native Hawaiians. These include acquisition and disposition of revenue pursuant to Section 5(f) of the Statehood Admissions Act; establishment of the Office of Hawaiian Affairs; and establishment of particular programs specifically for native Hawaiians within other departments of the State Government.

- A number of private and local organizations have also worked to meet the unique needs of native Hawaiians. These groups have been funded either by endowments (often from the estates of kings or queens of Hawaii), or by the Federal Government.
To summarize the Commission's findings with regard to the overthrow of the Hawaiian monarchy: Based upon the information available to it, the Commission concluded that Minister John L. Stevens and certain other individuals occupying positions with the U.S. Government participated in activities contributing to the overthrow of the Hawaiian monarchy on January 17, 1893. The Commission was unable to conclude that these activities were sanctioned by the President or the Congress. In fact, official government records lend strong support to the conclusion that Minister Stevens' actions were not sanctioned.

Besides the findings summarized above, the Commission concludes that, as an ethical or moral matter, Congress should not provide for native Hawaiians to receive compensation either for loss of land or of sovereignty. Reviewing the situation generally, including the historical changes in Hawaii's land laws and constitution before 1893, the Hawaiian political climate that led to the overthrow, the lack of authorized involvement by the United States, and the apparent limited role of United States forces in the overthrow, the Commission found that on an ethical or moral basis, native Hawaiians should not receive reparations. In reaching this conclusion, the Commission did not find the Hawaiian circumstances analogous to the time when Congress voted payments to Colombia, as a result of the U.S. role in Panama. Those payments were based, in part, on the breach of commitments by the United States Government under an 1846 treaty guaranteeing to Colombia the "right of sovereignty and property" over the Isthmus of Panama, and, in part, on commitments owed to Colombia pursuant to certain contracts.

Nevertheless, the Commission strongly recommends that the issue of reparations not impede the important steps that should be taken now to improve the condition of native Hawaiians. Based on the information it has collected, the Commission believes that the social and economic problems of native Hawaiians deserve immediate action and that these needs should be addressed promptly.

B. RECOMMENDATIONS

Based on its findings, the Commission would recommend consideration of early action in the following areas:

- Additional educational and training opportunities to better equip native Hawaiians for employment.
- Information services and technical assistance to assist both job applicants and small business concerns.
  [These measures should help deal with problems involving education, unemployment, crime, and alcohol and drug abuse, which appear to be related.]
- Additional nutrition education programs and research to assist in reducing incidence of disease and accidents, and to reduce mortality rates.
- Specific assistance to native Hawaiians in finding housing.
- Continued efforts to offer opportunities for native Hawaiians to learn about and develop a sense of pride in their culture.

Steps can be taken by private individuals and organizations and by governments at all levels to address these areas of concern. The Commission feels that private groups
and local governmental units may be most effective in addressing many of these problems because they are closer to the native Hawaiians, better understand their needs, and can most easily adjust their priorities. The next most effective level is the State Government, which already has in place several programs that address specific needs of native Hawaiians. Finally, there are existing programs within the Federal Government that also may be of use in addressing these needs. Therefore, as an action program is developed, the Commission recommends that, in order of priority:

- First consideration should be given to efforts that are undertaken by private native Hawaiian groups. In fact, such groups have made significant contributions, which can and should be expanded. Examples of effective private groups that could expand and/or redirect their activities include: Alu Like, Inc., the Hawaiian Civic Club, and the Bishop Estate.

- Second consideration should be given to efforts of local governmental units. Local governments should be in a good position to work directly with native Hawaiians in formulating solutions for their particular needs.

- Third consideration should be given to existing State government agencies that specifically deal with concerns of native Hawaiians. The primary examples are the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands. (It should be noted that the Federal/State Task Force on the Hawaiian Home Lands program will make specific recommendations on how this program can better serve its constituents.)

- Fourth consideration should be given to efforts of State government agencies and the Governor who administer various State and Federal programs that apply either (a) only to native Hawaiians, or (b) to various citizens including native Hawaiians.

- Fifth consideration should be given to a wide variety of Federal programs that are already available or that could be made available to help address specific needs. Private, local, and State officials in Hawaii should take the initiative to become aware of available programs, secure and disseminate information on them, and ensure that native Hawaiians have equal access to those programs.

Possible Specific Actions

Within this framework, it appears to the Commission that a number of specific actions can be taken to speed the application of resources to needed areas. For example, the Commission recommends that:

1. In the area of education, appropriate private, local, and State organizations should consider:

   - Instituting a program to encourage educational development that emphasizes the importance of education for native Hawaiian youth, and recruits eligible native Hawaiian students to pursue higher education.
• Expanding the Hawaiian Studies Program to meet the goal of promoting the opportunity for all age groups to study Hawaiian culture, history, and language in public schools.

• Establishing a clearinghouse, perhaps under the auspices of the University of Hawaii, to provide information on financial aid available to prospective college students from Federal and State Governments, and from private individuals and organizations, and to make this information available to high schools throughout the State.

• Making sure that Federal programs for vocational training funded through block grants are targeted to groups most in need, including native Hawaiians.

2. In the area of health, appropriate private, local, and State organizations should consider:

• Systematically collecting, recording, and analyzing critical health data on Hawaiians for use in specific health benefit programs.

• Including a specific focus on the special needs of native Hawaiians in nutrition education programs (Federally- and State-funded) for children and adults.

• Using the clearinghouse organization suggested in number 5 below to assist organizations in applying for Federal grants to tailor nutritional information specifically to the native Hawaiians and their lifestyle.

• Initiating efforts to ensure that information on specific Federal programs (for example, supplemental food program for women, infants, and children) is disseminated through native Hawaiian organizations, and recruit eligible native Hawaiians to participate in these programs.

• Ensuring that a fair share of Federal block grant monies are directed toward alleviating specific health problems, including those of concern to native Hawaiians, such as infant mortality and child and maternal care.

3. In the area of housing, appropriate private, local, and State organizations should consider:

• Instituting efforts to disseminate information on federal housing programs to native Hawaiians.

• Assisting individuals and builders in applying for these programs.

4. In the area of culture, appropriate private, local, and State organizations should consider:

• Giving higher priority to native Hawaiian sites in considering nominations for the National Register of Historic Places; activating the State Historic Preservation Plan and revising, in consultation with native Hawaiians, the plan in an effort to ensure protection of ancient Hawaiian artifacts and sites.
Instituting a mechanism, perhaps under the Bishop Museum, to collect information on existing federal programs in the area of the arts and humanities and assisting native Hawaiians who wish to apply for these programs.

5. The Governor should consider creating, perhaps within an existing agency or organization, a group to:

   • Act as a clearinghouse for information on existing federal programs that can be of help to native Hawaiians. The existing Catalog of Federal Domestic Assistance can provide an excellent starting point; and
   
   • Perform a "facilitating" role by assisting individuals and groups in identifying relevant programs, contacting appropriate officials, and writing applications and proposals.

6. During the course of its study, the Commission found a diversity of data uses and collection methods among State agencies and between State and Federal agencies, resulting in data on native Hawaiians that are not comparable. Therefore, the Governor should consider reviewing the use of population figures and the methodologies used in data collection on native Hawaiians to ensure consistency among State agencies. Then, the Governor should make recommendations to the U.S. Bureau of the Census on specific changes for the 1990 Census that would ensure comparability between State and Federal data.

Actions by Federal Agencies

The Commission also recommends that the heads of all Federal departments and agencies act to ensure that the needs and concerns of native Hawaiians, to the extent identified and defined in the Commission's Report, be brought to the attention of their program administrators; that these administrators consult officials in Hawaii for further guidance on specific programs; and, once this guidance is received, consider actions that could be taken to ensure full and equal access by native Hawaiians to various assistance programs. Among those programs that appear to the Commission to warrant special attention are the following:

1. In the Department of Education, guaranteed student loans; program grants for educationally-deprived children; educational opportunity grants.

2. In the Small Business Administration, programs to provide technical assistance, advisory services, and grants and loans to small businesses, such as Economic Opportunity Loans for Small Businesses, Management Assistance to Small Businesses, Management and Technical Assistance for Disadvantaged Businessmen, and Small Business Loans.

3. In the Department of Labor, the employment and training programs for Native Americans (including native Hawaiians) under the Job Training Partnership Act.
4. In the Department of Health and Human Services, programs for native Hawaiians under the Administration for Native Americans, including financial assistance, training and technical assistance, and research, demonstration and evaluation; Alcohol, Drug Abuse, and Mental Health Administration project grant and information programs; Maternity and Child Health Program; Head Start.

5. In the Department of Housing and Urban Development, programs to assist native Hawaiians in obtaining adequate housing, including guaranteed/insured housing loans, interest reduction programs, mortgage insurance, home improvement programs, guaranteed/insured loans for rental units, and housing programs for the handicapped and elderly.

The Commission also supports legislation pending in the U.S. Congress that would change the National Housing Act to allow FHA single-family mortgage insurance to be extended to lands administered by the Hawaiian Homes Commission for the use and benefit of native Hawaiians, without regard to limitations regarding marketability of title.

6. In the Department of Agriculture, rural housing and farm operating loans from the Farmers Home Administration for Hawaiian Home lands.

7. In the National Institutes of Health, programs dealing with heart disease of the National Heart, Lung, and Blood Institute; grants and contracts relating to cancer, funded by the National Cancer Institute; other programs in NIH that address the special health problems of native Hawaiians, such as infant mortality.

8. In the Department of the Interior, programs in the area of historic preservation, and educational/cultural programs in conjunction with National Parks and Monuments in Hawaii.

9. The Federal Property Review Board should continue to consider the unique needs of native Hawaiians when property use is reviewed and when disposition of surplus federal property is considered.
Part I
Socioeconomic And Cultural Section
An ancient Hawaiian village with a faint outline of famous Diamond Head in the background.
Demographics

A. INTRODUCTION

Profile of Hawaii 1/

The State of Hawaii consists of eight major southerly islands in a chain of islands and 124 minor islands with a total area of 6,450 square miles. Of this total, 6,425 miles are land and 25 are inland waters.

The eight major islands total 4,126,000 acres of land area, of which 98 percent form the six major islands of Hawaii, Maui, Oahu, Kauai, Molokai, and Lanai (in order of largest land mass). The seventh island, Niihau, is privately owned and the eighth, Kahoolawe, is a military bombing range and uninhabitable.

There are three levels of government in Hawaii--Federal, State, and County. There are only four counties. The seat of the State Government is in the State Capitol at Honolulu on the island of Oahu, which houses the State Legislature and the Governor's offices.

The major industries in Hawaii have shifted from those that are primarily agricultural to service industries. In order of importance, the major industries today in Hawaii are:
for the original population count of Hawaiians in 1778 ranged from 100,000 to 500,000. 4/ Estimates are almost completely missing from 1779 to 1822. The sociologist, Romanzo Adams, did much research to fill in this gap. Missionary estimates after 1823 are characterized by Adams as "not very accurate, but nevertheless, valuable." 5/ The first censuses in 1839, 1847, and 1848 were not successful. A moderately successful count was obtained in 1849, but 1850 is the date of the first acceptable population count.

Censuses were taken by the kingdom of Hawaii from 1847 to 1896. The last census, in 1896, was accurate and comprehensive. Problems with the kingdom's census data include the fact that age data were most frequently misreported and ethnic breakdowns were different from those used after annexation. However, Schmitt evaluates the kingdom's census data as follows:

Findings were usually consistent with what is known of the general social and economic conditions of the period. Notwithstanding their limitations, the censuses contributed greatly to knowledge of the demography of Hawaii. 6/

From 1900 to 1980, U.S. Bureau of the Census data can be used. Here again problems occur, especially in the area of misclassification of race. Schmitt says of the U.S. Census data:

Although the errors and discrepancies cited...sometimes involve thousands of persons, their net effect is often insignificant in relation to the total population. For all their limitations, the U.S. census reports offer an unequaled statistical picture of the social, demographic and economic development of Hawaii since 1900. 7/

There are important considerations that must be taken into account in using U.S. Census data and the statistics compiled by the State of Hawaii. For the 1980 U.S. Census, "race" was assigned on the basis of self-identification. If the person was unsure of his/her race, the race of the mother was used (in 1970, race of the father was used). In gathering State of Hawaii statistics, respondents are asked their ethnic composition and those with mixed blood, including part-Hawaiian, are included in the latter category. Exacerbating this difference is the fact that in 1970 and 1980, the category "part-Hawaiian" was not used in the U.S. Census. Many part-Hawaiians may have believed that the "Hawaiian" category was only for those with a large percentage of Hawaiian blood.*

The natural result of the differences in these methods is that the State of Hawaii counts many more native Hawaiians than the U.S. Census does and, therefore, State and U.S. Census figures cannot be accurately compared. The actual effects of these differences are a matter of debate that cannot be resolved at this time. However, the reader should at least be aware that this issue exists. In this Report, the origin of the statistics used is clearly identified in the text or in each table.

Definitions

The definition used by the U.S. Congress for the term "native Hawaiian" in the Act creating the Native Hawaiians Study Commission is as follows: "any individual whose

* For a more complete explanation of the differences in the data collection for the 1970 and 1980 censuses, see page 41, below.
ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778." 8/ Confusion arises, particularly in an historical overview, between full-Hawaiians, part-Hawaiians, and Hawaiians of 50 percent blood quantum of the races inhabiting the Hawaiian Islands prior to 1778 (the definition for inclusion in the Hawaiian Home Lands program).

For the purposes of this Report, the Commission has decided that the following definitions will always apply, 9/ unless otherwise noted in the text:

**Hawaiian or full-Hawaiian:** Pure-blooded Hawaiian;

**Part-Hawaiian:** Any individual of mixed blood whose ancestors were natives of Hawaii prior to 1778;

**Native Hawaiian(s):** Either full- or part-Hawaiian; in the plural, the combination of both groups as defined above.

**Historical Background **/**

The period after the arrival of Captain Cook, from 1778 to 1850, was one of sweeping changes in the Hawaiian Islands. The native population declined drastically as a result of declining birth rates and high mortality rates. Urban centers grew up around Honolulu, Hilo, and Lahaina as trade with foreigners increased. Native Hawaiian men signed up as sailors on foreign ships, never to return. Foreigners began to take up residence on the islands, and the first indentured laborers arrived.

The changes from 1850 to 1900 were no less drastic. The population decline of the islands as a whole was arrested and began a rapid increase, swelled by thousands of immigrant laborers. The composition of the population (age, sex, race, marital status) was dramatically altered, however, as the native population continued its decline. Constitutional government was introduced, and the system of land ownership was changed. By the end of this period, the monarchy did not even exist, replaced in 1894 by a caretaker Republic awaiting annexation to the United States.

The period from 1900 to 1960 covers Hawaii's territorial years. The full-Hawaiian population continued its decline, while there was a dramatic increase in the part-Hawaiian population as inter-marriage among Hawaii's ethnic groups increased. Large numbers of immigrant laborers continued to enter Hawaii in the first half of the period. The second half saw a great increase in the number of U.S. military personnel.

From 1960 to 1980, the change from an agricultural economy to a service economy is clearly evident. The native Hawaiian population continued to increase, and a Hawaiian "cultural revival" began.

*/* When discussing the beneficiaries of the Hawaiian Homes Commission Act, however, "native Hawaiian" refers to those descendants of not less than one-half-part blood of the races that inhabited the Hawaiian Islands prior to 1778.

**/ For a more complete history, see Part I, "Ancient History to the Reciprocity Treaty," and Part II, "Diplomatic and Congressional History: From Monarchy to Statehood."
B. POPULATION AND COMPOSITION
OF POPULATION

Population Trends from 1778 to 1850

It is probable that Hawaii was first inhabited by "a few hundred" Polynesians who arrived in large, doubled-hulled canoes. From this modest beginning, the native Hawaiian population was estimated to be between 100,000 and 500,000 people at the time of first Western contact in 1778. The population figure that has come to be accepted by most authors is 300,000. Captain Cook found an island grouping fully populated, based on a subsistence economy with a strict hierarchical social system, and kings on various islands in almost constant warfare with each other.

Contact with foreigners after centuries of isolation from the rest of the world greatly changed the islands and their people. The total population of Hawaii for the period from 1778 to 1850 declined dramatically, from approximately 300,000 in 1778 to 54,000 in 1850. Table 1 and Chart 1 illustrate this decline. */ The major causes of the decline are examined in the next section.

Causes of Population Decline /**

Population growth or decline is the net result of four forces: birth, death, in- and out-migration. Until the first immigrants arrived in 1852, the natural decrease outweighed migration in determining the demographic make-up of Hawaii.

Epidemics and Diseases: When British Captain James Cook anchored
	n off the island of Kauai on January 18, 1778, his rediscovery ended the pro-
longed isolation of the Hawaiian Islands. This lack of contact had left the native population with no built-up immunities and virtually defenseless to disease. Unlike continental peoples, the vast oceanic distances among the Pacific island groups had effectively prevented the spread of any bacterial or viral illnesses anywhere in Polynesia. As a result, Western contact in Polynesia meant the introduction of diseases that proved to be devastating to the island population. The first to be introduced in Hawaii was venereal disease.

The physical mobility among the islands and the accepted sexual behavior of native Hawaiians had ensured the spread of the disease. (Although syphilis is not an immediate threat to the size of a population, its effects on the incidence and health of children born to parents carrying the disease very often include deformity or early death.) It was also the custom of native Hawaiians not to permit deformed children to survive birth. This practice of native infanticide was reported by Westerners for the next 50 years, but the exact number of such deaths will never be known.

Hawaii State Statistician Robert C. Schmitt wrote that:

...the roles of abortion, infanticide, and infant mortality are difficult to assess. Artemas Bishop, writing in 1838, noted that "the great majority of the children born in the islands die before they are two years old." Some students attributed the frequent barrenness, stillbirths, and infant deaths to venereal disease. Abortion and infanticide, known to have existed in pre-contact times, reached new highs in 1819-1825 and 1832-1836... 10/

*/ All tables and charts appear at the end of the chapter.

**/ For more data on the historical development of native Hawaiian health, see below, pages 99 to 109.
These dates indicate generational patterns, suggesting that the impact of venereal disease continued for at least three generations before it abated or became a less virulent strain.

The lack of any natural immunity to Western diseases among the native Hawaiians was far more dramatically traceable with the introduction of air- or water-borne contagion. The first recorded epidemic occurred in 1804. From native accounts of the symptoms, it is now assumed that outbreaks of either cholera or bubonic plague occurred. Of an estimated population of 280,000 in the year before this epidemic, nearly half succumbed.

Later epidemics also contributed to the high mortality rate: influenza first appeared in 1826, and measles, whooping cough, diarrhea, and influenza struck in rapid succession in 1848 and 1849.

Other causes mentioned by authors for the declining population are:

- Limited knowledge of treatment for certain diseases, poor infant care, breakdown of the old moral order, and disruption of important economic activities; 11/

- Inter-island warfare that did not abate until 1795 and infanticide, mostly of females, to balance the loss of males in war; and

- The sandalwood trade, which caused innumerable natives to work gathering sandalwood, weakened them, and caused them to neglect other economic pursuits, such as fishing and farming. 12/

Migration: Although it was not a major cause of population decline, the migration of young Hawaiian men did play a role. The recruitment of native Hawaiians as crew members for visiting ships evidently began in 1788. Romanzo Adams estimated that the number of island seamen increased from 200 in 1823 to 300 in 1825, 400 in 1832, 600 in 1836, 3,500 in 1848, and 4,000 in 1850. At mid-century, then, nearly 5 percent of the total Hawaiian population had enlisted as sailors. More importantly, this group accounted for approximately 12 percent of all Hawaiian males 18 years of age or older. 13/

Population Trends from 1850 to 1896

According to the census data of the kingdom, this period witnessed the reversal of the decline in the overall population of Hawaii. While there was a 3.5 percent per year population decline in 1853, the population in 1896 was increasing at a rate of 3.3 percent per year (see Table 2).

However, far-reaching changes were occurring in the lifestyle and composition of the population, as the native population continued its decline. Central to this transformation was the importation of laborers, beginning in 1852, to work the newly-established sugar plantations. The effects of the plantation system are evident in the increase of non-Hawaiians, a considerable excess of males over females, and a youthful population.

Immigration

Although there was a sufficient number of Hawaiians to meet the labor needs of the plantations, the native cultural pattern of subsistence living was not conducive to plantation labor. As Lind concluded, since Hawaiians could satisfy their simple living expectations by a few hours toil in the taro patches, "there was little reason for the Hawaiians to offer themselves as plantation laborers under the onerous and confining conditions which prevailed—long hours of hard labor under driving rain and hot tropical sun..." 14/
The first immigrant labor group to arrive was the Chinese, followed by Japanese and, eventually, others. This new infusion of population from China and Japan brought with it new diseases. The first outbreak of leprosy occurred as a result. (Hawaiians called the disease ma'i Pake—the Chinese sickness.) The kingdom of Hawaii responded with quarantine stations to examine all incoming workers. However, the dread disease had established itself within the population, and, in an attempt to contain its spread, the leper settlement at Kalaupapa on the island of Molokai was established.

In any event, the greater consequence of labor immigration was the change in the composition of the total population. By 1896, full-Hawaiians represented less than half of the total population for the first time. Within a decade, this change was even more pronounced, as the Hawaiian population was less than one-third the number of non-natives, as shown in Chart 2.

As Chart 3 shows, most conspicuous in this non-native population were Asian immigrants, primarily from China and Japan. Especially after favorable arrangements for Hawaiian sugar were established with the United States in the Reciprocity Treaty of 1876, this portion of the population increased even more.

The influx of immigrant population—largely adult males—created an imbalance in the male/female ratio. Only Portugal required the re-settlement of wives and children as a condition of labor contracts. Although later efforts were made by the nation of Japan to facilitate "picture bride" arrangements for their people, plantations continued to assume that workers would return to their native countries. However, as might be expected in such a situation, patterns of increasing inter-marriage began to emerge.

Although intimate contact is known to have occurred between Hawaiians and Westerners since 1778, it was not until the Census of 1850 that a separate category designated "half caste" began to enumerate the children of these unions. In that year, more than 500 hapa haole children were counted. Three years later, this number had doubled. By 1890, this change in the genetic background of native Hawaiians accounted for about 15 percent of the total native Hawaiian population, as shown in Table 3.

Population Trends from 1900 to 1960

With the emergence of a new group composed of full- and part-Hawaiians (see Table 4), there was a significant reversal in the declining native Hawaiian population trend in the first half of the twentieth century. Major factors that accounted for this population increase were: establishment of a program of Western preventive medicine and Hawaiians learning the value of Western medicine and changing their mode of life accordingly; the build-up of some immunity to disease; and growing inter-marriage. Part-Hawaiians have become Hawaii's most rapidly expanding ethnic group. 11/

Age and sex pyramids for the native Hawaiian population (illustrated in Chart 4) nearly approximate a normal distribution. The base is decidedly broad in 1920 and even broader in 1960; the broader the base, the younger the population. The median age of 16.0 for native Hawaiian males in 1960 was lower than that of any other major ethnic group in Hawaii.

Population Trends from 1960 to 1980

Federal and State figures vary substantially on the population of Hawaii in 1980. Table 5 shows the U.S. Census Bureau tally for Hawaii in
1970 and 1980. The 1970 total for native Hawaiians of 71,375, seems disproportionately low, given the combined (Hawaiian and part-Hawaiian) total of 102,403 in 1960 (revised estimate) and 115,962 in 1980. This discrepancy is probably due to the differences in the methods of data collection that were employed in the 1970 census for Hawaii. In spite of this anomaly, the trend of an increasing native Hawaiian population is continuing. The 1970 census shows that 9.3 percent of Hawaii's population was native Hawaiian. The comparable figure for 1980 was 12.0 percent.

Population statistics from the State of Hawaii Data Book for 1981 vary widely from the U.S. Census information (see Table 6). In the State's tabulation, full- and part-Hawaiians comprise 18.9 percent of the total Hawaii population with a total of 175,453 persons, compared to the 12 percent (or 115,962) figure from the 1980 U.S. Census.

The differences are due largely to the definitions used in collecting the data (see above, page 36). That is, persons of mixed race are shown separately in the State table, while in the 1980 Census tabulations they are assigned to one of the unmixed groups on the basis of self-identification or race of the mother. In the 1970 U.S. Census, self-identification or the race of the father was used in ethnic classifications.

Age/sex statistics from the U.S. Census Bureau for 1970 confirm previous figures showing that many native Hawaiians are in the younger age brackets. The median age for males was 19.7 (higher than the 1960 figure of 16) and 21.8 for females. Over 48 percent of the native Hawaiian population in 1970 was 19 years old or younger.

Data from the 1980 Census shows that native Hawaiians continue to be the youngest ethnic group in the State. Table 7 displays median ages for Hawaii's major ethnic groups. For native Hawaiians, the median age for males was 22.0 (compared to 27.6 for all races) and 23.2 for females (compared to 29.1 for all races).

The ratio between males and females continues to display the trend shown in the pyramid charts discussed on the preceding page. Of the total native Hawaiian population between the ages of 20 and 39, 53 percent are female and 47 percent are male. In the 1980 Census, 49.5 percent of all native Hawaiians were male and 50.5 percent were female.
Summary

After the arrival of foreigners, the native population of the Hawaiian Islands began a drastic decline. The major causes of this depopulation were epidemics and disease. The population of the Hawaiian Kingdom as a whole began to increase in the second half of the nineteenth century, largely through the importation of immigrant laborers to work in Hawaii's sugar fields. The result of this immigration, along with the continuing decline of the native Hawaiian population, was a decrease in the proportion of native Hawaiians in the total population. By the end of the century, native Hawaiians accounted for less than one-third of Hawaii's total population.

The part-Hawaiian population began to increase dramatically after the turn of the century. The primary reasons for this were better health and increased inter-marriage with other racial groups.

Today, the native Hawaiian population of Hawaii can be characterized as follows:

- According to the State of Hawaii, there are 9,366 full-Hawaiians and 166,087 part-Hawaiians, constituting about 19 percent of the State's population;

- Native Hawaiians are a young population—in 1980, the median age for males was 22.0, and the median age for females was 23.2; and

- The male/female ratio for native Hawaiians is fairly equal—in 1980 males accounted for 49.5 percent of the native Hawaiian population, and females accounted for 50.5 percent.

C. GEOGRAPHIC DISTRIBUTION

Prior to the arrival of foreigners, the geographic distribution of the native population among the eight major islands of Hawaii was a direct consequence of the ability of the land area to sustain necessary crops and fish. Estimates at the time of contact placed the greatest native numbers on the island of Hawaii, followed by Maui, and then Oahu. (Not coincidentally, this ordering is also indicative of the physical area of each island.)

Pre-contact settlement was organized within the ahupua'a:

...the basic landholding unit was the ahupua'a, which ranged in size from 100 to 100,000 acres and usually had natural boundaries. The ideal ahupua'a was an economically self-sufficient pie-shaped unit which ran from mountain tops down ridges to the sea. Most ahupua'a were in turn divided into ili, some of which were virtually independent while others were mere operating subdivisions of the ahupua'a. A hierarchical society paralleled this pattern of land division. At the top, a chief controlled each ahupua'a; land agents (konohiki) and subchiefs subordinate to the chief controlled smaller amounts of land; and at the bottom of the hierarchy, common farmers worked the land for the benefit of the chief. Commoners had other plots for their own use and had certain gathering rights in the non-cultivated lands of the ahupua'a...

1778 to 1850

During the period from 1778 to 1851, each of the islands experienced a decrease in population roughly...
equivalent to the general population decline caused by death. Movement from the strictly rural settings of the traditional lifestyle, however, occurred as a response to early commercial activities around port areas. In particular, Lahaina on Maui and Honolulu on Oahu began to acquire urban dimensions (see Table 8).

The sandalwood trade contributed to this early drift to the port areas. As the first export item of the islands, individual chiefs redirected the activities of the people within their ahupua'a to the gathering of the fragrant wood. King Kamehameha I became aware that the country was in danger of severe famine because of the neglect of farming and fishing as a result of this redirection. As a consequence, he ordered chiefs and people to devote more time to other activities, proclaimed all sandalwood to be the property of the government, and prohibited the cutting of young and small trees to conserve this natural resource. 17/ Liloliho, who succeeded Kamehameha I as king, lifted these restrictions and commoners again were required to gather the fragrant wood in great quantities. 18/ This activity, according to many authors, resulted in the practical extinction of sandalwood trees, weakened the commoners, and contributed to the decline of the native population. 19/

1850 to 1900

The trend of population decline on all islands was reversed after the Reciprocity Treaty of 1876 between the kingdom of Hawaii and the United States. As a consequence of the expanding plantation economy, population on all of the Hawaiian Islands increased rapidly, particularly from 1880 to 1930. (See Table 9 for population figures for the period from 1850 to 1896, and Table 10 for the period from 1900 to 1930.)

1900 to 1960

With the passing of the peak of plantation domination, there was a decline in population on all islands except Oahu between 1930 and 1960 (see Table 10). The expansion of the tourist industry brought slight increases on Hawaii, Maui, and Kauai. By 1960, more than 79 percent of Hawaii's residents were located on Oahu, which has less than 10 percent of the total land area. Over 45 percent of the residents of the State lived in the city of Honolulu and the adjacent urbanized area.

Population decline on islands other than Oahu was due not only to movement toward Honolulu, but also to migration from Hawaii to the mainland. The ethnic group with the highest rate of net migration (whether within Hawaii or from Hawaii to the mainland) was the part-Hawaiian group. 20/ There was also a large out-migration of the original contract laborers and their descendants. 21/

Geographic Distribution of Native Hawaiians */

As one would expect, Hawaiian culture and population have persisted most effectively in areas where Western civilization has penetrated least. Thus census reports from 1853 to 1960 reveal that the islands and districts least suitable for plantation agriculture or other Western uses have remained the havens for native Hawaiians...22/

In 1853, large numbers of foreigners settled on Oahu and Kauai, */ This section is taken, with some phrasing, from Andrew W. Lind, Hawaii's People, 3rd ed. (Honolulu: University of Hawaii Press, 1967), pages 45-49.
but both islands also had their isolated districts where native culture was able to survive to a considerable degree. The expansion of plantations during the last half of the nineteenth century reduced the area within which native Hawaiians could maintain numerical and cultural dominance. The lonely islands of Niihau, Lanai, and Molokai remained relatively free of foreign influence until after annexation. By 1930, there were 17 remote districts in which native Hawaiians constituted more than 50 percent of the population.

The situation had not changed substantially by 1950, as reflected in the census reports. Although the 1960 census did not provide similar data (except for Oahu), a clearly disproportionate ratio of native Hawaiians in all of the larger census divisions where they appear indicates that the rural native havens still remained. The centers of native Hawaiian concentration were still in the underdeveloped areas of Kohalo and Kona on the island of Hawaii, of Hana on Maui, of Koolauloa on Oahu, parts of Molokai, and Niihau. However, 14.5 percent to 28.1 percent. In 1950, slightly more than 40 percent of the surviving 12,000 "pure" Hawaiians lived in Honolulu.

Part-Hawaiians have been even more strikingly products of the city, as they continue to constitute a greater proportion of residents in Honolulu than is true for the total population. The 1960 census seemed to show a curious reversal of this trend, since the proportion of both full- and part-Hawaiians resident in Honolulu dropped from the 1950 total. On the other hand, the proportion of both groups resident on the island of Oahu had continued to increase steadily until 1960, which suggests that the attraction of the city still operated, but that there was a preference for the suburban and peripheral areas outside the city proper.

Paradoxically, the Hawaiian Homes Commission Act had the effect of assisting this urban trend. The demand for urban sites, particularly, on Oahu, far outweighs that for agricultural sites.

1960 to 1980

Information received from the U.S. Department of Labor confirms that the majority of native Hawaiians, like the majority of all Hawaii residents, lives on the island of Oahu (see Table 11). Seventy percent of the native Hawaiian population of the six largest islands lives on Oahu, compared with 79 percent for the population as a whole. Besides Niihau (whose population is almost totally native Hawaiian), the island of Molokai has the largest native Hawaiian population, which constitutes 57.3 percent of its total.

Summary

Prior to the contact with Westerners that was to change their lifestyle, the Hawaiian population
was distributed among the islands in proportion to the land mass and available food resources. The increase in trade after the arrival of foreigners upset this balance and caused a movement toward port areas. This trend has continued with the general movement of the population toward Oahu in the middle of the twentieth century. Recent years have witnessed an even greater concentration of Hawaii's population in and around Honolulu, the principal commercial and tourist center. Although there are many pockets of native Hawaiians located in economically deprived rural areas on many islands, the native Hawaiians have not been immune to the drift of the overall population toward Oahu and Honolulu, and the majority of them now live there.

D. EDUCATION

Education in pre-contact Hawaii was a formalized learning process according to social rank and function. Because there was no written language, all knowledge was carried and transmitted from generation to generation by practice, ritual, and memorization. Training in professions, such as canoe-building and fishing, was accomplished in this same manner. Similar practices were used to train the ali'i in the religious and chiefly arts to ensure their competency to rule. This system served the Hawaiians well as they developed "the finest navigators, agriculturalists, and fishermen in the Pacific" and their culture flourished for over 1,500 years. 24/

Missionaries

A written form of the Hawaiian language and Western modes of learning were first introduced in Hawaii by American missionaries after their arrival in 1820. Reflecting the Protestant emphasis on knowing and understanding the Bible, proselytizing efforts were combined with teaching the rudiments of reading and writing. The missionaries began by teaching the ali'i, whose attitude seems to have been: "Teach us first and we will see if it is good. If it is, you may teach the people." 25/ The natives enthusiastically embraced the instruction offered by the missionaries after the chiefs agreed that schools should be set up for the maka'ainana, or common people. By 1831, the schools for commoners numbered 1,000 with a total enrollment of 52,000, or approximately two-fifths of the population. The preponderance of these students were adults. 26/ However, concerted attention was beginning to be given to instructing children by the end of 1820's and by the end of the 1830's, the majority of pupils in the schools were children, in numbers as high as 12,000 or 15,000. 27/

Kingdom Education System

In 1840, the kingdom of Hawaii took over the support of the schools, using the missionary schools as the nucleus of the new public school system. In that same year, literacy became a requirement for obtaining a marriage license.

By 1896, 84 percent of the Hawaiians and part-Hawaiians over the age of ten were considered literate--able to read and write in either Hawaiian or English. This percentage continued to improve through 1930 (see Table 12). 28/

Territory

Lind notes that the response to opportunities for formal education reflects interests and aspirations of the individual groups, especially insofar as the values of the
educational system are American and Western. A sensitive indicator of the differences in attitudes towards formal education in general, and American education in particular, is the proportion of children just beyond compulsory school age who are attending school. Especially in the earlier decades of the century, because the Territory's compulsory school age was 15, school attendance on the part of children aged 16 or 17 was "chiefly a reflection of a strong educational urge on the part of the young people themselves and especially on their parents." 29/ (The present mandatory school age in Hawaii is 18.)

In this regard, Table 13 contrasts the native and immigrant populations. In 1950, 78.1 percent of native Hawaiian 16- and 17-year olds were attending school, compared to 94.1 percent for Japanese and Chinese youths of the same age. It has been suggested that this does not mean that native Hawaiians did not value education, but rather reflects a disenchantment with "Western education." 30/

In terms of higher education, the 1950 census showed that 8.8 percent of Chinese who were 25 years or older had completed a college education. This compared with 3 percent for Japanese, 2.4 percent for native Hawaiians, and 0.3 percent for Filipinos.

1970 to 1980

The 1970 Census shows some improvement for native Hawaiians over the territorial attendance figures. However, native Hawaiians still lag behind other ethnic groups in key areas (see Table 14). The percentage of native Hawaiian 14- to 17-year olds who are in school is lower than that for any other group. Native Hawaiians were behind all ethnic groups, except Filipinos, in: median years of high school completed by those over 25 (12.0), compared with a State average of 12.3 and a total U.S. average of 12.1) */; and percent of those 25 years old and over who are high school graduates. Over 50 percent of native Hawaiians age 25 and over had not graduated from high school. More recent data (for 1977) show that 46.9 percent had completed high school. 31/

The Chinese, White and native Hawaiian groups had the highest percentage of students enrolled in private schools. In 1970, 10.8 percent of native Hawaiian children attending elementary school were enrolled in private schools. The corresponding figure for high schools was 14.4 percent. Thus, the overwhelming majority of native Hawaiian children attend public schools. 32/

The deficiencies in the area of higher education are particularly striking. The native Hawaiian group lags behind all groups in the percent of the population over 25 who have completed 4 or more years of college: only 4.2 percent of the native Hawaiian group completed 4 or more years in college. The statewide average is 14.0 percent and the Whites had the highest percentage of 21.5 percent. The 1977 data of the Hawaii Health Surveillance Program show that 4.6 percent of native Hawaiians completed college, compared to 16.8 percent of Caucasians (the highest) and 7.6 percent for Filipinos. 33/

A 1976 report by Alu Like, Inc. provides further information on the educational profile of native Hawaiians. Among the report's findings are:

- Of the 224 public schools, 34 (15 percent) had enrollments that were 40 percent or more native Hawaiian.

*/ The low figure for Filipinos, 8.7 percent, is probably due to the fact that this group was the last immigrant group to arrive in Hawaii, and many older Filipinos have received little or no formal education.
• Of the 5,000 students in those intermediate/high schools, 33 percent had been absent 20 days or more a year.

• Of the 20,000 native Hawaiian youngsters aged 12 to 17, 10 percent were not enrolled in any school.

• Of the 34,000 native Hawaiian students in public schools, approximately 12,900 (35 to 38 percent) were in the lower stanines (1-3), for SAT reading, compared with 24 percent for the State.

• Of the approximately 72,000 native Hawaiians age 25 and older, 31 percent had not finished high school (this is an improvement over the 1970 Census figure of 50.3 percent).

Given these problems, it is not surprising that "educational needs are in [the] top priority for programs according to the Hawaiian population." The 1976 Alu Like Needs Assessment Survey sample that voiced this priority also indicated that parents have high aspirations for their children and feel it is important for them to finish high school. These parents also believed that schools are:

...not sensitive to the needs of children with a culturally Hawaiian life-style, and that Hawaiian children are in need of head-start preparation for the public schools as a way of integrating their cultural orientation with that of the vastly different orientation in the public elementary schools they will attend.

Summary

Formal education in Hawaii, as it was known in the United States, began with the arrival of the missionaries in 1820. The native Hawaiians enthusiastically embraced learning to read and write. By the end of the nineteenth century, the vast majority of native Hawaiians were literate (in Hawaiian or English).

During the territorial years, however, a low attendance rate for children beyond the compulsory school age can be seen. This is probably due to the attitudes of children, and especially their parents, toward American education. In contrast, a 1976 Alu Like Needs Assessment survey indicated that education for their children was a top priority for native Hawaiian parents.

Despite these aspirations, educational problems still exist. According to the 1970 U.S. Census, native Hawaiians have the following characteristics with regard to education:

• The percentage of native Hawaiian children between the ages of 14 and 17 who are enrolled in school is lower than that for any other group in Hawaii (91.6 percent for females and 90.7 percent for males, compared to an overall State figure of 94.8 percent);

• The median number of years of school completed by native Hawaiians over 25 years of age was 12.0, compared to a State median of 12.3;

• Only 49.7 percent of native Hawaiians over 25 have graduated from high school (State data show that this figure was even less in 1977--46.9 percent); and
Only 4.2 percent of native Hawaiians over 25 have completed 4 or more years of college, a figure lower than that for any of the immigrant groups. (The 1977 figure is 4.6 percent; still lower than any other ethnic group.)

E. EMPLOYMENT

1778 to 1850

Early censuses tell us little about the changing modes of earning a living that were brought on by the introduction of trade during the first half of the nineteenth century. Lind notes that "an increasing number of the Islanders were living on the margins of the two competing economies, deriving most of their livelihood from the cultivation of their own kuleana but also earning some money for the purchase of trade goods from the sale of farm surplus or from an occasional day of work with the government." 39/

1850 to 1900

The census of 1866 collected occupation data for the first time. Although it may not be accurate, Lind notes that it provides a rough indication and, when taken with other census data, "suggests that well over half of the natives were still living under a predominantly subsistence economy." 40/

By 1896 the sugar plantations had emerged as the major factor in the Hawaiian economy. It appears likely that well over 90 percent of the gainfully-employed were engaged in occupations associated with plantations or in other fields in commerce and trade. Nearly two-thirds of all employed persons were unskilled laborers. 41/ (See Table 15 for occupation data for the years 1866 through 1896.)

Reliance of plantations on immigrant labor became necessary when the sugar industry began to expand rapidly, especially in the 1870's. Until then, one writer states:

Contrary to many reports, native Hawaiians did not leave the field work. As late as 1869, several plantations employed all native Hawaiian labor. By 1870, while the native population was declining, there was a tremendous expansion of sugar production from two million to 20 million pounds annually. The demand for increased production and labor had to come from outside the kingdom. This fact is demonstrated by a report in 1873: on the thirty-five plantations in existence at the time there were 3,786 employees. Of this there were 2,627 men and 364 women who were native Hawaiians. This shows that more than 80% of the labor force was native Hawaiian up to that time. 42/

However, even after the importation of immigrant laborers for plantations began in earnest, native Hawaiians continued to play a minor but important role as luna (supervisors) and skilled workers. 43/

1900 to 1960

This period saw a marked decline in the number of plantation/agricultural workers, especially since 1930. In the 1940's, one can see the important influence of the war in terms of both new employment opportunities and numbers of military personnel. Expansion of the tourist industry brought further opportunities.

Throughout the entire period since 1896, part-Hawaiians have been much less represented in the ranks of unskilled labor than full-Hawaiians. It was not until 1950, however, that full-Hawaiians were significantly over-represented in this area. 44/
Advancement in the professions is one of the "most sensitive gauges of advancing prestige on the part of the several ethnic groups." The advantage that those in the haole group enjoyed is evident in Table 16. The advantage that native Hawaiians, especially part-Hawaiians, enjoyed in the professions during earlier census periods largely disappeared before 1940. In 1930, there were more judges, lawyers and teachers in Honolulu who were Hawaiian and part-Hawaiian than any other group. Yet, the vast majority of native Hawaiians in Honolulu had lesser occupational roles. Chinese, on the other hand, greatly increased their representation in the professions from 1930.

Native Hawaiians have always been less than proportionally represented in occupations of commerce, although part-Hawaiians have apparently made a better adjustment than pure Hawaiians. One reason for this may be that important elements in the native Hawaiian culture hampered success in business on the part of Hawaiians. Noted Hawaiian sociologist Romanzo Adams speculated on the causes of the situation in the 1930's:

...the old Hawaiians had no commerce and probably not even barter...The introduction of profit seeking trade by foreigners brought from the outside world certain commodities that the Hawaiians greatly desired and hence they, under the tutelage of foreigners, did gradually enter upon a commercial economy. But, so far [i.e., 1937], they have not brought their mores into full harmony with such an economy...To an old-fashion Hawaiian, the practices of the hard-boiled business man are immoral. One would be ashamed to drive a hard bargain based on another man's necessity...

This gap is gradually diminishing among ethnic groups, as Table 17 illustrates. Native Hawaiians, especially those of mixed ancestry, revealed special aptitude as craftsmen, including the operation and handling of machinery.

1960 to 1980

Employment levels and types are closely related to educational levels. The educational problems noted above presage the employment picture for native Hawaiians. According to the 1970 U.S. Census, 4.3 percent of native Hawaiian men and 5.2 percent of native Hawaiian women in the civilian labor force were unemployed in 1970 (see Table 18). These figures compare with 2.6 percent for men and 3.7 percent for women for the State of Hawaii overall. The unemployment rate for native Hawaiian men was also higher than the average U.S. rate. The comparable figures for the United States as a whole were 3.9 percent and 5.2 percent for men and women, respectively.

The unemployment rate for native Hawaiian males was significantly higher than that for the Japanese, Chinese, Filipino, and White groups. Japanese men had the lowest unemployment rate at 1.4 percent. Native Hawaiian women also had a higher unemployment rate than other ethnic groups, except for the White group.

The percent of native Hawaiian males in the labor force, 76.4 percent, was similar to that for the Chinese, Filipinos, and the average U.S. rate. It was lower than the percentage for the State as a whole, 81.5 percent, for Japanese, 79.7 percent, and for Whites, 86 percent. However, it should be noted that almost 45 percent of the White male labor force was in the armed forces.

The unemployment picture for native Hawaiians in 1975 is shown in Table 19, based on data from the 1975 Census.
Update Survey by the Office of Economic Opportunity. The unemployment rate for both males and females for the six major islands was estimated at 11.6 percent, compared to 6.5 percent for the State as a whole. More recently, U.S. Department of Labor correspondence with the State indicates that the present rate is probably higher than the 1975 level, while the overall unemployment rate in Hawaii has dropped to 5.9 percent. 51/

Data for 1975 on the distribution of men in the occupational structure of Hawaii show that native Hawaiians still lag behind other ethnic groups in the percentage of their population with professional/managerial positions. Only 17.8 percent of native Hawaiians are classified as "professional-technical, managerial," compared to 33.6 percent for Caucasians, 34.3 percent for Japanese, and 50.4 percent for Chinese. On the other hand, 53.6 percent of native Hawaiians have occupations classified as "blue collar," while 42 percent of Caucasians, 42.2 percent of Japanese, and 21.2 percent of Chinese have blue collar jobs. Filipinos and Portuguese fare even worse than native Hawaiians: 16 percent of Filipinos and 17.7 percent of Portuguese are classified as professional, while 55.4 percent of Filipinos and 58.1 percent of Portuguese have blue collar jobs. Over 22 percent of native Hawaiian men have jobs in the "menial" occupational category, a higher percentage than that of any of the other five ethnic groups studied. 52/

Summary

In ancient Hawaii, the inhabitants lived in a subsistence economy, farming and fishing for just enough to satisfy their needs. The coming of the white man changed this situation and a market economy grew up alongside the natives' subsistence one. When trading declined and large-scale agriculture took over, the economy changed again. The decline in the native population and the lack of interest on the part of the natives in toiling in the fields made the importation of immigrant laborers necessary. Many native Hawaiians continued to work as supervisors for the plantations, however.

In the early part of the twentieth century, native Hawaiians, and especially part-Hawaiians, had some advantage over other ethnic groups in the professions, particularly in the fields of law, politics, and teaching. This advantage disappeared by 1940, however. By 1950, full-Hawaiians were over-represented in the unskilled labor class. Data for 1975 show that only 17.8 percent of native Hawaiian men have professional/managerial positions, while 53.6 percent are classified as blue collar workers.

According to 1970 U.S. Census information, the employment status of native Hawaiians is as follows:

- 4.3 percent of native Hawaiian men and 5.2 percent of native Hawaiian women were unemployed, compared to State figures of 2.6 percent and 3.7 percent, respectively;
- 76.4 percent of native Hawaiian males over the age of 16 were in the labor force, compared with the State figure of 81.5 percent;
- 47.9 percent of native Hawaiian women over the age of 16 were in the labor force, compared with 49 percent for the State as a whole.

A 1975 Census Update Survey estimated that the unemployment rate for native Hawaiians was 11.6 percent, compared to 6.5 percent for the State of Hawaii as a whole.
As is the case with employment figures, income levels are closely related to educational attainment. The economic advancement of native Hawaiians has been relatively slow compared with that of the major immigrant groups in Hawaii. This fact may reflect the continuation of traditional values, in which accumulation of money does not figure prominently, as Adams noted (see above, page 49). Although their median income in 1949 was slightly above that recorded for all males, the proportion of Hawaiians and part-Hawaiians in the lowest income class was notably above that of any of the major immigrant groups. Other evidence indicates that pure Hawaiians, even more disproportionately than part-Hawaiians, were represented in the lowest income levels. 53/ The 1970 Census shows that by 1969 all groups had improved their economic situation (see Table 20). The median income for Hawaiians was still below that for Chinese and Japanese, but it was higher than the median income of the "all races" group, the Caucasian group, and the Filipinos. The proportion of native Hawaiians in the lower income groups also improved. These figures may be misleading, however, as pointed out in several comments received by the Commission, 54/ since military income is included in Caucasian income, lowering the range. One writer notes that a more accurate picture can be obtained from the 1975 Census Update Survey, which shows that Hawaiian and part-Hawaiian personal income was below both the Caucasian and State-wide figures. 55/ Another source of data confirms this latter statement. The Hawaii Health Surveillance Program results show that in 1977, the median family income of civilians in Hawaii for selected ethnic groups was as follows: 56/

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Median Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pure Hawaiian</td>
<td>$ 9,278</td>
</tr>
<tr>
<td>Filipino</td>
<td>12,683</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>13,615</td>
</tr>
<tr>
<td>Caucasian</td>
<td>19,005</td>
</tr>
<tr>
<td>Japanese</td>
<td>19,431</td>
</tr>
<tr>
<td>Chinese</td>
<td>21,183</td>
</tr>
</tbody>
</table>

Poverty Level and Welfare

Statistics from the State Department of Health show that 41,483 native Hawaiians, or about 27 percent, were classified as below the poverty level in Hawaii in 1975 (see Table 21). The number of native Hawaiians in certain welfare categories far exceeds their relative share of the population. In 1982, while native Hawaiians comprised 12 percent of the total State population, they made up 30.8 percent of those in the AFDC-UP category (see Table 22). In the general assistance category, 22.1 percent were native Hawaiians and native Hawaiians comprised 15.2 percent of the food stamps program. However, native Hawaiians comprised 10.7 percent of the medical category and thus were underrepresented when compared to their population share. 57/ The State of Hawaii Department of Social Services and Housing notes that these figures may lead to a different conclusion than that many native Hawaiians are on welfare:

If welfare is based upon need (i.e., in accordance with strict Federal and State guidelines),

The figures presented in this paragraph were submitted by the Hawaii State Department of Social Services and Housing. The population figures used are from the U.S. Census. If State of Hawaii population figures had been used, native Hawaiians would comprise 18.9 percent of the population and thus be under-represented in both the "food stamps" and "medical" categories.
then the data may also demonstrate a "healthy attitude" on the part of native Hawaiians toward their welfare programs. Their social concept of "shame" may not prevent the use of welfare and, therefore, we may be seeing their greater, more 'optimum use of welfare programs as compared to other cultures. 57/

Summary

In 1949, the proportion of native Hawaiian males in the lowest income brackets was above that for all other groups. Their median income for the same year was higher than the "all races" and Filipino groups but below that of the Chinese, Caucasian, and Japanese groups.

By 1969, the situation of the native Hawaiians had improved somewhat. They were no longer over-represented in the lowest income categories. According to U.S. Census data, their median income was higher than the "all races" group, the Caucasians, and the Filipinos, but below that for the Chinese and Japanese.

Other statistics paint a more dismal picture, however:

- According to the 1975 Census Update Survey and Hawaii State data, native Hawaiian income levels were still below the Caucasian figures, contrary to the U.S. Census information; 58/

- In 1975, over one-fourth (27 percent) of native Hawaiians were classified as below the poverty level; and

- In 1982, the percentage of native Hawaiians on welfare (APDC and general assistance) was significantly higher than their relative share of the population.

G. CRIMINAL JUSTICE */

Hawaii ranks thirty-ninth among the fifty States and the District of Columbia in terms of population. However, Hawaii is ranked sixth among the States and the District of Columbia on the total crime index. Breaking the crime index down by type, Hawaii is ranked thirty-ninth for violent crime (the same as its population rank), and fifth for non-violent crime.

Ethnic Stock of Adult Arrestees

Table 23 shows the ethnic stock of persons arrested in Hawaii in 1981 compared to each ethnic group's percentage share of the population. The percentage of arrestees who were Hawaiian or part-Hawaiian was 23 percent, almost double their share of the population (12 percent, according to the 1980 U.S. Census). "Negroes" comprised 4.1 percent of those arrested, more than double their share of the population (1.8 percent). Other ethnic groups whose proportion of arrests was greater than their share of the population were:

Caucasian--35.3 percent (33 percent of population); and the "other" group--11.9 percent (5 percent of population).

Comments received by the Commission on its Draft Report 59/ cast some doubt on the validity of these figures. Specifically, "the ethnic definitions used in the numerators [of Tables 23 and 25] seem to differ significantly from those used in the denominators." 60/ The result of using these figures is "a serious exaggeration of [native] Hawaiian crime rates." 61/ Using the

population figures of the Hawaii Health Surveillance Program (which are used in this Report in Table 6), instead of the 1980 U.S. Census data (see Table 5) used by the Hawaii Criminal Justice Center; would yield significantly different results. The Health Surveillance Program tabulation (see Table 24) indicates that native Hawaiians constitute 18.9 percent of Hawaii's population (instead of 12 percent) and therefore the proportion of arrestees (23 percent) would not be double (although still greater than) native Hawaiians' share of the population. Both tabulations are presented here because, for whatever reason, the Hawaii Criminal Justice Information Data Center chose to use U.S. Census population figures in Tables 23 and 25. In a footnote to the table the Center states: "Population figures from State of Hawaii, Department of Planning and Economic Development. By self-identification or race of mother. Data are not comparable to Health Surveillance Program tabulations used in previous years' reports." 62/

Table 25 shows the race of those arrested for specific crimes in Hawaii in 1981. For all crimes listed in the table except gambling, the race of those arrested was most often White, and the second most numerous group of arrestees was Hawaiian/part-Hawaiian in all cases except manslaughter. The number of Hawaiians/part-Hawaiians arrested for each crime was greater than their relative share of the population (12 percent, in this study), except for manslaughter and gambling. 63/ Of those arrested for robbery and burglary, 24.5 percent and 27.3 percent were Hawaiian or part-Hawaiian. The White group percentages also exceeded their population share (33 percent), although not in as many categories.

A study on incarceration was written by University of Hawaii sociologist Jean Kassebaum. She found that nearly 60 percent of the prison population in Hawaii is Hawaiian or part-Hawaiian. 64/

Race of Juveniles Arrested

Educational difficulties of native Hawaiian youths are reflected in criminal justice statistics. According to State of Hawaii statistics, native Hawaiian youths comprised the largest percentage of arrestees for each crime appearing in Table 26. Almost 53 percent of juveniles arrested for motor vehicle theft were native Hawaiian. More than 44 percent of runaways were native Hawaiian, and more than 42 percent of juveniles arrested for burglary were native Hawaiian.

Summary

The percent of native Hawaiian adults arrested in Hawaii in 1981 was greater than the native Hawaiian percentage share of the population. The percentage of native Hawaiians arrested for specific crimes was also, in many crime categories, larger than their share of the population.

The picture for native Hawaiian juveniles arrested in 1981 was even more striking. Native Hawaiian juveniles comprised the largest percent of those arrested for each crime examined.

H. HEALTH 65/

Birth and Death Rates

Evidence compiled by population experts indicates that there were "widespread and prolonged low birth rates [in Hawaii in the nineteenth century] due to venereal disease." 66/ The birth rate in Hawaii increased from 21.3 in the 1840 to 1859 period to 23.6 in the 1880 to 1889 period, while the death rate declined from 45.8 to 25.3 in the same interval.
From 1910 to 1955, the birth rate went from 31.3 to 27.3, while the death rate continued its decline from 16.3 to 5.5 (see Table 27). Since the figures on birth and death rates that appear in Table 27 refer to all residents in Hawaii (not just native Hawaiians) it will be helpful to keep in mind the composition of the population during the time covered in the table (1848 through 1965). 

The birth and death rates from the period of 1848 to 1884 occurred during a decline in the proportion of full-Hawaiians from greater than 95 percent to the population to less than 50 percent, and a further decline to less than two percent in 1965 (concomitant with a decline in the overall death rate). At the same time, there was a gradual increase in the part-Hawaiian population from less than two percent in 1848 to about 15 percent in 1965.

The death rate for the State of Hawaii did not decrease much from 1965—the death rate in 1980 was 5.0, compared to 5.5 in 1965. The birth rate declined from 27.3 in 1965 to 18.6 in 1980 for the State population as a whole.

Infant Mortality

Extraordinary improvement in the overall infant mortality rate in Hawaii occurred during this century—from 119 deaths per 1,000 births in 1924 to 10 deaths per 1,000 by 1980. Throughout most of this period, however, Hawaiians and part-Hawaiians continued to display mortality rates higher than the average. For example, in 1970 full-Hawaiians had an infant mortality rate of 65, compared to 22 for part-Hawaiians, and 19 for the State as a whole (see Table 28).

Only the accompanying high birth rates among native Hawaiians offset infant mortality and permitted the population to increase. These high birth rates also created an age distribution that was heavily weighted toward a young population; a trend that continues today (see above, page 41).

The high infant death rates for Hawaiians and part-Hawaiians compared to other ethnic groups in Hawaii continues. According to the Hawaii State Department of Health: "The infant death rate of part-Hawaiians was significantly higher during the five-year period of 1977-1981 than that of Caucasians, Chinese, Filipino and Japanese. The confidence limits on the small races were so broad that their rates for that period cannot be considered significantly different from any of the larger racial groups."

Table 29 shows that the infant death rate for part-Hawaiians during this period was 13.8, compared to 8.9 for Caucasians, 7.0 for Chinese, 9.2 for Filipinos, 8.8 for Japanese, and 10.5 for the "all races" group.

Table 30 presents comparative figures for characteristics of births in Hawaii in 1980. Part-Hawaiians have a relatively high birth rate—higher than full-Hawaiians, which foreshadows the trend already indicated for an increasing part-Hawaiian population. Full- and part-Hawaiians have a similar male/female birth ratio. Part- and full-Hawaiian infants have low birth weights 7.4 percent of the time, compared to 11.8 percent for Japanese and 9.3 percent for the Filipino group. Part-Hawaiians, followed by full-Hawaiians, have an extremely high ratio of illegitimate births.

Life Expectancy

Life expectancy patterns for the nineteenth century in Hawaii are not available. However, by 1910 enough reliable data had been collected to make this kind of statistical extrapolation possible. These projections reveal that native Hawaiians exhibited
a significantly lower life expectancy throughout the period from 1910 through 1970 than any other ethnic group in Hawaii. In 1970, the life expectancy for native Hawaiians was 67.62 years, compared to 77.44 for Japanese (the highest of all groups) and 74.20 years for all groups (see Table 31).

Leading Causes of Death

Table 32 shows the leading causes of death for the State of Hawaii population as a whole from 1920 to 1980. 71/ Most notable of those causes that are growing in importance as the century progresses are heart disease (although it declined in importance from 1960 to 1980) and cancer.

There is considerable variation in the proportion of persons dying of various causes in the different races of Hawaii. Table 33 shows the "crude" mortality rates by race for the ten leading causes of death in Hawaii for 1980. 72/ The death rate (based on estimated population per 100,000) for diseases of the heart was 163 for Caucasians compared to 62 for Hawaiians (the lowest of the five ethnic groups compared). The rate for cancer was: 138 for Japanese, 130 for Caucasians, 123 for Chinese, 113 for native Hawaiians, and 85 for Filipinos.

In February 1982, the Hawaii State Department of Health published a study by Mele A. Look, on the mortality of the Hawaiian people. 73/ Look, who is a student at the University of Hawaii, compared the mortality rates of full-Hawaiians, part-Hawaiians, and an "all races" group (the sum of all other ethnic groups in the State of Hawaii) for the years from 1910 to 1980.

Look's study reports the following findings (see also, Chart 5):

Overall mortality rates:
- For each period studied, the major causes of death were the same for all three groups;
- Overall mortality rates have been continuously declining for all three groups;
- The "all races" group has the lowest rates overall; part-Hawaiians had rates similar to the "all races" group in many cases;
- Rates for full-Hawaiians have been declining but remain at a consistently higher level.

Causes of death now on a downward trend:
- Pneumonia, non-rheumatic endocarditis and myocardial degeneration, and infective and parasitic diseases, such as tuberculosis--full-Hawaiians' mortality rates for these diseases were two to five times higher than the "all races" group and as much as four times higher than the part-Hawaiians' mortality rates.

Causes of death on an upward trend:
- Heart disease--mortality rates were generally higher for full- and part-Hawaiians except in 1910, 1920 and 1960, when rates for part-Hawaiians were not significantly different from the "all races" group; full-Hawaiians' heart disease mortality rates were consistently greater than the other groups;
- Cancer--the part-Hawaiian and "all races" groups' mortality rates were at similar levels, differing significantly only in 1930 and 1970; full-Hawaiians have a mortality rate of one to two times higher than both of the other groups;
Accidents—death rates did not differ significantly between part-Hawaiians and the "all races" group, but full-Hawaiians' rates were two times higher; this may be due to type of occupation.

Probable factors that may be associated with high mortality rates of full-Hawaiians:

- Income level;
- Inadequate understanding of Western health care and a formal education;
- High content of salt in Hawaiian foods;
- Cultural concepts of health and illness that may affect self-diagnosis and willingness to seek treatment;
- Genetic factors; the ability to resist diseases may be associated with ethnicity.

Incidence of Cancer

Cancer is the second leading cause of death in Hawaii and during 1980, there were 2,769 new cases of cancer diagnosed. The incidence of cancer varies markedly in the various racial groups in the State. Table 34 compares the "age standardized" incidence rates of selected cancers for five groups (Caucasian, Chinese, Filipino, native Hawaiian, and Japanese) for the period 1973 through 1980. Since the incidence varies by age, the rates are "standardized" to show what the rates in the various racial groups would be, if all groups had the same age composition. The table shows that of the five ethnic groups, native Hawaiian men had by far the highest incidence of stomach and lung cancer. They had the second highest incidence of prostate cancer, after Caucasian men. For women, the incidence of cancer of the lung and breast was highest for native Hawaiians. Native Hawaiian women were second to Caucasian women in the incidence of cancer of the cervix.

Acute and Chronic Conditions

The State of Hawaii collects data on the presence and prevalence of acute and chronic conditions. As seen in Table 35, the Hawaiian and part-Hawaiian group reports the highest overall level of acute conditions among the major ethnic groups in Hawaii. They have particularly high rates for respiratory conditions.

The Hawaiian and part-Hawaiian group fares better when compared to other ethnic groups on the prevalence of chronic conditions (see Table 36). Of the twenty chronic conditions reported, the native Hawaiian group scored highest in only one (not counting the "other" group), asthma with or without hayfever. The Hawaiian group reported the second highest prevalence in two categories: mental and nervous condition and bronchitis/emphysema. The Hawaiian group also reported the lowest prevalence of malignant neoplasms (cancer).

A few cautionary notes should be added to this discussion. As reported in the mortality study above, combining full- and part-Hawaiians may be misleading, given the significantly higher mortality rate of full-Hawaiians for some of these diseases. The method of collecting the data must also be considered. The data in these tables was gathered by the Hawaii Health Surveillance Program via a statewide household survey. During 1980, 14,407 persons were interviewed to obtain these statistics. Those excluded from the sample were:
persons living in military barracks, nursing or rest homes, prisons, dormitories, the island of Niihau, and Kalaupapa Settlement. 77/

Other information received by the Commission 78/ confirms that full- and part-Hawaiians do indeed have health problems in some areas. Data prepared by the Hawaii Department of Health for Alu Like, Inc., shows that full- and part-Hawaiians reported higher prevalences, compared to all races, for the following conditions:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Full-Hawaiians</th>
<th>All Races</th>
</tr>
</thead>
<tbody>
<tr>
<td>High blood pressure</td>
<td>22.6%</td>
<td>12.2%</td>
</tr>
<tr>
<td>Diabetes</td>
<td>14.4</td>
<td>5.3</td>
</tr>
<tr>
<td>Arthritis</td>
<td>8.3</td>
<td>5.6</td>
</tr>
<tr>
<td>Heart trouble</td>
<td>4.2</td>
<td>2.8</td>
</tr>
<tr>
<td>Stroke</td>
<td>1.4</td>
<td>0.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Condition</th>
<th>Part-Hawaiians</th>
<th>All Races</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asthma</td>
<td>17.2%</td>
<td>8.5</td>
</tr>
<tr>
<td>Chronic bronchitis</td>
<td>3.8</td>
<td>1.7</td>
</tr>
</tbody>
</table>

Federal studies have demonstrated that self-reported alcohol use is underreported by nearly 50 percent. This phenomenon is likely to be even greater for the usage of illegal substances such as marijuana or cocaine...80/

Despite this problem and the fact that the information is now four years old, the report is "the most comprehensive and detailed look at Hawaii's alcohol and drug abuse problems to date." 81/

The report divides substance abusers into three categories: alcohol abusers, drug abusers, and abusers of both alcohol and drugs. Combining all three, there were approximately 103,748 persons in Hawaii in 1979 who were currently substance abusers. This number accounts for 14.7 percent of Hawaii's population 12 years of age and older. 82/

The following sections discuss abuse and treatment in each of the categories, across ethnic groups in Hawaii.

Alcohol Use and Abuse

Alcohol use is less prevalent in Hawaii than it is on the U.S. mainland. In Hawaii, 79.2 percent of the population has tried alcohol at least once in their lives. This compares to 90 percent on the mainland. In terms of current alcohol users, 55.1 percent of Hawaii's population currently uses alcohol, compared to 61 percent of the mainland population. Current alcohol use is also significantly lower for Hawaii in each age category, compared to similar mainland age categories. 83/

Table 37 summarizes the lifetime and current use of alcohol in Hawaii for the various ethnic groups. The group with the highest percentage of current users is the Caucasian group (77.7 percent), followed by the Hawaiian/part-Hawaiian (52.8) and Portuguese (52.6) groups. State-wide, 55.1 percent of the population are current users.

It should be noted that all quoted numbers of the alcohol and drug abuse populations are likely to be severe under-estimates.
Approximately 7.6 percent of Hawaii's general population reported the average daily consumption of two or more ounces of pure ethanol per day \(^*/\) and were thus classified as alcohol abusers. \(^84/\) The comparison of alcohol abusers by ethnic group is shown in Table 38. Relative to their population sizes, Caucasians (40.6 percent of alcohol abusers) and Hawaiians/part-Hawaiians (19.4 percent) constitute the groups most at risk for alcohol abuse. Table 38 also shows ethnic breakdowns of those alcohol abusers who have received treatment. The needs assessment reports that all demographic groups are "dramatically underserved." The unduplicated treatment admission count for fiscal year 1979-1980 represented only 2.8 percent of the estimated alcohol abusers in need of services. \(^85/\) Comparing their percentage in treatment to their percentage of the alcohol abusing population, the Filipinos, Chinese, Japanese, Hawaiian/part-Hawaiian, and "other" ethnic category groups were especially underserved. Caucasians, on the other hand, were overserved.

Drug Use and Abuse

Compared to the U.S. mainland, the 1979 State Survey revealed the following drug use trends in Hawaii:

- Hawaii has a significantly greater percentage of persons who have used cocaine, hallucinogens, and heroin than the mainland.

\(^*/\) Roughly equivalent to four beers or four wines or 3.5 hard-liquor drinks in the Hawaii Department of Health Study (p. 6).

- The current use of cocaine is significantly greater in Hawaii than on the mainland. \(^86/\)

Ethnic trends for drug use in Hawaii are also summarized:

- Over forty percent of both Caucasians (43.2 percent) and Hawaiians/part-Hawaiians (40.2 percent) have tried marijuana.

- Nearly one out of four Caucasians (22.7 percent) have tried cocaine, while fifteen percent of the Hawaiians/part-Hawaiians have tried it.

- One out of ten Caucasians (10 percent) and thirteen percent of Hawaiians/part-Hawaiians (13.4 percent) have tried inhalants.

- One out of five Caucasians (19.9 percent) and nearly twelve percent (11.8 percent) of Hawaiians/part-Hawaiians have tried hallucinogens.

- Nearly one out of twenty Caucasians (4.6 percent) and Hawaiians/part-Hawaiians (4.9 percent) have tried heroin at least once in their lives.

- Caucasians have the greatest percentages of lifetime use for all non-medical psychotherapeutic drugs, with the exception of the non-medical use of tranquilizers among Portuguese (14.7 percent).

- Nearly one out of ten Caucasians (9.5 percent) and one out of twenty Hawaiians and part-Hawaiians (4.9 percent) and Portuguese (4.5 percent) report current cocaine use.
Approximately one out of five Caucasians (21 percent) and Hawaiians/part-Hawaiians (20.9 percent) are current marijuana users. 87/

Approximately 5.3 percent of Hawaii's general population age 12 and over are drug abusers. 88/ Of these drug abusers, 49.1 percent are Caucasian and 22.3 percent are Hawaiian or part-Hawaiian. As with alcohol abuse, Caucasians and Hawaiians/part-Hawaiians are the groups most at risk for a drug abuse problem, relative to their respective population sizes. (See Table 39 for the ethnic composition of Hawaii's drug-abusing population.)

Table 39 also shows, by ethnic group, the drug abusing population that is receiving treatment. Overall, all drug abusers are underserved since only 1.8 percent of the drug abusers in need of services were in treatment in fiscal year 1979-80. 89/ Comparing their percentage in treatment with their percentage in the drug-abusing population, Caucasians were underserved, while Hawaiians and part-Hawaiians were overserved.

Alcohol and Drug Abuse

Of the 12,163 persons (1.7 percent of Hawaii's general population) who abuse both alcohol and drugs, 49 percent are Caucasians, and 22.8 percent are Hawaiian or part-Hawaiian. Relative to their population size, Caucasians, Hawaiians/part-Hawaiians, and Portuguese are most at risk for an alcohol/drug-abuse problem. 90/ (See Table 40.)

Summary

Birth rates in Hawaii were low in the nineteenth century. The fertility rate could not keep pace with the episodic arrival of epidemics and disease. In 1980, Hawaii's death rate was 5.0, down a little from the 1960-1965 figure of 5.5. The birth rate for the State decreased from 27.3 in 1965 to 18.6 in 1980.

Infant mortality has remained higher for native Hawaiians than for the other groups in Hawaii in the twentieth century, even though it has been steadily declining. In 1963, the infant mortality rate for Hawaiians was 38 and that for part-Hawaiians was 25. The infant death rate of part-Hawaiians remains significantly higher than that of Caucasians, Chinese, Filipinos, and Japanese.

Other statistics show that part-Hawaiians have a birth rate of 23.1, compared to 17.5 for full-Hawaiians and 19.5 for the State. Part-Hawaiians and full-Hawaiians also have a significantly higher rate of illegitimate births than the other ethnic groups.

Native Hawaiians have historically had a lower life expectancy than other groups in Hawaii. This trend continues—in 1970, the native Hawaiian life expectancy was 67.62 years, compared with a total for the State of 74.20 years.

A study published by the State of Hawaii Department of Health examined mortality rates among full-Hawaiians, part-Hawaiians, and all other races in Hawaii from 1910 to 1980. The study concluded that:

- Part-Hawaiians' mortality rates for heart disease were generally higher than the "all races" group except for some years;
- Full-Hawaiians' mortality rates for heart disease were consistently higher than those for either of the other groups;
- Part-Hawaiians and the "all races" group had similar mortality rates for cancer, while
the rate for full-Hawaiians was much higher than that for either of the other groups; and

- The mortality rate for accidents did not differ for part-Hawaiians and the "all races" group, but it was two times higher for the full-Hawaiian group.

Statistics from the Hawaii Tumor Registry show that native Hawaiian men had the highest incidence of stomach and lung cancer for the period from 1973 through 1980, compared to Caucasian, Chinese, Filipino, and Japanese. Native Hawaiian women, compared to these same ethnic groups, had the highest incidence of lung and breast cancer.

The Hawaiian and part-Hawaiian group reports the highest prevalence among ethnic groups of "acute conditions," especially respiratory conditions. For chronic conditions, the prevalence for the native Hawaiians relative to the other groups is high only for asthma, mental and nervous conditions, and bronchitis/emphysema. According to this data, native Hawaiians report the lowest prevalence of cancer (as opposed to incidence), compared to other groups.

For the purposes of the Hawaii State Substance Abuse Survey, Hawaiians and part-Hawaiians accounted for 15.8 percent of the general population of Hawaii. With this number as a comparison, the following data summarizes the findings of the Hawaii substance abuse needs survey:

- Of the total number of estimated substance abusers in Hawaii (103,748 or 14.7 percent of Hawaii's general population), 20.9 percent were Hawaiian or part-Hawaiian.

- Alcohol abusers in Hawaii tend to be older (26 years and above), male, either Caucasian or Hawaiian/part-Hawaiian, married, employed, have more than a high school education, and live in East Honolulu or Central Oahu.

- Hawaiians and part-Hawaiians account for 19.4 percent of alcohol abusers, and only two percent of this group receives treatment.

- Drug abusers tend to be younger (under 26), equally male or female, Caucasian or Hawaiian/part-Hawaiian, single, employed, have more than a high school education, and reside in East Honolulu or Central Oahu.

- Of the total estimated number of drug abusers, 22.3 percent are Hawaiian or part-Hawaiian, and only 3.6 percent of this group receives treatment.

- Abusers of both drugs and alcohol tend to be predominantly male, Caucasian or Hawaiian/part-Hawaiian, equally young or old (26 and over), single, employed, have more than a high school education, and live in East Honolulu or Central Oahu or Maui.

- Hawaiians and part-Hawaiians account for 22.8 percent of the alcohol and drug-abuse population.

I. SOCIO-POLITICAL PROFILE

Inter-marriage

In Hawaii, interracial marriage is recognized in law, and there is no public opposition to it. Although there may be personal and family sentiment against interracial marriage, this is not overriding. As Romanzo Adams notes:
If antagonistic sentiment prevails in some group of less influence and if its members feel free to give expression to such antagonistic sentiment only within the intimate group of like-minded and under conditions that more or less imply that it is confidential, such sentiment may be important in some ways but it is not public sentiment. In Hawaii a man or woman is free to marry out of his or her race so far as public sentiment is concerned. 92/

Adams feels that the large number of interracial marriages in Hawaii is a consequence of this freedom. 93/

Interracial marriage became an acceptable phenomenon in Hawaii very quickly after the arrival of foreigners. There were many factors contributing to this acceptance. First, the Hawaiian family system at the time was not rigidly organized. There was much freedom in interpersonal and sexual relations, except for the ali'i. Little or no ceremony was associated with either marriage or divorce. Marriage to one partner did not prevent marriage to another at the same time. The practice of giving away children to friends or relatives to raise (hanai) further increased the freedom of women. Adams concluded that:

The freedom of the Hawaiian, in relation to marriage was an important factor in the early interracial marriage. Had there been a strictly organized and regulated system among the Hawaiians it would have operated to prevent marriage with foreigners because the foreigners who came to Hawaii could not readily conform to the requirement of such regulations. 94/

Other factors also contributed to this phenomenon. Since Hawaiians had had no contact with outside groups, they were free of an antagonistic bias against them or against marrying them. At first, most interracial marriages were between native women and foreign men. The explanation for this is obvious: The white men who arrived as traders brought no women. Later, when immigrant laborers began to arrive, only the Portuguese required that women accompany the men. Thus, there were disproportionate numbers of males over females for ethnic groups such as the Japanese, Chinese and Filipinos.

Another factor to be considered in this connection was the rapidly declining population of native Hawaiians throughout the nineteenth century. Kings, chiefs, and missionaries alike were concerned, and the government of the kingdom consciously searched for cognate racial groups to strengthen the Hawaiian stock. Interracial marriage was not only accepted, for native Hawaiians it was necessary to save the race. Chart 6 confirms this fact, showing as it does the steadily declining full-Hawaiian population and the rapid increase in the part-Hawaiian population after 1920.

Table 41 shows the percent of marriages for each ethnic group that involved a partner of another ethnic group for the period from 1912 to 1981. The high percentage of such "out-marriages" for native Hawaiians is evident throughout the interval covered by the table.

World War II, with the attendant increase in military personnel, had an important effect on race relations in Hawaii. The large influx of white males brought a form of racial prejudice to Hawaii that had not been prevalent before. Nevertheless, there was an increase in out-marriages, especially of Caucasian males and non-Caucasian females. 95/

The result of this extensive interracial marriage has been the creation of a population of considerable racial and cultural diversity. The extent of racial harmony among groups throughout
Based on his studies, Adams wrote that:

...there is, in Hawaii, an uncommon degree of freedom in relation to interracial marriage and that this freedom is the consequence of the special practices, doctrines and sentiments relating to race that have come out of the historic conditions. The historic situation has favored the development of the mores of racial equality. Because there is no denial of political rights and economic or educational privilege on grounds of race, because racial equality is symbolized, the social code permits of marriage across race lines.

The Commission received comments on the issue of racism in Hawaii that do not coincide with the conclusion of sociologist Romanzo Adams that: "The historic situation has favored the development of the mores of racial equality." Even though race relations do not seem to be the idyll painted by some authors, racial tensions in Hawaii do not seem to be all-pervasive. One writer states, for example, that "while there were many times in the past [that is, in the 1800's] when native Hawaiians felt the pangs of racism, for the most part racism was kept beneath the surface and remained latent." Later on during the Republic of Hawaii (1894-1900), property qualifications and other restrictions for voters would openly discriminate against poor native Hawaiians and all Asiatics in Hawaii (see following section).

Race relations in Hawaii did, however, reach dangerously low levels in the early 1930's with the Massie rape case, which was cited in at least one comment received by the Commission. In 1931, Mrs. Massie, the wife of a young Navy lieutenant, was attacked and allegedly raped by five "dark-skinned youths" near Waikiki. A racially-mixed jury was unable to reach a verdict on her alleged assailants and: "A private report from the Pinkerton Detective Agency to Governor Judd showed subsequently that the woman's story was full of contradictions and that in the opinion of the consultants, an acquittal was absolutely justified." The U.S. Navy did not agree and the "Commandant of the Fourteenth Naval District sent scorching wires to the Secretary of the Navy denouncing the administration of justice in Hawaii." Meanwhile, Mrs. Massie's husband and mother kidnapped one of the accused, a native Hawaiian, and killed him. This time, the jury convicted them. After much agitation on the U.S. mainland and by the military in Hawaii, however, the Governor commuted the 10-year prison sentences of Mrs. Massie's husband and mother to one hour.

The uproar caused by this case was accompanied by "hysterical" Navy reports stating that the enforcement of the law in Hawaii was lax and inefficient and described "dark gangs of prowlers, lusting after white women, Japanese annoyances directed at Navy personnel, and riots caused by fighting between natives and Orientals against whites." As a result, there was strong pressure by the Navy to strip Hawaii of its territorial status, and bills were introduced in Congress to create a commission government in Hawaii in which the Army and Navy would have a voice. None of these bills was passed, but the residents of Hawaii became aware for the first time of their tenuous position as a U.S. territory.

Political Participation

The Monarchy

The evolution of native Hawaiian society from birth-determined chiefs
to constitutional monarchy in the 1840's permitted limited political participation by all of the people for the first time. Although mana (the degree of sacred power and rank) was supplanted by hereditary succession to the throne in 1819, it was not until the Constitution of 1840 that any fundamental changes in the traditional patterns of governance occurred.

The Constitution of 1840 created a two-house legislature based on the British Parliamentary model. The House of Nobles was to be appointed by the King and duplicated the pre-contact Council of Chiefs. The House of Representatives was to be elected from and by adult males who were citizens of the kingdom. (For a more complete description of the Constitution, see below page 158.)

The notion of male suffrage, like the House of Representatives itself, was a Western concept. Women of high royal rank were included in the House of Nobles, but precluded from the democratically-inspired electoral process. In addition, the position of kuhina nui, or premier, became a male function for the first time, after twenty years of hereditary succession by the highest-ranking woman.

As early as the reign of Kamehameha IV (1854-1863), however, there were attempts to change the constitution. The king, and his brother who would succeed him, believed the existing constitution was too far in advance of the needs of the people. The king wanted to centralize more power to the monarch and to limit suffrage.

Both of these goals were accomplished by Kamehameha V (1863-1872) when he abrogated the old constitution and proclaimed a new one in 1864. Universal manhood suffrage was abolished. Property qualifications were instituted for the members of the House of Representatives and property and educational qualifications were instituted for voters. Although Lunalilo, Kamehameha V's successor, successfully petitioned the legislature to repeal the property qualification for voters, education requirements remained.

The Republic of Hawaii

Preparations for establishing the Republic of Hawaii in 1894 placed new restrictions on voters. The first step in adopting a constitution for the Republic was to elect the delegates to a constitutional convention. All voters were required to sign an oath that stated, in part, "...I will support and bear true allegiance to the Provisional Government of the Hawaiian Islands, and will oppose any attempt to reestablish monarchical government in any form in the Hawaiian Islands." 105/ This requirement had the intended effect of disenfranchising almost all the native Hawaiian voters. Another, unexpected effect, however, was the disenfranchisement of many Americans who were afraid that by signing the oath, they would lose their U.S. citizenship. 106/ The result of this disenfranchisement was striking: in 1890 there had been 13,593 registered electors; for the election of delegates to the constitutional convention, there were only 4,477. 107/

The constitutional convention, made up of eighteen elected delegates and nineteen members of the Provisional Government (to ensure "success" of those in favor of a Republic) agreed on a constitution that "was satisfactory to all but the most extreme oligarchs." 108/ Property qualifications were instituted for both voters and members of the legislature. Candidates for the Senate, or upper house, were required to have an income of $1,200 or to own $3,000 in property. Candidates for the lower house, the House of Representatives, had to have an income of $600 or own property worth $1,000. 109/ Requirements for voters were:
An oath pledging the voter would not aid in any attempted restoration of the monarchy;

The ability to read, write, and speak either Hawaiian or English;

To vote for Senators, the voter was required to have $1,500 above all incumbrances, or personal property worth $3,000, or an income of $600 (in all cases, all taxes must have been paid). There were no property qualifications required to vote for members of the House of Representatives.

Another issue the Republic's constitution had to resolve was the question of citizenship. This issue was "rather skillfully" handled to ensure exclusion of all Orientals from the franchise. The constitution stated that all persons born or naturalized in Hawaii were citizens. In addition, the Minister of Interior could grant citizenship to foreigners who had fought for the Provisional Government, without prejudicing the foreigner's native allegiance (an action that would prove to be controversial). For others, in order to be naturalized, a person must have come from a country that had a naturalization treaty with Hawaii (Japan and China did not) and, "as an extra precaution," should be able to speak, read, and write English.

The obvious result of these provisions was to disenfranchise many voters. One historian notes, however, that registration for the first legislative election (although far below pre-Republic levels) showed "great improvement" over the number of voters who had registered for election of delegates to the constitutional convention.

Territory and State

After annexation to the United States and passage of the implementing legislation (the Organic Act) in 1900, the situation changed dramatically. Broad male suffrage was restored in Hawaii for the first time since 1864. All citizens of the Republic automatically became citizens of the Territory of Hawaii and there were no property qualifications for voters or for candidates. Because Oriental immigrants were still excluded from voting due to the definition of citizenship, native Hawaiians could command an absolute majority at the polls.

Royal presence in this new political pattern, especially in partisan party politics, was assured when Prince David Kawananakoa became one of the charter members of the new Hawaii Democratic Party and his younger brother, Prince Jonah Kuhio Kalanianaole, occupied a similar position in the new Hawaii Republican Party. In this way, it was believed that the royal family could maintain a dominant role in island government. Prince Kuhio, for example, served as the Territory's delegate to Congress from 1904 until his death in 1921. The delegate's position, although non-voting in the national legislature, was the highest elective office for which any voters could cast ballots. As a Territory, Hawaii could not vote for the U.S. president or vice president, it had only the one non-voting slot in the U.S. House of Representatives, and its governor and secretary were appointed by the President of the United States.

From 1902 until 1940, the Territory identified voters by "race." Although
native Hawaiians were a numerical minority within the total population, as noted above the exclusion of Asian immigrants who had retained a non-American nationality left native Hawaiians as the dominant ethnic block until just prior to World War II. According to one author: "In every election, Hawaiians and part-Hawaiians comprised more than half of the candidates for office. The Hawaiian voter turnout was always substantially higher than that for other groups..." Table 42 shows the ethnic makeup of registered voters in Hawaii from 1902 to 1940.

The possibility of race-oriented voting patterns has always been present in Hawaii for one group or another. In numerical terms, once native Hawaiians lost the absolute majority of the electorate in 1925, no other ethnic group has ever had the voter strength to win a territorial or statewide election by itself. Writers disagree, however, on the degree to which racial prejudice affects voting trends in Hawaii. Andrew Lind, writing in 1967, states that:

...even in a local election district, where a majority of the voters might be of the candidate's own ethnic group, publicly to solicit support on a racial basis would under Hawaiian conditions be tantamount to committing political suicide. The candidate would draw to himself the wrath of all the other ethnic groups as well as the hostility of the members of his own group in the opposition party.

Others, including some Hawaiians who commented on the Commission's Draft Report, strongly disagree with this benign assessment. Lawrence Fuchs writes that: "In Hawaii, where the tradition of racial aloha and actual widespread intermarriage often prevented overt expressions of racial prejudice, ethnic tensions frequently found their way into the voting booth." To support this, Fuchs reports that interviews with more than three-quarters of the defeated candidates in the 1958 primaries revealed that:

- The overwhelming majority of these men and women attributed their loss to the racial prejudice or pride of other groups constituting a majority of voters in their districts.
- Defeated Chinese, haole, and Hawaiian Democrats often blamed Japanese voters for plunking for their own kind.
- Republican Japanese primary losers complained they could not win haole votes and native Hawaiian Republicans also complained of haole domination of the party.

Fuchs also studied key ethnic precincts and the results of voter surveys. He reports that these results revealed that:

- All major ethnic groups tended to favor their own kind, but that Japanese plunking was far less decisive than frequently claimed, and that other groups— the Chinese, haole, Portuguese, and Hawaiians—plunked at least as extensively as the Japanese.
- Ethnic tensions could readily be inferred from election results in key precincts—candidates did well in those precincts dominated by their own ethnic group.
Strong candidates often did well among all groups, but always best with their own. Weak candidates fared badly everywhere, but showed least weakness among their own kind. 122/

Fuchs does not think that these manifestations of ethnic politics, however, are aberrations in the American political system. Rather, he says that "ethnic claims in politics, far from being un-American, followed the typical American pattern." 123/ Unlike Lind, however, he concludes that ethnic factors play a "significant role" (at least in that election) in Hawaiian politics. 124/

Creation of the Office of Hawaiian Affairs

* separate identification and unique political participation for native Hawaiians was ratified by a majority of the total State electorate in 1978 when key amendments to the State Constitution established the Office of Hawaiian Affairs (OHA). 7. by the terms of the new Article XII:

...Section 5. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following islands have one representative: Oahu, Kauai, Maui, Molokai, and Hawaii. The board shall select a chairperson from its members...

The first OHA election in 1980 was supported by an 80 percent turnout among the more than 55,000 native Hawaiians who had registered to vote in this separate election (see Table 43). More than 100 candidates sought the nine positions on the board of trustees.

Table 44 shows the characteristics of the 1981 Hawaii State Legislature. There were seven part-Hawaiians in the State House of Representatives (14 percent of the total) and three in the State Senate (12 percent of the total).

Summary

The population of the State of Hawaii has considerable racial and cultural diversity. From the earliest times, interracial marriage was accepted by the community. As time went on and as different ethnic groups arrived, such marriages became widespread. Native Hawaiians have among the highest interracial marriage rates.

This racial and ethnic mixture has effects in the political sphere. Since the 1930's no one ethnic group has had an electoral majority, although ethnic factors do play a role in politics in Hawaii.

From the time of annexation until the 1930's, native Hawaiians comprised the largest voting block, with an absolute majority of all voters for much of that time. Voter participation among native Hawaiians was always high.
However, during the Territory period, the highest elective office in Hawaii was the non-voting delegate to the U.S. Congress. The Governor was appointed by the President of the United States.

In 1978, the Office of Hawaiian Affairs was created, which has a board of trustees that is elected only by native Hawaiians. For the first board election in 1980, 31 percent of the total native Hawaiian population registered to vote, 80 percent of those who registered actually voted, and 100 candidates ran for the nine board positions.

The 1981 Hawaii State Legislature consisted of seven part-Hawaiians in the House of Representatives (out of a total of 51), and three in the Senate (out of a total of 25).
### TABLE 1

**TOTAL POPULATION: 1778 to 1850**

<table>
<thead>
<tr>
<th>Date Series</th>
<th>Population A</th>
<th>Population B</th>
</tr>
</thead>
<tbody>
<tr>
<td>1778</td>
<td>300,000</td>
<td>300,000</td>
</tr>
<tr>
<td>1796</td>
<td>280,000</td>
<td>270,000</td>
</tr>
<tr>
<td>1803</td>
<td>266,000</td>
<td>107,954</td>
</tr>
<tr>
<td>1804</td>
<td>280,000</td>
<td>154,000</td>
</tr>
<tr>
<td>1805</td>
<td>152,000</td>
<td></td>
</tr>
<tr>
<td>1819</td>
<td>145,000</td>
<td>144,000</td>
</tr>
<tr>
<td>1823</td>
<td></td>
<td>134,925</td>
</tr>
<tr>
<td>1831-1832</td>
<td>124,449</td>
<td></td>
</tr>
<tr>
<td>1833-1836</td>
<td>107,954</td>
<td></td>
</tr>
<tr>
<td>Jan. 1849</td>
<td>87,063</td>
<td></td>
</tr>
<tr>
<td>Jan. 1850</td>
<td>84,165</td>
<td></td>
</tr>
</tbody>
</table>

* a/ Adam's alternate estimates, here arbitrarily designated A and B.


### TABLE 2

**POPULATION OF HAWAII: 1850 to 1896**

<table>
<thead>
<tr>
<th>Census Date</th>
<th>Population</th>
<th>Annual change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 1850</td>
<td>84,165</td>
<td>...</td>
</tr>
<tr>
<td>Dec. 26, 1853</td>
<td>73,138</td>
<td>-2,771</td>
</tr>
<tr>
<td>Dec. 24, 1860</td>
<td>19,800</td>
<td>-478</td>
</tr>
<tr>
<td>Dec. 7, 1866</td>
<td>1,295</td>
<td>-1,150</td>
</tr>
<tr>
<td>Dec. 27, 1872</td>
<td>56,897</td>
<td>-1,002</td>
</tr>
<tr>
<td>Dec. 27, 1878</td>
<td>47,785</td>
<td>181</td>
</tr>
<tr>
<td>Dec. 27, 1884</td>
<td>40,578</td>
<td>3,766</td>
</tr>
<tr>
<td>Dec. 28, 1890</td>
<td>49,990</td>
<td>1,569</td>
</tr>
<tr>
<td>Dec. 27, 1896</td>
<td>109,020</td>
<td>3,310</td>
</tr>
</tbody>
</table>

* a/ Computed by the formula for continuous compounding.

**Source:** Schmitt, p. 69.

### TABLE 3

**HAWAIIAN POPULATION BY RACE: 1853-1896**

<table>
<thead>
<tr>
<th>Census Year</th>
<th>All Races</th>
<th>Hawaiian (&quot;native&quot;)</th>
<th>Part-Hawaiian (&quot;half-caste&quot;)</th>
<th>Non-Hawaiian (&quot;foreign&quot;)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1853</td>
<td>100.0</td>
<td>95.8</td>
<td>1.3</td>
<td>2.9</td>
</tr>
<tr>
<td>1860 a/</td>
<td>100.0</td>
<td>90.7</td>
<td>2.6</td>
<td>0.4</td>
</tr>
<tr>
<td>1866</td>
<td>100.0</td>
<td>86.2</td>
<td>4.4</td>
<td>0.3</td>
</tr>
<tr>
<td>1872</td>
<td>100.0</td>
<td>76.0</td>
<td>5.9</td>
<td>1.5</td>
</tr>
<tr>
<td>1878</td>
<td>100.0</td>
<td>49.7</td>
<td>5.2</td>
<td>1.5</td>
</tr>
<tr>
<td>1884</td>
<td>100.0</td>
<td>38.3</td>
<td>6.9</td>
<td>1.5</td>
</tr>
<tr>
<td>1890</td>
<td>100.0</td>
<td>28.5</td>
<td>7.8</td>
<td>1.5</td>
</tr>
<tr>
<td>1896</td>
<td>100.0</td>
<td>28.5</td>
<td>7.8</td>
<td>1.5</td>
</tr>
</tbody>
</table>

* a/ Chinese living in Honolulu are included with the native population.

**Source:** Schmitt, p. 74.
### Table 4

**ETHNIC STOCK: 1900 TO 1960**

<table>
<thead>
<tr>
<th>Ethnic Stock</th>
<th>1900a</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
<th>1940</th>
<th>1950</th>
<th>1960b</th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>154,001</td>
<td>191,909</td>
<td>255,912</td>
<td>368,336</td>
<td>423,330</td>
<td>499,769</td>
<td>632,772</td>
</tr>
<tr>
<td>Percent Distribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>19.3</td>
<td>13.6</td>
<td>9.3</td>
<td>6.1</td>
<td>3.4</td>
<td>2.5</td>
<td>1.8</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>5.1</td>
<td>6.5</td>
<td>7.0</td>
<td>7.7</td>
<td>11.8</td>
<td>14.8</td>
<td>14.4</td>
</tr>
<tr>
<td>Caucasian</td>
<td>18.7</td>
<td>23.0</td>
<td>21.4</td>
<td>21.8</td>
<td>26.5</td>
<td>24.9</td>
<td>32.0</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>--</td>
<td>2.5</td>
<td>2.2</td>
<td>1.8</td>
<td>2.0</td>
<td>1.9</td>
<td>--</td>
</tr>
<tr>
<td>Spanish</td>
<td>--</td>
<td>1.0</td>
<td>0.9</td>
<td>0.7</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Portuguese</td>
<td>--</td>
<td>11.6</td>
<td>10.6</td>
<td>7.5</td>
<td>24.5</td>
<td>23.0</td>
<td>--</td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>--</td>
<td>7.7</td>
<td>7.7</td>
<td>12.2</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Chinese</td>
<td>16.7</td>
<td>11.3</td>
<td>9.2</td>
<td>7.4</td>
<td>6.6</td>
<td>6.5</td>
<td>6.0</td>
</tr>
<tr>
<td>Filipino</td>
<td>--</td>
<td>1.2</td>
<td>8.2</td>
<td>17.1</td>
<td>12.4</td>
<td>12.2</td>
<td>10.9</td>
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<tr>
<td>Korean</td>
<td>--</td>
<td>2.4</td>
<td>1.9</td>
<td>1.8</td>
<td>1.6</td>
<td>1.4</td>
<td>--</td>
</tr>
<tr>
<td>Japanese</td>
<td>39.7</td>
<td>41.5</td>
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<td>37.9</td>
<td>37.3</td>
<td>36.9</td>
<td>32.2</td>
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<td>Negro</td>
<td>0.2</td>
<td>0.4</td>
<td>0.1</td>
<td>0.2</td>
<td>0.1</td>
<td>0.5</td>
<td>0.8</td>
</tr>
<tr>
<td>Other Races</td>
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<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
<td>0.3</td>
<td>2.0</td>
</tr>
</tbody>
</table>

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a/ The 1900 Census apparently misclassified many Part-Hawaiians and used ethnic categories not entirely consistent with those of the 1910-1930 enumerations. Romanzo Adams made two separate efforts to adjust these data (see his *The Peoples of Hawaii*, p. 9, and *Interracial Marriage in Hawaii*, p. 8).

b/ A second tabulation of 1960 race statistics, using a different procedure for allocating nonresponse, resulted in significantly different totals for some groups, particularly the Hawaiians.

Source: Schmitt, p. 120; compiled from U.S. decennial census data.

### Table 5

**HAWAII POPULATION BY RACE: 1970 AND 1980**

<table>
<thead>
<tr>
<th></th>
<th>1970</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>No.</td>
</tr>
<tr>
<td>Total</td>
<td>769,913</td>
<td>965,000</td>
</tr>
<tr>
<td>White</td>
<td>298,160</td>
<td>318,608</td>
</tr>
<tr>
<td>Black</td>
<td>7,573</td>
<td>17,352</td>
</tr>
<tr>
<td>Amer. Indian/Aleut</td>
<td>1,126</td>
<td>2,778</td>
</tr>
<tr>
<td>Chinese</td>
<td>52,019</td>
<td>56,267</td>
</tr>
<tr>
<td>Filipino</td>
<td>91,915</td>
<td>133,964</td>
</tr>
<tr>
<td>Japanese</td>
<td>217,307</td>
<td>239,618</td>
</tr>
<tr>
<td>Korean</td>
<td>8,656</td>
<td>17,948</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>6,696</td>
<td>13,459</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>71,375</td>
<td>115,962</td>
</tr>
<tr>
<td>Samoan</td>
<td>14,168</td>
<td>3,459</td>
</tr>
<tr>
<td>Guamanian</td>
<td>1,677</td>
<td>1,168</td>
</tr>
<tr>
<td>Asian Indian</td>
<td>1,677</td>
<td>604</td>
</tr>
<tr>
<td>Other</td>
<td>18,410</td>
<td>42,607</td>
</tr>
</tbody>
</table>

*Includes full and part-Hawaiians. See explanation of U.S. Census data.*

### TABLE 6

**HAWAII POPULATION - 1980**

**BY ETHNIC STOCK**

(Excludes persons in institutions or military barracks, on Niihau, or in Kalawao. Based on a sample survey of 14,407 persons.)

<table>
<thead>
<tr>
<th>Ethnic Stock</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All groups</td>
<td>930,271</td>
<td>100.0</td>
</tr>
<tr>
<td>Unmixed</td>
<td>676,344</td>
<td>72.7</td>
</tr>
<tr>
<td>Caucasian</td>
<td>244,832</td>
<td>26.3</td>
</tr>
<tr>
<td>Japanese</td>
<td>216,176</td>
<td>23.5</td>
</tr>
<tr>
<td>Chinese</td>
<td>47,275</td>
<td>5.1</td>
</tr>
<tr>
<td>Filipino</td>
<td>104,547</td>
<td>11.2</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>9,366</td>
<td>1.0</td>
</tr>
<tr>
<td>Korean</td>
<td>11,803</td>
<td>1.3</td>
</tr>
<tr>
<td>Negro</td>
<td>11,799</td>
<td>1.3</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>6,649</td>
<td>0.7</td>
</tr>
<tr>
<td>Samoan</td>
<td>11,173</td>
<td>1.2</td>
</tr>
<tr>
<td>Other unmixed</td>
<td>10,723</td>
<td>1.2</td>
</tr>
<tr>
<td>Mixed</td>
<td>253,927</td>
<td>27.3</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>166,087</td>
<td>17.9</td>
</tr>
<tr>
<td>Non-Hawaiian</td>
<td>87,840</td>
<td>9.4</td>
</tr>
</tbody>
</table>


### TABLE 7

**MEDIAN AGE BY SEX**

1980

<table>
<thead>
<tr>
<th>Ethnic Stock</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>28.3</td>
<td>27.6</td>
<td>29.1</td>
</tr>
<tr>
<td>White</td>
<td>28.0</td>
<td>27.4</td>
<td>28.7</td>
</tr>
<tr>
<td>Japanese</td>
<td>35.6</td>
<td>34.0</td>
<td>37.2</td>
</tr>
<tr>
<td>Chinese</td>
<td>33.0</td>
<td>32.4</td>
<td>33.6</td>
</tr>
<tr>
<td>Filipino</td>
<td>26.9</td>
<td>27.8</td>
<td>26.0</td>
</tr>
<tr>
<td>Hawaiian 1/</td>
<td>22.6</td>
<td>22.0</td>
<td>23.2</td>
</tr>
</tbody>
</table>

1/ Includes full and part-Hawaiians, see explanation of U.S. Census data.


### TABLE 8

**POPULATION BY ISLAND: 1779 TO 1850**

<table>
<thead>
<tr>
<th>Island</th>
<th>1779</th>
<th>1805</th>
<th>1823</th>
<th>1831-1832</th>
<th>1835-1836</th>
<th>1849</th>
<th>1850</th>
</tr>
</thead>
<tbody>
<tr>
<td>All islands</td>
<td>400,000</td>
<td>300,000</td>
<td>267,200</td>
<td>266,160</td>
<td>422,950</td>
<td>130,313</td>
<td>108,579</td>
</tr>
<tr>
<td>Hawaii</td>
<td>150,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>85,000</td>
<td>45,792</td>
<td>39,364</td>
</tr>
<tr>
<td>Maui</td>
<td>65,400</td>
<td>75,000</td>
<td>40,000</td>
<td>48,000</td>
<td>20,000</td>
<td>8,000</td>
<td>24,199</td>
</tr>
<tr>
<td>Kauai</td>
<td>20,400</td>
<td>3,500</td>
<td>1,000</td>
<td>7,000</td>
<td>2,600</td>
<td>1,600</td>
<td>1,200</td>
</tr>
<tr>
<td>Lanai</td>
<td>36,000</td>
<td>10,000</td>
<td>20,000</td>
<td>25,000</td>
<td>3,500</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Moloka'i</td>
<td>60,000</td>
<td>40,000</td>
<td>40,000</td>
<td>20,000</td>
<td>29,755</td>
<td>27,809</td>
<td>23,145</td>
</tr>
<tr>
<td>Oahu</td>
<td>54,000</td>
<td>30,000</td>
<td>40,000</td>
<td>40,000</td>
<td>10,000</td>
<td>10,977</td>
<td>8,934</td>
</tr>
<tr>
<td>Ni'ihau</td>
<td>10,000</td>
<td>1,000</td>
<td>1,000</td>
<td>4,000</td>
<td>1,000</td>
<td>1,047</td>
<td>993</td>
</tr>
<tr>
<td>Lehua</td>
<td>4,000</td>
<td>200</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Source: Schmitt, p. 42.
### TABLE 9
POPULATION BY GEOGRAPHIC AREAS: 1850 TO 1896

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Hawaii</th>
<th>Maui</th>
<th>Lanai</th>
<th>Molokai</th>
<th>Oahu</th>
<th>Honolulu</th>
<th>Other Oahu</th>
<th>Kauai</th>
<th>Niilau</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>84,165</td>
<td>25,864</td>
<td>21,047</td>
<td>604</td>
<td>3,540</td>
<td>25,440</td>
<td>6,956</td>
<td>714</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1853</td>
<td>73,118</td>
<td>24,450</td>
<td>17,574</td>
<td>600</td>
<td>3,607</td>
<td>19,126</td>
<td>11,455</td>
<td>7,671</td>
<td>6,991</td>
<td>790</td>
</tr>
<tr>
<td>1860</td>
<td>69,800</td>
<td>21,481</td>
<td>16,400</td>
<td>646</td>
<td>2,864</td>
<td>21,275</td>
<td>14,310</td>
<td>6,965</td>
<td>6,487</td>
<td>647</td>
</tr>
<tr>
<td>1866</td>
<td>62,959</td>
<td>19,888</td>
<td>14,035</td>
<td>394</td>
<td>2,290</td>
<td>19,799</td>
<td>13,521</td>
<td>6,278</td>
<td>6,299</td>
<td>325</td>
</tr>
<tr>
<td>1872</td>
<td>56,897</td>
<td>16,001</td>
<td>12,314</td>
<td>348</td>
<td>2,149</td>
<td>20,671</td>
<td>14,852</td>
<td>5,619</td>
<td>4,961</td>
<td>233</td>
</tr>
<tr>
<td>1878</td>
<td>57,985</td>
<td>17,034</td>
<td>12,109</td>
<td>214</td>
<td>2,581</td>
<td>21,275</td>
<td>14,114</td>
<td>6,278</td>
<td>6,299</td>
<td>790</td>
</tr>
<tr>
<td>1884</td>
<td>49,800</td>
<td>21,481</td>
<td>16,400</td>
<td>646</td>
<td>2,864</td>
<td>21,275</td>
<td>14,310</td>
<td>6,965</td>
<td>6,487</td>
<td>647</td>
</tr>
<tr>
<td>1890</td>
<td>41,990</td>
<td>26,754</td>
<td>17,357</td>
<td>2,626</td>
<td>31,194</td>
<td>14,114</td>
<td>6,278</td>
<td>6,299</td>
<td>790</td>
<td>8,935</td>
</tr>
<tr>
<td>1896</td>
<td>109,020</td>
<td>33,285</td>
<td>17,726</td>
<td>105</td>
<td>2,307</td>
<td>40,205</td>
<td>29,920</td>
<td>10,285</td>
<td>15,228</td>
<td>164</td>
</tr>
</tbody>
</table>

a/ Not shown in the official reports, but later given as 14,484 (The New Era and Weekly Argus, Honolulu.)

Source: Schmitt, p. 70. (Changes were made in the table as it appeared in the draft report based on comments received from Robert C. Schmitt.)

### TABLE 10
POPULATION BY ISLAND: 1900 to 1960

<table>
<thead>
<tr>
<th>Island</th>
<th>1900</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
<th>1940</th>
<th>1950</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>All islands</td>
<td>154,001</td>
<td>191,874</td>
<td>255,881</td>
<td>368,300</td>
<td>422,770</td>
<td>499,794</td>
<td>632,723</td>
</tr>
<tr>
<td>Oahu a/</td>
<td>58,504</td>
<td>81,995</td>
<td>123,496</td>
<td>202,887</td>
<td>257,696</td>
<td>351,020</td>
<td>536,409</td>
</tr>
<tr>
<td>Honolulu a/</td>
<td>39,306</td>
<td>52,183</td>
<td>81,820</td>
<td>137,582</td>
<td>179,358</td>
<td>248,034</td>
<td>353,020</td>
</tr>
<tr>
<td>Rest of Oahu</td>
<td>19,198</td>
<td>29,810</td>
<td>41,676</td>
<td>65,305</td>
<td>78,338</td>
<td>104,986</td>
<td>206,115</td>
</tr>
<tr>
<td>Other islands</td>
<td>32,497</td>
<td>53,881</td>
<td>132,185</td>
<td>165,413</td>
<td>165,074</td>
<td>146,774</td>
<td>133,163</td>
</tr>
<tr>
<td>Hawaii</td>
<td>46,491</td>
<td>55,382</td>
<td>64,895</td>
<td>73,125</td>
<td>73,727</td>
<td>68,350</td>
<td>61,332</td>
</tr>
<tr>
<td>Maui</td>
<td>25,416</td>
<td>28,623</td>
<td>36,080</td>
<td>46,756</td>
<td>46,914</td>
<td>40,103</td>
<td>35,717</td>
</tr>
<tr>
<td>Lanai</td>
<td>131</td>
<td>185</td>
<td>2,356</td>
<td>3,720</td>
<td>3,136</td>
<td>2,115</td>
<td>2,115</td>
</tr>
<tr>
<td>Kahoolawe</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Molokai</td>
<td>2,704</td>
<td>1,791</td>
<td>1,784</td>
<td>5,032</td>
<td>5,340</td>
<td>5,280</td>
<td>5,023</td>
</tr>
<tr>
<td>Kauai</td>
<td>20,562</td>
<td>23,744</td>
<td>29,247</td>
<td>35,806</td>
<td>35,616</td>
<td>29,681</td>
<td>27,922</td>
</tr>
<tr>
<td>Niihau</td>
<td>172</td>
<td>208</td>
<td>191</td>
<td>136</td>
<td>182</td>
<td>222</td>
<td>254</td>
</tr>
</tbody>
</table>

Percent of total

| Oahu         | 36.0 | 42.7 | 48.3 | 55.1 | 61.0 | 61.0 | 79.1 |
| Honolulu     | 25.5 | 27.2 | 32.0 | 37.4 | 42.4 | 49.6 | 46.5 |
| Rest of Oahu | 12.5 | 15.5 | 16.3 | 17.7 | 18.5 | 21.0 | 32.6 |
| Other islands| 62.0 | 57.3 | 51.7 | 44.9 | 39.0 | 29.4 | 26.9 |

a/ Data for Island of Oahu and City of Honolulu include minor outlying islands legally part of the City: 19 in 1940 (all in Palmyra), 14 in 1950 (all on French Frigate Shoals), and 15 in 1960 (all on French Frigate Shoals). Excludes Midway, never part of the Territory or State of Hawaii but sometimes reported with Hawaii for census purposes.

### TABLE 11
GEOGRAPHIC DISTRIBUTION

<table>
<thead>
<tr>
<th>Location</th>
<th>Total</th>
<th>Native Hawaiian</th>
<th>% Native Hawaiian of Island's pop.</th>
<th>% of total Native Hawaiian population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>92,900</td>
<td>27,510</td>
<td>33.2</td>
<td>15.7</td>
</tr>
<tr>
<td>Maui</td>
<td>55,380</td>
<td>12,555</td>
<td>22.7</td>
<td>7.2</td>
</tr>
<tr>
<td>Oahu</td>
<td>696,600</td>
<td>123,000</td>
<td>17.7</td>
<td>70.4</td>
</tr>
<tr>
<td>Kauai</td>
<td>35,500</td>
<td>7,206</td>
<td>20.3</td>
<td>4.1</td>
</tr>
<tr>
<td>Molokai</td>
<td>6,860</td>
<td>3,932</td>
<td>57.3</td>
<td>2.2</td>
</tr>
<tr>
<td>Lanai</td>
<td>2,257</td>
<td>587</td>
<td>25.8</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>880,117</td>
<td>174,790</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Labor, Assistant Secretary for Policy, Evaluation and Research, Memorandum to Lloyd Aubry (March 30, 1982). (Data originally compiled by Hawaii Health Surveillance Program, according to comments from Robert C. Schmitt.)

### TABLE 12
PERCENTAGE OF POPULATION OF SCHOOL AGE 50 AND OLDER WHO WERE LITERATE, 1890-1930

<table>
<thead>
<tr>
<th>Age Group</th>
<th>1890</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>88.0</td>
<td>93.0</td>
<td>97.0</td>
<td>96.6</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>91.2</td>
<td>98.6</td>
<td>99.2</td>
<td>99.3</td>
</tr>
<tr>
<td>Portuguese</td>
<td>27.8</td>
<td>74.6</td>
<td>81.1</td>
<td>90.3</td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>85.7</td>
<td>96.5</td>
<td>99.2</td>
<td>99.7</td>
</tr>
<tr>
<td>Chinese</td>
<td>48.5</td>
<td>67.7</td>
<td>79.0</td>
<td>84.3</td>
</tr>
<tr>
<td>Japanese</td>
<td>51.6</td>
<td>65.0</td>
<td>79.2</td>
<td>87.3</td>
</tr>
<tr>
<td>Korean</td>
<td>74.1</td>
<td>82.7</td>
<td>82.4</td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>66.4</td>
<td>53.3</td>
<td>61.5</td>
<td></td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>26.8</td>
<td>53.3</td>
<td>68.0</td>
<td></td>
</tr>
<tr>
<td><strong>Total Population</strong></td>
<td>63.9</td>
<td>73.7</td>
<td>81.1</td>
<td>84.9</td>
</tr>
</tbody>
</table>

Source: Lind, p. 88. (Data for year 1890 omitted since, according to Robert C. Schmitt, they are not comparable to later years because the 1890 data did not take account of literacy in Asian languages, thus understating the rates shown for Chinese and Japanese.)

### TABLE 13
PERCENTAGE OF 16- AND 17-YEAR OLDS ATTENDING SCHOOL 1910-1950

<table>
<thead>
<tr>
<th>Year</th>
<th>1910</th>
<th>1920</th>
<th>1930</th>
<th>1940</th>
<th>1950</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>36.4</td>
<td>41.3</td>
<td>37.0</td>
<td>38.6</td>
<td>78.1</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>58.0</td>
<td>57.5</td>
<td>55.6</td>
<td>50.8</td>
<td></td>
</tr>
<tr>
<td>Caucasian-Hawaiian</td>
<td>59.7</td>
<td>60.2</td>
<td>58.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asiatic-Hawaiian</td>
<td>54.3</td>
<td>51.9</td>
<td>52.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caucasian</td>
<td>25.9</td>
<td>34.0</td>
<td>49.1</td>
<td>58.6</td>
<td>77.4</td>
</tr>
<tr>
<td>Portuguese</td>
<td>15.5</td>
<td>25.8</td>
<td>35.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>61.0</td>
<td>64.0</td>
<td>70.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>57.3</td>
<td>69.1</td>
<td>76.7</td>
<td>88.9</td>
<td>94.1</td>
</tr>
<tr>
<td>Japanese</td>
<td>29.9</td>
<td>35.1</td>
<td>54.3</td>
<td>72.8</td>
<td>94.1</td>
</tr>
<tr>
<td>Filipino</td>
<td>21.7</td>
<td>17.6</td>
<td>24.2</td>
<td>50.2</td>
<td>81.8</td>
</tr>
<tr>
<td>Korean</td>
<td>53.1</td>
<td>65.4</td>
<td>68.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>8.4</td>
<td>9.3</td>
<td>15.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Population</strong></td>
<td>35.9</td>
<td>40.1</td>
<td>51.4</td>
<td>67.1</td>
<td>95.8</td>
</tr>
</tbody>
</table>

Source: Lind, p. 91.
TABLE 14

SCHOOL ENROLLMENT - 1970

<table>
<thead>
<tr>
<th>Total Enrolled, 3 to 34 yrs. old</th>
<th>State</th>
<th>Hawaiians **</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>235,765</td>
<td>24,671</td>
<td>65,590</td>
<td>16,922</td>
<td>30,524</td>
<td>88,110</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percent Enrolled, 3 to 34 yrs. old</th>
<th>State</th>
<th>Hawaiians **</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.4%</td>
<td>55.1%</td>
<td>60.3%</td>
<td>61.6%</td>
<td>54.5%</td>
<td>45.7%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age and Gender</th>
<th>State</th>
<th>Hawaiians **</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 and 4 yrs. old</td>
<td>24.5</td>
<td>24.2</td>
<td>34.8</td>
<td>27.1</td>
<td>15.4</td>
<td>25.2</td>
</tr>
<tr>
<td>5 and 6 yrs. old</td>
<td>87.4</td>
<td>86.4</td>
<td>90.8</td>
<td>85.6</td>
<td>85.7</td>
<td>86.9</td>
</tr>
<tr>
<td>7 to 13 yrs. old</td>
<td>96.7</td>
<td>96.4</td>
<td>97.1</td>
<td>96.3</td>
<td>96.0</td>
<td>97.7</td>
</tr>
<tr>
<td>14 to 17 yrs. old</td>
<td>Male</td>
<td>96.1</td>
<td>90.7</td>
<td>95.8</td>
<td>93.7</td>
<td>91.2</td>
</tr>
<tr>
<td>18 to 24 yrs. old</td>
<td>Female</td>
<td>93.5</td>
<td>91.6</td>
<td>95.8</td>
<td>95.0</td>
<td>93.2</td>
</tr>
<tr>
<td>25 to 34 yrs. old</td>
<td>Male</td>
<td>24.3</td>
<td>21.7</td>
<td>62.9</td>
<td>45.5</td>
<td>24.8</td>
</tr>
<tr>
<td>25 to 34 yrs. old</td>
<td>Female</td>
<td>26.4</td>
<td>20.5</td>
<td>68.2</td>
<td>43.9</td>
<td>23.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percent in Private Schools</th>
<th>State</th>
<th>Hawaiians **</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary (1 to 8 yrs.)</td>
<td>10.8</td>
<td>10.8</td>
<td>7.1</td>
<td>21.0</td>
<td>7.0</td>
<td>12.7</td>
</tr>
<tr>
<td>High School (1 to 4 yrs.)</td>
<td>12.8</td>
<td>14.4</td>
<td>3.6</td>
<td>26.2</td>
<td>5.7</td>
<td>16.9</td>
</tr>
<tr>
<td>Median School Yrs. Completed (25 yrs. and over)</td>
<td>12.3</td>
<td>12.0</td>
<td>12.3</td>
<td>12.4</td>
<td>8.7</td>
<td>12.7</td>
</tr>
<tr>
<td>Percent High School Graduates (25 yrs. and over)</td>
<td>NA</td>
<td>49.7</td>
<td>60.3</td>
<td>66.1</td>
<td>34.4</td>
<td>NA</td>
</tr>
<tr>
<td>Percent Completing 4 or more yrs. of college (25 yrs. and over)</td>
<td>14.0</td>
<td>4.2</td>
<td>10.8</td>
<td>18.0</td>
<td>4.9</td>
<td>21.5</td>
</tr>
</tbody>
</table>

**/ Based on sample.

**/ In 1970 U.S. Census data, the "Hawaiian" category includes full- and part-Hawaiians.

**TABLE 15**

**OCCUPATION:  1866-1896**

<table>
<thead>
<tr>
<th>Sex and census year</th>
<th>Number a/ of pop. over 15</th>
<th>Agriculture b/</th>
<th>Laborers c/</th>
<th>Mechanics</th>
<th>Professional workers d/</th>
<th>Other occupations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both sexes:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1866</td>
<td>...</td>
<td>8,258</td>
<td>5,025</td>
<td>1,146</td>
<td>512</td>
<td>...</td>
</tr>
<tr>
<td>1872</td>
<td>...</td>
<td>9,670</td>
<td>4,772</td>
<td>2,115</td>
<td>582</td>
<td>...</td>
</tr>
<tr>
<td>1878</td>
<td>24,792</td>
<td>8,763</td>
<td>7,871</td>
<td>2,606</td>
<td>5,555</td>
<td></td>
</tr>
<tr>
<td>1890</td>
<td>41,073</td>
<td>5,377</td>
<td>25,466</td>
<td>2,802</td>
<td>638</td>
<td>6,790</td>
</tr>
<tr>
<td>1896</td>
<td>55,294</td>
<td>7,570</td>
<td>34,438</td>
<td>2,265</td>
<td>1,224</td>
<td>9,797</td>
</tr>
</tbody>
</table>

**Male:**

<table>
<thead>
<tr>
<th>Sex and census year</th>
<th>Number a/ of pop. over 15</th>
<th>Agriculture b/</th>
<th>Laborers c/</th>
<th>Mechanics</th>
<th>Professional workers d/</th>
<th>Other occupations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1890</td>
<td>38,930</td>
<td>83.6</td>
<td>5,280</td>
<td>23,863</td>
<td>483</td>
<td>6,614</td>
</tr>
<tr>
<td>1896</td>
<td>51,705</td>
<td>91.0</td>
<td>7,435</td>
<td>32,027</td>
<td>942</td>
<td>9,036</td>
</tr>
</tbody>
</table>

**Female:**

<table>
<thead>
<tr>
<th>Sex and census year</th>
<th>Number a/ of pop. over 15</th>
<th>Agriculture b/</th>
<th>Laborers c/</th>
<th>Mechanics</th>
<th>Professional workers d/</th>
<th>Other occupations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1890</td>
<td>2,143</td>
<td>10.8</td>
<td>97</td>
<td>1,603</td>
<td>155</td>
<td>176</td>
</tr>
<tr>
<td>1896</td>
<td>3,589</td>
<td>16.3</td>
<td>135</td>
<td>2,411</td>
<td>282</td>
<td>761</td>
</tr>
</tbody>
</table>

**TABLE 16**

**GAINFULLY EMPLOYED MALES CLASSIFIED AS PROFESSIONAL, 1896-1960**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>132</td>
<td>126</td>
<td>242</td>
<td>93</td>
<td></td>
<td>1.4</td>
<td>1.6</td>
<td>4.1</td>
<td>3.6</td>
<td></td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>54</td>
<td>71</td>
<td>293</td>
<td>649</td>
<td></td>
<td>4.0</td>
<td>3.1</td>
<td>6.7</td>
<td>6.3</td>
<td></td>
</tr>
<tr>
<td>Portuguese</td>
<td>307</td>
<td>444</td>
<td>1,807</td>
<td>4,232</td>
<td>5,589</td>
<td>7.7</td>
<td>3.1</td>
<td>17.2</td>
<td>16.9</td>
<td>17.9</td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>166</td>
<td>1,563</td>
<td>4,232</td>
<td>5,589</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>300</td>
<td>259</td>
<td>876</td>
<td>1,633</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japanese</td>
<td>88</td>
<td>221</td>
<td>1,204</td>
<td>2,506</td>
<td>5,286</td>
<td>1.8</td>
<td>5.0</td>
<td>3.0</td>
<td>10.7</td>
<td>16.6</td>
</tr>
<tr>
<td>Filipino</td>
<td>268</td>
<td>296</td>
<td>424</td>
<td></td>
<td></td>
<td>2.6</td>
<td>1.2</td>
<td>1.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korean</td>
<td>58</td>
<td>121</td>
<td></td>
<td></td>
<td></td>
<td>2.7</td>
<td>8.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>40</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td>1.1</td>
<td>0.9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Others</td>
<td>13</td>
<td>23</td>
<td>32</td>
<td>138</td>
<td></td>
<td>2.2</td>
<td>4.2</td>
<td>3.7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 781 950 4,119 8,819 14,025 1.5 1.1 3.4 7.3 10.2

*/ Not separately available.

Source: Schmitt, p. 77.

**TABLE 16**

**GAINFULLY EMPLOYED MALES CLASSIFIED AS PROFESSIONAL, 1896-1960**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>132</td>
<td>126</td>
<td>242</td>
<td>93</td>
<td></td>
<td>1.4</td>
<td>1.6</td>
<td>4.1</td>
<td>3.6</td>
<td></td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>54</td>
<td>71</td>
<td>293</td>
<td>649</td>
<td></td>
<td>4.0</td>
<td>3.1</td>
<td>6.7</td>
<td>6.3</td>
<td></td>
</tr>
<tr>
<td>Portuguese</td>
<td>307</td>
<td>444</td>
<td>1,807</td>
<td>4,232</td>
<td>5,589</td>
<td>7.7</td>
<td>3.1</td>
<td>17.2</td>
<td>16.9</td>
<td>17.9</td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>166</td>
<td>1,563</td>
<td>4,232</td>
<td>5,589</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>300</td>
<td>259</td>
<td>876</td>
<td>1,633</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japanese</td>
<td>88</td>
<td>221</td>
<td>1,204</td>
<td>2,506</td>
<td>5,286</td>
<td>1.8</td>
<td>5.0</td>
<td>3.0</td>
<td>10.7</td>
<td>16.6</td>
</tr>
<tr>
<td>Filipino</td>
<td>268</td>
<td>296</td>
<td>424</td>
<td></td>
<td></td>
<td>2.6</td>
<td>1.2</td>
<td>1.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korean</td>
<td>58</td>
<td>121</td>
<td></td>
<td></td>
<td></td>
<td>2.7</td>
<td>8.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>40</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td>1.1</td>
<td>0.9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Others</td>
<td>13</td>
<td>23</td>
<td>32</td>
<td>138</td>
<td></td>
<td>2.2</td>
<td>4.2</td>
<td>3.7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 781 950 4,119 8,819 14,025 1.5 1.1 3.4 7.3 10.2

*/ Not separately available.

Source: Lind, p. 80.
<table>
<thead>
<tr>
<th>Year</th>
<th>All Races</th>
<th>Percent of Total Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Per Cen.</td>
</tr>
<tr>
<td>1940</td>
<td>12,612</td>
<td>10.6</td>
</tr>
<tr>
<td>1950</td>
<td>15,274</td>
<td>12.6</td>
</tr>
<tr>
<td>1960</td>
<td>16,850</td>
<td>12.3</td>
</tr>
<tr>
<td>1940</td>
<td>12,371</td>
<td>10.4</td>
</tr>
<tr>
<td>1950</td>
<td>15,049</td>
<td>12.4</td>
</tr>
<tr>
<td>1960</td>
<td>17,149</td>
<td>12.5</td>
</tr>
<tr>
<td>1940</td>
<td>15,526</td>
<td>13.0</td>
</tr>
<tr>
<td>1950</td>
<td>25,251</td>
<td>20.9</td>
</tr>
<tr>
<td>1960</td>
<td>32,312</td>
<td>23.6</td>
</tr>
<tr>
<td>1940</td>
<td>14,422</td>
<td>12.1</td>
</tr>
<tr>
<td>1950</td>
<td>19,350</td>
<td>16.0</td>
</tr>
<tr>
<td>1960</td>
<td>20,687</td>
<td>15.2</td>
</tr>
<tr>
<td>1940</td>
<td>8,463</td>
<td>7.1</td>
</tr>
<tr>
<td>1950</td>
<td>9,276</td>
<td>7.1</td>
</tr>
<tr>
<td>1960</td>
<td>9,573</td>
<td>7.0</td>
</tr>
</tbody>
</table>

* The major occupational categories used in 1950 are not strictly comparable with those used in 1940, despite an obvious attempt by the census to secure comparability. Corrections have been made for the military population in the 1940 census returns by eliminating "soldiers, sailors, and marines," most of whom were Caucasians.

**Source:** Lind, p. 82.
### TABLE 18

EMPLOYMENT STATUS – HAWAII, 1970 *

<table>
<thead>
<tr>
<th></th>
<th>State</th>
<th>Hawaiian</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male, 16 years old &amp; over</strong></td>
<td>272,726</td>
<td>20,581</td>
<td>75,286</td>
<td>10,224</td>
<td>35,576</td>
<td>112,723</td>
</tr>
<tr>
<td>Labor Force</td>
<td>222,221</td>
<td>15,797</td>
<td>60,026</td>
<td>13,870</td>
<td>27,084</td>
<td>96,899</td>
</tr>
<tr>
<td>Percent of Total</td>
<td>81.5%</td>
<td>76.4%</td>
<td>79.7%</td>
<td>76.1%</td>
<td>76.1%</td>
<td>86.0%</td>
</tr>
<tr>
<td>Civilian labor force</td>
<td>173,961</td>
<td>15,303</td>
<td>59,242</td>
<td>13,603</td>
<td>25,632</td>
<td>54,526</td>
</tr>
<tr>
<td>Employed</td>
<td>169,940</td>
<td>14,651</td>
<td>58,388</td>
<td>13,315</td>
<td>24,912</td>
<td>52,772</td>
</tr>
<tr>
<td>Unemployed</td>
<td>4,421</td>
<td>652</td>
<td>854</td>
<td>288</td>
<td>720</td>
<td>1,754</td>
</tr>
<tr>
<td>Percent of civilian labor force</td>
<td>2.6%</td>
<td>4.3%</td>
<td>1.4%</td>
<td>2.1%</td>
<td>2.8%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Not in labor force</td>
<td>50,505</td>
<td>4,884</td>
<td>15,260</td>
<td>4,020</td>
<td>8,492</td>
<td>15,824</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Hawaiian</th>
<th>Japanese</th>
<th>Chinese</th>
<th>Filipino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Female, 16 years old &amp; over</strong></td>
<td>249,292</td>
<td>22,398</td>
<td>83,780</td>
<td>18,349</td>
<td>24,057</td>
<td>92,382</td>
</tr>
<tr>
<td>Labor Force</td>
<td>122,048</td>
<td>10,730</td>
<td>47,898</td>
<td>9,946</td>
<td>11,497</td>
<td>38,204</td>
</tr>
<tr>
<td>Percent of Total</td>
<td>49.0%</td>
<td>47.9%</td>
<td>57.2%</td>
<td>54.2%</td>
<td>47.8%</td>
<td>41.4%</td>
</tr>
<tr>
<td>Civilian labor force</td>
<td>121,123</td>
<td>10,711</td>
<td>47,852</td>
<td>9,935</td>
<td>11,497</td>
<td>37,419</td>
</tr>
<tr>
<td>Employed</td>
<td>116,136</td>
<td>10,130</td>
<td>46,838</td>
<td>9,761</td>
<td>10,948</td>
<td>35,411</td>
</tr>
<tr>
<td>Unemployed</td>
<td>4,997</td>
<td>562</td>
<td>1,014</td>
<td>174</td>
<td>549</td>
<td>2,008</td>
</tr>
<tr>
<td>Percent of civilian labor force</td>
<td>3.7%</td>
<td>5.2%</td>
<td>2.1%</td>
<td>1.8%</td>
<td>4.8%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Not in labor force</td>
<td>127,244</td>
<td>11,668</td>
<td>35,882</td>
<td>8,403</td>
<td>12,560</td>
<td>54,178</td>
</tr>
</tbody>
</table>

* Data based on 20 percent sample.
** In 1970 U.S. Census data, the "Hawaiian" category includes full- and part-Hawaiians.

### TABLE 19

**NUMBER OF HAWAIIANS AND PART-HAWAIIANS UNEMPLOYED IN THE STATE - 1975**

<table>
<thead>
<tr>
<th></th>
<th>Hawaiian</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Oahu</td>
<td>20</td>
<td>154</td>
<td>2,338</td>
</tr>
<tr>
<td>Hawaii</td>
<td>24</td>
<td>0</td>
<td>322</td>
</tr>
<tr>
<td>Kauai</td>
<td>10</td>
<td>10</td>
<td>31</td>
</tr>
<tr>
<td>Maui</td>
<td>0</td>
<td>7</td>
<td>137</td>
</tr>
<tr>
<td>Molokai/Lanai</td>
<td>26</td>
<td>11</td>
<td>234</td>
</tr>
<tr>
<td>TOTAL</td>
<td>80</td>
<td>182</td>
<td>3,062</td>
</tr>
</tbody>
</table>

**TOTAL MALE & FEMALE:**
- Male: 5,062
- Female: 5,654

**GRAND TOTAL:** 5,916

**STATE WIDE UNEMPLOYMENT RATE:** 11.6%

**Unemployment rate = Number unemployed / No. in labor force**

Unemployment rate for Hawaiians/Part-Hawaiians (1975) = 5,916 / 51,058 = 11.6%

**From 1975 State Data Book.**

<table>
<thead>
<tr>
<th>Income Class</th>
<th>1949</th>
<th>1959</th>
<th>1969</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $999</td>
<td>16.6</td>
<td>11.3</td>
<td>8.5</td>
<td></td>
</tr>
<tr>
<td>$1,000-$1,999</td>
<td>22.3</td>
<td>14.4</td>
<td>10.0</td>
<td></td>
</tr>
<tr>
<td>$2,000-$2,999</td>
<td>27.1</td>
<td>12.2</td>
<td>8.1</td>
<td></td>
</tr>
<tr>
<td>$3,000-$3,999</td>
<td>17.6</td>
<td>16.0</td>
<td>6.4</td>
<td></td>
</tr>
<tr>
<td>$4,000-$4,999</td>
<td>6.9</td>
<td>13.0</td>
<td>6.1</td>
<td></td>
</tr>
<tr>
<td>$5,000-$5,999</td>
<td>5.3</td>
<td>18.0</td>
<td>14.3</td>
<td></td>
</tr>
<tr>
<td>$6,000-$6,999</td>
<td>2.1</td>
<td>8.7</td>
<td>19.6</td>
<td></td>
</tr>
<tr>
<td>$7,000-$7,999</td>
<td>1.8</td>
<td>6.5</td>
<td>26.8</td>
<td></td>
</tr>
<tr>
<td>$10,000 and Over</td>
<td>$2,340</td>
<td>3,717</td>
<td>6,529</td>
<td></td>
</tr>
<tr>
<td>Median Income</td>
<td>$2,340</td>
<td>3,717</td>
<td>6,529</td>
<td></td>
</tr>
</tbody>
</table>

* Males, with income, age 14 and over; 1969 data not entirely comparable with previous U.S. Census data.

** Males, with income, age 16 and over.

TABLE 21
NUMBER OF HAWAIIANS AND PART-HAWAIIANS BELOW POVERTY LEVEL IN THE STATE

<table>
<thead>
<tr>
<th>State</th>
<th>Hawaiian Male</th>
<th>Hawaiian Female</th>
<th>Part-Hawaiian Male</th>
<th>Part-Hawaiian Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>716</td>
<td>838</td>
<td>12,618</td>
<td>14,697</td>
</tr>
<tr>
<td>Hawaii</td>
<td>287</td>
<td>364</td>
<td>3,751</td>
<td>4,466</td>
</tr>
<tr>
<td>Kauai</td>
<td>112</td>
<td>72</td>
<td>414</td>
<td>612</td>
</tr>
<tr>
<td>Maui</td>
<td>74</td>
<td>130</td>
<td>1,236</td>
<td>1,447</td>
</tr>
<tr>
<td>Molokai/Lanai</td>
<td>23</td>
<td>50</td>
<td>291</td>
<td>283</td>
</tr>
<tr>
<td>Total</td>
<td>1,212</td>
<td>1,454</td>
<td>18,312</td>
<td>20,505</td>
</tr>
</tbody>
</table>

Source: 1975 OEO Census Update.

TABLE 22
PERCENT OF NATIVE HAWAIIANS IN EACH WELFARE CATEGORY COMPARED TO PERCENT OF NATIVE HAWAIIANS IN TOTAL POPULATION

<table>
<thead>
<tr>
<th>Welfare Categories</th>
<th>State</th>
<th>AFDC Assistance</th>
<th>Food Stamps</th>
<th>Medical</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Population</td>
<td>964,691</td>
<td>54,819</td>
<td>9,713</td>
<td>41,577</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>115,506</td>
<td>16,878</td>
<td>2,144</td>
<td>6,331</td>
</tr>
<tr>
<td>Percent</td>
<td>12.0</td>
<td>30.8</td>
<td>22.1</td>
<td>15.2</td>
</tr>
<tr>
<td>Total Oahu</td>
<td>762,565</td>
<td>40,101</td>
<td>7,372</td>
<td>28,123</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>80,172</td>
<td>12,302</td>
<td>1,363</td>
<td>3,797</td>
</tr>
<tr>
<td>Percent</td>
<td>10.5</td>
<td>30.7</td>
<td>18.5</td>
<td>13.5</td>
</tr>
<tr>
<td>Total Hawaii</td>
<td>92,053</td>
<td>8,797</td>
<td>1,441</td>
<td>7,864</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>17,774</td>
<td>2,778</td>
<td>451</td>
<td>1,453</td>
</tr>
<tr>
<td>Percent</td>
<td>18.8</td>
<td>33.2</td>
<td>31.7</td>
<td>18.5</td>
</tr>
<tr>
<td>Total Maui</td>
<td>39,082</td>
<td>2,096</td>
<td>347</td>
<td>2,437</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>5,704</td>
<td>525</td>
<td>110</td>
<td>276</td>
</tr>
<tr>
<td>Percent</td>
<td>14.6</td>
<td>25.0</td>
<td>31.7</td>
<td>11.3</td>
</tr>
<tr>
<td>Msaua</td>
<td>5,704</td>
<td>525</td>
<td>110</td>
<td>276</td>
</tr>
</tbody>
</table>

TABLE 23
POPULATION AND ARRESTS AS A PERCENTAGE OF ETHNIC STOCK, STATE OF HAWAII, 1981

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Population</th>
<th>Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Caucasian</td>
<td>318,770</td>
<td>33.0</td>
</tr>
<tr>
<td>Black</td>
<td>17,364</td>
<td>1.8</td>
</tr>
<tr>
<td>Indian</td>
<td>2,655</td>
<td>.3</td>
</tr>
<tr>
<td>Chinese</td>
<td>56,285</td>
<td>5.8</td>
</tr>
<tr>
<td>Japanese</td>
<td>239,748</td>
<td>24.9</td>
</tr>
<tr>
<td>Filipino</td>
<td>113,940</td>
<td>13.9</td>
</tr>
<tr>
<td>Samoan</td>
<td>14,073</td>
<td>1.5</td>
</tr>
<tr>
<td>Korean</td>
<td>17,962</td>
<td>1.9</td>
</tr>
<tr>
<td>Hawaiian/Part-Hawaiian</td>
<td>115,500</td>
<td>12.0</td>
</tr>
<tr>
<td>Other</td>
<td>48,394</td>
<td>5.0</td>
</tr>
<tr>
<td>Total</td>
<td>964,691</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Percentages may not total 100 due to rounding.


TABLE 24
POPULATION AND ARRESTS AS A PERCENTAGE OF ETHNIC STOCK, STATE OF HAWAII, 1981
(USING STATE OF HAWAII POPULATION FIGURES)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Population</th>
<th>Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Caucasian</td>
<td>238,004</td>
<td>25.0</td>
</tr>
<tr>
<td>Japanese</td>
<td>199,000</td>
<td>21.5</td>
</tr>
<tr>
<td>Hawaiian/Part-Hawaiian</td>
<td>218,170</td>
<td>23.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>194,000</td>
<td>21.0</td>
</tr>
<tr>
<td>Chinese</td>
<td>152,000</td>
<td>16.5</td>
</tr>
<tr>
<td>Korean</td>
<td>102,000</td>
<td>11.0</td>
</tr>
<tr>
<td>Black</td>
<td>91,000</td>
<td>10.0</td>
</tr>
<tr>
<td>Samoan</td>
<td>81,000</td>
<td>8.7</td>
</tr>
</tbody>
</table>

Percentages may not total 100 due to rounding.

1/ Population figures from State of Hawaii, Department of Planning and Economic Development.

### TABLE 25
OFFENSE BY RACE OF ADULTS ARRESTED, STATE OF HAWAII, 1981
(_PERCENT)

<table>
<thead>
<tr>
<th>RACE</th>
<th>MAN-AGGRAVATED</th>
<th>LARCENY-THEFT</th>
<th>ROBBERY</th>
<th>RAPE</th>
<th>DRUG ABUSE</th>
<th>GAMBLING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MURDER</td>
<td>SLAUGHTER</td>
<td>THEFT</td>
<td>Slaughter</td>
<td>THEFT</td>
<td>THEFT</td>
</tr>
<tr>
<td>Caucasian</td>
<td>31.4</td>
<td>37.5</td>
<td>34.7</td>
<td>31.7</td>
<td>29.8</td>
<td>37.5</td>
</tr>
<tr>
<td>Black</td>
<td>4.0</td>
<td>6.3</td>
<td>11.8</td>
<td>8.2</td>
<td>8.5</td>
<td>3.8</td>
</tr>
<tr>
<td>Indian</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>0.4</td>
<td>--</td>
</tr>
<tr>
<td>Chinese</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1.6</td>
<td>0.7</td>
<td>1.9</td>
</tr>
<tr>
<td>Japanese</td>
<td>4.0</td>
<td>25.0</td>
<td>2.8</td>
<td>7.4</td>
<td>8.1</td>
<td>6.6</td>
</tr>
<tr>
<td>Filipino</td>
<td>13.7</td>
<td>--</td>
<td>4.9</td>
<td>3.7</td>
<td>15.1</td>
<td>8.8</td>
</tr>
<tr>
<td>Part Hawaiian</td>
<td>21.6</td>
<td>6.3</td>
<td>21.5</td>
<td>24.5</td>
<td>21.0</td>
<td>27.3</td>
</tr>
<tr>
<td>Korean</td>
<td>--</td>
<td>--</td>
<td>1.4</td>
<td>0.4</td>
<td>2.2</td>
<td>0.1</td>
</tr>
<tr>
<td>Samoan</td>
<td>15.7</td>
<td>12.5</td>
<td>6.9</td>
<td>10.5</td>
<td>3.7</td>
<td>3.6</td>
</tr>
<tr>
<td>Other</td>
<td>9.8</td>
<td>6.3</td>
<td>16.0</td>
<td>12.1</td>
<td>20.7</td>
<td>8.8</td>
</tr>
<tr>
<td>Total */</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total No.</td>
<td>51</td>
<td>16</td>
<td>144</td>
<td>514</td>
<td>272</td>
<td>770</td>
</tr>
</tbody>
</table>

* Percentages may not add to 100, due to rounding.


### TABLE 26
OFFENSE BY RACE OF JUVENILES ARRESTED, STATE OF HAWAII, 1981
(_PERCENT)

<table>
<thead>
<tr>
<th>RACE</th>
<th>MURDER</th>
<th>BURGLARY</th>
<th>LARCENY- THEFT</th>
<th>MOTOR VEH- THEFT</th>
<th>OTHER</th>
<th>ASSAULT</th>
<th>VANDALISM</th>
<th>DRUG ABUSE</th>
<th>RUNAWAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MURDER</td>
<td>BURGLARY</td>
<td>LARCENY-</td>
<td>MOTOR VEH-</td>
<td>OTHER</td>
<td>ASSAULT</td>
<td>VANDALISM</td>
<td>DRUG ABUSE</td>
<td>RUNAWAYS</td>
</tr>
<tr>
<td>Caucasian</td>
<td>8.0</td>
<td>19.5</td>
<td>17.1</td>
<td>12.9</td>
<td>11.8</td>
<td>18.8</td>
<td>30.0</td>
<td>21.4</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>1.2</td>
<td>0.7</td>
<td>1.4</td>
<td>0.8</td>
<td>1.1</td>
<td>0.9</td>
<td>0.5</td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>Indian</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>--</td>
<td>--</td>
<td>1.2</td>
<td>--</td>
<td>0.2</td>
<td>0.4</td>
<td>0.3</td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>Japanese</td>
<td>2.5</td>
<td>2.6</td>
<td>6.8</td>
<td>3.8</td>
<td>3.6</td>
<td>5.4</td>
<td>6.5</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>6.8</td>
<td>7.8</td>
<td>15.7</td>
<td>8.1</td>
<td>9.3</td>
<td>11.3</td>
<td>9.2</td>
<td>5.7</td>
<td></td>
</tr>
<tr>
<td>Hawaiian/Fart-Hawaiian</td>
<td>38.9</td>
<td>42.3</td>
<td>32.1</td>
<td>52.8</td>
<td>41.7</td>
<td>36.8</td>
<td>33.4</td>
<td>44.5</td>
<td></td>
</tr>
<tr>
<td>Korean</td>
<td>--</td>
<td>0.7</td>
<td>1.5</td>
<td>0.8</td>
<td>2.6</td>
<td>--</td>
<td>0.7</td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td>Samoan</td>
<td>24.7</td>
<td>6.9</td>
<td>6.1</td>
<td>4.9</td>
<td>7.5</td>
<td>7.1</td>
<td>1.0</td>
<td>3.1</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>17.9</td>
<td>19.4</td>
<td>18.1</td>
<td>15.9</td>
<td>20.2</td>
<td>19.2</td>
<td>18.8</td>
<td>21.0</td>
<td></td>
</tr>
<tr>
<td>Total */</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Total No.</td>
<td>162</td>
<td>95</td>
<td>3,137</td>
<td>371</td>
<td>549</td>
<td>239</td>
<td>601</td>
<td>1,070</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages may not total 100, due to rounding.

**TABLE 27**

CRUDE BIRTH AND DEATH RATES, 1848 TO 1965

(Place of occurrence basis. Not adjusted for underregistration, thought to be extensive in many of these years. Because of doubtful accuracy, the data before 1910 should be used with utmost caution.)

<table>
<thead>
<tr>
<th>Period</th>
<th>Birth Rate a/</th>
<th>Death Rate a/</th>
</tr>
</thead>
<tbody>
<tr>
<td>1848-1859</td>
<td>21.3</td>
<td>45.8</td>
</tr>
<tr>
<td>1860-1869</td>
<td>27.1</td>
<td>40.8</td>
</tr>
<tr>
<td>1870-1879</td>
<td>41.0</td>
<td>51.4</td>
</tr>
<tr>
<td>1880-1889</td>
<td>23.6</td>
<td>25.3</td>
</tr>
<tr>
<td>1890-1899 b/</td>
<td></td>
<td>26.4</td>
</tr>
<tr>
<td>1900-1909</td>
<td>16.6</td>
<td>16.6</td>
</tr>
<tr>
<td>1910-1919</td>
<td>31.3</td>
<td>16.3</td>
</tr>
<tr>
<td>1920-1929</td>
<td>39.5</td>
<td>14.4</td>
</tr>
<tr>
<td>1930-1939</td>
<td>26.2</td>
<td>9.6</td>
</tr>
<tr>
<td>1940-1949</td>
<td>26.6</td>
<td>6.8</td>
</tr>
<tr>
<td>1950-1959</td>
<td>31.8</td>
<td>6.1</td>
</tr>
<tr>
<td>1960-1965</td>
<td>27.3</td>
<td>5.5</td>
</tr>
</tbody>
</table>

a/ Annual events per 1,000 population computed as average of annual rates for period. Population base excludes armed forces after 1897. Residence basis to 1950; de facto basis thereafter.

b/ City of Honolulu only.

Source: Schmitt, p. 164.

**TABLE 28**

DEATHS UNDER ONE YEAR OF AGE PER THOUSAND BIRTHS, 1924-1980

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All Races</td>
<td>119</td>
<td>91</td>
<td>50</td>
<td>24</td>
<td>22</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>285</td>
<td>198</td>
<td>129</td>
<td>62</td>
<td>60</td>
<td>38</td>
<td>65</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>96</td>
<td>109</td>
<td>57</td>
<td>26</td>
<td>24</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Portuguese</td>
<td>100</td>
<td>64</td>
<td>39</td>
<td>24</td>
<td>20</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>Other Caucasian</td>
<td>44</td>
<td>49</td>
<td>39</td>
<td>24</td>
<td>20</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>Chinese</td>
<td>64</td>
<td>55</td>
<td>40</td>
<td>26</td>
<td>24</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Japanese</td>
<td>88</td>
<td>57</td>
<td>34</td>
<td>18</td>
<td>22</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>Korean</td>
<td>70</td>
<td>51</td>
<td>36</td>
<td>19</td>
<td>29</td>
<td>26</td>
<td>16</td>
</tr>
<tr>
<td>Filipino</td>
<td>296</td>
<td>219</td>
<td>73</td>
<td>31</td>
<td>25</td>
<td>22</td>
<td>16</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>110</td>
<td>99</td>
<td>67</td>
<td>26</td>
<td>24</td>
<td>13</td>
<td>12</td>
</tr>
</tbody>
</table>


**TABLE 29**

RESIDENT INFANT DEATHS BY RACE OF MOTHER 1977-1981

| Race of Mother | Births | Deaths | Rate /-
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>67,463</td>
<td>922</td>
<td>10.5 +/- 0.7</td>
</tr>
<tr>
<td>Caucasian</td>
<td>26,664</td>
<td>236</td>
<td>8.9 +/- 1.1</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>70</td>
<td>7</td>
<td>9.9 +/- 7.3</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>18,600</td>
<td>256</td>
<td>13.8 +/- 1.7</td>
</tr>
<tr>
<td>Chinese</td>
<td>3,285</td>
<td>23</td>
<td>7.0 +/- 0.9</td>
</tr>
<tr>
<td>Filipino</td>
<td>14,954</td>
<td>137</td>
<td>9.2 +/- 1.4</td>
</tr>
<tr>
<td>Japanese</td>
<td>12,688</td>
<td>112</td>
<td>8.8 +/- 1.6</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>1,066</td>
<td>6</td>
<td>7.5 +/- 5.2</td>
</tr>
<tr>
<td>Korean</td>
<td>1,775</td>
<td>20</td>
<td>11.3 +/- 4.9</td>
</tr>
<tr>
<td>Portuguese</td>
<td>715</td>
<td>6</td>
<td>8.2 +/- 5.5</td>
</tr>
</tbody>
</table>

a/ Number of infant deaths per 1,000 live births +/- 95% confidence limits.


**TABLE 30**

CHARACTERISTICS OF BIRTHS BY RACE OF MOTHER HAWAII RESIDENTS 1980

<table>
<thead>
<tr>
<th>Race of Mother</th>
<th>Rate Per Sex</th>
<th>Rate Illegal-Births</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1000 Pop.</td>
<td>Males/Females</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
<td>Rate</td>
</tr>
<tr>
<td>Total</td>
<td>18,129</td>
<td>19.5</td>
</tr>
<tr>
<td>Caucasian</td>
<td>5,059</td>
<td>24.0</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>163</td>
<td>17.5</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>3,109</td>
<td>21.1</td>
</tr>
<tr>
<td>Japanese</td>
<td>2,635</td>
<td>5.0</td>
</tr>
<tr>
<td>Chinese</td>
<td>704</td>
<td>14.9</td>
</tr>
<tr>
<td>Filipino</td>
<td>3,042</td>
<td>29.1</td>
</tr>
</tbody>
</table>

1/ All data Department of Health Statistical Supplement 1980.
2/ Based on population totals from State of Hawaii Data Book 1981.
3/ Males divided by females.
4/ Number of illegitimate births per 1000 live births.

### TABLE 31
ESTIMATED LIFE EXPECTANCY AT BIRTH, BY ETHNIC GROUP, 1910-1970

<table>
<thead>
<tr>
<th>YEAR</th>
<th>CAUCASIAN</th>
<th>CHINESE</th>
<th>FILIPINO</th>
<th>HAWAIIAN</th>
<th>JAPANESE</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>54.83</td>
<td>54.17</td>
<td>n/a</td>
<td>32.58</td>
<td>49.34</td>
<td>15.62</td>
<td>43.96</td>
</tr>
<tr>
<td>1920</td>
<td>56.45</td>
<td>53.87</td>
<td>28.12</td>
<td>33.56</td>
<td>50.54</td>
<td>28.38</td>
<td>45.69</td>
</tr>
<tr>
<td>1930</td>
<td>61.90</td>
<td>60.07</td>
<td>46.14</td>
<td>41.87</td>
<td>60.07</td>
<td>32.58</td>
<td>53.95</td>
</tr>
<tr>
<td>1940</td>
<td>64.03</td>
<td>65.32</td>
<td>50.85</td>
<td>51.78</td>
<td>66.28</td>
<td>59.48</td>
<td>62.00</td>
</tr>
<tr>
<td>1950</td>
<td>69.21</td>
<td>69.74</td>
<td>69.05</td>
<td>62.45</td>
<td>72.58</td>
<td>68.29</td>
<td>69.53</td>
</tr>
<tr>
<td>1960</td>
<td>72.80</td>
<td>74.12</td>
<td>71.53</td>
<td>64.60</td>
<td>76.84</td>
<td>76.74</td>
<td>72.42</td>
</tr>
<tr>
<td>1970</td>
<td>73.24</td>
<td>76.11</td>
<td>72.61</td>
<td>67.62</td>
<td>77.44</td>
<td>76.74</td>
<td>74.20</td>
</tr>
</tbody>
</table>


### TABLE 32
LEADING CAUSES OF DEATH: 1920 TO 1980

<table>
<thead>
<tr>
<th>Cause of Death</th>
<th>Percent distribution</th>
<th>Rate per 100,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>All causes b/</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Influenza and pneumonia</td>
<td>32.3</td>
<td>12.6</td>
</tr>
<tr>
<td>Tuberculosis (all forms)</td>
<td>11.5</td>
<td>9.8</td>
</tr>
<tr>
<td>Diarrhea and enteritis</td>
<td>9.6</td>
<td>8.6</td>
</tr>
<tr>
<td>Diseases of early infancy</td>
<td>5.4</td>
<td>6.6</td>
</tr>
<tr>
<td>Heart disease</td>
<td>4.8</td>
<td>11.7</td>
</tr>
<tr>
<td>Accidents (all forms)</td>
<td>4.8</td>
<td>7.0</td>
</tr>
<tr>
<td>Nephritis and nephrosis</td>
<td>3.9</td>
<td>6.2</td>
</tr>
<tr>
<td>Cancer and other malignant neoplasms</td>
<td>3.1</td>
<td>5.8</td>
</tr>
<tr>
<td>Cardiac hernia</td>
<td>3.0</td>
<td>4.7</td>
</tr>
<tr>
<td>Deliveries and complications of pregnancy</td>
<td>1.9</td>
<td>1.7</td>
</tr>
<tr>
<td>Suicide</td>
<td>1.2</td>
<td>1.7</td>
</tr>
<tr>
<td>Somatici</td>
<td>1.2</td>
<td>1.6</td>
</tr>
<tr>
<td>Congenital malformations</td>
<td>0.8</td>
<td>1.1</td>
</tr>
<tr>
<td>Diabetes mellitus</td>
<td>0.4</td>
<td>1.1</td>
</tr>
</tbody>
</table>

/ All data include armed forces.
/ Including causes not shown separately.

### Table 33
**Leading Causes of Death in Hawaii Residents by Race 1980**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Caucasian</th>
<th>Chinese</th>
<th>Filipino</th>
<th>Hawaiian</th>
<th>Japanese</th>
<th>Other &amp; Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diseases of Heart</td>
<td>163</td>
<td>227</td>
<td>144</td>
<td>62</td>
<td>179</td>
<td></td>
</tr>
<tr>
<td>Cancer</td>
<td>130</td>
<td>123</td>
<td>85</td>
<td>113</td>
<td>138</td>
<td></td>
</tr>
<tr>
<td>Cardiovascular Disease</td>
<td>39</td>
<td>40</td>
<td>40</td>
<td>27</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td>All accidents</td>
<td>40</td>
<td>27</td>
<td>38</td>
<td>41</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Influenza/pneumonia</td>
<td>15</td>
<td>17</td>
<td>20</td>
<td>10</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Diabetes mellitus</td>
<td>10</td>
<td>27</td>
<td>10</td>
<td>21</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Suicide</td>
<td>18</td>
<td>5</td>
<td>4</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Perinatal conditions</td>
<td>10</td>
<td>3</td>
<td>15</td>
<td>15</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Cirrhosis of liver</td>
<td>17</td>
<td>5</td>
<td>7</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td>11</td>
<td>3</td>
<td>6</td>
<td>10</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

* Rates based on estimated population per 100,000 (1980 Census).

**Source:** Unpublished tables from Department of Health Research and Statistics Office supplied by Dr. Thomas Burch.

### Table 34
**Age Standardized Incidence of Cancer by Race Hawaii 1973-1980**

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>prostate</td>
<td>stomach</td>
</tr>
<tr>
<td>Caucasian</td>
<td>59.5</td>
<td>11.5</td>
</tr>
<tr>
<td>Chinese</td>
<td>27.1</td>
<td>12.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>30.2</td>
<td>7.7</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>38.3</td>
<td>40.2</td>
</tr>
<tr>
<td>Japanese</td>
<td>30.8</td>
<td>30.1</td>
</tr>
</tbody>
</table>

**Source:** Hawaii Tumor Registry, unpublished data supplied by Dr. Thomas Burch, Hawaii State Department of Health.

Incidence rate per 100,000 population.


### Table 35
**Number of Acute Conditions per 100 Persons per Year by Ethnicity, 1980**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Caucasian</th>
<th>Japanese</th>
<th>Hawaiian</th>
<th>Filipino</th>
<th>Chinese</th>
<th>Other &amp; Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Acute Conditions</td>
<td>193.2</td>
<td>121.8</td>
<td>200.4</td>
<td>123.8</td>
<td>104.3</td>
<td>212.4</td>
</tr>
<tr>
<td>Infective Parasitic Diseases</td>
<td>15.5</td>
<td>3.0</td>
<td>8.1</td>
<td>8.2</td>
<td>11.9</td>
<td>15.7</td>
</tr>
<tr>
<td>Respiratory Condition</td>
<td>118.4</td>
<td>88.0</td>
<td>150.0</td>
<td>90.8</td>
<td>56.3</td>
<td>138.4</td>
</tr>
<tr>
<td>Upper Respiratory</td>
<td>72.9</td>
<td>71.1</td>
<td>110.0</td>
<td>58.2</td>
<td>44.7</td>
<td>96.7</td>
</tr>
<tr>
<td>Influenza</td>
<td>40.2</td>
<td>13.8</td>
<td>39.0</td>
<td>30.3</td>
<td>9.5</td>
<td>35.7</td>
</tr>
<tr>
<td>Other Respiratory Condition</td>
<td>5.2</td>
<td>3.1</td>
<td>1.1</td>
<td>2.2</td>
<td>2.1</td>
<td>5.9</td>
</tr>
<tr>
<td>Digestive System Condition</td>
<td>3.6</td>
<td>3.0</td>
<td>4.3</td>
<td>3.4</td>
<td>---</td>
<td>2.4</td>
</tr>
<tr>
<td>Injuries</td>
<td>31.6</td>
<td>16.8</td>
<td>18.4</td>
<td>10.8</td>
<td>15.9</td>
<td>22.4</td>
</tr>
<tr>
<td>All Other Acute Conditions</td>
<td>24.1</td>
<td>12.8</td>
<td>19.6</td>
<td>10.6</td>
<td>20.2</td>
<td>33.6</td>
</tr>
</tbody>
</table>

**Source:** Hawaii State Department of Health, Statistical Supplement, 1980, p. 71.
### TABLE 36

**NUMBER OF CHRONIC CONDITIONS PER 1,000 PERSONS PER YEAR BY ETHNICITY, 1980**

<table>
<thead>
<tr>
<th>SELECTED CHRONIC CONDITION</th>
<th>CAUCASIAN</th>
<th>JAPANESE</th>
<th>HAWAIIAN</th>
<th>FILIPINO</th>
<th>CHINESE</th>
<th>OTHER &amp; UNKNOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heart Condition</td>
<td>25.4</td>
<td>22.0</td>
<td>17.6</td>
<td>17.2</td>
<td>27.6</td>
<td>10.6</td>
</tr>
<tr>
<td>Impairments of Back or Spine</td>
<td>40.9</td>
<td>36.3</td>
<td>28.4</td>
<td>17.2</td>
<td>31.1</td>
<td>28.4</td>
</tr>
<tr>
<td>Hypertension without Heart Involvement</td>
<td>61.3</td>
<td>119.3</td>
<td>58.1</td>
<td>74.3</td>
<td>155.4</td>
<td>38.3</td>
</tr>
<tr>
<td>Arthritis/Rheumatism</td>
<td>45.1</td>
<td>35.7</td>
<td>12.1</td>
<td>19.5</td>
<td>24.0</td>
<td>12.4</td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>39.1</td>
<td>35.9</td>
<td>19.7</td>
<td>16.0</td>
<td>19.4</td>
<td>6.5</td>
</tr>
<tr>
<td>Asthma, with or without Hayfever</td>
<td>24.7</td>
<td>20.2</td>
<td>50.8</td>
<td>26.9</td>
<td>17.6</td>
<td>33.6</td>
</tr>
<tr>
<td>Diabetes</td>
<td>14.9</td>
<td>36.4</td>
<td>25.4</td>
<td>19.8</td>
<td>27.9</td>
<td>13.9</td>
</tr>
<tr>
<td>Mental and Nervous Condition</td>
<td>16.8</td>
<td>4.7</td>
<td>5.7</td>
<td>4.7</td>
<td>4.2</td>
<td>13.5</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>11.8</td>
<td>17.0</td>
<td>11.6</td>
<td>7.6</td>
<td>16.3</td>
<td>5.1</td>
</tr>
<tr>
<td>Malignant Neoplasms</td>
<td>10.6</td>
<td>5.1</td>
<td>2.6</td>
<td>4.0</td>
<td>6.2</td>
<td>4.2</td>
</tr>
<tr>
<td>Chronic &amp; Allergic Skin Conditions</td>
<td>28.1</td>
<td>17.0</td>
<td>15.4</td>
<td>9.1</td>
<td>22.7</td>
<td>15.8</td>
</tr>
<tr>
<td>Chronic Sinusitis</td>
<td>37.6</td>
<td>15.3</td>
<td>13.0</td>
<td>8.8</td>
<td>20.9</td>
<td>17.6</td>
</tr>
<tr>
<td>Hayfever without Asthma</td>
<td>80.8</td>
<td>57.0</td>
<td>41.4</td>
<td>21.9</td>
<td>72.7</td>
<td>35.7</td>
</tr>
<tr>
<td>Stomach Ulcer</td>
<td>9.1</td>
<td>8.5</td>
<td>4.3</td>
<td>13.6</td>
<td>8.0</td>
<td>6.3</td>
</tr>
<tr>
<td>Bronchitis/Emphysema</td>
<td>15.3</td>
<td>4.1</td>
<td>11.8</td>
<td>7.0</td>
<td>9.4</td>
<td>12.6</td>
</tr>
<tr>
<td>Benign &amp; Unspecified Neoplasms</td>
<td>6.4</td>
<td>9.2</td>
<td>3.9</td>
<td>3.6</td>
<td>11.0</td>
<td>2.4</td>
</tr>
<tr>
<td>Hemorrhoids</td>
<td>22.4</td>
<td>13.8</td>
<td>11.4</td>
<td>7.5</td>
<td>23.1</td>
<td>12.0</td>
</tr>
<tr>
<td>Thyroid/Goiter</td>
<td>8.1</td>
<td>5.6</td>
<td>4.2</td>
<td>4.0</td>
<td>7.6</td>
<td>5.0</td>
</tr>
<tr>
<td>Varicose Veins</td>
<td>3.7</td>
<td>5.0</td>
<td>2.6</td>
<td>1.1</td>
<td>5.2</td>
<td>4.0</td>
</tr>
<tr>
<td>Gout</td>
<td>6.4</td>
<td>13.7</td>
<td>13.2</td>
<td>17.3</td>
<td>18.6</td>
<td>2.5</td>
</tr>
</tbody>
</table>


### TABLE 37

**LIFETIME PREVALENCE AND CURRENT USE OF ALCOHOL BY ETHNICITY**

<table>
<thead>
<tr>
<th>GROUPS</th>
<th>LIFETIME USE %</th>
<th>CURRENT USERS %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>91.4</td>
<td>77.7</td>
</tr>
<tr>
<td>Chinese</td>
<td>74.5</td>
<td>40.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>52.8</td>
<td>36.1</td>
</tr>
<tr>
<td>Hawaiian/Filipino/Hawaiian/Portuguese</td>
<td>80.8</td>
<td>52.8</td>
</tr>
</tbody>
</table>

### Table 39

**Drug Abusers and Drug Treatment Population by Ethnicity**

<table>
<thead>
<tr>
<th>Group</th>
<th>% of Abusers</th>
<th>% of Drug Abusing</th>
<th>% of Drug Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>5.5</td>
<td>2.9</td>
<td>4.6</td>
</tr>
<tr>
<td>Chinese</td>
<td>2.4</td>
<td>2.6</td>
<td>2.4</td>
</tr>
<tr>
<td>Caucasian</td>
<td>49.1</td>
<td>9.5</td>
<td>24.6</td>
</tr>
<tr>
<td>Japanese</td>
<td>5.7</td>
<td>1.3</td>
<td>7.1</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>22.3</td>
<td>7.6</td>
<td>44.4</td>
</tr>
<tr>
<td>Portuguese</td>
<td>2.4</td>
<td>6.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Other</td>
<td>12.0</td>
<td>4.1</td>
<td>14.0</td>
</tr>
</tbody>
</table>


### Table 40

**Ethnicity of Persons Abusing Both Alcohol and Drugs**

<table>
<thead>
<tr>
<th>Group</th>
<th>% of Abusers</th>
<th>% of Group Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>.3</td>
<td>.1</td>
</tr>
<tr>
<td>Chinese</td>
<td>.3</td>
<td>.1</td>
</tr>
<tr>
<td>Caucasian</td>
<td>49.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Japanese</td>
<td>6.3</td>
<td>.5</td>
</tr>
<tr>
<td>Hawaiian/Part-Hawaiian</td>
<td>22.8</td>
<td>2.5</td>
</tr>
<tr>
<td>Portuguese</td>
<td>4.8</td>
<td>3.8</td>
</tr>
<tr>
<td>Other</td>
<td>16.5</td>
<td>2.0</td>
</tr>
</tbody>
</table>


### Table 41

**Interracial Marriages as Percentage of All Marriages, 1912-1981**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian Grooms</td>
<td>19.4</td>
<td>33.3</td>
<td>55.2</td>
<td>66.3</td>
<td>70.9</td>
<td>85.9</td>
<td>86.6</td>
</tr>
<tr>
<td>Hawaiian Brides</td>
<td>39.9</td>
<td>52.1</td>
<td>62.7</td>
<td>77.2</td>
<td>81.5</td>
<td>85.4</td>
<td>88.7</td>
</tr>
<tr>
<td>Part-Hawaiian Grooms</td>
<td>52.1</td>
<td>38.8</td>
<td>41.0</td>
<td>36.9</td>
<td>41.3</td>
<td>47.0</td>
<td>57.3</td>
</tr>
<tr>
<td>Part-Hawaiian Brides</td>
<td>66.2</td>
<td>57.7</td>
<td>57.9</td>
<td>64.2</td>
<td>58.4</td>
<td>56.8</td>
<td>58.0</td>
</tr>
<tr>
<td>Caucasian Grooms</td>
<td>17.3</td>
<td>24.3</td>
<td>22.4</td>
<td>33.8</td>
<td>37.4</td>
<td>35.1</td>
<td>25.9</td>
</tr>
<tr>
<td>Caucasian Brides</td>
<td>11.7</td>
<td>13.8</td>
<td>10.7</td>
<td>10.2</td>
<td>16.4</td>
<td>21.1</td>
<td>20.7</td>
</tr>
<tr>
<td>Chinese Grooms</td>
<td>41.7</td>
<td>24.8</td>
<td>28.0</td>
<td>31.2</td>
<td>43.6</td>
<td>54.8</td>
<td>60.4</td>
</tr>
<tr>
<td>Chinese Brides</td>
<td>5.7</td>
<td>15.7</td>
<td>28.5</td>
<td>38.0</td>
<td>45.2</td>
<td>56.6</td>
<td>65.2</td>
</tr>
<tr>
<td>Japanese Grooms</td>
<td>0.5</td>
<td>2.7</td>
<td>4.3</td>
<td>4.3</td>
<td>8.7</td>
<td>15.7</td>
<td>33.2</td>
</tr>
<tr>
<td>Japanese Brides</td>
<td>0.2</td>
<td>3.1</td>
<td>6.3</td>
<td>16.9</td>
<td>19.1</td>
<td>25.4</td>
<td>40.2</td>
</tr>
<tr>
<td>Korean Grooms</td>
<td>26.4</td>
<td>17.6</td>
<td>23.5</td>
<td>49.0</td>
<td>70.3</td>
<td>77.1</td>
<td>60.8</td>
</tr>
<tr>
<td>Korean Brides</td>
<td>0.0</td>
<td>4.9</td>
<td>39.0</td>
<td>66.7</td>
<td>74.5</td>
<td>80.1</td>
<td>82.4</td>
</tr>
<tr>
<td>Filipino Grooms</td>
<td>21.8</td>
<td>25.6</td>
<td>37.5</td>
<td>42.0</td>
<td>44.5</td>
<td>51.2</td>
<td>47.1</td>
</tr>
<tr>
<td>Filipino Brides</td>
<td>26.4</td>
<td>39.7</td>
<td>42.8</td>
<td>40.5</td>
<td>60.5</td>
<td>67.2</td>
<td>77.4</td>
</tr>
<tr>
<td>Puerto Rican Grooms</td>
<td>24.4</td>
<td>18.6</td>
<td>29.8</td>
<td>39.5</td>
<td>51.3</td>
<td>65.0</td>
<td>79.1</td>
</tr>
<tr>
<td>Puerto Rican Brides</td>
<td>26.4</td>
<td>39.7</td>
<td>42.8</td>
<td>40.5</td>
<td>60.5</td>
<td>67.2</td>
<td>77.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>11.5</td>
<td>19.2</td>
<td>22.8</td>
<td>26.6</td>
<td>32.8</td>
<td>37.6</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### TABLE 42

**REGISTERED VOTERS (1902-1940)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Hawaiian &amp; Part-Hawaiian</th>
<th>Portuguese</th>
<th>Other Caucasian</th>
<th>Chinese</th>
<th>Japanese</th>
<th>All Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>1902</td>
<td>68.8</td>
<td>4.7</td>
<td>25.3</td>
<td>1.1</td>
<td>0.0</td>
<td>1.0</td>
</tr>
<tr>
<td>1910</td>
<td>66.6</td>
<td>10.6</td>
<td>20.0</td>
<td>2.7</td>
<td>0.1</td>
<td>5.6</td>
</tr>
<tr>
<td>1920</td>
<td>55.6</td>
<td>11.7</td>
<td>25.8</td>
<td>4.3</td>
<td>2.5</td>
<td>10.0</td>
</tr>
<tr>
<td>1930</td>
<td>38.1</td>
<td>15.8</td>
<td>33.3</td>
<td>8.4</td>
<td>13.4</td>
<td>31.0</td>
</tr>
<tr>
<td>1940</td>
<td>24.7</td>
<td>30.1</td>
<td>10.6</td>
<td>8.5</td>
<td>31.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Lind, p. 97.

### TABLE 43

**REGISTERED VOTERS AND VOTES CAST FOR THE BOARD OF TRUSTEES OF THE OFFICE OF HAWAIIAN AFFAIRS, BY COUNTIES: November 4, 1980**

<table>
<thead>
<tr>
<th>County</th>
<th>Registered Voters</th>
<th>% of reg. No. votes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Both Sexes</td>
</tr>
<tr>
<td></td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>State total</td>
<td>54,083</td>
<td>24,465</td>
</tr>
</tbody>
</table>

1/ Based on 1980 population estimated by race from the Hawaii Health Surveillance Program. 30.8 percent of the Hawaiian and Part-Hawaiian population registered for the OHA special election and 24.4 percent cast OHA ballots. Participation in this special election was limited to persons with Hawaiian blood, numbering approximately 175,653—including those ineligible because of age—in 1980.

Source: Hawaii Data Book, p. 333.

### TABLE 44

**COMPOSITION OF THE 1981 HAWAII STATE LEGISLATURE**

<table>
<thead>
<tr>
<th>Subject</th>
<th>HOUSE OF REPRESENTATIVES</th>
<th>SENATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Democrats</td>
</tr>
<tr>
<td>All members</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td>Island of residence:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maui</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Molokai</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oahu</td>
<td>39</td>
<td>29</td>
</tr>
<tr>
<td>Nihoa</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Ethnic Stock:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caucasian, except Portuguese</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Chinese</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Filipino</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Japanese</td>
<td>24</td>
<td>23</td>
</tr>
<tr>
<td>Negro</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portuguese</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (unmixed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed: Part-Hawaiian</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Mixed: Non-Hawaiian</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

1/ Hawaiian, Korean, Puerto Rican, Samoan, or other ethnic stock.

CHART 1
TOTAL NATIVE HAWAIIAN POPULATION
1778 - 1850
(in thousands)

Source: Schmitt, p. 41.
CHART 2

TOTAL POPULATION BY RACE
1853-1900
(in thousands)

- = Hawaiian
- = Part-Hawaiian
- = Non-Hawaiian

Source: Schmitt, pp. 74 and 120.
CHART 3
NON-HAWAIIAN POPULATION BY NATIONAL ORIGIN
1853-1900
(in thousands)

- European
- American
- Asian/Other (population in "Other" began in the year 1884 averaging over 1,000 per ten years)

YEAR: 1853 | 1872 | 1878 | 1890 | 1896 | 1900

Source: Schmitt, pp. 75 and 121.
CHART 4
AGE AND SEX PYRAMIDS
1920, 1960

1920
1960

TOTAL
TOTAL

HAWAIIAN
(Including PH)
HAWAIIAN
(Including PH)


CHART 5
CAUSE OF DEATH: ALL CAUSES BY STANDARDIZED RATES PER 100,000 POP. 95% CL


CHART 6
NATIVE HAWAIIAN POPULATION
1900-1960
(in thousands)

\[ \text{Hawaiian} \]
\[ \text{Part-Hawaiian} \]

Source: Schmitt, p. 120.

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NOTES


2/ As noted in the text, the Native Hawaiians Study Commission utilized data from a variety of sources. It was hoped, when the Commission began its work, that all 1980 Census data would be available to it before the statutory submission deadline for its Final Report. In fact, some U.S. 1980 Census data was made available by the Bureau of the Census via a special tabulation completed for the Commission (see "Housing" chapter). However, due to technical problems with the 1980 Census, the publication date for the more detailed information (by State and by ethnic group) was not available to the Commission before the printing deadline for the Commission's Final Report. However, in anticipation of this problem and as a result of comments received by the Commission on its Draft Report, the data that do appear in this Final Report are the most recent available—whether from State or Federal sources. A comparison of the historical trends in the text and the most recent data (most only 3 to 5 years old) available suggest that these trends could be expected to continue, even if 1980 Census data were available. As a summary, the following list presents the subject areas for which statistical data appear in this Final Report, and the latest year for which information was available to the Commission. With one exception, none of the data is dated before 1975, and two-thirds of the statistics are dated at least 1980. The areas where statistical data for native Hawaiians are presented are as follows:

- Population
- Age/sex statistics
- Education
- --Educational workforce
- --U. of Hawaii enrollment
- Employment status
- Occupation status
- Income
- Poverty level
- Welfare
- Criminal justice
- Health
  --infant mortality rates
  --characteristics of births
  --life expectancy
  --leading causes of death
  --incidence of cancer
  --acute conditions
  --chronic conditions
  --substance abuse
  Interracial marriages
- Housing characteristics

3/ Robert C. Schmitt, Demographic Statistics of Hawaii: 1778-1965 (Honolulu: University of Hawaii Press, 1968). Robert C. Schmitt reviewed the Commission's Draft Report, made several comments on corrections (all of which were incorporated) and noted that: "Notwithstanding these errors, the demographic, statistical, and historical aspects of the study have been handled reasonably well, reflecting a satisfactory degree of competence and objectivity" (p. 3). Another comment received by the Commission disputes the relevance of the statistical section of the study. Congressman Cecil Heftel states:

"Similarly the statistical compilations of the draft may have some uses but do not describe or define Hawaiians. To judge Hawaiians today in juxtaposition with their contemporaries may locate them on
some socio-economic scale, but does not answer the crucial question: How true are their lives to native Hawaiian culture and values?

It is not enough to look back a century and reach certain conclusions, not enough to probe the past with modern statistical tools, unless you also are able to evaluate the Hawaiian experience and ethics against a Hawaiian concept. What may appear undesirable in one culture can have a logical explanation in another. To do a total, meaningful summation of Hawaiians, it will be necessary to measure them against Hawaiian values (pp. 1-2).

4/ Schmitt, pp. 18-22.

5/ Ibid., p. 16.

6/ Ibid., p. 68.

7/ Ibid., p. 114.

8/ Public Law 96-565, 96th Congress (94 STAT., 3321), Title III, Section 305, December 22, 1980.

9/ There was some confusion on definitions used in the Commission’s Draft Report since these terms were not always used consistently (see comment by Herbert Jay (Nahaolelua) Almeida). An attempt has been made to correct that situation.

10/ Schmitt, p. 37.


13/ Schmitt, p. 39.


15/ Ibid., pp. 17-19.


19/ For example, see Taeuber, p. 98 (cited above); Kuykendall and Day, p. 43; Kuykendall, Volume I, pp. 89-90; Schmitt, p. 36; Adams, p. 7. This paragraph was revised as the result of a comment by Congressman Daniel Akaka, who states: "The claim that 'social disruption' was caused by Kamehameha I becoming the prime agent for the sandalwood trade is made without substance (p. 19-20). Where is the evidence for such a claim? There is no citation to indicate the source for this conclusion. Without an identification of both the source and the justification for its conclusion, I find the statement implausible since it suggests that the Hawaiians are to blame for their own demise" (p. 3).

20/ Taeuber, p. 108.

22/ Lind, p. 45.
23/ Ibid., p. 47.
24/ Quote in comment received by the Commission from Haunani-Kay Trask, et al., p. 6.
25/ Adams, p. 55.
26/ Kuykendall, Volume I, p. 106.
27/ Ibid., p. 110.
28/ Lind, p. 88.
29/ Ibid., p. 91.
30/ See comment by Haunani-Kay Trask, et al., p. 6.
31/ Andrew N. White and Marilyn Landis, The Mental Health of Native Hawaiians, Report Compiled for Alu Like, Inc. (September 1982), Table 3.9, p. 78. Data in this table from Hawaii Health Surveillance Program results.
32/ Comment by Violet Ku'ulei Ihara.
33/ White and Landis, Table 3.9, p. 78.
34/ Alu Like, Inc., "Information Presentation for the Native Hawaiian [sic] Study Commission" (January 9, 1982).
36/ Ibid., p. 2.
37/ Ibid., pp. 1-2. This paragraph added to Final Report as a result of comments from Congressmen Daniel Akaka, p. 4.
38/ Revised from Draft Report at suggestion of comments from Haunani-Kay Trask, et al., p. 6.
39/ Lind, p. 66.
40/ Ibid., p. 67.
41/ Ibid.
42/ Louis Agard, The Sandalwood Trees: Politics and Hope, p. 16. (Received by the Commission from John Agard.)
43/ Lind, p. 76.
44/ Ibid., p. 79.
45/ Ibid.
47/ Lind, p. 79.
48/ Adams, pp. 243-247.
49/ Lind, pp. 81-83.
   A comment received by the Commission from Louis Agard notes that this relatively low unemployment rate for
the State of Hawaii may be misleading: "Low unemployment rates in Hawaii do not necessarily mean high job opportunities are available in Hawaii... While employment appears high because the unemployment rate is low at 6%, the fact is that a surplus of labor is evidenced by higher wages on the mainland U.S. than in Hawaii in nearly every instance" (p. 46).

52/ 1975 Office of Economic Opportunity, Special Sample; in University of Hawaii, Report to the 1982 Legislature in Response to H.R. 509, Requesting the University of Hawaii to Study the Underrepresentation of Ethnic Groups in the Student Population of the University System (November 1981), Table 23.

53/ Lind, p. 99.


55/ Comments received from Haunani-Trask, et al, p. 7.


57/ Comment received from Franklin Y. K. Sunn, Director, State of Hawaii Department of Social Services and Housing (DSSH). DSSH also updated the table on welfare for the Commission.

58/ The Commission received a comment from the Hawaii State Department of Social Services and Housing that states the following with regard to these findings: "The view expressed in this summary appears somewhat paradoxical, inasmuch as the low income status (perceived as 'dismal' in the summary) of some native Hawaiians could also have been the result of individual choice, i.e., for a 'back-to-the-land,' shun western materialistic cultures kind of approach. (This is an approach espoused by many Hawaiian activist organizations.) The question, then, is from whose perspective is this summary statement made?" (p. 2). A similar comment was made by Louis Agard (p. 50): "Mostly it is important to remember that many if not the majority of native Hawaiians enjoy a more simple lifestyle and therefore are considered at the poverty level in Hawaii society. This is the lifestyle they have selected to enjoy. Rather than the accumulation of material things native Hawaiians are more interested in the justice of sharing. But native Hawaiians have been obliged to conform to other standards and must fend for themselves in the system."


60/ Comments by Schmitt.

61/ Ibid.


63/ If the Hawaii Health Surveillance Program data on population had been used, the exceptions, besides manslaughter and gambling, would include larceny-theft and drug abuse.
See comments submitted to the Commission. Haunani-Kay Trask, et al, states that figures on incarceration are "crucial since they reveal racism in sentencing and other judicial policies as well as the overall state of oppression of Hawaiians" (p. 7).

Louis Agard writes that: "[High arrest rates for native Americans] support the charges of oppression by the use of racism, and minority groups must conform to those very laws and social practices designed to maintain their subjugation" (p. 30).

Mental health is not discussed in this section; it is extensively discussed below in the "Health and Social Services" chapter.

The entire section on Health in this chapter was substantially revised from the Commission's Draft Report, primarily as a result of extensive comments received from Thomas A. Burch, M.D., Chief, Research and Statistics Office, Hawaii State Department of Health. The Commission is grateful to Dr. Burch for the time and effort he expended in updating many of the statistics in this section. Dr. Burch also reviewed the revised draft before publication of the Final Report.

Readers should be aware that the Hawaii State Department of Health data used in this section is not comparable to data from the U.S. Census Bureau. The collection method for Hawaii State Department of Health data is as follows:

The race recorded on vital statistics records at the Department of Health--birth, death, and marriage certificates--is based entirely upon voluntary information and, hence, cannot be considered as indicating true genetic relationships.

The race of a child is determined from the race of the parents entered on the birth certificate in accordance with the following policies which are based upon the procedure used by the Bureau of the Census on those censuses conducted prior to 1970. If the race of both parents is the same, the child is coded as that race. If the race of both parents is not the same and either parent is designated Hawaiian or Part-Hawaiian, the child is coded Part-Hawaiian. If either parent is designated Negro or Black, the child is coded Negro. In all other mixtures, the child is coded according to the race of the father. Illegitimate births are coded according to the race of the mother.

The races coded on a marriage certificate are whatever race the bride and groom recorded when they obtained their marriage license. The race on a death certificate is whatever race the informant gave the funeral director who prepared the death certificate.

The race of an individual included in the department's household health survey is coded in accordance with the above criteria based on the race of the individual's parents as furnished by the respondent. Individuals whose parents are of different races are coded either Part-Hawaiian or Other Mixture depending upon the racial mix.

The race item on the 1970 and 1980 United States decennial census was based entirely upon self-identification as a single race so that it is no longer possible to get counts of racial mixtures from the census. The race items from the 1970 and 1980 census are not comparable with the race designations of the Department of Health--or any other race statistics collected in Hawaii. (Communication received from Dr. Thomas A.

66/ Comment received from Robert C. Schmitt, p. 2. Also mentioned in comment received from Richard Kekuni Blaisdell, p. 1.

67/ The remainder of this paragraph based on information provided by Richard Kekuni Blaisdell, p. 2.


69/ Ibid., p. 9.

70/ The information on infant death rates that appeared in the Commission's Draft Report was substantially revised as the result of comments received from the Hawaii Department of Health. This quotation is from Burch, Hawaii State Department of Health.

71/ Comments received from Richard Kekuni Blaisdell point out that in examining cause of death over time the reader should be aware that the data will not be strictly comparable since "concepts of illness and diagnostic criteria for 'diseases' vary with time and recorder" (p. 3). The Hawaii Department of Health has produced a study in which death certificates from 1910 to 1960 were re-coded using current classification of diseases to attempt to address this problem, and it is this data that is used in the Mele A. Look study discussed below.

72/ Information provided to the Commission by Dr. Burch, Hawaii State Department of Health. Comments from Richard Kekuni Blaisdell also suggested including such information.


74/ The list presented here is taken from Look's study. Comments received from Richard Kekuni Blaisdell suggest the following reasons: "lower income level; inadequate health care; different cultural concepts of health and illness" (p. 3). See also, by Blaisdell, paper entitled, "Health Section of Native Hawaiians Study Commission Report," written at the direction of and funded by the Office of Hawaiian Affairs. This paper is reproduced in the comments section of the Appendix of this Report.

75/ This section contributed by Dr. Burch, Hawaii State Department of Health. Comments from Richard Kekuni Blaisdell also suggested including such information.

76/ Other data on the health status of native Hawaiians exist that have not been included in this report, but that confirm that the native Hawaiian population has special health problems. For example: data on the highest incidence of coronary atherosclerotic heart disease in Hawaiians/Part-Hawaiians; data on the highest prevalence of end-stage renal disease (kidney failure) in Hawaiians; data on congenital/inherited disorders, such as the highest incidence of club-foot among Hawaiians; data on the highest rates of teen-age pregnancies among Hawaiian girls; data on elderly Hawaiians, such as published by Alu Like, indicating that 75.9% of Hawaiians vs. 66.3% of non-Hawaiians over 65 years of age stated they had major chronic illnesses; data on medical care, such as cited by Alu Like, that 15.7% of Hawaiians over 60 years had no health insurance vs. 9% of non-Hawaiians; data on the
relative paucity of Hawaiian health professionals. (See Appendix, comment by Richard Kekuni Blaisdell and paper by Blaisdell on "Health Section of Native Hawaiians Study Commission Report" for complete references to these data and studies.)


78/ Information received in comment from Richard Kekuni Blaisdell, p. 3. Information he presented is from a study by Alu Like, Inc., entitled, Mortality and Morbidity of Native Hawaiians, 1977.


80/ Ibid., p. 1.

81/ Ibid.

82/ Ibid., p. 8.

83/ Ibid., p. 9.

84/ Ibid., p. 10.


86/ Ibid., p. 17.

87/ Ibid., pp. 18-19.

88/ Ibid., p. 23.


90/ Ibid., p. 29.

91/ Ibid., pp. 36 and 42. For mental health data, see chapter below entitled, "Health and Social Services."

92/ Adams, pp. 43-44.

93/ Ibid., p. 44.

94/ Ibid., p. 47.

95/ Lind, p. 109.

96/ Ibid., p. 62.


98/ Adams, p. 44.

99/ Louis Agard, p. 50.

100/ Ibid., p. 51.

101/ For versions of this episode see, for example: comment received from Louis Agard, p. 51; Kuykendall and Day, p. 221; Fuchs, pp. 189-190; and Gavan Daws, Shoal of Time: A History of the Hawaiian Islands (New York: The MacMillan Company, 1968), pp. 317-327.

102/ Fuchs, p. 189.

103/ Ibid.

104/ Ibid., p. 190.


106/ Ibid., p. 21.


110/ Ibid., p. 34.
The above section on voting requirements in the Republic of Hawaii was extensively revised in response to comments by Congressman Daniel Akaka (p. 4) and Haunani-Kay Trask, et al (p. 8).

Comment by Herbert Jay (Nahaolelua) Almeida says that: "The report fails to recognize that ethnic bloc voting has had an impact on politics in Hawaii. The AJA (Americans of Japanese Ancestry) population, for instance, was a significant factor in the 1968 Gubernatorial race results (See To Catch a Wave)" (p. 2). Haunani-Kay Trask notes that to say that candidates for political office are not helped by appealing to ethnic groups is "a falsehood since elections are constantly characterized by ethnic appeals; in modern Hawaii these appeals have been to the growing Japanese electorate" (pp. 8-9).
Health And Social Services

A. INTRODUCTION

Since a wide variety of health statistics for native Hawaiians and for the State of Hawaii were presented in the previous chapter, they will not be repeated here. Instead, this chapter will focus on the historical and cultural background of native Hawaiian health; and the State and federal programs that exist to address the health needs of all residents of the State, as well as programs specifically for native Hawaiians.

The Hawaii State Health Department administers a wide range of programs emphasizing health maintenance and promotion, risk reduction, and preventive services. 1/ Total expenditures by the Department for the fiscal year ending June 30, 1980, were $116,368,576. The Federal Government provided 12.1 percent of this amount, or $14,055,526. The various programs available to address health needs are described below. Descriptions include the services provided, the community served, and the problems encountered.

B. HISTORICAL AND CULTURAL BACKGROUND */

Critical historical events and unique cultural features influencing the health and illness of native Hawaiians are conveniently considered in three periods: before contact with the non-Polynesian world; contact, beginning with Captain James Cook in 1778 to the overthrow of the monarchy in 1893; and the end of the kingdom to the present.

Pre-contact (Ancient to 1778)

Health and Illness

Prior to and at the same time of the arrival of Captain Cook in January 1778, the Hawaiians of old were generally healthy because they had adapted effectively to island ecosystems about them, and they had lived in isolation from the rest of the planet for over 500 years. 2/ Gene strength was evident in a flourishing population of an estimated 300,000 at the time of Captain Cook. 3/ These were descendants of perhaps one hundred hardy, first settlers who had arrived more than 1,000 years previously from the South Pacific, after braving over 2,000 miles of open sea in double-hulled canoes. Some gene weakness was possible because of (cont'd)
the small gene pool, inbreeding, and opportunities for genetic drift. These genetic factors could account for congenital-hereditary deformities described below, and for the impaired immunity and peculiar hypersusceptibility to disseminated infections that characterized the later contact period.

The natives' food was mainly taro, sweet potato, yam, bread-fruit and banana, with fish, and for the maka'ainana (commoners), only infrequently pig and dog. This high-fibre, low-fat, unrefined and limited sugar diet ample in vitamins and abundant in minerals, is now considered superior to the usual fare of modern western societies, with one important common fault—excessive sodium. This is a basis for inferring that the natives of old probably also had some arterial hypertension and related disorders, as shall be discussed later.

Personal, household, and public cleanliness of the early Hawaiians are well documented and were strictly controlled by kapu (sacred law) of the kahuna (priests). Physical activity in work and play was vigorous and enjoyable, and yet with adequate time for sleep and rest.

There were no crowding, no public latrines, no garbage heaps or litter, and no use of human or animal excreta as fertilizer. Because of clean air, pure water, and unpolluted land and sea, promoted by the kapu, natives unknowingly maintained control of potentially harmful pathogenic microorganisms.

The natives were free of the epidemic, contagious pestilences that scourged the continents in recurring waves for thousands of years. However, the islanders did have some focal infections as evidenced in pre-contact skeletons recovered from burial sand dunes. Dental caries, which result from acid-producing mouth bacteria acting on carbohydrate-containing foods, occurred in less than 7 percent of those under age 40, to 51.5 percent in persons over the age of 60—frequencies much lower than those observed today. Some bone abscesses were also evident, such as in the maxilla or mandible, as extensions from dental pulp infections. "Boils" were also described in Cook's journals. Thus, the early Hawaiians were not entirely free of pathogenic organisms, as some have claimed.

Metabolic maladies, so prominent in native Hawaiians today, were probably also present in their ancient ancestors. However, the evidence is largely indirect and their frequencies remain uncertain. The direct evidence is also to be found in unearthed bones, which show examples of gouty arthritis, degenerative arthritis, and rheumatoid arthritis. Common soft tissue disorders, such as coronary atherosclerotic heart disease, arterial hypertension, stroke, chronic obstructive lung disease, diabetes mellitus, and end-stage renal disease, are presumed to have occurred in pre-Cook Hawaiians because heredity appears to play some role in these diseases so prevalent in native Hawaiians today. However, since the life-style factors of the maka'ainana did not include a high-fat diet, cigarette smoking, physical inactivity, and appressive stress, the frequencies of these "diseases of civilization" in the early Hawaiians were probably less than today.
signs of nutritional deficiencies, such as rickets and scurvy, are apparent in the osseous materials. 17/

Evidence of metastatic cancer to the bony spine has been seen in one pre-contact specimen, 18/ but no obvious cases of neoplasm were described in Cook's journals.

Trauma from accidents or intentional violence was probably the most common class of ailments, as recorded in writings, 19/ and as observed in skeletal remains. 20/ "Poisoning" may have been due more to psychic effects 21/ than to direct pharmaceutical toxicity, because the pre-contact islands apparently had no lethally poisonous plants. 22/ The only type of chemical self-abuse known in old Hawaii was "kava debauchery," described among some ali'i in Cook's journals. 23/

Mental illness was described in the form of two natives who were "wrong in their senses" in Cook's journals. 24/ This single passage contrasts with frequent other references to the islanders being "social, friendly, hospitable, humane," "blessed with frank and cheerful disposition," and "mild and agreeable, not easily excitable," 25/ which support the views of subsequent foreigners that the natives were adept at coping with stress. 26/

Congenital-hereditary disorders were apparent to Cook's men in a young man "born with neither feet nor hands," another "born blind," and two dwarfs. 27/ Four cases of club foot were found among the 1,117 pre-contact persons buried at Mokapu. 28/ The described defects were probably related to inbreeding. The survival of these malformed natives beyond infancy counters the later claims by missionaries that infanticide was traditional and widely practiced. 29/ Cook's journals record the Hawaiians as being "totally unacquainted with [Tahitians'] horrid custom of destroying their newborn infants." 30/

The natives prized physical beauty and practiced body molding of the infant and child. 31/ Some degree of infanticide of the severely deformed newborn may have been practiced, but there were no illegitimate births in the modern sense, and generally every child was moʻiʻa (a flower) to be cherished, assuring continuity of the heritage and race. 32/

Medical Beliefs and Practices

Health and illness were another example of the all-pervading dualism of the early Hawaiians' belief system, like sky and earth, sun and moon, male and female, mind and body, and life and death. 33/

Wellness was maintaining mana, quantifiable energy, which was both inherited and acquired. Proper balance of mana was promoted by harmony with oneself, with others, and with the gods and nature, through continuous communication with the spiritual realm and correct thought and action. 34/ The kapu (taboo), established by the kahuna (priests), sanctioned by the aliʻi, and enforced by all, fostered self-discipline and responsibility in personal hygiene, health-promotion, illness-prevention, public sanitation, and respect for nature, which was the domain of the gods. 35/ Illness was loss of mana from dysharmony, such as from violation of a kapu, offending a god, or ill-thinking. 36/

The elderly were esteemed. Death, after a meaningful life was welcomed as a reuniting with one's ancestors in the eternal spiritual realm and completion of a recurring cycle of rebirth and transfiguration into kinolau (non-human forms) or reincarnation into other human forms. 37/
Diagnosis was determining the mechanism of loss of mana through psycho-spiritual communication, interviewing of the patient and his 'ohana (family), and physical examination. Treatment was restoring deficient mana through ritualistic communication with the psycho-spiritual realm of the gods, supplemented by special foods, secretly formulated herbals, physical therapy and limited surgery.

Medical care for the commoner was the responsibility of the patient himself, and, if necessary, an experienced 'ohana elder. Only if the illness were serious, and expensive professional fees in hogs could be paid, did a maka'ainana engage the fastidious 'kahuna lapahau (priest-physician), rigorously trained at the heiau ho'ola (healing temple). The ali'i had regular access to varieties of specialty kahuna lapahau whose rituals and practices were elaborate and extensive.

The Hawaiians' autopsy observations, use of the clyster-enema, and emetics and cathartics provide evidence of beginning experimentation and scientific reasoning not found elsewhere in Polynesia.

This highly-refined, holistic and preventive health system, harmoniously integrated in their social fabric, with nature about them, and their spiritual realm beyond, was never to recover from the impact of western ways.

Contact (1778 to 1893)

Depopulation

Infections: In January 1778, the arrival of the first foreigners, Captain Cook and his seamen, brought medical disaster in the form of the venereal diseases, mainly gonorrhea and syphilis, tuberculosis, other common contagious bacterial viral illnesses, as well as alcohol, gunfire, and other forms of disrespect for the kapu, the gods, and nature. One year later, in March 1779, when these first visitors departed, the natives could see from the sick and dead about them, that "the sliding way of death" had begun.

In 1804, the diarrheal epidemic of ma'i 'oku'u (probably cholera or typhoid) killed perhaps 15,000, and convinced Kamehameha the Great that the gods did not favor his military invasion of the island of Kauai.

Subsequent sporadic "catarrhs and fevers" took other lives, so that by 1820, when the first missionaries landed, the population estimate of 150,000 was half that at the time of Cook, about 40 years previously.

Other outbreaks of disease occurred as follows:

- In 1824, Kamehameha II and his sister-wife Queen Kamamalu died of measles in London.
- In 1824-1826 and again in 1832, epidemics of cough (whooping?) and measles killed thousands of natives.
- In 1839, mumps killed "great numbers" including Kina'u, kuhina nui (regent), daughter of Kamehameha the Great, and mother of Kamehameha IV and V.
- In 1845-1849, epidemics of measles and pertussis and then diarrhea and influenza left over 12,000 dead.
- In 1840, the first case of leprosy in a Hawaiian was detected. In 1865, because of the alarming spread of this fearsome malady, a new
segregation law established a receiving leprosy hospital in Honolulu and isolation of lepers on the Kalapapa peninsula of the island of Molokai. 55/ One out of every 39 (2.6 percent) of native Hawaiians was affected, whereas the occurrence in non-Hawaiians was one in 1,847. 56/ A peak of 1,310 active cases was reached at the end of the century, and over the 40 years since the start of segregation, an estimated 4,000 natives died of this affliction. 57/

- In 1853, 1861, 1873, and again in 1882, smallpox took over 7,000 lives, in spite of compulsory smallpox vaccination in 1854. 58/

- In 1857, an epidemic of colds, headache, sore throat, and deafness (influenza?) raged. 59/

- In 1866, cough, chills, fever, vomiting, nose bleeding, and disability (dengue?) affected hundreds. 60/

- In 1878-1880, whooping cough brought death to 68 in Honolulu. 60/

- In 1888, whooping cough struck again with 104 lives, and in 1890 diphtheria. 61/

- In 1889-1890, measles and dysentery killed 26. 62/

- By the time of the overthrow of the monarchy in 1893, the native Hawaiian population was reduced by 87 percent to about 40,000. 63/

Lack of Immunity, Genetic and Other Factors: Multiple factors probably accounted for the steep logarithmic decline in the population of the pure Hawaiian. 64/ Introduced infections, as cited above, in a people who lacked immunity because of their long isolation, not only explained high and irregular direct mortality, but could also explain the decreased birth rate. Local, genital, venereal, and other infections, and general, systemic infections probably impaired fertility in both men and women, increased early and late fetal deaths in utero, and contributed to neonatal and infant mortality, through indirect general debility and malnutrition. 65/

Latent genetic defects could have predisposed to reduced birth rates, and probably account for the natives' hypersusceptibility to chronic infections, aside from impaired immune mechanisms, such as in leprosy and tuberculosis. 66/

Other chronic metabolic illnesses, not readily or specifically diagnosable, especially among the maka'ainana, but related largely to conflicting life-styles, were probably also taking their toll. These disorders include arterial hypertension, atherosclerosis, heart, kidney, and lung failure, stroke, and diabetes, so prevalent among modern Hawaiians. 67/

Among the ali'i, these terminal illnesses were identified as follows: in 1854 Kamehameha III died at age 42 of convulsions and delirium that could have been a stroke; in 1863 Kamehameha IV died with asthma at the age of 29; in 1872, at the age of 42, Kamehameha V succumbed of "buttock abscess, dropsy and asphyxia;" in 1883, Princess Ke'elikolani died at age 57 of heart failure; in 1884, Queen Emma died of stroke at the age of 49; and in 1891, King Kalakaua died at the age of 54 of "Bright's disease" (kidney failure). 68/
Despair: Cultural conflict resulted in disintegration of the old social order. In 1819, despairing because the kapu were no longer effective, the Hawaiians themselves, under the leadership of Kamehameha II, Queen Kaahumanu, and High Priest Hewahewa, formally abolished these strict sacred laws that governed personal hygiene and public sanitation. 70/ Gross pollution of person, home, the land, and water followed, as described and decried by the missionaries and other foreigners. 71/ There was decline of ali'i leadership and stewardship as the chiefs sought material luxury by exploitation of the maka'ainana in sandalwood and other trade with foreigners. 72/ With alienation from the land came disruption of the 'ohana and replacement of their traditional self-reliant, ahupua'a subsistence economy by an urban market economy. The kahuna and 'ohana educational systems disintegrated. New social ills emerged, such as alcoholism, tobaccoism, vagrancy, prostitution, and malnutrition of processed foods. Finally, there was the perception by the native Hawaiians, preached by the missionaries, of the "superiority" of certain Western ways and material culture, compared to native "primitive" beliefs and practices. The stress was too overwhelming for many islanders. Some fled, like an estimated 5,000 out-migrating Hawaiians in 1850. Others despaired inwardly, lost their will to live in a haole-dominated new order that made them strangers in their homeland, as they sought the comfort of death. 73/ Inadequacy of Traditional Native Medicine for Haole Illnesses

In this period of culture shock, there evolved a makeshift, loose health care system for native Hawaiians with the following characteristics. Although the major gods had been toppled, and the kahuna hierarchy abolished, the kahuna lapa'au remained underground. These officially disenfranchised kahuna, plus experienced 'ohana elders, and the patient himself, continued to care for "Hawaiian illnesses" as of yore, but with some modifications. 74/ Newly-introduced plants, such as the guava and eucalyptus, were incorporated into the native materia medica. Some Western notions of disease and the pharmaceutical action of herbs on body functions were adopted, therapeutic effects that were not mediated by the traditional native concept of restoration of mana. However, there was still some reliance on aumakua, or family guardians, although the senior gods had departed. 75/ As the heiau ho'ola, as well as the other heiau, were destroyed, formal training of kahuna ceased. They were replaced by more self-styled, poorly-trained or untrained "kahuna," many of whom incurred the denunciation of missionaries, other foreigners, and even some native Hawaiians. 76/ "Hawaiian medicine for Hawaiian disease" probably survived because at that time, non-Hawaiian medicine was no more effective. Psycho-spiritual aspects of native medical care merged with new beliefs, such as Christianity, sometimes confusingly so, or were abandoned so that little of the old liturgy found its way into print when the natives learned how to write. 77/ Haole illnesses, such as gonorrhea, syphilis, cholera, diphtheria, measles, mumps, smallpox, and tuberculosis, did not respond to Hawaiian medicine, and since there were too few haole physicians initially to demonstrate that haole medicine was no better, some natives tried whatever was called haole medicine. 78/
Ascent of Haole Medicine

Haole surgery, however, was perceived as generally superior, with metal instruments, instead of bamboo or adzes, for resections, incision, and drainage of abscesses, and the techniques of suturing and ligature to arrest bleeding and promote wound healing. 79/ Western public health measures replaced the old kapu system, but initially they, too, did not seem any more effective against the devastating contagious epidemics. Key events in this area include:

- In 1836, kuhina nui Kina'u was advised to issue the first public health proclamation—the Honolulu harbor pilot was instructed to screen all foreign-arriving vessels for smallpox and other pestilences. 80/
- In 1850, Kamehameha III created a Board of Health, and the first public water pipeline carried fresh water from Nu'uanu Valley to Honolulu harbor to fill water casks. 81/
- In 1854, smallpox vaccination was made compulsory, but three smallpox epidemics followed, the latest in 1882. 82/
- In 1856, a drug law for western medications was passed and the "Hawaiian Medical Society" for haole physicians was chartered. 83/
- In 1859, the Queen's Hospital, providing western medical care, was founded by King Kamehameha IV and Queen Emma. It was the first hospital for native Hawaiians, 22 years after the first of seven hospitals had been opened for foreigners. 84/
- In 1862, the first Sanitation Commission was appointed. 85/
- In 1864, burial of the dead was regulated by law. 86/
- In 1865, the first receiving hospital for lepers opened in Kalihi, in Honolulu, with the kingdom's new segregation laws. The following year, the first lepers were exiled to Kalawao on the Kalapapa peninsula on the island of Molokai. 87/ In 1890, the population of the settlement reached a peak of more than 1,200. There was no satisfactory therapy and the annual death rate varied from 12 percent to 20 percent. 88/
- In 1866, the first insane asylum opened in Palama, Honolulu, with six patients. 89/
- In 1868, during the reign of Kamehameha V, a "Hawaiian Board of Health" licensed practitioners of native medicine, but certain rituals of old were proscribed, and no formal training was authorized. 90/
- In 1870, ex-missionary and ex-Prime Minister Dr. Gerrit P. Judd was authorized by the Board of Education to establish the first medical school of western medicine. Two years later, ten young native graduates were licensed to practice haole medicine, but shortly thereafter Dr. Judd had a stroke and the school was closed. 91/
- In 1873, collection of garbage and street-cleaning began in Honolulu. 92/
- In 1874, King Lunalilo died of "pulmonary consumption"
(tuberculosis) and alcoholism. His will provided for "a home for elderly infirm and destitute Hawaiians," which opened in Makiki in 1885. 93/

- In 1876, the legislature authorized drainage of taro wetlands that were declared "insanitary." 94/

- In 1879, the first artesian well for drinking, washing, and irrigation was drilled at Honolulu, Oahu by James Campbell, founder of the large, landholding Campbell Estate. 95/

- In 1882, the first water filtration plant was constructed at Nu'uanu, in Honolulu. 96/ Inspection of food and licensing of dairies began in Honolulu. 97/

- In 1884, the first local government hospital, Malulani, was opened at Wailuku, Maui. 98/

- In 1886, the first plantation hospital at Makaweli, Kauai was built by the Hawaiian Sugar Co. By 1890, there were 18,900 plantation employees and four plantation hospitals. 99/

- In 1880, the government of King Kalakaua was so alarmed at the decline of the native Hawaiian population and the prevalence of squalor, insanitation, and morbidity, that the Board of Health issued a book in the Hawaiian language on Sanitary Instructions for Hawaiians, written by Walter Murray Gibson. 100/

- About the same time, the Ho'oulu a Ho'ola Lahui Society was founded by the king and Queen Kapiolani "to propagate and perpetuate the race." A home for destitute Hawaiians was established in Kaka'ako and the first Kapiolani Home for non-leprose children of leprose parents on Molokai opened next to the Kaka'ako Receiving Hospital. 101/

- In 1890, the Kapiolani Maternity Home for birthing of infants of native Hawaiian women opened in the renovated house of the queen's recently-deceased sister, Princess Kekaulike, in Makiki in Honolulu. 102/ This private hospital was supported by contributions. Native women were not required to pay for their medical care until 1917, when non-Hawaiians were first admitted. 103/

Overthrow of the Monarchy to the Present (1893-1983)

Population Changes

In 1893, with the dethronement of Queen Liliuokalani and the establishment of a non-elected Provisional Government by the haole business oligarchy, the native Hawaiians were already a minority in their homeland, although the pure Hawaiians still outnumbered the part-Hawaiians (see table in footnote). 104/ The controlling whites were the smallest minority, exceeded by the imported, non-voting Oriental laborers.

The contrast 90 years later, in 1983, is striking. Native Hawaiians are relatively an even smaller minority, with the part-Hawaiians far outnumbering the almost vanished pure Hawaiians. The white population has greatly increased, although still exceeded by all Orientals combined. 105/
Major Illnesses

Serious infections continued in the early post-kingdom period, as is evident in the following chronology, but with no reliable, readily available data on the numbers or proportions of pure and part-Hawaiians involved. The population figures cited above provide only rough guidelines for such speculative inferences.

- In 1895, with the oligarchical Provisional Government succeeded by the oligarchical Republic of Hawaii, cholera swept through Honolulu and killed 64. 106/

- In 1899, the bubonic plague took 61 lives. With the turn of the year, fire to control the plague-carrying rodents destroyed Chinatown in Honolulu, awakening public concern for the residual "filth, squalor...homeless, destitute and incurables," including more victims with tuberculosis that for the first time became reportable. 107/

- In 1901, when the Honolulu Home for the Incurables (forerunner of Leahi Hospital) opened, 32 of the first 72 patients had tuberculosis. 108/

- In 1903, when 900 known cases of tuberculosis were identified, about 32 percent were native Hawaiians. 109/ From 1900 to 1923, tuberculosis remained the number one reported "cause of death," with mortality as high as 200 per 1,000 population. The corresponding U.S. mainland tuberculosis mortality rate was declining from 152 to 92 per 1,000. By 1937, although TB mortality rates for all races in Hawaii had fallen to 88 per 1,000, the rates for pure Hawaiians remained high at 265 and for part-Hawaiians at 126, while the rate for whites was 23 per 1,000. 110/

- In 1918-1920, the post-World War I influenza pandemic accounted for 1,700 deaths in Hawaii. 111/ During the war years, venereal disease became reportable. 112/

- In 1919, typhoid killed 42. 113/ In this year, the leading reported "causes of death" were influenza-pneumonia, tuberculosis, and diarrheas. 114/

- In 1920, leprosy still claimed 662 active hospital cases at Kalaupapa, with 114 new cases for the year, the majority native Hawaiians. 115/ Not until sulfone chemotherapy in 1946 did the mortality rate drop from 10 percent to 2.5 percent per year. 116/ By 1974, there were only 13 active cases of leprosy, but over 100 deformed and disabled mainly Hawaiians, with the kidney, nerve, skin, nasal, oral, facial, and limb complications of this dreaded disorder. 117/ The 29 new leprosy cases for that year were chiefly in immigrant non-Hawaiians. 118/

- In 1928-1929, acute meningitis accounted for 68 deaths. 119/

- In 1930, for the first time, heart diseases displaced infections as the leading reported "cause of death." 120/

- In 1936-1937, measles deaths numbered 205. 121/
In 1940, the highest-ranking recorded "causes of death" in the Territory were heart diseases, cancer, and kidney failure. 122/

In 1942, during the second World War, diphtheria involved 90. The following year, mosquito-borne dengue affected scores. 123/

In 1950, the top reported "causes of death" were heart diseases, cancer, and stroke. 124/

In 1958, acute poliomyelitis struck 77. 125/

Health Measures

The following anti-disease actions parallel similar developments on the U.S. mainland, but with some features distinctive of Hawaii and the native Hawaiian people.

In 1899, after the annexation of Hawaii to the United States as a territory, the first sewers were laid in Honolulu, then a city of 40,000. 126/

In 1902, what is now Leahi Hospital opened on the mauka slope of Diamond Head in Kaimuki, Honolulu, as the Home for the Incurables, with four wards. It was a private institution created with contributions from nine wealthy businessmen of the haole oligarchy and $750 from the Board of Health. 127/ The proportion of tuberculous patients rose from 50 percent initially, to 100 percent in 1950, when the Territorial Government built a new hospital wing and assumed operating expenses for the hospital, with free medical care for TB patients. 128/ In 1968, the hospital became a State institution of the University of Hawaii School of Medicine. In 1976, it was transferred to the State Department of Health. 129/

In 1908, the U.S. Congress generously provided $300,000 for the ambitious U.S. Leprosy Investigation Station on the Kalaupapa peninsula, Molokai. Only 9 of the 700 patients at the settlement agreed to participate in the Station's investigations, and then only for a few days, so the elaborate facility was compelled to shut down after only two years. 130/ In 1980, the U.S. Congress approved the recommendations of a commission that Kalaupapa be preserved indefinitely for the remaining leprosy patients there, and then become an historical and cultural reserve under the U.S. National Park Service. 131/ Active cases of leprosy are now treated at Leahi Hospital in Honolulu, but some patients are still championing the right to remain in the non-hospital, rural cottage setting of Hale Mohalu in Pearl City on Oahu. 132/

In 1911, the first resident intern was appointed in Hawaii at the Queen's Hospital; a haole medical graduate from California. 133/

In 1914, the first public health nurse was appointed by the Board of Health. 134/

In 1916, the first school of nursing in Hawaii started at the Queen's Hospital. 135/
• In 1918, during World War I, venereal diseases became reportable. 136/

• In 1921, the Territorial Government established Waimano Home for the mentally-retarded and severely deformed. Statistics on the number of native Hawaiian patients institutionalized there are scheduled to be available in March 1983. 137/

• In 1925, the first maternal and child care programs were started by the Board of Health. 138/

• In 1930, the new Territorial mental health hospital opened at Kaneohe, Oahu with 541 patients. 139/

• In 1936, a Crippled Children’s Bureau and Office of Health Education were created in the Board of Health. 140/

• In 1937, a separate Bureau of Vital Statistics was established. 141/

• In 1938, the Hawaii Medical Service Association (HMSA), a private health insurance firm, was founded by the Territory’s school teachers and social workers. HMSA is now open to all and by 1975 it had over 400,000 members. 142/

• In 1967, the University of Hawaii School of Medicine accepted its first class of 25 students. None was a native Hawaiian. 143/

C. MENTAL HEALTH PROGRAMS

Mental Health Status of Native Hawaiians 144/

Native Hawaiians generally present the same variety and pattern of mental health problems as other groups in the State, according to a service and research project in Hawaii called Hale Ola o Ho'opakole. 145/ (The efforts of this group will be described below.) One main difference, however, is that the native Hawaiians have "that unique set of problems associated with indigenous peoples living under a non-indigenous government." 146/ For instance, immigrants who are non-English speakers have a choice, usually, of returning to their respective countries to maintain their linguistic, cultural, and other ties, while native Hawaiians have no choice but to remain in Hawaii. Some native Hawaiians "perceive themselves as citizens of an unfairly defeated nation [and] some see themselves as an oppressed people." 147/

Native Hawaiians are a unique cultural group with long-standing traditional patterns of personal, family, and social behavior that still contribute to the identity and security of individuals in their daily lives. As a result, the causes of mental health problems, their perceptions by native Hawaiians, and the appropriate means by which they are resolved differ markedly from non-Hawaiians. 148/ The Hale Ola Project summarizes the situation as follows:

Pressures to successfully provide adequate income levels for families and stable jobs produce stresses among native Hawaiians and generate role and value
conflicts, and present competing incentives to maintain cooperative, Hawaiian collective lifeways or to adopt more contemporary, competitive and individualistic lifeways associated with modern American lifeways. A significant part of the problem is perhaps that there are no real alternatives that one can freely turn to aside from the dominant Western lifestyle. A great deal of evidence has been accumulated in particular on how a native Hawaiian child who wants to retain the Hawaiian lifestyle is heavily penalized in the state educational system. Such conflicts and stresses foster mental and emotional disorders among native Hawaiian families in particular. In addition, lower levels of formal education attainment and higher levels of unemployment and underemployment contribute to stresses and disorders...149/

Hawaii State Department of Health Programs

According to the Hawaii State Department of Health, the community's needs for mental health services exceed the available public and private resources, although the State is attempting to decrease the gap and make its services available to more people. The Mental Health Division of the Health Department now operates eight community mental health centers--five on Oahu, and one in each of the other counties (Hawaii, Maui, and Kauai). 150/ Many of these centers also operate satellite facilities to reach more people. The first ethnic-oriented mental health clinic, which is for Chinese-speaking persons, was opened in June 1980. A new program has also been funded to set up a network of community residential facilities.

The centers on the neighboring islands report some problems, mainly with manpower. The island of Hawaii has only one community residential facility for mentally-ill adults—with only four beds. The county hopes to expand the facility to twelve beds. Maui County reports that outpatient services are adequate in the Central Maui area, but are limited in West Maui, the South Shore and "up-country" areas, and on Molokai and Lanai.

In addition to its community mental health centers, the Mental Health Division also operates four specialized programs:

- Courts and Corrections, which provides mental health consultation to the State's court and correctional programs;
- Children's Mental Health Services;
- Hawaii State Hospital; and
- Alcohol and Drug Abuse.

The first three of these programs report problems of manpower availability that may restrict services. The Alcohol and Drug Abuse program does not provide direct services itself. Through contracts with private agencies, the program allocates State and Federal funds to twenty-one drug abuse and alcohol programs statewide. The State program does provide technical assistance, research, and training to these local programs.

The Alcohol and Drug Abuse branch completed a statewide population survey of the incidence and prevalence of substance abuse in Hawaii. Preliminary data from the survey indicate that:

- Hawaii has a significantly higher percentage of people
using cocaine (4.7 percent) than the U.S. mainland (two percent);

- Marijuana is used by a slightly higher percentage of people in Hawaii (14.4 percent) than on the U.S. mainland (13 percent); and

- The current non-medical use of sedatives is also slightly higher in Hawaii (1.2 percent) compared to the U.S. mainland (0.7 percent). 151/

Federally-Funded Programs

The Hale Ola Project is a service and research effort supported by federal funds from the National Institute of Mental Health and the Administration for Native Americans (under the U.S. Department of Health and Human Services). 152/ The Project is administered in Hawaii by Alu Like, Inc., and was initiated because it was found that "Western approaches to therapy and mental health care are not entirely suitable or appropriate for non-Western, including native Hawaiian, individuals with mental or emotional problems." 153/

Hale Ola o Ho'opakolea is a recent effort to test and demonstrate the effectiveness of an alternate and culturally-sensitive approach to meeting the mental health care needs of native Hawaiians. The three-year project (entering its third and final year at the beginning of 1983) is located on the Waianae Coast.

According to the Project Director, the Hale Ola Project is a unique effort in several respects. It represents the first time that a service center has been established to utilize a culturally-sensitive approach to service delivery targeted for native Hawaiians with mental, emotional, and related problems. It is a center that employs qualified service staff drawn from the Waianae Coast communities to provide counseling, referral, follow-up, training, and information gathering in a manner appropriate to native Hawaiians. Informal approaches to care-giving assistance are emphasized and flexibility is maintained with regard to setting the time and frequency with which care is provided. Hale Ola also represents a unique effort to identify, recruit, and coordinate the variety of informal care-givers and natural healers who are present in every community and offer a wide range of services generally uncatalogued and unacknowledged by professional service agencies. Hale Ola is working to link formal and informal sources of assistance in order to create a network of care for individuals with various kinds of problems and service needs. Finally, Hale Ola is unique in its organizational character; it was initiated by Waianae Coast community groups and it continues to be directly guided by and responsible to a community-based administrative committee consisting of residents and service agency staff.

The Hale Ola Project has also been responsible for sponsoring cultural research efforts that seek to elicit specific kinds of information directly applicable to culturally-sensitive service delivery. In particular, Hale Ola has formulated a community research program that consists of three main research efforts:

- A community survey of native Hawaiian perception and communication styles with regard to personal problems;

- A survey of informal care-givers and natural healers on the Waianae Coast; and
A survey of the knowledge, attitudes, and practices of formal agency-based service providers on the Coast with regard to their sensitivity to native Hawaiian service needs.

By the beginning of 1983, the first research effort had been completed and documentation of this effort was being produced. The second effort was almost completed, and the third was being initiated.

Another program involving federal funds transferred from the National Institute of Mental Health to the Administration for Native Americans is the "Most-In-Need" (MIN) project. This program, also administered by Alu Like, addresses the needs of native Hawaiian youth through service system change, as well as improved relations among community, private, county, and state agencies. The need for this program was founded in the experience that native Hawaiian youth were particularly affected by disjointed care from traditional service delivery systems.

On the island of Molokai, the most-in-need group was identified by island human service providers as native Hawaiian youngsters between the ages of 12 and 14 years, residing in the Hawaiian Homestead areas of Hoolehua, Kalamaula, Kapaakea, Kamiloloa and One Alii. Puu Huoli, a subsidized housing project in Kaunakakai, and the Mana'e (east) end of the island, were also targeted. An estimated 250 youth fall into the target group.

Since 1979, the MIN Project has contacted and established positive relationships with over 150 native Hawaiian youngsters. The Project operated a demonstration summer program for two years and implemented a special after-school program in 1981 in the Hoolehua, Kaunakakai, and Mana'e areas. In addition, MIN conducted studies in juvenile delinquency and recreation to further clarify problems and concerns on Molokai.

D. MEDICAL HEALTH SERVICES

Among the programs operated by the State of Hawaii in this area are: public health nursing, chronic diseases, and nutrition.

The public health nursing program focuses on "wellness"—health promotion and maintenance, and disease prevention. The program provided services to 33,268 individuals during 1979-80, through visits to homes, private and parochial schools, day care centers, care homes, neighborhood centers, and nursing offices. The program also provides ongoing home health services to eligible people on Molokai and Lanai.

The objective of the Chronic Disease Branch is to reduce the complications and severity of chronic diseases by providing prevention, detection, and educational services. Major activities include:

- Screening for diabetes, hypertension, and cervical cancer;
- Provision of financial assistance to those with end-stage kidney disease; and
- Consultations to medical facilities about the rehabilitation care of chronically-ill patients.

The Nutrition Branch seeks to promote "wellness" in the State through good nutrition and the reduction of the risk of nutrition-related diseases. Direct nutrition services, consultation to other public and private agencies, and educational services are provided. Recently, the Branch developed and distributed a new publication that is entitled, "You Can Reduce Your Risk of Disease Through..."
Diet--Follow these Dietary Guidelines."  

The Federal Government currently funds several programs in the priority medical health problem areas for native Hawaiians. The National Heart, Lung, and Blood Institute currently funds two large-scale programs in Hawaii concerning heart disease. The first is an epidemiologic study of heart disease conducted by the Geographic Diseases Section of the Honolulu Heart Study. The second is a high blood pressure education program directed at communication problems among ethnic groups.

There is also a great deal of activity in relation to cancer in the State of Hawaii. The National Cancer Institute, Public Health Service currently supports almost $2.5 million in grants and contracts in Hawaii specifically directed at cancer. Among the subjects under study are alcohol and cancer, diet and prostate cancer, lung cancer and dietary vitamin A, and clinical cancer education programs.

E. FAMILY HEALTH SERVICES

The Family Health Services Division of the Hawaii State Department of Health offers several programs. Among them are: maternal and child health, school health, crippled children services, and community services for the developmentally disabled.

The goal of the Maternal and Child Health Branch is to "interrupt the cycle of medical and psychosocial problems which tend to be passed from one generation to another, particularly in the more disadvantaged families." In order to reach this goal, programs are offered in the areas of family planning, perinatal care, and growth and development from infancy through adolescence. The combined programs serve approximately 45,000 individual clients annually. Specific programs include:

- Maternity and infant care project clinics for low-income families in Hilo, Waimanalo, and Nanakuli;
- Attempts to prevent child/spouse abuse and neglect through identification of families at high risk and an integrated system of community support;
- Screening and referral for vision, hearing, and development delays of children attending preschools; and
- Children and youth project for low-income families in Waimanalo.

Special mention should be made of a project in Waimanalo, where the population consists of a high proportion of native Hawaiians. The Waimanalo Health Clinic is a combined Maternity and Infant Care/Children and Youth project. The Clinic offers a full range of services for mothers and children, and is staffed by a multidisciplinary team that includes specialists in speech and hearing, nutrition, public health nursing, social services, and medical services. The Clinic has developed unique projects in the areas of community public health nursing, adolescent health care, nutrition, and dental health programs. The Waimanalo Health Clinic is the only one of its kind in the State of Hawaii and "serves as a model to demonstrate the ideal in delivery of maternal and child health services in the community setting."  

Under the School Health Program, health aides, supervised by school nurses, provide preventive and
emergency care in every public school in the State. The program also offers diagnostic evaluations for three- to ten-year-olds with learning disabilities.

The services provided by the Crippled Children Services Branch include: diagnosis, medical and surgical treatment, general counseling, occupational and physical therapy, speech therapy, social work, and nursing services. Diagnostic evaluations are provided without charge to all medically-eligible children. Treatment services are also free to families in financial need.

The Federal Government also provides funds for specific programs in the family health area. The U.S. Department of Health and Human Services supports:

- A program at the State Department of Health to support services to children with special needs;
- A special State project for mentally-retarded children; and
- A medical genetics screening program at the State Department of Health.

In addition, the School of Public Health at the University of Hawaii is the recipient of $301,000 in Federal funding to support a maternal and child health program directed to help young mothers during the pre- and postnatal periods.

P. COMMUNICABLE DISEASES

The Epidemiology Branch of the Hawaii State Department of Health operates the one venereal disease clinic in the State. Other programs include school immunization programs, an influenza vaccine program, and research on fish poisoning, salmonellosis, and leptospirosis. It is feared that the latter may be an occupational hazard of the growing aquaculture industry, and surveillance activities to monitor the situation are to be intensified.

The Tuberculosis Program offers detection services and preventive treatment. Tuberculosis remains a problem in Hawaii because of immigration, particularly of Indo-Chinese refugees.

The other major program in the communicable diseases category is the Leprosy Program. At the end of December 1979, there were 458 cases of leprosy on the state register. Of these cases, 328 were outpatients, 124 were residents of Kalaupapa on Molokai, 160/ and six resided at the South Trotter Wing at Leahi Hospital on Oahu. The Communicable Disease Division reports that, over the past ten years, there have been an average of 40 new leprosy cases each year. Of these cases, about 80 percent involve people who were born in Samoa or the Philippines. The Leprosy Program does not collect ethnic data on patients, but has informed the Commission that the distribution of the small numbers of locally-born cases appear to be indicative of the ethnic population distribution in Hawaii.

Since 1974, the policy of the State has been to place all new leprosy cases under outpatient treatment, unless there are severe reactions or complications. Only three percent of the leprosy program budget was allocated to outpatient care in 1979-1980, while inpatient care accounted for the balance. The majority of the inpatients, as noted above, live in Kalaupapa, and their care is made more expensive by their advancing age (their average age in 1979 was 61). By law, the residents of Kalaupapa may live out the rest of their natural lives there.

In December 1980 (in the same public law that created the Native Hawaiians Study Commission), the U.S. Congress established the Kalaupapa National Historic Park. However, the
The Hawaii State Department of Health administers four hospital systems that include twelve hospitals and one medical center. These facilities provide and coordinate high-quality acute and long-term health care to all citizens of the State, where such care is not routinely available from the private sector.

The locations of the facilities are as follows:

Hawaii County: Five hospitals in Hilo, Kona, Honokaa, Kau and Kohala;

Maui County: Two hospitals on Maui (Maui Memorial and Kula Hospital) and one medical center (at Hana); one hospital on Lanai;

Honolulu County: Two hospitals (Leahi and Maluhia) and

Kauai County: Two hospitals (Kauai Veterans and Samuel Mehelona Memorial).

The Hawaii State Department of Health also conducts the following programs:

- Dental health, with programs in dental hygiene, hospital dentistry, and community services;
- Waimano Training School and Hospital, which is the State's only residential institution for the mentally retarded;
- Health Promotion and Education, which promotes healthful lifestyles and health maintenance; and
- The State Health Planning and Development Agency, whose activities are statewide planning for health services, manpower and facilities, and the development of resources to support its plans.
1/ All of the information on the Hawaii State Department of Health programs in this section is taken from the Hawaii State Department of Health, Narrative Annual Report, Fiscal Year Ended June 30, 1980; hereinafter referred to as "Dept. of Health, Annual Report, 1980."

2/ O. A. Bushnell, A History of Infectious Diseases in Hawaii (unpublished manuscript, 1970). Dr. Bushnell is Professor Emeritus at the Medical School of the University of Hawaii.


4/ Bushnell, A History of Infectious Diseases in Hawaii.


7/ Bushnell, "Hygiene and Sanitation among the Ancient Hawaiians."

8/ See Beaglehole.

9/ Bushnell, "Hygiene and Sanitation among the Ancient Hawaiians."


12/ See I. J. Larsen.

13/ See Beaglehole.


15/ See Snow; and I. J. Larsen.


17/ See Snow; and I. J. Larsen.

18/ See Snow.

19/ See Bushnell, A History of Infectious Diseases in Hawaii; I. J. Larsen; and Halford.

20/ See Snow; and I. J. Larsen.


22/ Personal Communication to Dr. Blaisdell, from K. Nagata, University of Hawaii botanist, March, 1982.
23/ See Beaglehole.

24/ Ibid.

25/ Ibid.


27/ See Beaglehole.

28/ See Snow.


30/ See Beaglehole.

31/ See Pukui, Haertig, and Lee.

32/ Ibid.


34/ Pukui, Haertig, and Lee. [See, also, chapter in this Report entitled, "Native Hawaiian Religion."]

35/ See Bushnell, "Hygiene and Sanitation among the Ancient Hawaiians;" and, Pukui, Haertig, and Lee.


37/ See Kamakau; and, Pukui, Haertig, and Lee. [See, also, chapter in this Report entitled, "Native Hawaiian Religion."]

38/ See Bushnell, A History of Infectious Diseases in Hawaii; Pukui, Haertig, and Lee; and Handy, Pukui, and Livermore.

39/ Ibid.

40/ See Kamakau; and, John P. Ii, Fragments of Hawaiian History (Honolulu: Bernice P. Bishop Museum, 1959).

41/ See Kamakau; Ii; and, David Malo, Hawaiian Antiquities (Moolelo Hawaii), Special Publication 2, Second Edition (Honolulu: Bernice P. Bishop Museum, 1951).

42/ See Kamakau.

43/ See Kamakau; and, Handy, Pukui, and Livermore.

44/ See, Ibid.; and, Ii.


46/ See Bushnell, A History of Infectious Diseases in Hawaii; Kamakau; Ii; and, Malo.


48/ Bushnell, A History of Infectious Diseases in Hawaii.

50/ Bushnell, A History of Infectious Diseases in Hawaii.

51/ Ibid.

52/ Ibid.

53/ Ibid.

54/ See Halford.


57/ Skinsnes, "Notes on Leprosy in Hawaii."

58/ Bushnell, A History of Infectious Diseases in Hawaii.

59/ Ibid.

60/ Ibid.

61/ Ibid.

62/ Ibid.

64/ See Bushnell, A History of Infectious Diseases in Hawaii; and, R. K. Blaisdell, "Hawaiian Medical Practices" (Lecture and Manuscript, Kamehameha Schools, 1979).


70/ Blaisdell, "Hawaiian Medical Practices."

71/ See Halford.


73/ See Bushnell, A History of Infectious Diseases in Hawaii; Blaisdell, "Hawaiian Medical Practices;" and, Fuchs.

74/ Blaisdell, "Hawaiian Medical Practices."

75/ See chapter on "Native Hawaiian Religion," below, by Rubellite K. Johnson.

76/ Sea Halford.

77/ See chapter on "Native Hawaiian Religion," below, by Rubellite K. Johnson.

78/ Blaisdell, "Hawaiian Medical Practices."
80/ Bushnell, A History of Infectious Diseases in Hawaii.


82/ See Bushnell, A History of Infectious Diseases in Hawaii; and, Blaisdell, "History of Medicine in Hawaii."

83/ See Ibid.; and, Judd.


85/ Bushnell, A History of Infectious Diseases in Hawaii.

86/ Ibid.

87/ See Mouritz; and, Skinsnes, Evolution of Hawaii's Leprosy Control Program.

88/ See Mouritz; and, Skinsnes, "Notes on Leprosy in Hawaii."

89/ Blaisdell, "History of Medicine in Hawaii."

90/ Ibid.


92/ See Bushnell, A History of Infectious Diseases in Hawaii; and, Blaisdell, "History of Medicine in Hawaii."

93/ Blaisdell, "History of Medicine in Hawaii."

94/ See Bushnell, A History of Infectious Diseases in Hawaii; Judd; and, Blaisdell, "History of Medicine in Hawaii."

95/ Blaisdell, "History of Medicine in Hawaii."

96/ See Judd; and, Blaisdell, "History of Medicine in Hawaii."

97/ See Ibid.; and, Bushnell, A History of Infectious Diseases in Hawaii.

98/ See Judd.

99/ Ibid.

100/ See Bushnell, A History of Infectious Diseases in Hawaii; and, Blaisdell, "History of Medicine in Hawaii."


102/ M. Yardley and M. C. Rogers, "A History of Kapiolani Hospital" (unpublished, 1983).

103/ Ibid.
104/ Schmitt, Demographic Statistics of Hawaii. See table below.

Hawaii's Population by Major Ethnic Stock in 1778, 1893 and 1983 */
(in thousands)

<table>
<thead>
<tr>
<th>Ethnic Stock</th>
<th>1778</th>
<th>1893</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>300</td>
<td>100%</td>
<td>40</td>
</tr>
<tr>
<td>Pure</td>
<td>300</td>
<td>100%</td>
<td>38</td>
</tr>
<tr>
<td>Part</td>
<td>0</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>White</td>
<td>0</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>U.S.-Europe</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Portuguese</td>
<td>0</td>
<td>30</td>
<td>33</td>
</tr>
<tr>
<td>Oriental</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100%</td>
<td>90</td>
</tr>
</tbody>
</table>

*/ Approximate figures from Schmitt.

112/ See Ibid.; and, Judd.

113/ Bushnell, A History of Infectious Diseases in Hawaii.

114/ Ibid.


116/ Ibid.

117/ Lee and Russell.

118/ See Skinsnes, "Notes on Leprosy in Hawaii;" and, Lee and Russell. [See also, below, page 114.]

119/ Lee and Russell.

120/ Ibid.

121/ See Liberman; and, Lee and Russell.

122/ Lee and Russell.

123/ See Liberman; and, Lee and Russell.

124/ Lee and Russell.

125/ See Liberman; and, Lee and Russell.

126/ See Bushnell, A History of Infectious Diseases in Hawaii; Judd; and, Blaisdell, "History of Medicine in Hawaii."

127/ Leahi Hospital, Annual Reports, 1902-1980.

128/ Ibid.

130/ See Skinsnes, Evolution of Hawaii's Leprosy Control Program; and, Hanley and Bushnell.


133/ See Judd.

134/ Ibid.

135/ Ibid.

136/ See Bushnell. A History of Infectious Diseases in Hawaii; Judd; and, Blaisdell, "History of Medicine in Hawaii."

137/ Personal Communication to Dr. Blaisdell from W. Sakai, Waimano Training School and Hospital Administrator (February, 1983).

138/ Lee and Russell.

139/ Ibid.

140/ Ibid.

141/ See Liberman; and, Lee and Russell.

142/ See Judd.

143/ Personal Communication to Dr. Blaisdell from B. B. C. Young, University of Hawaii Medical School, Dean of Students (February 1983).

144/ The Commission also received two other papers that deal, in whole or in part, with the mental health of native Hawaiians; both were written at the direction of and funded by the Office of Hawaiian Affairs. They are: (1) Richard Kekuni Blaisdell, M.D., "Health Section of Native Hawaiians Study Commission Report" (see, particularly, pages 34-37); and (2) Ramon Lopez-Reyes, "The Demise of the Hawaiian Kingdom: Its Psycho-Cultural Impact and Moral Legacy." Both papers appear in their entirety, in the Appendix of this Report.

145/ See Appendix for comment received from Hale Ola o Ho'opakolea, p. 2.

146/ Ibid.

147/ Ibid.

148/ Ibid.

149/ Ibid.

150/ According to comments received from the Hale Ola Project, the clinic operated on the Wai'anae Coast of Oahu "was noted for its inability to adequately meet the mental health care needs of native Hawaiians on the Coast. This problem was largely due to the insensitivity of clinic staff to the unique manner in which native Hawaiian clients identified, communicated and sought to resolve their problems" (p. 3).


152/ The information on this program is drawn from comments received by the Commission from the Hale Ola Project staff, pp. 3-5.

153/ Ibid., p. 3.

154/ Information on this program supplied by Commissioner Carl Anderson, U.S. Department of Health and Human Services; and in written testimony submitted to the Commission on January 10, 1982, by George Osakoda,
Project Director for the Most-In-Need Project on Molokai.

155/ Information supplied by Commissioner Carl Anderson, U.S. Department of Health and Human Services. The Commission also received a comment from the Director of Indian Health Services (a part of the U.S. Department of Health and Human Services) stating that: "Native Hawaiians are not within the scope of the [Indian Health Service (IHS)] program and there are no IHS programs specifically targeted to serve them. The regulations governing eligibility for IHS services at 42 CFR Part 36.2 (b) states in pertinent part: (b) Indian includes Indians in the continental United States, and Indians, Aleuts and Eskimos in Alaska" (p. 1).


157/ Ibid.

158/ Ibid., p. 20.


160/ 'In January 1983, the number of patients who were residents of Kalaupapa was 114. (Communication from Hawaii Department of Health, Communicable Disease Division.)

161/ This information on the national and ethnic origin of new leprosy cases was obtained by the Commission from the Communicable Disease Division of the Hawaii State Department of Health in January 1983, in response to a comment received from Bill Kama who states that the Draft Report did not mention the lepers' plight and that "the majority are Hawaiians, and they have been treated like third class citizens."
A. INTRODUCTION

The chapter above on "Demographics" presents the statistics on education in Hawaii that are now available to the Commission. This chapter will review the historical development of the educational system in Hawaii. It will include criticisms of the system, review programs that have been initiated specifically for native Hawaiians, and discuss native Hawaiian participation in the educational community.

B. HISTORICAL BACKGROUND

Early Background

Formal education as practiced in the United States began in Hawaii after the arrival of the Protestant missionaries in 1820. Before that time, learning was passed down orally from one generation to another. For the commoners (maka'ainana) this process generally involved learning the trades from elders. The ali'i were instructed in the higher arts of religion, ruling, and warfare.

The missionaries lost no time in introducing their version of a formal education system, although it was at first restricted to the ali'i, at the latter's command. The missionaries' first task was to reduce the hitherto oral Hawaiian language to written form. Within a year of their arrival, the missionaries developed the first Hawaiian alphabet. A year later, the first textbook in Hawaiian was printed—a sixteen-page primer with the alphabet and rudimentary lessons.

When the ali'i gave the missionaries permission to establish schools for commoners, the growth in numbers of both students and schools was phenomenal. By 1831, approximately two-fifths of the population was enrolled in schools. 1/ Through the decade of the 1820's, the majority of students were adults. Continued efforts were begun to teach children in the 1830's, when the novelty of education had worn off for the adults.

Until 1840, education was the domain of the Protestant missionaries, with native Hawaiians as teachers. After 1840, this control diminished for two reasons. First, in 1840 a law was enacted to provide for a national system of common schools supported by the government. As a result, for the first time the people as a whole were required to send their children to school. In 1845, the legislature created a cabinet-level position of Minister of Public Instruction. The second reason for this diminished control was that religious tolerance was declared a government policy and other religious sects (primarily Catholic) began establishing schools. However, in spite of government direction, the schools maintained their sectarian character until the end of the reign of Kamehameha III in 1854.

By the middle of the nineteenth century there were two types of schools, government common free schools and select schools. The former comprised the free public school system. The language of instruction was Hawaiian, and the students were taught by native Hawaiian teachers. The select schools were the private schools set up for specific groups. Instruction was in English. The Royal School, which was established in 1839 by the Rev. Amos Starr Cooke and his wife, was the school that the children of the highest-ranking ali'i attended. 2/ In 1842, another missionary established Punahou, for missionary children.
Other private schools were established, mostly under denominational auspices, although some received government support. Throughout most of the second half of the nineteenth century, these private schools offered the only secondary education that was available. 3/

English was not taught in Hawaiian public schools until the early 1850's. The missionaries were at first very much against the idea of abandoning the Hawaiian language as the medium of instruction. They believed that "in order to preserve the nation, they must preserve its speech." 4/ However, by the middle of the nineteenth century English had become the primary language of business, government, and diplomacy. In 1844, a weekly newspaper published in English was the official organ of the kingdom's government. 5/ The government was pressured to encourage the teaching of English in public schools by both foreigners and Hawaiians. 6/ In 1853-54, the kingdom's legislature enacted laws to support English schools for native Hawaiians. In 1854, ten such schools were established and by the end of the century, all public school instruction was in English.

In 1854, the government also reorganized the school system along territorial, rather than sectarian, lines. Although religious organizations remained involved in the public school system for several years, their influence eventually waned. However, religious groups continued to establish numerous vocational and secondary schools.

During the years of the Republic of Hawaii (1894-1900), further developments occurred in the school system. Educators were invited to come to Hawaii from the mainland. The Constitution of the Republic prohibited the use of public money for denominational schools. Honolulu High School, which was the first public secondary school in Hawaii was established in 1895. 7/

Henry S. Townsend was named inspector general of the Hawaii school system in 1896. He was very much associated with the new philosophy of progressive education that was being espoused on the mainland by John Dewey, and he introduced it to Hawaii's teachers. 8/ Townsend also persuaded the Republic to establish a Normal School so that Hawaii could train its own teachers. In 1905, of 400 teachers employed in the public schools, 148 were native Hawaiian. 9/ In 1899, the Republic abolished the practice of charging tuition for public schools, and this further advanced the cause of universal education.

At the time of annexation, there were several types of schools in Hawaii. There were 140 public schools and 55 private schools. There was only one foreign language school (in Japanese) but this would be substantially augmented later with more Japanese, Chinese, and Korean language schools. Several industrial and vocational schools also existed, including the Kamehameha Schools for native Hawaiian boys and girls, which was established in 1887. In a class by itself was Punahou, which was a "symbol of educational excellence as well as elite status," with an exclusionary policy that it would maintain for some time. 10/

Teritorial Education System

After annexation, many teachers were brought to Hawaii from the mainland, and the process of "Americanization" began in earnest. Hawaii's public schools became the primary carrier of American values to all of the races that inhabited the islands. Oriental families quickly took advantage of the school system.
Japanese and Chinese enrollment increased dramatically from 1900 to 1911, while haole, Portuguese, and native Hawaiian enrollment increased only slightly. 11/

More public high schools were established—at Hilo in 1905, on Maui in 1913, and on Kauai in 1914. A public college of mechanical and agricultural arts was established in 1907 and was enlarged to become the College of Hawaii in 1912, and the University of Hawaii in 1920. 12/

The Hawaii educational system had made remarkable strides, yet more could be done. It was investigated by a mainland team under the direction of the Federal Commissioner of Education in 1920. The team's report criticized several aspects of the system and offered many recommendations: the average per capita expenditure for education was low; teachers were underpaid and there were too few of them; not enough was spent on maintenance of and supplies for schools; secondary schools needed to be expanded and to offer a wider curriculum (only 3 pupils of every 100 were then in public high schools); the university needed to be expanded; and the Laboratory Schools of this College became known for their innovative teacher training program. 16/

The federal survey also suggested that pupils be segregated in public schools according to their ability to use English correctly. This was based on the theory that the use of pidgin by (mainly) Oriental children would retard the progress of other students. After 1920, the pressure for school segregation mounted. It was no longer possible for all Caucasian children to attend private schools, and the public schools were now about 60 percent Japanese and Chinese. 17/ Segregation by race was impossible because of the extensive interracial marriage that had already taken place. It would also not be possible to create separate schools just for haole students, since the "Hawaiians and Portuguese, constituting an overwhelming majority of voters, would never permit such a system." 18/

The Territory responded by creating the "English Standard" schools that required students to pass English entrance examinations to qualify for admission. At first, this dual school system tended to segregate students by race. It discriminated mostly against Orientals and full-"Hawaiians, depending on the location of the school. It also helped to perpetuate class distinctions and to emphasize social distinctions. However, these distinctions were lessened as time went on, and by the time the English Standard system was abolished in 1947, these schools were attended by more Japanese than haole students. 19/

During the life of this system, only a small minority of Hawaii's children attended English Standard schools. In 1941, less than 7 percent of the students enrolled in the public school system attended them, while the rest of the students attended regular public schools. 20/

Mainland teachers played a key role in Hawaii's education system. They stressed American culture and American values. They concentrated on the tenets of democracy, freedom, patriotism, and equality. Such moral and philosophical ideas were in sharp
contrast to the stratified social system that existed in Hawaii at the time. As late as 1920, the bulk of Hawaii's teachers were haole (40 percent), Hawaiian or part-Hawaiian (25 percent), and Portuguese (12 percent). 21/ After the Normal School was expanded, however, more Oriental and Hawaii-trained teachers began teaching.

C. CRITICISMS OF THE SYSTEM

Critics of the American educational system point out that native Hawaiians have been forced into a mold that does not fit them and that their identity has been taken from them. 22/

The Native Hawaiians Study Commission heard much testimony in January 1982 about the need for greater attention to native Hawaiian education. One native Hawaiian criticized the present system in the following way:

The Americans educational system has used the schooling process historically and contemporaneously as a means to inculcate American values on Native American communities, thereby altering native ways of life.

...The American Protestant Mission, the plantation system and industrialism, all are factors that have combined to establish American socio-economic order in these islands with little or no regard for Native Hawaiian identity. The school has become an instrument for the advancement of American ideology: its objectives are to deculturate Native Hawaiians rather than to acculturate them.

...most Americans understand what happened in Hawaii history as a process of acculturation as an equal two-way sharing process between Native Hawaiian and American culture. In [other] words, the process of cultural change in Hawaiian American communities is present in society and through the educational media a distorted point of view, the schools teach "white-American history" not "native-American history." As a consequence of this perspective, acculturation processes have always been perceived as a problem for Native Americans. They are not viewed in their proper perspective as problems which have been imposed on Hawaiians by Euro-American culture which has stripped them of their capacity to control their own life ways. 23/

In response to these criticisms of the educational system in Hawaii, the Commission received comments from the Superintendent of the State of Hawaii Department of Education. The Superintendent states that:

It is intimated that the educational system in Hawaii selectively destroyed the Hawaiian culture as it Americanized the children of Hawaii. If the culture were indeed destroyed, which we do not believe to be true, the causes have to be so much more complex than that the dominant haole or western-oriented school system did a total brain wash of the native population. The churches played a large part in this as did the centers of power in mercantilism, commerce and agribusiness. The other established ethnic groups could also complain that the culture of their respective ancestor generations who came to Hawaii were also "destroyed" by the western-oriented school system of this Territory which had, rightly or wrongly, been taken over by the United States.
We are living in a time when diversity of interests, backgrounds, and cultures is far more tolerated in the United States and other parts of the world than it was since the time of western contact here through the Second World War. There have been terrible injustices and inequities carried out against minority populations—ethnic, religious, and socio-economic. Perhaps the Hawaiians were dealt a harsh hand in the past but the modern public educational system in Hawaii is now striving to promote not only Hawaiian culture but excellence in education for our Hawaiian and non-Hawaiian children and for this we need the kokua and support of the leaders in all areas of the Hawaiian community.

D. PROGRAMS FOR NATIVE HAWAIIANS

Hawaiian Studies Program

In the 1960's and 1970's, there was renewed interest in the Hawaiian culture—music, religion, and language. Support for this renewed interest grew and:

As the elements of this renaissance became more focused and as Americans in general became more interested in their cultural roots, Hawaiians and others in the community began calling for more Hawaii-oriented courses of study in schools and colleges. The projection that the Hawaiian language will be lost with the passing of the existing native speakers became of major concern in view of belief that understanding of the language is the key to understanding more fully the whole culture of the Hawaiian people.

A key aspect of this belief in the importance of preserving the Hawaiian culture is that it will benefit not only the native Hawaiians, but all the residents of the State. According to the State Department of Education:

We intend for all of our students, Hawaiian and non-Hawaiian, in all grades from Kindergarten to Twelve to have the opportunity to learn about the early Polynesian immigrants, the native Hawaiians and all of the other immigrant groups, and their interrelationships which have resulted in the Hawaii which we know today. We also believe that it is important for our students to recognize that we live in an island environment with its physical and metaphysical aspects, limitations, and possibilities.

Responding to this impetus, in 1978 a State Constitutional Amendment was adopted to create a Hawaiian Studies Program that mandates the State to:

...promote the study of Hawaiian culture, history and language. The State shall provide for a Hawaiian education program consisting of language, culture and history in the public schools.

To carry out this program, the State instituted the Hawaiian Studies Program to "develop knowledge, understanding, appreciation and internalization of fundamental aspects of Hawaiian culture, including values, concepts, practices, history, and language." Students are introduced to the various aspects of Hawaiian culture through ten areas of study (language, food, health, music, games, numbers and mathematics, history, etc.).
Approximately 30 percent of the program's effort has been devoted to teaching the Hawaiian language at the elementary level. Teachers are native-speaking elders (kupuna) who are drawn from the community and trained in classroom management and instructional techniques. To date, the State Department of Education has completed curriculum guides for grades kindergarten through the sixth grade.

The program began in 1980 and expanded from 35 schools in 1980-81 to 82 schools in 1982-83, with kupuna in 886 elementary classes. However, allocations from the State Legislature for kupuna salaries have been the same for the past three years, $201,960. Without more money, the program will be unable to expand horizontally (to more districts) or vertically (to higher grade levels).

Many parents and organizations are concerned about the lack of an integrated Hawaiian education program in the public schools. For example, during a public hearing in Hawaii on expanding the Hawaiian Studies Program, one person testified that:

We believe that the Hawaiian Studies program should not be an isolated "unit" taught at certain times in a child's school career, but rather should be an on-going integration of cultural concepts, knowledge, history, and language into the "regular" curriculum.

Concerns were also voiced about the use of kupuna in the present program. The speaker noted that: in-service training for teachers is needed so that they can effectively use the contribution of the kupuna; the number of kupuna per school do not reflect the school population; there is a lack of money for supplies; there is no clear understanding of how kupuna are assigned to classrooms; and there is inadequate in-servicing for the kupuna themselves.

Other Programs

Other educational programs exist in Hawaii that are directed specifically toward native Hawaiians. These programs are both publicly and privately financed.

One such program is the Hawaiian Learning Program at the University of Hawaii School of Social Work. This undergraduate and graduate training program has been federally-funded for five years by the Social Work Education Branch of the National Institute of Mental Health. Its purpose is to help and encourage native Hawaiians to become social workers with both professional skills and Hawaiian cultural values as a base for their training in helping fellow Hawaiians. Students take courses, work in practicum situations with native Hawaiian clients, families, or school children, and do research. Graduates of the program have gone on to work for organizations such as Alu Like, Inc., and other public and private social agencies in Hawaii.

Alu Like, Inc., is a private, non-profit organization that works toward native Hawaiian economic and social self-sufficiency. In 1978, Alu Like initiated a pilot project in conjunction with the Haleiwa Elementary School, the Department of Education Central District, and the Waialua Community Parent's Group. The project focused on teaching basics to all students through Hawaiian cultural concepts. Alu Like reports that "the impact has been significant, and the District has incorporated the concept into its regular program at Haleiwa and is utilizing the teaching materials elsewhere in the District."

Other Alu Like educational programs include video presentations for classrooms. Presentations on Ohana in the Family and Ohana in the Classroom at one elementary school are "attempts to encourage the use of cultural approaches in learning which improve..."
classroom management and facilitate learning for Hawaiian and non-Hawaiian students alike. 38/

Organizations such as the Hawaiian Civic Club of Honolulu are also involved in educational activities. The Honolulu Club's Scholarship Fund, which is "considerable for its small membership, has aided hundreds of Hawaiian youth in the completion of undergraduate and graduate work." 39/

Another organization that submitted comments on educational activities to the Commission is the Kahanahou Hawaiian Foundation. The Kahanahou cultural division "has, since 1969, "included year-round ethnic schools teaching Hawaiian language, history and traditions, native arts and crafts, sacred literature and dance, ancient implement and instrument making. And, although some classes are opened to the general public, the continuing thrust has been on the education and training of our own (Hawaiian) people, and the advancement and preservation of our native culture." 40/

No list of educational programs would be complete without mention of the Kamehameha Schools. As noted above, the Kamehameha School was established in 1887 by the Bernice Pauahi Bishop Estate. The original purpose of the trust set up by Mrs. Bishop's estate was to maintain schools specifically for those students with native Hawaiian blood. Besides the schools themselves, the school also sponsors camps and an extension education division. According to one comment received by the Commission, "In the 1980's the Schools have a student body of 2,800 and a part-time number of 9,000 students and now may be servicing about 25 percent of the eligible native Hawaiians with its present capacity and curriculum." 41/

E. NATIVE HAWAIIAN PARTICIPATION IN THE EDUCATIONAL COMMUNITY

The Native Hawaiians Study Commission received detailed information on the ethnic composition of the educational workforce from the Office of Hawaiian Affairs during its public hearings in January, 1982. 42/ This information is summarized below, followed by a brief discussion of the University of Hawaii system.

Educational Officers

The category "educational officers" includes senior management, curriculum, staff and program specialists, principals, and vice principals. The data from 1977 to 1980 show that for each year covered, the proportion of part-Hawaiians appointed to educational officer positions exceeds the part-Hawaiian proportion that applied for those positions. (See Table 45. */ For example, in 1980, of all persons who applied for educational officer positions, 13 percent were part-Hawaiians. Of those who were actually appointed, 15.3 percent were part-Hawaiians. Part-Hawaiians were the only ethnic group for which this was true in 1980. The 15.3 percent who were appointed is comparable to the part-Hawaiian proportion of the State population, 17.9 percent.

No full-Hawaiians have applied for educational officer positions since 1978, when they accounted for 0.1 percent of the applicants. One full-Hawaiian was appointed in 1977, however, and full-Hawaiians then had a 0.6 percent share of all appointments.

The total ethnic composition of the educational officer workforce is illustrated in Table 46. In 1980, there were no full-Hawaiians, and part-Hawaiians accounted for 6.5 percent of the total.

 All tables appear at the end of the chapter.
Instructional Personnel

The percentage of part-Hawaiians and full-Hawaiians qualified to be considered for instructional positions (teachers, librarians, etc.) has been declining since 1977. As a result, it is not surprising that the percentage actually hired has also declined. In 1977, the proportion of full- and part-Hawaiians in the qualified labor pool was 5 percent; that proportion was 3.7 percent in 1980. The proportion of full- and part-Hawaiians hired was 6.6 percent in 1977 and 4.7 percent in 1980.

Despite the decline in the qualified labor pool, the percentage of full- and part-Hawaiians in the teacher workforce remained the same from 1977 to 1980—0.3 and 6.7 percent, respectively. (See Table 47.) The proportion of full- and part-Hawaiians employed as teachers in 1980 (4.7 percent) exceeded their proportion in the qualified labor pool (3.7 percent).

University of Hawaii

The Commission obtained figures from the Vice President's office at the University of Hawaii on native Hawaiians in the University system. 43/ Student enrollment in the entire University of Hawaii system in the Fall of 1982 was 46,562. Of this number, 3,944 (or 8.5 percent) identified themselves as native Hawaiians. 44/ There were not as many native Hawaiian professors relative to the entire faculty. In the Fall of 1982, there were 3,387 professors in the University of Hawaii system. Only 90, or 2.7 percent, were of native Hawaiian descent.

The small number of native Hawaiian students at the University of Hawaii may have a direct impact on the number of native Hawaiians in the educational workforce reported in the previous section. According to the Hawaii Department of Education, the subject of the relative lack of native Hawaiians in the educational workforce is:

...far more complex than simply implying that Hawaiians or others have been systematically excluded. Family attitudes and influential teachers generally have a major influence on how many youngsters eventually become teachers and, subsequently, educational officers. There have been so few Hawaiian and part-Hawaiian students matriculating from the public school system to the University in the past decades that it is no surprise that there are few teachers and educational officers of Hawaiian ancestry. When teachers were really needed by a rapidly expanding school system in the 1960's, local interest was not enough to fill the positions needed so the Department had to recruit teachers from the Mainland. That would have been a perfect time for more Hawaiians to have been hired into the system but the interest was not there in that "pre-renaissance" era. 45/
### Table 45

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Source: Solomon, p. 5.

### Table 46

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Source: Solomon, p. 5.

### Table 47

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Total (%): 100% 100% 100% 100%

Source: Solomon, p. 11.
NOTES


2/ A comment received by the Commission from Violet Ku'ulei Ihara suggests that the Royal School was founded at the request of Kamehameha III. This may very well be true even though the works consulted here (including Fuchs, Daws, Liliuokalani, and Kuykendall) do not so state.


4/ Kuykendall, Volume I, p. 360. For more on the Hawaiian language, see "Language" section in chapter on "Native Hawaiian Culture," below.


7/ Fuchs, p. 264.

8/ Ibid., p. 265.

9/ Ibid., p. 264.

10/ Ibid., pp. 265-266. Comments by Haunani-Kay Trask, et al., state that this exclusionary policy was "white supremacist" (p. 9). Fuchs states that: "When twenty-six Chinese boys applied in 1896, the trustees of Punahou, unwilling to adopt an extreme racist policy, were pleased to point to a new rule that no pupil could be admitted who was 'incapable of using the English language as a medium of instruction,' and quick to argue the advantages of the new free high school established in Honolulu only the year before. Punahou would remain exclusive, but never again exclusively haole. A few Orientals--though only a token--would be admitted" (p. 266).

11/ Fuchs, p. 268.

12/ Comment received from Robert C. Schmitt, p. 2.

13/ Fuchs, pp. 271-272.

14/ Ibid., p. 272.


16/ Comment received from Violet Ku'ulei Ihara, p. 2.

17/ Fuchs, p. 274.

18/ Ibid., p. 275.

19/ Ibid., p. 279.

20/ Ibid.

21/ Ibid., p. 283.

22/ A comment received from Violet Ku'ulei Ihara states that: "Criticisms on education are one-sided. Where are the opinions of teachers in the field, administrators, parents, retirees?" (p. 2) The Commission did receive comments on this section from the Superintendent of the Hawaii Department of Education, and these comments are included at the end of this section.

23/ Dr. A. Leiomalama Solomon, Office of Hawaiian Affairs, Co-Chairperson, Education Committee, "Cross-Cultural Conflict Between Hawaiians

24/ Comment received from Donnis H. Thompson, Superintendent, State of Hawaii Department of Education, p. 2.


27/ One comment received by the Commission (from Bill Kama) pointed out that the Hawaiian language was a mandatory subject from 1919 to 1975 in Hawaii's schools but that the law was "effectively ignored" (p. 1).

28/ Hawaii State Constitution, Article X, Section 4.


30/ Ibid., p. II-3.

31/ Comment received from Donnis H. Thompson, Superintendent, State of Hawaii Department of Education, p. 1.

32/ Ibid.

33/ Robert Lokomaika'Iokalani Snakenberg, Written testimony submitted to the Native Hawaiians Study Commission, Kahalu'u, Oahu (January 14, 1982), p. 3.


35/ Ibid., p. 2.


38/ Ibid.


40/ Comment received from Kenneth C. "Keneke" Chan, Kahanahou Hawaiian Foundation, p. 1.

41/ Comment by Louis Agard, p. 24.

42/ Solomon, "Cross-Cultural Conflict between Hawaiians and Americans," Appendix.

43/ See comment by Haunani-Kay Trask, et al., who says that: "Hawaiians are clearly underrepresented in both faculty and student ranks" (p. 9).

44/ A study conducted by the University of Hawaii ("Report in Response to H.R. 509 Requesting the University of Hawaii to Study the Underrepresentation of Ethnic Groups in the Student Population of the University System," November 1981) may explain, to some extent, this apparent underrepresentation. The University study was conducted on the Fall 1980 student population, utilizing computer reports of the University's Student
Information System that provide data on the ethnic background of students.
The study found that:

...Hawaiians and Filipinos are...underrepresented in the applicant pool as well as the student population close to or above their proportional representation in the applicant pool. The only ethnic group significantly below the applicant pool prediction is Caucasian, and this is likely due to the fact that the majority of mainland applicants are Caucasians, and non-resident applicants are significantly less likely than residents to actually enroll. The important aspect of this comparison, however, is that it does not show any evidence of discrimination or bias against Hawaiians or Filipinos in the admissions process. These ethnic groups are underrepresented in the student population primarily because a smaller proportion of their members apply for admission than is the case for other groups. The root causes of this must be sought in social conditions and individual attitudes that are operative prior to the potential college experience...significant gains in representation can only be expected if potential students are reached in their pre-college years (page 2, emphasis in original).

45/ Comment from Donnis H. Thompson, Superintendent, State of Hawaii Department of Education, p. 2. This comment also reflects the results of the study documented in footnote 44, above.
Housing

A. INTRODUCTION

The cost and availability of housing are problems encountered by all U.S. citizens today. The first part of this chapter examines statewide data on housing in Hawaii. It also compares specific housing characteristics and costs for the major ethnic groups in Hawaii. Since some unique features in the housing situation for native Hawaiians have resulted from the Hawaiian Home Lands program, this chapter will also look at these in detail.

A word about some of the data used in this chapter is necessary. All of the 1980 housing statistics for different ethnic groups in the following section were obtained from a special tabulation of the 1980 Census of the Population that the U.S. Bureau of the Census performed for the Native Hawaiians Study Commission. Sources for other data are noted in the text. 1/

B. HOUSING CHARACTERISTICS

Availability

The State of Hawaii reported that in 1981 there were 343,000 housing units in Hawaii. This compares with 217,000 units in 1970. There were also 80,000 condominium units at the end of 1980 and 26,000 military and public housing units. 2/

The physical limitations of an island community will, of course, have an impact on the overall availability of housing. The high population density in Hawaii, particularly on Oahu, is also a factor. In 1980, there were 163.8 people per square mile of land area in Hawaii. This density is comparable to that in California (151.4) and about two and one-half times the population density for the United States as a whole (64). 3/ The de facto population density on the island of Oahu, however, was 1,386.8 per square mile. 4/

The State reports that housing has been in relatively short supply throughout the decade of the 1970's. 5/ Table 48 shows that the 1980 home-owner vacancy rate for Hawaii was 1.4, compared to 1.8 for the United States as a whole. The rental vacancy rates were 10.3 for Hawaii and 7.1 for the United States. 6/ (All tables are at the end of the chapter.)

Cost

The cost of housing is high in Hawaii compared to that in the United States as a whole. The median value of a house in Hawaii is two and one-half times greater than the national median value. (See Table 49.) Per capita income for all persons in the United States and in Hawaii, while Hawaii is higher, are not much different. In 1980, the personal income, per capita, was $10,101 in Hawaii and $9,521 for the United States as a whole. 7/

Data from the 1980 Census allow comparisons of the median value of owner-occupied housing units (non-condominium) in Hawaii for the major ethnic groups. (See Table 50.) The native Hawaiian group of owners has the lowest median value of all groups ($92,800), while the greatest values were reported by the Chinese ($137,900) and White ($134,500) groups.

Median rents paid in Hawaii and in the United States as a whole also differed considerably. Table 51 compares the median contract rents paid in 1970 and 1980 in the United States and in Hawaii. It shows that
the median contract rent in Hawaii was $271 in 1980, compared to $198 for the United States. Table 52 shows that in Hawaii, the median contract rent for native Hawaiians was $254, compared to $207 for Filipinos, $326 for Whites, and $271 for the all races group.

Ownership

One result of the high cost of housing in Hawaii is that more people rent. A comparison with total U.S. data shows that 59.7 percent of housing units were owner-occupied for the United States as a whole in 1980, compared to 45.8 percent for Hawaii. On the other hand, 42.8 percent of the housing units in Hawaii were occupied by renters in 1980, compared to only 33 percent in the United States as a whole. 8/

U.S. Census data for 1980 also allow the comparison of owners versus renters by household for Hawaii's ethnic groups. (See Table 53.) The great variation among ethnic groups is striking. Over two-thirds of Chinese and Japanese households are owner-occupied. Filipinos and native Hawaiians are split almost equally between owners and renters, close to the "all races" group average. Over two-thirds of Chinese and Japanese households are owner-occupied. Filipinos and native Hawaiians are split almost equally between owners and renters, close to the "all races" group average. In the White group, only 43 percent of the households are owner-occupied, which is nine percent less than the "all races" group average.

The Native Hawaiians Study Commission received housing data specifically for native Hawaiians from several Alii Like Island Centers in January 1982. The information on ownership and renting indicates that on the island of Hawaii, 58 percent of the native Hawaiians own homes, while 42 percent rent or lease. Comparable figures for other islands are: Kauai--38 percent own, 62 percent rent; Molokai--73 percent own, 27 percent rent; and Lanai--38 percent own and 62 percent rent. 9/ The data for Hawaii and Molokai indicate a ratio of ownership to rentals close to (or better than, in the case of Molokai) the U.S. average. This probably indicates that the relative cost of owning a home is lower than the State average in the areas where native Hawaiians live.

Other Housing Characteristics

The Bureau of the Census collects other information on specific housing characteristics. Data from the 1980 Census for Hawaii obtained by the Commission allows comparison across ethnic groups of the median number of persons per housing unit, the median number of rooms per unit, and the existence of plumbing facilities. (See Table 54.)

The median number of rooms per unit in Hawaii does not differ greatly among the ethnic groups, particularly for owner-occupied units. There is greater variation among groups when one compares the median number of persons living in each housing unit. Native Hawaiians and Filipinos both have more persons per room (3.53 and 3.95, respectively) than the other groups and the "all races" average (2.82).

Another indicator that is often used to determine type and quality of housing is the extent to which plumbing facilities are available. Table 55 shows these figures for Hawaii's ethnic groups. Although all groups show a very high percentage of complete plumbing facilities for the exclusive use of a single household, the incidence of complete facilities in single-family Filipino domiciles is lower than the others. The incidence of complete facilities in native Hawaiian domiciles is slightly lower than that for other groups (except the Filipino group), and native Hawaiian and Filipino households have similar incidences of partial plumbing facilities.
C. HOMESTEAD HOUSING

Background

The Hawaiian Homes Commission Act of 1920 was enacted by the U.S. Congress to "rehabilitate" native Hawaiians through a government-sponsored homesteading program.* For the purposes of the Hawaiian Homes Commission Act, "native Hawaiians" are defined as descendants of not less than one-half-part blood of races that inhabited the Hawaiian Islands prior to 1778. This definition is in contrast to that appearing in Public Law 96-565, which created the Native Hawaiians Study Commission: "any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778."10/

The program was originally intended to encourage native Hawaiians to "return to the soil" and take up farming and ranching. This goal has never been fully achieved, however. An amendment to the Act in 1923 allowed residential lots of one-half acre or more with a loan limit of $1,000 for the construction of a house. The demand for residential lots has far exceeded the demand for agricultural and pastoral lots ever since.

The Department of Hawaiian Home Lands (DHHL), which is an executive department of the State of Hawaii, administers the Act. The Department derives its funds from seven revolving funds and eight special funds established in the State treasury. They are used to support operating expenses, loan capitalization, and construction projects.

Present Demand

Homestead leases are awarded for residential, agricultural, and ranching uses. However, the vast majority of applications are for residential lots.

There are presently over 7,000 applicants of 50 percent or greater native Hawaiian blood quantum on the waiting list for homesteads. Of these, 6,360, or 87 percent, are waiting for residential lots on the island of Oahu.11/ Given the current high interest rates and housing costs in the private sector, the Chairman of the Hawaiian Homes Commission expects this demand to "increase dramatically."12/

DHHL Residential Program

Service Area

There are now approximately 2,700 homestead homes in the DHHL residential program, located on about one percent of the total acreage controlled by the DHHL as homestead land.13/ The Department estimates that it services some 3,000 families, or a population of 18,000. Table 56 summarizes the homestead lease data by island.

Homes Constructed

Approximately 1,305 new homes have been constructed for homesteaders since 1976. This is an average of 200 homes per year, compared to an annual average of less than 25 during the period from 1950 to 1975.14/ In 1982, 230 additional homes were scheduled to be constructed on Oahu. The tentative goal of DHHL is to develop an additional 710 residential lots by 1987.15/

The emphasis in the residential program has been placed on the subdivision concept, under which single family residences are built on all of the islands. The sizes of

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* For a complete review of the homestead program, see Part II, chapter entitled "Review of Hawaiian Homes Commission Programs."
individual residential lots range from 7,500 square feet on Oahu to one acre on Molokai. 16/

Cost and Program Financing

The greatest problem encountered by the DHHL in its residential program is lack of funds. The DHHL estimates that it costs about $75,000 to place a native Hawaiian family on a residential homestead. The State of Hawaii, through the DHHL, provides the site development and design for residential lots at no cost to the homesteader. These infrastructure improvements include roads, sewers, water, electrical lines, streetlights, and sidewalks. These site improvements cost about $35,000 per unit, and constructing a house costs another $40,000. Here again, the State bears the cost of financing low interest loans or guaranteed loans. 17/ DHHL estimates that it will require $477 million to satisfy the present residential waiting list of 6,360 homestead applicants. 18/

The approximate cost of a home constructed on homestead lands is considerably less than the average cost of home construction in Hawaii in general. Because interest rates are low, the monthly payments by homesteaders are also lower than for others in the State. However, these facts do not take into account the quality of homestead housing. Many homesteaders complain about substandard quality.

Since 1975, the State of Hawaii has provided the homesteading program over $40 million in general obligation bond monies for offsite improvements and loan capitalization. However, this infusion of State funds is not likely to continue because the State Constitution limits its authority to incur debt.

Loans

The DHHL is authorized to make loans from any revolving loan fund to lessees for the following purposes:

(1) The repair, maintenance, purchase, or erection of dwellings on Hawaiian homelands, and the undertaking of other permanent improvements thereon;

(2) The purchase of livestock, swine, poultry, fowl, and farm equipment; and

(3) Otherwise assisting in the development of tracts, farm and ranch operations;

(4) The cost of:

(a) Breaking up, planting and cultivating land, and harvesting crops;

(b) Purchase of seeds, fertilizers, feeds, insecticides, medicines and chemicals for disease and pest control for animals and crops, and related supplies required for farm and ranch operations;

(c) The erection of fences and other permanent improvements for farm or ranch purposes;

(d) The expense of marketing; and

(5) To assist lessees in the operation or erection of theaters, garages, service stations, markets, stores, and other mercantile establishments, all of which shall be owned by lessees of the department or by organizations formed and controlled by said lessees. 19/
Homesteaders are usually unable to secure loans from traditional lending institutions because they lack the usual collateral required for such loans. The reason for this is that they cannot mortgage the lands they lease. Consequently, the DHHL attempts to fill in the gap by offering low interest loans. For residential lots, loans are made for two purposes: to construct new homes, and to replace old and dilapidated homes. Since 1975, the State of Hawaii has allotted $14 million for loans for these types. 20/

The DHHL also assists homesteaders in arranging other financing. It provides guarantees to assist homesteaders in securing loans from other lending sources such as the Farmer's Home Administration and the (State) Hawaii Housing Authority. The Farmer's Home Administration, through its Section 502 Program, had provided loans in excess of $6 million over several years prior to 1981. 21/

At present, the Department has approximately 1,700 outstanding direct loans totalling about $28 million. It has also guaranteed approximately 50 loans totalling over $12 million to date. Table 57 summarizes the financing for houses constructed with or without DHHL support during 1980-81.

Because they are lessees and not owners, homesteaders also have difficulty in obtaining conventional loans for home repair and improvements. However, DHHL also responds to this need. Table 58 shows the DHHL home repairs program funding for 1980-1981. DHHL financed 20 home repairs and improvements (16 percent of the total) at a cost of $153,000 (26 percent). Lessees personally financed 106 home repairs and improvements (84 percent) at a cost of $445,000 (74 percent).

The 230 homes that the DHHL will construct on Oahu during 1982 will be financed by loans from the State of Hawaii ($7.7 million for 190 loans) and the Farmer's Home Administration ($1.6 million for 40 loans). Interest rates for these loans will range from 8 and 3/4 to 13 percent. 22/

Federal Housing Programs

"Native Hawaiians," as defined in Title III of the Public Law (96-565) setting up the Native Hawaiians Study Commission, are eligible to benefit from the U.S. Department of Housing and Urban Development (HUD) programs in the same fashion and no differently from any other U.S. citizen. However, there are impediments to the use of HUD programs for "Native Hawaiians" on Hawaiian Home Lands. The HUD San Francisco Regional Office of Program Planning and Evaluation wrote a working paper that discusses these impediments. In summary, it states that:

Up to the present time, the Hawaiian Homes Commission has not participated in the various HUD housing and community development programs, nor have individual native Hawaiians been able to qualify for insured loans under HUD's single-family insured programs if their potential home was to be located on Hawaiian Home Land. According to HUD's Honolulu Area Office, there are a number of problems which seem to inhibit HUD's program delivery to native Hawaiians seeking to establish residential homesteads on the Hawaiian Home Lands. These problems result from HUD program and statutory regulations which are in apparent conflict with the Hawaiian Homes Commission Act legislation. They may be categorized as follows:

- Civil Rights Act and HUD Equal Opportunity Regulations, which conflict with Hawaiian Homes
Act eligibility requirements and are inappropriate for application in the State of Hawaii;

- **FHA Single Family Insured Program Regulations** on marketability and transfer of leasehold interest conflict with HHCA regulations restricting marketability and transfer of leasehold to native Hawaiians exclusively;

- **PHA Administered Multifamily Programs** regulations require an administrative agency such as a Public Housing Authority (PHA) to be present before multifamily programs can be implemented, and HHC Act is unclear regarding multi-unit development. 23/
TABLE 46
VACANCY RATES
1980

<table>
<thead>
<tr>
<th></th>
<th>Homeowner</th>
<th>Rental</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>1.4</td>
<td>10.3</td>
</tr>
<tr>
<td>United States</td>
<td>1.8</td>
<td>7.1</td>
</tr>
</tbody>
</table>


TABLE 49
MEDIAN VALUE/NON-CONDOMINIUM (SPECIFIED OWNER, DOLLARS)

<table>
<thead>
<tr>
<th></th>
<th>1970</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>35,100</td>
<td>118,100</td>
</tr>
<tr>
<td>United States</td>
<td>17,000</td>
<td>47,200</td>
</tr>
</tbody>
</table>


TABLE 50
MEDIAN VALUE OWNER-OCCUPIED HOUSING UNITS (NON-CONDOMINIUM), 1980 (Dollars)

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>118,100</td>
</tr>
<tr>
<td>White</td>
<td>134,500</td>
</tr>
<tr>
<td>Japanese</td>
<td>115,600</td>
</tr>
<tr>
<td>Chinese</td>
<td>137,900</td>
</tr>
<tr>
<td>Filipino</td>
<td>99,900</td>
</tr>
<tr>
<td>Hawaiian */</td>
<td>92,800</td>
</tr>
</tbody>
</table>

*/ 1980 U.S. Census data combined the Hawaiian and part-Hawaiian categories.


TABLE 51
MEDIAN CONTRACT RENT (SPECIFIED RENTER, DOLLARS)
(Per Month)

<table>
<thead>
<tr>
<th></th>
<th>1970</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>120</td>
<td>271</td>
</tr>
<tr>
<td>United States</td>
<td>89</td>
<td>198</td>
</tr>
</tbody>
</table>


TABLE 52
MEDIAN CONTRACT RENT (DOLLARS, PER MONTH), 1980

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>271</td>
</tr>
<tr>
<td>White</td>
<td>326</td>
</tr>
<tr>
<td>Japanese</td>
<td>229</td>
</tr>
<tr>
<td>Chinese</td>
<td>250</td>
</tr>
<tr>
<td>Filipino</td>
<td>207</td>
</tr>
<tr>
<td>Hawaiian */</td>
<td>254</td>
</tr>
</tbody>
</table>

*/ 1980 U.S. Census data combined the Hawaiian and part-Hawaiian categories.


TABLE 53
OCCUPIED HOUSING UNITS 1980 (PERCENT)

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Owner-Occupied</th>
<th>Renter-Occupied</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Races</td>
<td>51.7</td>
<td>48.3</td>
</tr>
<tr>
<td>White</td>
<td>42.7</td>
<td>57.3</td>
</tr>
<tr>
<td>Japanese</td>
<td>68.2</td>
<td>31.8</td>
</tr>
<tr>
<td>Chinese</td>
<td>69.3</td>
<td>30.6</td>
</tr>
<tr>
<td>Filipino</td>
<td>49.8</td>
<td>50.2</td>
</tr>
<tr>
<td>Hawaiian */</td>
<td>49.8</td>
<td>50.2</td>
</tr>
</tbody>
</table>

*/ 1980 U.S. Census data combined the Hawaiian and part-Hawaiian categories.

### Table 54
**Housing Characteristics: 1980**

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Median Rooms Per Unit</th>
<th>Median Persons Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Owner-Occupied</td>
<td>Renter-Occupied</td>
</tr>
<tr>
<td>All races</td>
<td>4.6</td>
<td>5.3</td>
</tr>
<tr>
<td>White</td>
<td>4.6</td>
<td>5.4</td>
</tr>
<tr>
<td>Japanese</td>
<td>4.8</td>
<td>5.4</td>
</tr>
<tr>
<td>Chinese</td>
<td>4.5</td>
<td>5.2</td>
</tr>
<tr>
<td>Filipino</td>
<td>4.3</td>
<td>5.0</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>4.4</td>
<td>5.2</td>
</tr>
</tbody>
</table>

* U.S. Census data combined Hawaiian and part-Hawaiian categories.


### Table 55
**Plumbing Facilities by Household (Percent), 1980**

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Complete plumbing for exclusive use</th>
<th>Complete plumbing but used by another household</th>
<th>Some but not all plumbing facilities</th>
<th>No plumbing facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>97.8</td>
<td>0.9</td>
<td>0.9</td>
<td>0.4</td>
</tr>
<tr>
<td>White</td>
<td>98.0</td>
<td>0.7</td>
<td>0.8</td>
<td>0.5</td>
</tr>
<tr>
<td>Japanese</td>
<td>98.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.2</td>
</tr>
<tr>
<td>Chinese</td>
<td>98.5</td>
<td>1.1</td>
<td>0.3</td>
<td>0.1</td>
</tr>
<tr>
<td>Filipino</td>
<td>95.7</td>
<td>1.8</td>
<td>1.7</td>
<td>0.7</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>97.4</td>
<td>0.6</td>
<td>1.5</td>
<td>0.5</td>
</tr>
</tbody>
</table>

* U.S. Census data combined Hawaiian and part-Hawaiian categories.

### TABLE 56
### SUMMARY OF HOMESTEAD LEASES BY ISLAND, AS OF JUNE 30, 1981

<table>
<thead>
<tr>
<th>ISLAND</th>
<th>RESIDENTIAL</th>
<th>FARM</th>
<th>RANCH</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RES. ONLY</td>
<td>w/RES.</td>
<td>ONLY</td>
</tr>
<tr>
<td>HAWAII</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kawaihae</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keaukaha</td>
<td>323</td>
<td></td>
<td>323</td>
</tr>
<tr>
<td>Panaewa/Waiakea</td>
<td>142</td>
<td>5</td>
<td>56</td>
</tr>
<tr>
<td>Waimea</td>
<td>107</td>
<td>27</td>
<td>15</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>579</strong></td>
<td><strong>5</strong></td>
<td><strong>83</strong></td>
</tr>
<tr>
<td>KAUAI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anahola</td>
<td>137</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kekaha (Puu Opae)</td>
<td>50</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>187</strong></td>
<td></td>
<td><strong>1</strong></td>
</tr>
<tr>
<td>MAUI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paukukalo</td>
<td>89</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>89</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MOLOKAI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoolehua</td>
<td>40</td>
<td>176</td>
<td>26</td>
</tr>
<tr>
<td>Kalamaula</td>
<td>5</td>
<td>42</td>
<td>12</td>
</tr>
<tr>
<td>Kapaakea</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>O'ne Alii</td>
<td>27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kamiloioa</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>116</strong></td>
<td><strong>218</strong></td>
<td><strong>38</strong></td>
</tr>
<tr>
<td>OAHU</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lualualei</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Nanakuli</td>
<td>660</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Papakolea</td>
<td>320</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waianae</td>
<td>153</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waimanalo</td>
<td>514</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>1,747</strong></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>STATEWIDE TOTAL</strong></td>
<td><strong>2,618</strong></td>
<td><strong>224</strong></td>
<td><strong>123</strong></td>
</tr>
</tbody>
</table>

# TABLE 57


<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ISLAND</th>
<th>RESIDENTIAL SINGLE FAMILY HOMES</th>
<th>FUNDING</th>
<th>CONSTRUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>REPLACE-NEW MENT TOTAL</td>
<td>DHHL</td>
<td>LESSEE TOTAL</td>
</tr>
<tr>
<td>Miscellaneous Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keaukaha Housing</td>
<td>Hawaii</td>
<td>25</td>
<td>$825,000 (25)</td>
<td>$24,950</td>
</tr>
<tr>
<td>Kalamaula</td>
<td>Molokai</td>
<td>- 1 1</td>
<td>33,000 (1)</td>
<td>-</td>
</tr>
<tr>
<td>Nanakuli</td>
<td>Oahu</td>
<td>1 8 9</td>
<td>261,000 (8)</td>
<td>46,730</td>
</tr>
<tr>
<td>Papakolea/Kewalo</td>
<td>Oahu</td>
<td>- 7 7</td>
<td>195,000 (6)</td>
<td>75,590</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td>26</td>
<td>17 43</td>
<td></td>
</tr>
</tbody>
</table>

* Of 43 homes, 40 financed by DHHL and 3 financed by lessee themselves; in 11 homes, the lessee provided supplemental funds beyond $33,000 ceiling.


# TABLE 58

## REPAIRS AND IMPROVEMENTS/EXISTING RESIDENTIAL SINGLE FAMILY HOMES, 1980-1981

<table>
<thead>
<tr>
<th>FUNDING</th>
<th>NUMBER</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHHL</td>
<td>20</td>
<td>$153,000</td>
</tr>
<tr>
<td>Lessee</td>
<td>106</td>
<td>$445,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>126</td>
<td><strong>$598,000</strong></td>
</tr>
</tbody>
</table>

A couple of words of caution are necessary about the data used in this chapter. First, as noted in the chapter on "Demographics," the Census data for 1980 included both part-Hawaiians and full-Hawaiians in the category "Hawaiian" and because of the data collection system, the number of native Hawaiians in this category is lower than the number in the State of Hawaii population data. Second, the unique homesteading program for native Hawaiians of 50 percent blood quantum and the housing programs of the DHHL may affect the statistics presented here. According to comments, received from the Chairman of the Hawaii Department of Hawaiian Home Lands (DHHL):

Another factor which affects the housing situation for Hawaiians is the existence of DHHL's housing program. There are about 2,900 leases with residences. Assuming an average household size of 5.0 persons, this amounts to 14,500 persons residing on Hawaiian Home Lands or 8.2% of the total native Hawaiian and Hawaiian population of 175,000 [according to the State of Hawaii population data]. This will affect statistics on Hawaiians cited in the [Commission's] report, for example, number and value of owner-occupied housing units and housing characteristics. If you deduct the number of DHHL-developed residences from these statistics, you will find that the housing situation for Hawaiians is more critical (pp. 1-2).


6/ Comments received from Robert C. Schmitt point out that the rental vacancy rate shown for Hawaii in Table 48, "is very misleading, since all vacant rental units held for transient occupancy are included in the rate." (p. ?). Including "tourist-type," shared ownership or time-sharing condominiums in the vacancy rate "make rental vacancies appear higher and at prices generally above comparable long-term rental units." (Comment from Hawaii Dept. of Social Services and Housing.)


8/ Ibid., p. 762. These data may be misleading; see footnote 6 above.

9/ Testimony submitted to the Native Hawaiians Study Commission by: Rachel Kamekana (Molokai, January 10, 1982); Winifred Takoma Hualani Lum (Hawaii, January 12, 1982); Nathan Kahikolu Kalama (Kauai, January 13, 1982).
10/ For an explanation of the definition of "native Hawaiian" in P.L. 96-565, see above, pp. 36-7.


13/ Ibid.

14/ Ibid.


16/ Ibid.

17/ Padeken testimony, p. 15.

18/ Ibid., p. 16.

19/ Department of Hawaiian Home Lands, Title 10 Administrative Rules, Sec. 10-3-42 (effective July 30, 1981).

20/ Ibid testimony, p. 17.


A. ANCIENT HAWAII

The origin of the native settlers of the Hawaiian Islands has not been definitively determined. While "comparative ethnology, linguistics, and archaeology leave little doubt that Hawaiians were East Polynesian in origin," scholars do not agree on the origin, timing of the initial settlement, and the number of periods of migration.

Excavations on the island of Hawaii indicate to some that "the first significant settlement of the islands was by people with a cultural assemblage similar to that of archaic East Polynesia and that this settlement occurred sometime prior to A.D. 400." The island from whence these settlers originated, according to this scholar, has yet to be determined. Other scholars have concluded that: "Early dispersal [from the Marquesas Islands] to the Society Islands, Hawaii, and Easter Island probably took place between A.D. 650 and 800." The population and culture of these early settlers developed "large γ isolated from changes in other areas of Polynesia." There is, however, an oral tradition in Hawaii of a period of two-way voyaging between Hawaii and places to the south after this period of isolation. With the use of genealogies for time reckoning, "scholars have estimated that this voyaging would have occurred sometime between A.D. 950 and 1350 if it did in fact take place." This second migration is said to have had a significant impact on Hawaii, particularly in the area of new religious rites and symbols.

After this period, again according to Hawaiian tradition, there was "no contact with other areas of Polynesia for some twenty generations prior to European contact." Throughout this period, meanwhile, the Hawaiians were developing complex social, cultural, and political systems.

Every aspect of Hawaiian life was carried out in accordance with deeply implanted religious beliefs. Important events in each individual's life were commemorated with prayers and feasts honoring the person and the family gods. Significant events in everyday life began and ended with appropriate rituals, including house building, canoe making, fishing, and farming. Gods were invoked for every purpose from warfare to sports tournaments.

Besides the great gods of Hawaii (by the time of the missionaries there were four: Kane, Ku, Lono, and Kanaloa), there was an infinite number of subordinate gods descended from the family line of one or another of the major deities. These gods were worshiped by particular families or by those who pursued special occupations. All forms of nature were thought of as bodily manifestations of spirit forces. Some Hawaiians worshiped their gods in the form of images, while others worshiped without any concrete form.

There was a kapu, or taboo, system that was closely intertwined with this religion, as well as with the governmental and social organization of Hawaii. The word kapu means a prohibition or restriction. The kapu system was used to regulate every aspect of ancient Hawaiian life of
all classes of society and, according to one historian, "insured the subordination of the lower to the higher." 11/ Another author explains the meaning of kapu as follows:

In its fundamental meaning tapu [kapu] as a word was used primarily as an adjective and as such signified that which was psychically dangerous, hence restricted, forbidden, set apart, to be avoided, because: (a) divine, therefore requiring isolation for its own sake from both the common and the corrupt; (b) corrupt, hence dangerous to the common and the divine, therefore requiring isolation from both for their sakes. 12/

Everything associated with the gods was sacred and there were many kapu surrounding priests and anything else related to the gods. Chiefs were believed to be descended from the gods and were surrounded by a great number of kapu, depending on their rank and, hence, degree of sacredness. The best known of the kapu that affected all classes was the prohibition against men and women eating together. Women were also forbidden to eat certain foods such as pork, and certain types of bananas, coconuts, and fish. 13/

The social system of the islands consisted basically of the king, followed by the ali'i (chiefs) of various degrees, kahuna (priests/advisors), and the maka'ainana (commoners). There was also a slave class, the kauwa, below the maka'ainana, but little is known about it. 14/ The king was regarded as sacred and held the power of life and death over his subjects. His executive duties included warfare, questions of state, and overseeing the performance of religious rites. 15/

The king and ali'i of the highest rank were protected by the strictest of kapu, in order to preserve their mana (divine power) and the beneficence of the gods, upon which the entire kingdom depended for its prosperity. Great care was taken to secure noble offspring with the purest genealogy and thus ensure the continuation of the dynasty and the good favor of the gods. A suitable partner for a chief of the highest rank was his full-blooded sister. The child of such a union would be a "chief of the highest rank, a ninau pi'o, so sacred that all who came into his presence must prostrate themselves." 16/ For this reason, the genealogies of the kings were carefully preserved by their descendants to determine the purity of the bloodline of both partners. 17/

The political system of the islands consisted of small kingdoms under ali'i, with four main groupings: Hawaii, Maui, Oahu, and Kauai. Competing ali'i waged wars against each other, and, as a result, boundaries advanced and retreated according to the ability and ambition of their sovereigns. 18/ There was much discussion in the comments received by the Commission about whether the ancient land system could be termed "feudal." 19/ Authors disagree on the subject. William Russ states that "a feudal regime prevailed," 20/ and describes the relationships among the various classes in feudal terms. Lawrence Fuchs says that: "The religious, family, and property systems of feudal Hawaii and feudal Europe were different, but there were many parallels between the two." 21/

Regardless of the term employed, written descriptions of the system are similar. The following is from Jon Chinen, a noted Hawaiian land expert, who does not use the word "feudal:"

When Kamehameha The Great brought all the Hawaiian Islands under his control at the beginning of the Eighteenth Century, he simply followed the land system that had existed within the Islands from ancient
times. After selecting the choicest lands for his personal use, the king distributed the rest among his warrior chiefs, who had assisted in his conquests. These warrior chiefs, after retaining certain parcels of land for themselves, reallocated the remaining lands to the inferior chiefs, who in turn reallocated portions of their lands to their own followers. These reallocations of lands continued down the scale to the lowest tenants, the common farmers who actually tilled the soil.

All of these allotments of lands, from the warrior chiefs down to the commoners, were on a revocable basis. What the superior gave, he was able to take away at pleasure. Thus, there was no security of land ownership under the ancient Hawaiian land system. 22/

There is one significant difference between the Hawaiian land system and European feudal systems. The periodic upheavals that resulted in control of land passing to the conquering ali'i affected the latter much more than the commoners since: "the maka'ainana were the fixed residents of the land; the chiefs were the ones who moved from place to place." 23/ The maka'ainana could, if they were displeased with the way the chief treated them, move to the lands of another chief. They were bound to serve the chiefs, but not any particular chief. Malo reports that the "people made war against bad kings in old times" and overthrew chiefs who continually mistreated them. 24/

The Commission also received comments disputing the statement that the maka'ainana lived in an "intolerable" condition. 25/ Here again, authorities disagree. David Malo, a Hawaiian writing in the 1830's, was of the opinion that:

The condition of the common people was that of subjection to the chiefs, compelled to do their heavy tasks, burdened and oppressed, some even to death. The life of the people was one of patient endurance, of yielding to the chiefs to purchase their favor...It was the maka'ainana also who did all the work on the land; yet all they produced from the soil belonged to the chiefs. 26/

Lili'uokalani (Hawaii's last monarch), on the other hand, had a very different view of the ancient system:

...it has been at times asserted by foreigners that the abundance of the chief was procured by the poverty of his followers. To any person at all familiar, either by experience or from trustworthy tradition, with the daily life of the Hawaiian people fifty years ago, nothing could be more incorrect than such assumption. The chief whose retainers were in poverty or want would have felt, not only their sufferings, but, further, his own disgrace. As was then customary with the Hawaiian chiefs, my father was surrounded by hundreds of his own people, all of whom looked to him, and never in vain, for sustenance. He lived in a large grass house surrounded by smaller ones, which were the homes of those the most closely connected with his service. There was food enough and to spare for every one. And this was equally true of all his people, how distant from his personal care. For the chief always appointed some man of ability as his agent or
overseer. This office apportioned the lands to each Hawaiian, and on these allotments were raised the taro, the potatoes, the pigs, and the chickens which constituted the living of the family; even the forests, which furnished the material from which was made the tapa cloth, were apportioned to the women in like manner. It is true that no one of the common people could mortgage or sell his land, but the wisdom of this limitation is abundantly proved by the homeless condition of the Hawaiians at the present day. Rent, eviction of tenants, as understood in other lands, were unknown; but each retainer of any chief contributed in the productions of his holdings to the support of the chief's table. 27/  

The early inhabitants of Hawaii developed an economic system that was, by necessity, self-sufficient. Hawaiians lived off the abundance of land and the sea, harvesting and catching only what they needed to satisfy their immediate needs. The basic land division of the islands for landholding purposes was the ahupua'a. The ideal ahupua'a extended from the sea to the mountain. Within each ahupua'a, commoners engaged in the activities necessary to support themselves and the chiefs. The lowlands were used for cultivation of taro and bananas, the sea for fishing, and the forests in the mountains supplied bark for cloth and bird feathers for ornaments. 28/  

In agriculture, a fairly sophisticated system of irrigation was developed to bring the large amounts of water necessary to grow taro to the dry lands. Periodically, droughts would occur, forcing the people to survive on roots and ferns. The sea provided an important source of livelihood and sustenance. The Hawaiians were expert fishermen and skillful navigators. As with agriculture, strict kapu controlled the amount of fish caught and the seasons during which they could be caught, creating an efficient conservation scheme. Other occupations necessary to supply the needs of the culture included house-builders, canoe-builders, and bird-catchers (who collected feathers for the magnificent Hawaiian capes, cloaks, and helmets). 29/  

B. ISOLATION IS SHATTERED  

The long isolation of the Hawaiian islands ended with the arrival of Captain James Cook of the British Navy. Captain Cook was on his third exploratory voyage to the South Pacific, travelling from the Society Islands to the northwest coast of America, when he sighted Oahu and Kauai on January 18, 1778. He christened the island group the Sandwich Islands, in honor of his benefactor, the Earl of Sandwich.  

On January 19, the two ships under Cook's command, the Resolution and the Discovery, landed on Kauai and traded bits of iron (precious on the islands) for foodstuffs. Thus began the trade between Hawaiian and ships stopping at the islands to rest and replenish that would continue for generations.  

Cook and his crew were enthusiastically received by the natives. At first they were somewhat confused at the great respect and awe with which the natives, even the king and chiefs, beheld Captain Cook. When the two ships left Kauai and landed at Niihau, the natives were just as impressed with the ships and just as interested in trading, especially for iron.
Cook continued his voyage north, searching for a sea passage from the Pacific to the Atlantic Ocean. After eight months of a frustrating and unsuccessful search, Cook returned to winter in the islands that had been so friendly during his last stopover. The ships made stops at Maui and Hawaii where they were visited by the kings of those islands, each with their chiefs, bearing gifts for Captain Cook. Word had been received from Kauai and Niihau about the wonders of the ships and their occupants.

It was during this stopover that the ship’s crew realized that the special treatment received by Captain Cook from the natives was more than just respect for superior technology. In fact, Captain Cook was thought by the natives to be Lono, the god of the makahiki harvest and of agriculture. This mistaken identity is easily understood. The symbol for Lono that appeared on his banner "consisted of a tall pole and cross bar...decorated with large sheets of white kapa (or cloth)." The similarity to the rigging of a ship, which the natives had never seen before, must have been considered more than coincidental.

As the ships were leaving the island of Hawaii, the foremast of the Resolution was damaged. Cook returned to Kealakekua Bay on the Kona Coast of Hawaii to make the necessary repairs. While there, some altercation occurred between the natives and the crew of the ships. As a result, one of the ship's cutters was taken. Captain Cook went ashore on February 14, 1779, with the intention of holding the king, Kalaniopuu, hostage on his ship pending the return of the boat. When the natives advanced to protect the king, a battle broke out and Cook was slain.

How could Cook be killed by those who considered him a god? The timing of this last visit has an important bearing on the explanation. Mid-February is the end of the makahiki celebration, with which Lono was associated. During the makahiki, the image of Lono "was carried all around the island, stopping at the boundary of each district (ahupua'a) to receive the taxes." For warrior chiefs, the makahiki season, with its sports and other pastimes, was only a breathing space to gather strength for the important business of politics and dedicating state temples once again to the war god, Ku. So they were not overly impressed by the presence of Lono. Besides, by the end of this second visit one historian speculates that "chiefs and commoners alike had had time enough to see far more humanity than divinity among Cook's men." The same historian explains what happened in this way:

It was not the Hawaiians as a people who deified Cook, but the priests of Lono. It was not the Hawaiians as a people who killed him, but the chiefs and their fighting men, devotees of Ku, the war god, acting as protectors of their ruler, Kalaniopuu, against the incursions of a god who might very well not be a god, and whose period of ascendancy was in any case drawing to an end. Cook died in a distorted realization of the symbolic conflict that marked the close of the makahiki season.

After the death of Cook, the Resolution and the Discovery departed and several years passed before
another ship stopped at the islands. After 1786, however, the fur trade began to develop along the northwest coast of America, and more and more ships came to stop at the islands.

The earliest American contact with the islands appears to be in 1789. In that year Captain Robert Gray, commanding a small Boston trading craft, the Columbia, stopped at the islands on his way to China. By 1800, the trans-Pacific fur trade was almost completely monopolized by New England ships, and the number of American craft stopping in Hawaii increased accordingly. 35/

C. TRANSFORMATION AND CHANGE (1796-1825)

The arrival of foreigners caused changes in the economy of Hawaii and accelerated political and social transformations already under way. For the natives, these changes were profound. One author writes:

Despite the unification of the islands, the period of Kamehameha's rule was, for the Hawaiian people, one of disintegration, owing to decimation from war, the infiltration of Western commercial practices, the avarice of the chiefs and priests, the spread of haole diseases, and, perhaps most important, the breakdown of the Hawaiian religion. 36/

Political Unification--Kamehameha I

The last quarter of the eighteenth century found all the islands of the group caught in the midst of bitter civil wars. Rival chiefs fought each other to gain control of the entire group, a feat never before accomplished.

The great King Kamehameha I finally succeeded in subduing all of the islands except Kauai and Niihau in 1796. The latter two islands were ceded without a battle in 1810. Even today it is a source of pride for the residents of Kauai that their island was not militarily conquered by Kamehameha.

Several reasons are given for the success of Kamehameha in the face of so many other failures to unite the islands. Among them are the presence of foreigners and their aid in the form of both guns and advice, and the feudalistic character of the Hawaiian society in which loyalties were not static. However, probably the most important reason was the personality and the ability of Kamehameha himself. 37/

At the conclusion of the civil wars, the islands prospered as commoners were free to return to agricultural pursuits. Kamehameha, as had all conquering kings before him, distributed his lands among the ali'i and maintained the basic social and kapu systems.

Economic Changes

The arrival of foreigners brought drastic changes in the economic and material system of the native inhabitants. In the first part of the nineteenth century, Hawaii developed from a basic subsistence economy into a trading center. New products were introduced and Hawaiians traded their produce to acquire them. Port areas like Honolulu on Oahu and Lahaina on Maui were built up to handle the trade.

At first, it was the fur trade that caused ships to winter and replenish in Hawaii on their way to and from the Orient. This economic phase was followed by the sandalwood trade from about 1810 to 1830. In the 1820's, the whaling industry replaced sandalwood as the chief commercial activity and reached its zenith from 1840 to 1860.
The growth of trade with foreigners, as the number of ships stopping at the islands increased, created a market economy alongside the traditional subsistence economy. Because the feudal character of the society continued for the natives, the ali'i made new demands on the maka'ainana to service this trade. The most extreme example of this occurred in the sandalwood trade. Hundreds of commoners were forced to gather the fragrant wood for the ali'i to trade with the foreigners. The results of this subjugation included the practical extinction of sandalwood, the neglect of agriculture, and the worsening of the health of the natives, already weakened from diseases introduced by the foreigners. 38/

The Kapu System Falls */

More important than the political and economic changes occurring in the first part of the 1800's was the religious and social significance of the breaking of the kapu system after the death of Kamehameha I in 1819. In that year his son, Liholiho, succeeded him to the throne as Kamehameha II. The new king would not rule alone, however. The dowager queen, Kaahumanu, became the kuhina nui (premier) and exercised substantial authority in running the government. Although she exercised substantial power, Kaahumanu was still barred from exercising it to the fullest because of her sex. The kapu barring women from the luakini heiau, where one author states that political and religious decisions were made, were very strict. Therefore, soon after Kamehameha died, Kaahumanu began urging Liholiho to abolish the kapu system altogether. 39/

The new king hesitated at first, but he eventually acquiesced to the daring plan of the kuhina nui. The breaking of the kapu system, a truly revolutionary move, was symbolized by ai noa or "free eating"—the king eating with women, breaking the strict kapu against men and women eating together.

The erosion of belief by Hawaiians in the kapu system had begun years before. It is reported by some historians that Kaahumanu herself, along with numerous other women, had begun to break the onerous kapu against them years before. Despite the kapu forbidding it, women had been swimming out to the ships, risking death to do so. The existence of foreigners also served to weaken belief in the kapu system. The ali'i themselves "often had trouble deciding where kapu began and ended in connection with [foreigners]." 40/ Then again, the ali'i may have been convinced by the fact that foreigners did not observe kapu of "the ineffectiveness of the taboos, and, observing the superiority of haole cannon over Hawaiian clubs, of haole ships over native canoes,...began to doubt the power of their ancient gods." 41/

The decision to make such a radical departure from tradition was made by a "handful of chiefs. The commoners, as usual, followed where their ali'i led." 42/ Although they were probably relieved that the more onerous religious restrictions had been lifted, many did not abandon the old faith completely. When Liholiho ordered all the heiau (worship places) destroyed, some Hawaiians salvaged images of their gods. There was some resistance to the breaking of the kapu system on the part of ali'i who were champions of the gods, and a revolt broke out. However, the king succeeded in putting the revolt down in December 1819.

*/ See also chapter below, entitled "Native Hawaiian Religion," pages 232 to 234.
The elimination of the kapu did not change existing societal relations:

The fact that the chiefs had tested the patience of the gods did not cost them the support of the commoners;...The fall of the kapu...was an incomplete revolution. It left relations between chiefs and commoners more or less as they had been, but changed relations between chiefs, freeing each of them to try his skill at amassing and using political power in new ways. 43/

Arrival of Missionaries

The first group of American missionaries was sent by the American Board of Commissioners for Foreign Missions, an interdenominational body whose members were primarily Presbyterian and Congregational. 44/ This first mission consisted of four Hawaiians who had been educated at the Foreign Mission School, two ordained ministers (Hiram Bingham of Vermont and Asa Thurston of Massachusetts), and several lay specialists (a farmer, a printer, two teachers, and a physician). The group was instructed to take a broad view of its mission, "to aim at nothing short of covering the islands with 'fruitful fields and pleasant dwellings, and schools and churches.'" 45/

The Hawaii that the missionaries saw when they arrived off the coast of the island of Hawaii on March 30, 1820, was much changed from the Hawaii first viewed by Captain Cook in 1778. The Hawaiian Islands and people had been irrevocably changed by contact with traders, explorers, and foreign residents. Demoralization was one result of this contact. The Hawaiian social order had been transformed--kapu had been abolished, idols destroyed, and the authority of the priests was thrown in question. The timing of the arrival of the missionaries was auspicious. Acceptance was assured when the powerful kuhina nui, Kaahumanu, supported the missionary endeavor.

The austere New England missionaries introduced totally different mores into Hawaiian society, compounding the confusion and disruption resulting from the economic, political, and social changes discussed above. Two conflicting views are represented by Hawaiian and missionary thinking:

The Hawaiians believed life was to be lived here and now; the men from colder climes insisted that life on earth was merely preparation for everlasting life beyond. 46/ Even in this life, the Hawaiian was not usually trying to prove his virtue, or improve his status; to the New England missionaries, life was a continuous struggle for moral and material self-improvement to receive God's grace. To the Hawaiian, the sharing of food, hut, and woman came naturally; the New Englanders maintained a stern sense of privacy concerning property and person. Sex to Polynesians was pure joy; to these haole, a grim and burdensome necessity. Children born in or out of wedlock received the affection of the Hawaiians, to Bingham and his friends, bastards were conceived in sin. 47/

The role of the missionaries in Hawaii continues to be a complex and controversial issue. Many native Hawaiians still bear hostile feelings against these people who "stole their land." 48/ Indeed, the acquisitions of the missionaries and their descendants in Hawaii became extensive. When they first arrived, the missionaries were prohibited from owning any land. This policy was reversed in the 1840's to counteract the 'homeward current' of missionaries who had been there for several years and felt it was time to return to the
United States to educate their children. 49/ The future impact of this was significant:

A strong and aggressive foreign element, mainly American, purloined political power from the Kanakas [natives], and made itself wealthy by entering business, trade, and commerce. Although most of them were no longer missionaries, they were called the "Missionary Party"—in derision—by the natives who saw themselves being progressively relegated to the rear. The numerically inferior, but culturally superior, Americans became not only the leading businessmen but also the chief politicians and governing officials. Royal officers after the 1850's seldom bore Hawaiian names. 50/

This domination continued into the twentieth century, particularly in business. Another author notes that: "By 1935, exactly one-third of the directors and officers of the forty-five sugar plantations and factors in Hawaii were direct descendants of or related by marriage to the original missionary families of the Islands." 51/

There is another side of this story, however. The missionaries did accomplish more than their own self-aggrandizement. For example, they "set up the first printing press west of the Rockies, developed the Hawaiian alphabet, established schools throughout the Islands, printed textbooks, translated the Bible into Hawaiian, and promoted constitutional government under the Kingdom." 52/ The primary goal of the missionaries was to preach and convert, but much time was spent in the beginning teaching and transcribing the Hawaiian language. Their success in education can be seen in the large number of Hawaiians enrolled in schools and the high literacy rates recorded. Whether or not this record of activity was of benefit to the native Hawaiians is difficult to say. Fuch states that:

The missionaries did have a tremendous impact, and by speeding the process of social change, they contributed to the psychological demoralization of the Hawaiians. The Hawaiian language, dance, and art were degraded. The land, property, political and religious systems were under constant attack...[However,] [e]ven without the missionaries, it is unthinkable that Hawaiian culture and people could have withstood the sudden impact of Western civilization. Indeed, the missionaries often helped arrest some of the decay. 53/

The traders and explorers, who had come to consider the islands of Hawaii their personal paradise, did not appreciate the missionaries' zeal in teaching the natives traditional New England mores. As more natives, and particularly the ali'i, embraced the new faith, more forceful attempts were made to control the debauchery of the sailors by proscribing their activities. The kapu most detested by the sailors was the one placed on women to keep them from the ships. The conflict arising from this clash of desires resulted in the first formal laws of the kingdom, promulgated by the king (see below). Sailors were not the only group with whom the missionaries did not see eye to eye. In 1827, French Catholic missionaries arrived at Honolulu. The Protestant missionaries eventually influenced the chiefs to expel the Catholic priests. Nevertheless, they persisted in their attempts to establish a mission. Native converts and priests alike continued to suffer persecution until 1839. This fact was one of the primary reasons that the Hawaiian government would have problems in its foreign relations with France for years to come.
Foreign Policy

With a growing foreign population, it became necessary for Hawaiian kings to construct a "foreign policy" for the first time. Kamehameha I considered himself and his kingdom to be under the protection of Great Britain, a view also held by the king's successor, Kamehameha II. As will be seen below, there developed among the great powers a continuous rivalry to assert their rights and influence in the island kingdom.

The king and his chiefs felt threatened by the riotous behavior of the sailors and the demands, mainly for land, of other foreigners. To solidify Hawaii's standing against these encroachments, it was felt that the backing of Great Britain was necessary. Therefore, Kamehameha II traveled to Great Britain to meet with King George V to discuss the possibility of a British protectorate for Hawaii. Unfortunately, a measles epidemic broke out in London and both Kamehameha II and his wife died of the disease in 1824. The meeting with King George never occurred.

D. THE REIGN OF KAMEHAMEHA III (1825-1854)

The reign of Kamehameha III was the longest in Hawaiian history—from 1825 to 1854. Many changes occurred during this time: the establishment of a system of laws, and, eventually, a constitutional government; formal relationships with foreign governments; land reform; and commercial, social, and educational developments.

Creation of a System of Laws

Kauikeaouli, younger brother of Kamehameha II, was a minor when he succeeded to the throne of Hawaii after the death of his brother in London. The kingdom was still governed by the powerful Kaahumanu until her death in 1832.

The first laws appeared in the kingdom before the death of Kamehameha II, made necessary by the increasing problems involved with reconciling the newly-acquired Christian principles of the natives with the unruly behavior of the sailors in the port areas. The earliest printed laws were the "Notices" of 1822 on disturbing the peace. In 1827, three laws were adopted against murder, theft, and adultery.

During the regency of Kaumumanu, there had been a general tightening of laws and restrictions placed on both natives and foreigners. After her death in 1832, the missionaries worried that, without her powerful support, many of their gains in promoting what they considered a Christian nation would disintegrate. They were not wrong. The king, at eighteen, had no sympathy for the new religion. In his rebellion against the puritanical laws imposed during the regency of Kaahumanu, the king abrogated all laws except those against theft and murder. He embarked on a "kind of inventive guerrilla war on Christian morality." One author attributes this attitude of the king to cultural and political reasons:

In the revival of the hula and ancient games we recognize elements of the racial culture struggling for expression after a long period of forced retirement. There was also during these two years (1833 and 1834) a protracted struggle between the king and the older chiefs resulting from the decision of the king to terminate
the regency and from what looks like an attempt on his part to regain for the crown as much as possible of the power which had gradually passed into the hands of the council of chiefs. 55/

The king's rebellion came to an end in June, 1834. 56/ At that time, Kamehameha III retired from actively governing the kingdom and allowed the new kuhina nui, his half-sister Kinau, and the chiefs to run the government, as they had before the death of Kaahumanu.

Meanwhile, the problems inherent in governing a foreign population that frequently called upon warships to back up their claims continued to plague the ruling chiefs. The majority of the claims against the government by foreigners dealt with land and property rights. Unfamiliar with Western property rights and laws, the chiefs decided that it would be necessary to establish more formal laws and government in the kingdom to answer these claims.

To begin this process, a request was made to the United States in 1836 by the chiefs for a teacher of economics and political science. When no suitable teacher could be found, William Richards, a missionary, became "chaplain, teacher and translator" to the king in 1838. 57/ This is the beginning of the formal involvement of missionaries in the government of the Hawaiian kingdom. During the 1840's more missionaries formally joined the king's cabinet: the physician Gerrit P. Judd; Lorrin Andrews, former principal of Lahainaluna; and Richard Armstrong, pastor of Kawaiahao Church in Honolulu. Missionaries who joined the government were required to break formal connection with the American Board of Commissioners for Foreign Missions.

Other white men found their way into the government from diverse backgrounds: John Ricord became attorney general; William Little Lee became chief justice of the Hawaiian supreme court while still in his twenties; Robert C. Wyllie served as foreign minister for twenty years. The numbers and influence of these men in the government grew. By the end of 1844, there were fourteen white men working for the government. This number grew to forty-eight by 1851—twenty-five Americans, twenty-one Englishmen, one Frenchman, and one German. Each foreigner in the government had to sign an oath of allegiance to the king as a condition of employment. 58/

Once Richards began to advise the king and the chiefs, "it became clear that the government could not be remade to suit foreigners without bringing in revolutionary changes in the relationship between chiefs and commoners." 59/ As a first step, in 1839 the king announced a policy of religious toleration (relieving pressure on the Catholics). In the same year, the king proclaimed the Declaration of Rights and Laws, a sort of civil code (called the "Hawaiian Magna Carta"). This document defined and secured for the first time the rights of the commoners who, prior to that time, had had no rights, but were subservient to the ali'i. This was the first result of the decision by the king and chiefs to codify the laws of the kingdom.

Prior to the Constitution of 1840, Hawaii's form of government was difficult to define because it was constantly changing. During the reign of Kamehameha I, it was a feudal aristocracy. During the reign of Kamehameha II and the minority of Kamehameha III, the importance of the office of the kuhina nui was enhanced and the chiefs began to encroach on the authority of the king. From their beginning as an advisory council, the chiefs eventually came to have legislative power. 60/
After deliberation by the chiefs and the king's advisors, a constitution was signed by the king and kuhina nui in 1840. The Constitution of 1840 put in writing for the first time a plan of the government and a description of the powers and duties of various officials within the government. In brief, the constitution provided that:

- The king and the kuhina nui together wielded supreme executive authority.

- Four governors, subject to the king and kuhina nui, would have charge of matters of government not assigned to other officials.

- The lawmaking power was lodged in a legislative body consisting of two branches: a council of chiefs, including the king and kuhina nui (later called house of nobles), and a representative body chosen by the people.

- A supreme court was created to be composed of the king, kuhina nui, and four other judges appointed by the lower branch of the legislature.

Three Organic Acts adopted from 1845 to 1847 elaborated on the constitution. They set up an administrative and judicial system of the Anglo-American type. The first act defined the organization of the executive branch. The second defined the functions of the five executive departments, including an article that established a Board of Commissioners to Quiet Land Titles. The third organized the judiciary.

Through these Organic Acts, the administrative and judicial systems developed more toward the Anglo-American style advocated by the foreigners holding positions in the government. As the number of these foreigners in the government increased, protests were made to the king by native Hawaiians. In 1845, a petition was sent to the king from Lahaina asking him to dismiss all naturalized foreigners he had appointed as officers of the kingdom. The petition was not acted upon.

At the same time, the land system was undergoing drastic changes from the previous system. The Great Mahele of 1848 divided land in the kingdom into two parts—land belonging to the king and land belonging to the konohiki, or chiefs. The next day, after the last mahele (division) with the konohiki, the king divided his land again in two parts with the larger part designated as "government" land under the control of the legislative council. The smaller part was known as the "Crown Lands" and belonged to the king. At about the same time, kuleana were awarded in fee simple to native Hawaiian tenants.*/

By 1851 the Constitution of 1840 was out of date, given the numerous developments in the government system since that time. A new constitution was approved by the legislature in 1852. The powers of government were divided into executive, legislative, and judicial branches. The king was declared the "Supreme Executive Magistrate," although his powers were somewhat limited by the kuhina nui. The privy council continued to play an important role. Ministers were appointed by the king, as were governors. Legislative power was vested in the king, the house of nobles, and the house of representatives, each with veto powers over the others.

*/ For a more complete explanation of the land system changes, see Part II, "Land Laws and Land Relationships."
In order to understand future constitutional activity of the kingdom, it is important here to point out the differences between constitutions of the Hawaiian Kingdom and of the United States. Unlike the system in the United States, the Hawaiian monarch was believed to have had the right to promulgate and abrogate constitutions, since the original constitution was granted by the king and not by "We the people." One Hawaiian writer states that: "By proposing the action of the constitution of 1852 the king set a precedent that he could, with the consent of the legislature, change the constitution." 64/ Relationships with Foreign Governments

These early years of the reign of Kamehameha III saw increasing problems with foreigners. The government, particularly its white members, struggled to achieve an aura of gravity that would command the respect of the foreigners in the islands. Calling upon warships to back up the claims of foreign citizenry continued unabated, however. The ability of the kingdom to survive on its own became increasingly questionable. David Malo wrote at this time that "such has always been the case with large countries, the small ones have been eaten up." Evil, he wrote, was at the door, ready to "come in and bite us." 65/ The treaties the king had already signed with foreign governments were disadvantageous to Hawaii and did little to protect the sovereignty of the kingdom.

Relations with the French were at a particularly low ebb. Besides the religious persecution of Catholics in Hawaii, the passage of an act in 1838 prohibiting importation and purchase of distilled liquors and imposing a duty of $1/gallon on imported wines was particularly irksome. The problem came to head in July 1839. The commander of a French frigate, Captain Laplace, threatened to use force if the king did not accede to several demands made by the French in Hawaii. To avoid bloodshed, the king signed a convention with the French (known as the "Laplace Convention") and announced a policy of religious toleration.

The convention the king was forced to sign contained two clauses that circumscribed the power of the king:

- Frenchmen accused of "any crime whatever" would be judged by a jury composed of foreigners, proposed by the French consul; and
- French merchandise was not to be prohibited nor pay a higher duty than 5 percent ad valorem. 66/

To prevent foreign governments from taking further advantage of Hawaii, the king and his council decided that more formal relationships should be established with foreign governments. To accomplish this, a delegation was sent by the Hawaiian Government in 1842 to negotiate for formal recognition and new treaties with the United States, Great Britain, and France, to replace the existing informal and disadvantageous conventions. The delegation was composed of Sir George Simpson (Governor of the Hudson's Bay Company), William Richards, and Timothy Haalilio (a Hawaiian in the Government).

The mission succeeded in the United States. The first formal recognition of Hawaii's independence was in the form of a document given to the Hawaiian envoys by U.S. Secretary of State Daniel Webster on December 30, 1842. The document stated that the United States was more interested in Hawaii than any other nation and that "no power ought either to take
possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce." 67/ The document was sent to Great Britain and France and became known as the "Tyler Doctrine," after the then-President John Tyler.

Having successfully completed their negotiation in the United States, the king's representatives left for Europe to continue their quest for formal recognition. Before they could complete negotiations for recognition in Europe, however, the "Paulet Affair" intervened.

Lord Paulet, captain of the British frigate Carysfort, was sent to Honolulu to protect British interests as a result of complaints—mainly about land—by the acting British consul in Honolulu, Alexander Simpson. Paulet made demands on the Hawaiian government and threatened to fire upon Honolulu if they were not met.

To avoid conflict, the king made a provisional cession of the islands to Great Britain on February 25, 1843. Until the end of July, the Hawaiian Islands were under the British flag. When it was informed of what Paulet had done, the British Government disavowed Paulet's act and sent Rear Admiral Richard Thomas to restore Hawaiian sovereignty, which he did on July 31, 1843.

After this episode was resolved, the Hawaiian delegation continued their European negotiations. Finally, on November 11, 1843, a joint declaration was signed in London by which the Queen of Great Britain and the King of France recognized the independence of the Sandwich (Hawaiian) Islands. The United States refused to sign the declaration on the grounds that it was contrary to America's policy of avoiding entangling alliances. Instead, the United States stood by the Tyler Doctrine.

Despite this formal recognition of independence, inequitable treaties were still a problem for Hawaii. In 1844, the British presented the Hawaiian Government with a convention with objectionable articles similar to those of the Laplace Convention of 1839. The government signed the convention but wrote to the head of the British foreign office seeking modifications. New treaties were signed with Britain and France in 1846, still with objectionable articles on trade preferences and the composition of juries.

In the mid-1840's and 1850's Hawaii was finally able to achieve equitable treaties. In 1846 Hawaii signed a satisfactory treaty with Denmark that did not contain the restrictive clauses of the British and French treaties. Eventually, even Britain and the United States relaxed their discriminatory attitudes. By the 1840's, the articles of arrangement with the United States, which had first been negotiated in 1826, had ceased to be regarded as a valid treaty. A new treaty satisfactory to the Hawaiian Government was signed in 1849 and remained in effect until the annexation. The American treaty served as the basis for a new, more equitable treaty with Great Britain, signed in 1851. In turn, this treaty was the basis for treaties with Sweden and Norway in 1852.

Thus Hawaii progressed toward more equitable treaty relations. France was an exception, since it continued to insist upon articles objectionable to the Hawaiian Government. Moreover, most-favored-nation clauses enabled other nations to claim the benefits of the restrictive clauses in the French treaty.

**Trade and Annexation**

Economic development in the late 1840's and early 1850's foreshadowed the dominant role the United States would play in Hawaii's international relations.
would play in economic and political matters in Hawaii through the rest of the century. The latter years of the reign of Kamehameha III saw an increase in trade between Hawaii and the West Coast of the North American continent. The primary impetus was the acquisition of California and Oregon by the United States, the discovery of gold in California, and the subsequent influx of population requiring supplies more easily obtained from Hawaii than from the U.S. eastern seaboard.

This expansion of the United States to the Pacific engendered an "exuberant expansionism," and convinced many that "it was the 'manifest destiny' of the United States to overspread the whole North American continent and the adjacent islands." 68/ Kuykendall notes that this expansionism would have a significant impact on Hawaii. Specifically, it gave birth in the United States to the idea that Hawaii should be annexed to the American Union, and aroused apprehension in Hawaii as to the possible effect of "this onflowing and seemingly resistless tide upon the destiny of the little island kingdom." 69/

The sugar industry progressed in Hawaii, stimulated by the new markets on the U.S. West Coast. One problem with this market, however, was the high U.S. tariff wall and the necessity to compete with low-cost sugars from Manila and China. Labor supply became a problem as the sugar industry grew concurrently with the decline in the native Hawaiian population. Approximately 200 Chinese contract laborers were brought in for the first time to alleviate the shortage during 1852.

Trade goods were not the only commodity some Hawaiians thought might be travelling between California and Hawaii. Rumors abounded that groups of filibusterers were poised in San Francisco ready to descend upon Hawaii and attempt to overthrow the government.

Other troubles at this time also put the political stability of the monarchy in doubt again. The French menaced once more, sending warships to Hawaii. Then a smallpox epidemic broke out. Partially as a result of the way the epidemic was handled, there was a political upheaval in 1853 and one of the king's ministers, Gerritt Judd, was dismissed.

During this upheaval the topic of annexation to the United States came to the fore. Some viewed annexation as "Manifest Destiny;" others considered it the means to ensure that the islands did not fall into the hands of Great Britain or France; everyone knew that the economy of the islands would benefit if the U.S. tariff on sugar could be eliminated. 70/

The king, beset by internal squabbles, annexationists, and external pressures, began to despair of the future. Secretly, he sent a proclamation to the United States Commissioner requesting assistance in case Hawaii were attacked. The proclamation said, in part, that the king and kuhina nui:

Hereby proclaim as our Royal will and pleasure, that all our Islands, and all our rights as sovereign over them, are from the date hereof, placed under the protection and safeguards of the United States of America until some arrangements can be made to place our said relations with France upon a footing compatible with my rights as an independent sovereign,...or if such arrangements should be found impracticable, then it is our wish and pleasure that the protection aforesaid under the United States of America be perpetual. 71/
The U.S. Commissioner and members of the king's government drew up a document setting forth alternative plans for the United States to save Hawaii from the danger of filibustering or threats from foreign governments. In order of preference, these were:

- A joint protectorate by the United States, Great Britain, and France;
- A protectorate under the United States and Great Britain;
- A protectorate by the United States alone;
- If no protectorate could be arranged, resignation of sovereignty to the United States. 72/73/

After communicating these developments to Washington, however, the United States Commissioner was informed by the U.S. Secretary of State that he was not to give countenance to "any idea or expectation that the islands will become annexed to the United States." 73/

All of these negotiations came to a halt without being resolved. Rumors of filibustering proved untrue, relations with France improved somewhat, and Kamehameha III died on December 15, 1854. His successor, Prince Alexander Liholiho, did not reopen the discussions and supporters of annexation in Hawaii gave up their agitation for the time being. However, interest had been piqued in the United States by these developments. Fear that France would take over the Hawaiian Islands had stimulated talk of annexation, particularly in California.

E. THE REIGNS OF KAMEHAMEHA IV AND V (1854-1872)

Politics and Sugar

Prince Alexander Liholiho, nephew and heir of Kamehameha III, ascended the throne as Kamehameha IV in December 1854. His reign lasted until his death in 1863. This Hawaiian monarch had very different ideas about relations with foreign governments, in general, and with the United States, in particular.

In the foreign realm, the policy of the government of Kamehameha IV consisted of three parts:

1) To substitute for the pending annexation project a treaty of reciprocity between the United States and Hawaii;

2) To get a satisfactory treaty with France and place the relations between the two countries on a cordial footing; and

3) To obtain a joint guarantee of Hawaii's independence by the great maritime powers, Great Britain, France, the United States, and possibly Russia, by means of a tripartite or quadripartite treaty. 74/

Of the three parts of this policy, only the second met with some success. A new treaty between Hawaii and France was ratified in 1858 and, although still not satisfactory, the treaty was "in some important respects an improvement over the old one." 75/

One of the first steps taken in pursuit of the foreign policy goals of Kamehameha IV was to break off all negotiations for annexation to the
In general, the reign of Kamehameha IV marked the beginning of the turning away from American influence and toward a closer relationship with England. This relationship was symbolized by the introduction of the Anglican Church into Hawaii by the king and his wife, Queen Emma. The king and the chiefs feared that the great preponderance of American interests (particularly missionary interests) in Hawaii would lead to the overthrow of the monarchy, annexation, and the eventual extinction of the Hawaiian race. The close call with annexation in the waning years of the reign of Kamehameha III, which Alexander Liholiho had opposed, as prince and heir apparent, confirmed this suspicion.

Meanwhile, these years were years of economic transition. Whaling declined as the primary industry, while the sugar industry grew dramatically. After the California gold rush, the sugar industry went into a depression in Hawaii. However, the U.S. Civil War provided the necessary boost in the market to make Hawaiian sugar the primary export of the islands. Another factor in the increase in output at this time were improvements in mills, machinery, and production methods.

The plantation agency system developed to promote the industry. The system, which was set up by the larger business houses in Honolulu, provided capital to and served as centralized agents for individual plantations. The larger of these establishments would eventually consolidate into the "Big Five" sugar factors (agents).

The problem of labor supply became acute, spurred by the growth of the agriculture industry and the continued decline in the native population. More Chinese laborers were brought in, but this was not a popular policy, particularly among native Hawaiians. The first Japanese laborers were brought to Hawaii in 1868. In 1869, Hawaiians held meetings during which several resolutions were passed against further importation of Chinese contract labor and expressing the opinion that "the government should bring here the people--men, women and children--of a cognate race with ourselves, as laborers, and to increase the population of our group." 80/

In 1871, a treaty of friendship and commerce was concluded with Japan. The treaty contained provisions that "the Hawaiian Government expected to open the way for an extensive immigration of Japanese laborers to Hawaii." 81/ This goal was not reached until after many years of negotiation, however.

The continued growth of the sugar industry depended on the existence of an accessible market. For this reason, the question of annexation was still alive in the minds of sugar planters, who were most interested in getting out from under the heavy import duties imposed upon them by the U.S. Government. The Hawaiian Government proposed an alternative--a reciprocity treaty with the United States to permit U.S. and Hawaiian goods to be exchanged free of duty. An emissary was sent to Washington to negotiate such a treaty but it did not pass the U.S. Senate. The Hawaiian sugar industry was afforded some relief, however, when the U.S. tariff was lowered in 1859. In late 1866 the reciprocity treaty was once more brought forward, but it was again defeated in the U.S. Congress.

One of the reasons for the defeat of the treaty, according to Kuykendall, was the mission of Zephaniah S. Spalding. He was sent to Hawaii in late 1868 by U.S. Secretary of State Seward to observe and report to Seward on the situation in the islands and the probable effect of the reciprocity treaty that was then pending in the Senate." 83/ According to Kuykendall, Spalding was "strongly opposed to the reciprocity treaty, and was in favor of annexation, which he thought would be hastened by rejection
of the treaty." Spalding's report probably had some, although not major, influence on the treaty's rejection by the U.S. Congress.

Plight of the People

As a result of the constitutional developments described above, native Hawaiian men had the right to vote for the members of the kingdom's house of representatives. They did not, however, share in the growing prosperity of the kingdom.

The native population continued its precipitous decline. Liholiho singled out the problem of the decrease in the native population in his speech opening the legislature in 1855. He suggested a two-fold attack on the problem: reduction in loss caused by disease, and encouragement of Polynesian immigrants to reinforce and reinvigorate the Hawaiian stock. The latter plan was eventually accomplished through labor immigration, although it was not always to the satisfaction of the native Hawaiians, as noted above.

To improve the economic well-being of the native Hawaiians, efforts were made by Kings Kamehameha IV and V to interest them in the growing agricultural industry. Some native Hawaiians did grow potatoes, but the potato as a cash crop did not survive long. The Native Hawaiian Agricultural Society was set up in 1856, but it was not very successful in encouraging greater production from Hawaiians. Growing sugar required large-scale operations and was monopolized by Americans. The native Hawaiians did not share the white man's view of the future in terms of profit and loss, and the result was that the native population existed on the fringes of the impending economic boom.

Constitutional Change

On the death of Liholiho on November 30, 1863, his older brother (Prince Lot) succeeded to the throne as Kamehameha V. Unlike his predecessor, Kamehameha V did not take the oath to uphold the kingdom's constitution, promulgated in 1852.

Even during the reign of Liholiho, the king and his advisors had attempted to amend the Constitution of 1852. The most objectionable features of the latter included the existence of the office of the kuhina nui, the power of the privy council, universal male suffrage, and the absence of property qualifications for members of the House of Representatives.

King Kamehameha V believed that the Constitution of 1852 was far in advance of the needs of the people, and he called a convention to draft a new constitution. When the convention deadlocked on the question of property qualifications, the king adjourned the convention, abrogated the old constitution and promulgated a new one a week later. The principal changes embodied in the Constitution of 1864 were:

- The office of kuhina nui was abolished;
- The powers of the privy council were curtailed, while the administrative powers of the king and cabinet were strengthened;
- The nobles and people's representatives would sit together as the legislative assembly; and
- There would be property qualifications for the representatives and property and educational qualifications for voters.
As noted above, the power of the king to unilaterally abrogate the constitution was accepted by native Hawaiians. Of the action of Kamehameha V, Liliuokalani says:

It has already been seen that the right of life and death was unchallenged; that whatever it may be in other countries, as late as an epoch thirty years in the past [i.e., mid-1860's] it belonged to the highest chief of the Hawaiian people...Let it be repeated: the promulgation of a new constitution, adapted to the needs of the times and the demands of the people, has been an indisputable prerogative of the Hawaiian monarchy.

F. LUNALILO (1873-1874)

Kamehameha V died in December 1872 without naming a successor. On his deathbed he asked the High Chiefess Bernice Pauahi (Mrs. Charles R. Bishop) to be his successor, but she declined. As provided for in the constitution, the national legislature was responsible for choosing the new monarch. An informal popular vote was held and the result was a large majority for Lunalilo, a cousin of Kamehameha V (the other contender was David Kalakaua). The legislature confirmed the election.

The kingdom that Lunalilo took over was encountering severe economic difficulties. The islands' economy became more and more dependent upon the United States as the sugar industry continued to expand. The reciprocity treaty became more important with the serious financial depression in Hawaii in 1872. Talk of annexation surfaced, but the weight of public opinion, even among the haole population, was against it. The king and legislature submitted for U.S. review the idea of a reciprocity treaty in return for the cession of Pearl Harbor. Some of the king's advisors had told him that this would make passage of the treaty much more probable. There was a public outcry against such a scheme by the native population, however, and the latter proposal was withdrawn.

Meanwhile, the U.S. Government was ascertaining the military importance of the Hawaiian Islands in general and Pearl Harbor in particular. Early in 1873 Major General John M. Schofield, commander of the United States Army Military Division of the Pacific, and Brevet Brigadier General B. S. Alexander, a lieutenant colonel in the Corps of Engineers, arrived in Honolulu. Ostensibly on a vacation trip, the secret purpose of the men's visit was to report to U.S. Secretary of War W. W. Belknap on the "defensive capabilities of the different ports and their commercial facilities." The report, which was made public twenty years later, "emphasized the value of Pearl Harbor and discussed the means of making it available for naval and commercial purposes."

In the political realm, Lunalilo did succeed in having some amendments to the Constitution of 1864 adopted, including the repeal of the property qualifications for voters. Other policies were not as popular, however. The continuing public health problem with leprosy resulted in strict enforcement of the law sending lepers to Molokai--in two years over 500 lepers were sent to facilities there that were already over-extended. This policy caused the government to lose much popular support.
Lunalilo died of pulmonary tuberculosis in February 1874 after barely a year on the throne. He became the first Hawaiian monarch to leave his property to a benevolent institution—the Lunalilo Home for poor/ destitute, and infirm people of Hawaiian blood.

Since Lunalilo died without an heir, the legislature once again had to choose a king. David Kalakaua was elected after a campaign in which he was opposed by Queen Emma, the widow of Kamehameha IV. This election changed the line of succession from the Kamehameha line to the Kalakaua line.

G. THE RECIPROCITY TREATY (1875)

King Kalakaua was in favor of a reciprocity treaty. Shortly after he assumed the throne, he travelled to the United States as a "good-will" ambassador to promote its passage. Some credit the eventual passage of the treaty to the favorable impression he made. Of this trip, Liliuokalani says:

Yielding to the wishes of those residents of his domain who were from American or missionary stock, my brother [Kalakaua] had organized the negotiation of a treaty of closer alliance or reciprocity with the United States...The result of this visit is well known. It secured that for which the planters had gained endorsement of the king, it resulted in the reciprocity treaty of January 30, 1875. 90/

Liliuokalani states that support for the treaty was not unanimous in Hawaii. Some protested that it would "put in peril the independence of our nation." 91/

The reciprocity treaty finally passed the U.S. Congress and was signed in mid-1875 without the clause on Pearl Harbor. It went into effect in 1876. The treaty was renewed in 1887 with a clause giving the U.S. Government exclusive right to use Pearl Harbor, and this treaty remained in effect until June 1890.

The 1876 treaty provided that unrefined sugar, rice, and almost all other Hawaiian products would be admitted to the United States free of duties. In return, a long list of American products and manufactured goods were admitted into Hawaii. The treaty also provided that, as long as it was in effect, Hawaii could not offer the same kind of treaty to any other nation.

The primary effect of the treaty was a tremendous upsurge in the sugar industry. Records show that in 1875, before the treaty was in effect, 25 million pounds of sugar were exported. By 1890, that amount had increased ten-fold—250 million pounds of sugar were exported. 92/

Since sugar cane requires large amounts of water, extensive irrigation was begun. With an assured market, more capital was available to make such improvements. The agency (or factor) system became more important, because it offered a centralized system to sell and ship crops, finance new ventures, and purchase equipment needed by plantations. With the growth in output, the need for labor also increased. More than 55,000 immigrant laborers were brought to Hawaii between 1877 and 1890. Approximately one-half of these were Chinese. Others were Japanese, Portuguese, and European. 93/

However, the most significant consequence of the reciprocity treaty was the development of powerful economic ties between Hawaii and the United States. These economic ties then intensified the political consequences of the treaty. Russ believes that:

The political consequences of this reciprocity agreement cannot be overestimated. When Hawaii was finally annexed in 1898, practically everybody...
agreed that the first real step had been reciprocity, that is to say, economic annexation. 94/

The events that took place from 1875 to 1898, when Hawaii was annexed to the United States, are reviewed in Part II, "Diplomatic and Congressional History: From Monarchy to Statehood," below.
NOTES

1/ This section on the origin of ancient Hawaiian settlers was revised as a result of suggestions for the use of additional sources by Violet Ku'ulei Ihara of the Bishop Museum, Honolulu.


3/ Ibid.


5/ Tuggle, p. 189.

6/ Ibid.

7/ Ibid.

8/ Ibid., p. 171.


13/ Mitchell, p. 35. Elaboration of explanation of kapu system added at the suggestion of Violet Ku'ulei Ihara.


15/ The Commission received several comments from individuals on the issue of genealogy, royal succession, and differing claims to the former Hawaiian throne. (See, for example, comments by Rory Soares Toomey, Ralph L. Heidenreich, Victoria Mews, Beatrice Kulia-Ika-Nuu Anderson, and George T. H. Pal.) One comment notes that: "...it would be inappropriate for the [Native Hawaiians Study Commission] to attempt to resolve the issue of royal succession" (Beatrice Kulia-Ika-Nuu Anderson). The Commission agrees; it is outside the purview of the Commission's mandate to issue an authoritative statement on the differing claims to the former Hawaiian throne. The Commission's Report does not specifically address the issue of succession. Any statements that may seem incidentally to relate to this issue are not meant to address or prejudice any current claims.


17/ Ibid., p. 80.

18/ Thomas Marshall Spaulding, The Crown Lands of Hawaii, University of Hawaii Occasional Papers, No. 1 (Honolulu: University of Hawaii, October 10, 1923), p. 3. This article was submitted as a comment and can be
found in the Appendix. A comment received from John J. Hall states that: "Boundaries never changed, even after contact. Ahupua'a remained stationary, only ali'i moved... If warfare was as extensive as historians report, the environment would show the effects and the literature does not support such a situation." The quotation from Spaulding refers to boundaries pertaining to land under a particular chief and not to boundary changes of particular ahupua'a.

19/ For example, Congressman Daniel Akaka says that the Commission's early history of Hawaii "relies far too heavily on a comparison with the feudal structure such as it existed in Europe during the Middle Ages." Comments by the Office of Hawaiian Affairs note that: "It is important to note that the concept of fee-simple ownership of the land was unknown to Hawaiians. The ali'i...did not own the land... they merely managed the land and other resources." Haunani-Kay Trask states that calling the Hawaiian system feudal, "is a false rendering of the Hawaiian land tenure system which did not include the following feudal structures—obligatory military service; bondage to the land; ownership by the kings and chiefs." [Emphasis in the original.]


23/ Maio, p. 88.

24/ Ibid. p. 85.

25/ See Draft Report of Findings, Native Hawaiians Study Commission, p. 107. Comments received from Haunani-Kay Trask, et al, state that: "Hawaiian commoners enjoyed more rights to the land in precontact Hawaii than under the private property system brought by the West." In another comment, Kawaipuna Paejean states that: "Our Alii was unlike the slave masters of Europe who expected the citizens of the soil to do all the work and keep the royalty in its opulence. The Chiefs of old, before falling victim to germ warfare deliberately introduced by the invaders to decimate the race, toiled in the earth with the Makainina or citizens of the soil" (pp. 1-2). See also, Haunani-Kay Trask, "An Historical Over-view of Hawaii: Pre-Contact to the Present," a paper prepared at the direction of and funded by the Office of Hawaiian Affairs. This paper is reproduced in full in the Appendix of this Report.


28/ Chinen, Original Land Titles in Hawaii, p. 52. On various aspects of daily life, see also paper by Haunani-Kay Trask, "An Historical Over-view of Hawaii."

29/ Kuykendall, Volume I, p. 9.

30/ Mitchell, p. 8.

31/ Kuykendall, Volume I, p. 8. Added as a result of comments received from Violet Ku'ulei Ihara. See also chapter below on "Native Hawaiian Religion," page 231.
32/ That the following quote is the author's speculation was pointed out by Violet Ku'ulei Ihara.


34/ Ibid., p. 27.


36/ Fuchs, p. 7.

37/ Kuykendall, Volume I, p. 29.


39/ Daws, p. 56.

40/ Ibid., p. 57.

41/ Fuchs, p. 9.

42/ Daws, p. 59.

43/ Ibid., pp. 59-60.

44/ Kuykendall, Volume I, p. 100.

45/ Daws, p. 62.

46/ It was pointed out in a comment from Violet Ku'ulei Ihara that, contrary to what this quotation implies, "Hawaiians did prepare for spiritual hereafter." See also, the chapter below on "Native Hawaiian Religion," page 227.

47/ Fuchs, p. 9.

48/ Comments from Haunani-Kay Trask, et al, state the following: "While it is true that the missionaries were prohibited from acquiring land while they were members of the American Board of Commissioners for Foreign Missions, they in fact began to acquire land in enormous quantities after they left the mission. Here, the bias towards the missionaries is extreme in this section for two reasons: they are removed of responsibility for bringing diseases and cultural degradation that hastened the decline of Hawaiians, and they are elevated to the point of actually appearing as redeemers of the people. The facts, however, are otherwise. Missionaries are responsible for taking land, bringing death and disease, and for imposing a foreign religion which severed the Hawaiians' relationship to the earth. They are the harbingers of colonialism in Hawaii, and their descendants controlled most of the sugar plantations--the Big Five corporations of Castle and Cooke, Alexander and Baldwin, and C. Brewer all had missionary connections. Moreover, there needs to be a discussion of the role of missionary-descended individuals in the overthrow of the monarchy, and particularly in the creation and functioning of the Provisional Government."

The text of the report has been revised by the Commission in an attempt to address Trask's concerns. As to the missionaries "bringing death and disease," most authors place the blame for this on the foreigners who arrived in Hawaii prior to the missionaries. For example, Fuchs states that: "Between Cook's visit and the arrival of the first missionary band from New England, disease, war, and famine had taken nearly half of the population...Until the arrival of nine missionary doctors forty-two years after Cook's discovery, the natives were without protection against the new diseases" (Fuchs, p. 13).

49/ Kuykendall and Day, p. 77.

50/ Russ, The Hawaiian Revolution, p. 3.
51/ Fuchs, p. 249.

52/ Ibid., p. 12.


54/ Daws, p. 92. A fuller discussion of this period can be found in Daws, pp. 91-93, and Kuykendall, Volume I, pp. 133-136. This section was rewritten to correct the "Western bias" of the Draft Report noted by Congressman Daniel Akaka.


56/ Revised as a result of comments from Congressman Daniel Akaka.


58/ Daws, p. 108.

59/ Ibid., p. 107.

60/ Kuykendall, Volume I, p. 157.

61/ Ibid., p. 259.

62/ Comment received from John M. Agard, submitting publication by Louis K. Agard, Jr., entitled The Sandalwood Trees; Politics and Hope.

63/ Ibid., p. 9.

64/ Ibid.

65/ Quoted in Daws, p. 111.

66/ Kuykendall, Volume I, p. 166.

67/ Ibid., p. 194.

68/ Kuykendall, Volume I, p. 383. Discussion of U.S. expansionism included as a result of comments by Haunani-Kay Trask, et al.


70/ Daws, p. 147.

71/ Kuykendall, Volume I, p. 402.

72/ Ibid., p. 403.


75/ Kuykendall, Volume II, p. 54.

76/ Ibid., p. 38.

77/ Kuykendall and Day, p. 105.

78/ Kuykendall, Volume II, p. 36.

79/ Comment by Louis Agard, p. 16, says that: "Contrary to many reports, native Hawaiians did not leave the field work. As late as 1869, several plantations employed all native Hawaiian labor. By 1870, while the native population was declining, there was a tremendous expansion of sugar production from two million to 20 million pounds annually. The demand for increased production and with it for increased labor, was so great that the labor had to come from outside the kingdom."

80/ Kuykendall, Volume II, p. 190.

81/ Ibid., p. 236. See also publication by Louis Agard, p. 15.

82/ Discussion of Spalding added at suggestion of comment by Alexander H. Raymond, who says: "...Secretary of State William H. Seward sent Secret Agent Z. S. Spalding to Hawaii with personal instructions to investigate
ways and means to acquire Hawaii through annexation...Using his inside knowledge of exactly how far the U.S. was willing to go in order to obtain sovereignty over the Native Kingdom, Mr. Spalding later became one of the richest plantation owners in Hawaii by speculating on sugar increases and purchasing land from bankrupt natives.

83/ Kuykendall, Volume II, p. 216.

84/ Ibid., p. 217.

85/ Ibid., p. 223. Kuykendall ascribes more importance to the correspondence of a Captain Reynolds, commanding officer of an American warship anchored off Hawaii during reciprocity discussions in the kingdom's legislature.

86/ Liliuokalani, pp. 20-21. See comment by Louis Agard, p. 9, where he says: "Based on the precedents, the small band of foreigners acting as the 'Committee of Safety' had no authority to intervene when Queen Liliuokalani proposed a new constitution which she later retracted."

87/ Discussion of Schofield mission inserted as result of comment by Kawaipuna Prejean, p. 5.


89/ Kuykendall, Volume II, p. 248. Kuykendall also speculates on the reasons for the mission at that particular time: "...the only obvious special circumstances that might have called it forth were the strained relations between the United States and Great Britain and the current interest of the United States in the development of steamer lines across the Pacific" (Ibid., p. 249, footnote).

90/ Liliuokalani's views on reciprocity added in response to a comment from Congressman Daniel Akaka that "it would be interesting to review and contrast the comments of Queen Liliuokalani regarding that Treaty and the motivation of the planters."

91/ Liliuokalani, p. 55.

92/ Kuykendall and Day, p. 152.

93/ Ibid., p. 156.

Native Hawaiian Culture

A. INTRODUCTION

The culture of native Hawaiians is manifested in many facets of daily life. One of the most important for any culture is language. The Commission was fortunate to have an expert on the Hawaiian language write that section for the Commission's Report. The second section of this chapter discusses culture in a different context--historic preservation.

Another important aspect of the lives of ancient and even present-day native Hawaiians is the religion as practiced prior to the coming of the American missionaries. The next chapter contains information on the native Hawaiian religion, also written by a foremost expert in the subject.

B. THE HAWAIIAN LANGUAGE */

Introduction 1/.

Anthropologists and cultural experts recognize the crucial role played by language in identifying people. Language demonstrates the uniqueness of a people, carrying with it centuries of shared experience, literature, history, traditions and reinforcing these through daily use.

A unique Polynesian language restricted to the Hawaiian Islands is inextricably tied to the definition and identity of the Hawaiian people. The language is in fact known to the world by the same name as the people themselves--Hawaiian. However, it terms itself ʻŌlelo Hawai'i, or Hawai'i language, thus like the English term recognizing the indigenous status of the language unique to these islands.

There is no mention of the origin of the Hawaiian language in the oral traditions. The words of the progenitors, Papa and Wākea, are recorded in Hawaiian; and it is assumed that the existence of a separate Hawaiian language is as old as the existence of the Hawaiian people. Although composed of many small communities and four primary geographical divisions, the ancient inhabitants were able to make a distinction between their own language and languages existing outside the traditional boundaries of Hawai'i. The sense of ethnicity is recorded in the chant of Kūali'i, in which a pre-European voyager from the island

(cont'd) Mr. Kimura's paper appears as submitted by OHA and is otherwise unchanged. The spelling of Hawaiian words as they appeared in the original paper has also been retained, even though the spelling of some words differs from that used in the remainder of this Report. The references used by Mr. Kimura appear in the "List of References," marked with a "[2]." OHA subsequently sent supplementary information on the Hawaiian language to the Commission, also from Mr. Kimura, and this material is included in the Appendix of this Report.
of O'ahu describes Kahiki, a term used for all lands outside of Hawai'i:

Ua 'ike ho'i au iā Kahiki
He moku lepāna'ōha'o wale
Kahiki

'A'ohe o Kahiki kanaka
Ho'okahi o Kahiki kanaka - he
Haole 2/

I have seen Kahiki
Kahiki is an island with a
puzzling language

Kahiki has no people
'Except for one kind - foreigners

Many Hawaiian * families trace
part of their ancestry to voyagers
from these foreign lands called
Kahiki. Regular sound correspondence
between k in Hawaiian with t in other
Polynesian languages supports an
identification of at least one Kahiki
with Tahiti. Linguistic analysis of
Hawaiian supports a theory that the
language has its closest relatives in
the Marquesas, Society, and other
island groups of French Polynesia,
some two thousand miles to the south.
There still remains a certain amount
of mutual intelligibility between
Hawaiian and other Eastern Polynesian
languages such as Tahitian, Cook
Islands Maori, and New Zealand Māori,
as shown in Table 59. (All tables
appear at the end of the chapter).

The similarity among Polynesian
languages has been overemphasized by
casual observers who have erroneously
claimed that Hawaiian and other

Polynesians all speak but "dialects"
of a single language. 3/ Linguists
generally accept distinct languages
(as opposed to dialects) as having
more than 70 percent of their basic
vocabulary as cognate. Hawaiian
shares 56 percent of its basic
vocabulary with Marquesan and only 46
percent with Tahitian, the two
languages most closely related to
Hawaiian, according to linguists.
Given the independent status of the
Hawaiian language, it is notable that
Hawaiians and other Polynesians in the
independent nations of the South
Pacific readily recognize the
relationship among their languages and
put much emphasis on this even in
official government business between
Hawai'i and their countries.

Unlike New Zealand Māori and
Marquesan, which exhibit a number of
rather different dialects, differences
within Hawaiian are quite minor and
were probably never much greater than
today. The lack of major dialect
differentiation within Hawaiian can be
attributed in part to the lack of
stable groupings of people, such as
tribes or clans, in the traditional
political system. In pre-contact
times, there was continuous
interchange among the various lineages
across the whole island chain and
constant redefinition of political
boundaries across districts and
islands. Tradition mentions an
individual from the island of Hawai'i
named Kalaunuiohua who nearly
succeeded in conquering the entire
island chain at one time. 4/ Usually,
however, Maui controlled the
neighboring islands of Moloka'i,
Lāna'i, and Kaho'olawe, with Hawai'i
and O'ahu as separate units, and
Kaua'i controlling neighboring
Ni'ihau. The greatest contrasts in
speech within Hawaiian are between

* Mr. Kimura uses the term
"Hawaiian" in the same way that
"native Hawaiian" is used in the
majority of this Report; that is, to
signify those persons who have any
amount of the blood of those who
inhabited the Hawaiian Islands prior
to 1778.
the most isolated parts of the Kaua'i kingdom (for example, Ni'ihau), the Maui kingdom (for example, the Kaupō area), and the Hawai'i kingdom (for example, the Puna district). The differences are primarily in the pronunciation of the consonants symbolized with k, l and w, intonation, speed of speech, and small differences in vocabulary. There are no significant grammatical differences. The standard dialect taught in schools is that of O'ahu, the site of the capital. Table 60 gives examples of differences among the different areas. 5/

The Cultural Importance of Hawaiian

In the introduction, reference was made to the inseparable identity between all peoples and their languages, and the extreme importance of language as the bearer of the culture, history, and traditions of a people. This in itself is more than sufficient reason for the Hawaiian language to be valued above all else in the cultural context. In comparing Hawaiian culture with other cultures, however, is there any reason that language might be judged relatively more important or less important in a Hawaiian cultural context? Given the current weak status of the Hawaiian language it is unfortunate that the Hawaiian culture is in the top percentage of the world's cultures stressing the importance of language.

It is appropriate here that a few examples of the Hawaiian language in action be given to illustrate the three basic features that make language such an important factor of Hawaiian culture: (1) the necessity of language to human activity in order to identify it as human or, in a narrower perspective, Hawaiian; (2) the importance of subtlety, personality, and detail, that is, nicety in expression; and (3) the power of the word.

Human Activity

An example of the importance of language in human activity is best illustrated in the area of music and dance. Many cultures of the world (for example, Plains American Indian, European folk cultures, and classical European culture) emphasize dance and music with only instrumental accompaniment or minimal use of words (such as war and social dances of the Sioux, the polka and jig of Europe, and classical ballet). Such art forms appear simple in a Hawaiian context. Hawaiian culture placed great emphasis on language as the means of human artistic development. An example of this exists in the ni'au kani and 'ūkekē (instruments using the mouth as a sound box). Words are formed in the mouth and echoed out with the vibrations of the instrument. Even the nose flute is designed to free the mouth for the formation of words, but since it is almost impossible to form words and play the nose flute at the same time, a custom of using note combinations to stand for words between initiates is associated with the instrument. These extreme examples illustrate the importance given by people to language (the ultimate human characteristic) in the Hawaiian culture.

Subtlety, Personality and Detail

A further complicating factor in Hawaiian culture is that subtlety and personalization are highly favored. This leads to the use of symbolism and veiled references in ordinary speech as a device for emphasizing a point without blatant bragging, criticism, or questioning. The use of symbolism and veiled reference is especially
evident in the poetry utilized in the chants that are used in everything from ordinary greetings to the recitation of genealogies. Subtlety and personalization are further accomplished in chant by using special grammatical and pronunciation complications that make the message even less flat or blatant. 6/

Intense personalization of the language in itself has led to a proliferation of very specific terms, especially relating to natural beauty, which lends itself well to Hawaiian poetry. An extreme example is seventeen individual names for various winds of Hālawa Valley on the island of Moloka'i, in comparison to the North American continent as a whole, for which far less names are generally known by English speakers. There are, of course, many other wind names throughout the Hawaiian Islands, detailed rain descriptions, special seas, colors, and so on, as shown in Table 61.

Hawaiian attention to terms for life forms has impressed biologists in that it is based on the same principles invented for biological taxonomy by the Swede, Linnaeus (for example, ulua aukea, Caranx ignobilis; ulua 'ele'ele, Caranx melampygus). Hawaiian taxinology goes even beyond the requirements of modern biology with special terms for different sizes of fish, recognizing four growth stages for some fish and fewer for others (for example, pua'ama, "mullet under a finger length;" kahaha, "mullet about eight inches long;" 'ama'ama, "mullet about twelve inches long;" 'anae, "mullet over a foot long").

The Power of Words

From a Hawaiian viewpoint, the factor that gives the Hawaiian language its most important cultural function is the philosophy of power in the Hawaiian word itself. This philosophy is codified in the saying i ka 'ōlelo ke ola; i ka 'ōlelo ka make, or (approximately) "language contains the power of life and death." In a Western context this concept might be understandable using as an example the psychiatrist's method of encouraging patients to articulate a problem in order to confirm its existence.

The basis of the Hawaiian concept is the belief that saying the word gives power to cause the action. For example, to say "I wish you good health" will actually help a person to recover, while an expressed wish for death could actually cause it. Furthermore, a homonym or simile retains some of the power of the original word to influence events. Thus the word ola (good health, life), its partial homonyms like 'ōlani (to warm in the sun), and a poetic reference to it like kau i ka puanaene (rest upon the flowering of the faint breath of life, that is, old age) can all be symbolically helpful. The power of the word is increased by the seriousness and preciousness of the form in which it is offered, such as in a chant or formal speech.

The philosophy of the power of the word is developed to such an extent in traditional Hawaiian culture that there exists a contest of wits called ho'opāpā in which poetic references, partial homonyms, and vocabulary knowledge are used in chant form between two contestants to increase their individual powers and decrease the powers of the opponent. The loser of such a contest can theoretically submit his life to the winner. Although ho'opāpā is an extreme application of the Hawaiian philosophy of the power of words, the concept permeates Hawaiian culture. 7/ The choice of negative words in songs and names is widely commented upon and talented speakers of Hawaiian can take a single word, name, or phrase and develop a speech around it by complicated play with connotations. Word power is even prominent in a custom of randomly choosing verses from the Bible and interpreting these through the form of the words therein.
This Hawaiian use of the examination of words to strengthen a thought is often misinterpreted by Westerners who think that the description of the word itself is the point rather than how the word is used to make a point, give a feeling, etc. An example of this is the word 'ohana, meaning "family." Since the word 'ohana has the sound hana (work) in it, the speaker in traditional Hawaiian usage believes that the family should work together, and uses the connection of both words to emphasize a point that 'ohana should hana together. Each spoken affirmation of familial relationship then also affirms the willingness to work together. A Western thinker listening might seize upon the connection between 'ohana and hana made by the speaker and prominently proclaim that one word derives from the other. Such a Western thinker would then tend to disapprove of other interpretations of the word 'ohana or even call ignorant a person who used the similarity in sound between 'ohana and aloha (love) to emphasize love in a family. The traditional Hawaiian who connected 'ohana and hana in the first place, however, would likely accept the connection between aloha and 'ohana as well as hana and 'ohana because he is thinking in terms of the power of the word 'ohana, and such positive associations provide greater power. This is not to say that Westerners cannot understand the concept of word power, or Hawaiians the concept of historical derivation of words, but confusion over which concept is used has resulted in calling Hawaiians inconsistent and calling folk etymologists and Westerners dumb. 8/ 

An excerpt from an interview of a Hawaiian speaker on the radio 9/ goes as follows:

Interviewer: (L. Kimura)
No hea 'oe?
(Where are you from?)

Interviewee: (K. Kaleikeheana)
No Hanalei o Kaua'i au. Ma laila i kanu 'ia au ko'u 'iewe, akā o Kalihi ko'u 'āina i hānai 'ia ai.
(I belong to Hanalei of Kaua'i, 10/ It is there that my placenta was buried, but Kalihi is the land where I was raised.)

The interview shows both the Hawaiian attention to detail in immediately identifying two locations, even though the speaker was taken to the second location soon after birth. The reference to the first location in Hanalei shows the typical Hawaiian pride in an ancestral homeland and emphasizes this with reference to traditional Hawaiian practice involving the placenta of a newborn child. This causes a Hawaiian-speaking listener to recall poetic usages relating to the placenta and navel cord of babies as connecting ascending and descending generations in a family homeland. The reference to the area in which she was raised, Kalihi, expresses a neighborhood pride common to all people.

Such an exchange would, of course, sound silly in English and the associated poetic connections to the placenta would be lost. Hawaiians do not speak this way in English because it cannot be done properly in that medium, an example of losing the power of words if translated.

A slightly more poetic example involves the funeral of Princess Ka'iulani reported in a Hawaiian newspaper under the headline Eo iā Hawai'i Moku o Keawē ("Hawai'i Isle of Keawe Supersedes All"). 11/ The
island of Hawai'i is so commended because of the floral-tribute brought by Henry West, a member of the Hilo branch of the Hui Aloha 'Āina. Mr. West and his fellow members gathered from their forests:

...na kihene pua lehua, nā 'ōowili lei hala o 'Ūpēloa, a me ka maile kūpaod o Pana'e'awa.

...woven leaf bundles of lehua blossoms, coils of hala wreaths from 'Ūpēloa, and the strongly fragrant maile of Pana'e'awa.

These Mr. West presented at the casket of the princess in Honolulu with a chant announcing that he had been sent on board the Kina'u (interisland ship) to represent the people in his home district. The poetry of his chant is not recorded, but the poetry of the flowers remains for us to see how he used the concept of word power. The Hawaiian word hala (Pandanus) also means to pass, a Hawaiian reference to death or closure, and the presentation of this lei is consistent with the Hawaiian custom of urging a corpse to depart and join other departed family members. 12/ The fact that the hala came from a place called 'Ūpēloa is significant, not because it is the location of a famous grove of hala trees, but because the name contains the sound ūpe (tears of grief welling up even into the nasal passages), which expresses the deep emotion of the people of Hilo regarding the beloved princess' death. The connection with Hilo is specifically detailed by the maile vine from the Pana'e'awa forest outside Hilo, which is renowned throughout the islands for its particularly strong, sweet scent. The fragrance of the maile is especially apropos because the presence of spirits and departed souls is often associated with fragrances.

Literally, lehua blossoms are emblematic of the island of Hawai'i, where Hilo is located, expressing pride and concern of the island. Figuratively, lehua refers to youth, beauty, and warrior. Ka'īulani was only in her late twenties when she died, an international beauty who used her European education to further restoration of Queen Lili'uokalani's throne through connections in London, New York, and Washington. In the eyes of the people of Hilo she was like a fallen lehua, beautiful, young or warrior, who had ventured out amongst the enemy on behalf of her people.

The selection also uses a place name in Hawaiian poetic thinking. Hawaiian place names are probably one of the first truly Hawaiian things that strikes a visitor to Hawai'i. The abundance of Hawaiian place names is only a hint of their actual number, for there are literally many places where individual boulders are named. Place names are used as displays of wit to express a great deal in a few words, and they are extremely common in Hawaiian poetry and traditional sayings. Perhaps the reason that place names have such evocative power in the Hawaiian language is the emphasis on homeland or aloha 'āina (love of land, patriotism, pride of place) in the culture. There are several words used to describe a person descended from generations of a family living in an individual location (kupa, kama'a'ina, papa, 'ōiwi) while English has only "native," which, rather than expressing pride, can carry negative connotations. To traditional Hawaiians, place names are considered kupa (natives) themselves. Place names are like esteemed grandparents linking people to their home, personal past, and their history. Hawaiian personal names share many features with place names in Hawaiian culture and language since personal names require a specific and distinct...
marking from ordinary words in sentences. Personal names often incorporate ancestral place names and contain references to family history. Without a knowledge of Hawaiian language, remaining within the traditional concept of word power, poetic Hawaiian names cannot be understood or properly pronounced, thus diminishing the power of the names and the person. Compared to Hawaiian culture, American culture puts small emphasis on names. In fact, many Americans treat their own names with little respect, abbreviating them until they seem to lack dignity (for example, Deborah-Debby-Deb, Randolph-Randy-Ran). In a Western sense, reaction to Hawaiian names has been to develop a folk myth that Hawaiian names are poetic, while the beauty of "large-storage-gourd," "the-name-of-the-father's people," "the-casket-of-the-ali'i" is not appreciated because of a lack of understanding of the poetic images, history, and traditions specific to the Hawaiian people.

The result of the differences between Western and Hawaiian treatment of names has been generally one-sided, that is, negative toward the Hawaiian. Unless one considers negative, the Hawaiian tendency to call Deborah, Deborah rather than Deb, which is the name she is usually called by her family in Oregon. Hawaiian names, on the other hand, are abused in their spoken form by English speakers, even in the face of Hawaiian protest, as has been the case with media usage of "Kal" for Kalaniana'ole and "Molahkay" for Moloka'i. It has been shown, in fact, that with minimum effort English speakers can pronounce Hawaiian words, since close approximations of all the sounds of Hawaiian are found in English, including the 'okina or glottal stop.

Abusive pronunciation of Hawaiian names is humiliating from any viewpoint, but from a cultural viewpoint, it weakens the name carrier due to the negative influence on the power of the word.

Ironically, some younger Hawaiians deliberately mispronounce or allow mispronunciation of their own personal, family, and place names in order to avoid embarrassing English speakers. From a traditional viewpoint, this attitude is most destructive. Western ignorance of Hawaiian culture is another problem, since English speakers cannot understand the culture without the language and yet inquire into the "meaning" of a name. The best approach in such a situation is simply to say that the name is a special family one, and leave it at that, rather than try to make "large-storage-gourd" sound poetic to non-speakers of Hawaiian who cannot properly appreciate the name without the language.

Place names also fare poorly, since Westerners often want to change the original name of a place to something with a more romantic translation (in the Western view), instead of preserving the history of the place. Attempts are constantly made to change place names, which causes suffering to those families who are rooted in the locations of proposed name changes. Such families believe in the old traditions and to eliminate the name damages the power of the word. For these reasons, Hawaiians protest changes to place names, which far too often are for the convenience of non-speakers of Hawaiian. Hawaiians then bear the risk of being labeled radical, even though without these names "the culture as expressed in Henry West's tribute associated with 'Upēloa and Pana'ewa cannot live.

Our last simple illustration (from the record Nā Leo Hawai'i Kahiko 13/)
comes from a prayer to Laka, the goddess of the hula, a deity still invoked by many practitioners of Hawaiian dance. 14/

'O Laka 'oe,
(You are Laka,)

'O ka wahine noho i ka lipo,
(Woman resting in the dark color,
[as in the deep sea or forest])

I ka uluwehi palai nei lā ē.
(In the lushness of the palai fern here.)

E ho'i. Ho'oulu 'ia.
(Return. Let there be growth/inspiration.)

The first thing to note is that the prayer has words. From a traditional Hawaiian viewpoint, the Western concept of silent prayer denies the god-given human privilege of using words. The prayer is also chanted, which makes the words purposefully more subtle, thus very personal, a feature enhanced by the inclusion of extra sounds such as lā and ē. The language in this short excerpt is not much different from ordinary speech, except for the use of a passive in the last line, a feature that does not appear in the English translation, but which makes the language more formal from a Hawaiian perspective.

There is considerable use of word power in these lines, although the only obvious one in the above translation is the term ho'oulu meaning "to cause growth" and also poetically, "to inspire." Word power is also evident in the word uluwehi (lushness), which contains the soundulu connected to ho'oulu. There is also the word noho (rest upon, sit), which is used in Hawaiian culture to refer to the inspiration of gods accomplished traditionally by their coming to noho upon one's shoulders around the head where one's essential humanity is located. The whole prayer is further complicated by the actual wearing of lei (or wehi, "ornament," as in uluwehi) palai fern upon the shoulders (the place of inspiration), on the head (the place of basic humanity), on the feet (the source of the movement of the dance), and on the hands (which will interact with the words of the dance, although not always in a direct and blatant one-to-one relationship). The palai is traditionally thought of as a form that Laka can assume and it grows in the dark lushness of the forest (that is, lipo). The lei actually brings the goddess into physical union with the dancer, not as a form of worship but as a joint effort of the dancer and a spirit member of the Hawaiian people (Laka), to honor those for whom the dance is being presented. All this symbolism in Hawaiian thinking should help and strengthen the dancer, and will be greatest in a subtle chant, enabling the dancer to keep everything just under the surface for the dancer as well as the audience.

The three examples given above are very simple ones because Hawaiian chants are very long and can contain hundreds of lines. There are also sagas with chanted dialogues, short stories, and books written in a European genre (much like Americans attempting Japanese haiku poetry in English), and of course many songs. Hawaiian love songs are especially interesting as there is strong emphasis on subtle description and personal response referring to places visited, occurrence of minor or major events, humorous occasions, ad infinitum. The song can be so personalized that only the composer and honored recipient can fully understand the camouflaged meaning (kaona) of the song, although there is also a surface meaning that is poetic and enjoyable in itself.
The basic premise that a strong Hawaiian culture cannot continue without a strong Hawaiian language should be easily understood without analysis of complicated literature such as the Hawaiian chant of creation (the Kumulipo). It could be overwhelming to dwell on various nuances of Hawaiian literature, which might underestimate the human potential to learn the use of the Hawaiian language in its traditional context.

Hawaiian children should find it simple to learn the intricacies of Hawaiian poetic thought and expression, due to the essential continuation of a basic Hawaiian cultural personality among the majority of Hawaiian people who do not control the language. Furthermore, Hawaiians have traditionally believed that deceased friends and ancestors could assist poetic composition through dreams or visions.

Culture can be seen at two levels, base culture and aesthetic culture. The base culture includes the daily lifestyle, values, and personality of a people. The aesthetic culture includes ceremonies, philosophy, and literature, building upon the base culture foundation and legitimizing it to the people. Language generally unites the two. The features of Hawaiian aesthetic culture derive, then, from the same features that unite most of today's young English-speaking Hawaiians with older and previous generations. For example, in the area of language use, the attention to specific detail found in Hawaiian poetry and quotations from sayings is also evident in the normal conversation of Hawaiians. Local people often report a conversation by quoting exactly what someone said, when haole (foreign) people would give an approximation. (The conflict between these two strategies is often irritating; to the Hawaiian because of lack of detail and accuracy, and to the haole because of anxiousness to get to the central point.) On the other hand, also as in Hawaiian poetry, local people value getting their own thoughts across with the least number of words, thus making an understanding of their personality a matter of subtlety and personal sensitivity on the part of the listener. Haole people, on the other hand, tend to say as much as they can with the hope that their true personality or interests will be immediately perceived by the listener, in order to avoid any mistakes. The fact that most modern Hawaiians retain a strong Hawaiian base culture makes involvement in the traditional aesthetic culture a natural for them, once the full mechanics of the language are mastered.

The beneficial role of the aesthetic culture in supporting the base culture is also important to emphasize in the context of language. The aesthetic culture contains stories, sayings, and traditional customs—all of which reinforce values inherent in the base culture. Thus, base culture and aesthetic culture work together toward a cultural ideal. When a language that holds the key to the aesthetic culture of a people is replaced with a language foreign to their base culture, the result is damaging conflict between the traditional base culture and the new aesthetic culture. The base culture becomes redefined as an aberrant subculture within the culture of the replacement language, and the original people are faced with a choice of abandoning the base culture that represents their family and friends, or rejection of the ideals of the new aesthetic culture, which sets the means for acceptance and success in their daily society. Unfortunately,
this is what has happened in Hawai'i where the base culture associated with the Hawaiian language and practiced by most local students is interpreted in terms of an American-English aesthetic culture. The most common course in Hawai'i in recent years has been to reject the English-associated aesthetic culture that allows for the continuation of group loyalty. However, without the influence of Hawaiian aesthetic culture on their lives, even the ideals of the base culture weaken, and there is rejection of intellectual development, resulting in increased crime, and so forth, deplored by both Hawaiian and American culture.

Language not only plays an important part in the aesthetic culture that protects the lifestyle of a people by giving it status, it also ensures orderly change in culture as it adapts through time to new concepts and technologies. Since language documents within itself past changes and adaptations of a people, it legitimizes the concept of change, and shows that it can be accomplished within a traditional framework. Damaging rapid and radical change, however, is resisted by language since it carries with it old attitudes and concepts that will always continue to exert an influence on its speakers.

An example of how language maintenance has protected one well-known culture and adapted it successfully to the modern technological and highly-politicized world is the case of Japan. In Japan, the exclusive use of the indigenous language protected traditional customs and a base cultural feature emphasizing group consciousness, which has served the Japanese well both in the period previous to Western contact and in today's modern world. Features of Hawaiian base culture such as attention to detail, conciseness, and group consciousness could serve the Hawaiian people well in today's technological world if they could be strengthened and given status by Hawaiian aesthetic culture.

In discussing the role of the Hawaiian language in Hawaiian culture, it is also well to remember that American English is a vehicle of its own culture and that English words carry their own connotations and history. Whenever Hawaiian is translated into English, the English words used add cultural connotations to the idea conveyed, while eliminating intended connotations and meanings of the original Hawaiian. An example of this are the words ali'i and maka'ainana. The usual translations of these words in English are "king" and "commoner," respectively. In American fairy tales, an English king carries connotations of the European feudal system, the American historical rebellion against King George (American law still forbids titles), royal decadence, and a fascination with royalty, as shown by all the attention given the marriage of Prince Charles in the American popular press.

In American English, the term commoner suggests the word "common," which is very negative in the language (for example, "How common!" or "a common drunk"), connotes the existence of strong socio-economic stratification and distance, and even some of the economic and racial separation that exists in America itself.

The Hawaiian terms ali'i and maka'ainana have completely different connotations and even meanings. From the traditional Hawaiian viewpoint the ali'i and maka'ainana are the same people and one family. Both the early traditional historians Malo and Kamakau state that the ali'i and maka'ainana are one people descended from Papa and Wākea and that the ali'i came from within the maka'ainana. The
The foremost traditional Hawaiian scholar of the twentieth century, Pūku'i, records a Hawaiian proverb that explains how the position of ali'i was created from within the maka'ainana:

Kūneki nā kū'auhau li'i'ili'i, noho mai i lalo; ho'okahi no, 'o ko ke ali'i ke pi'i i ka 'i'o.

(Let the lesser genealogies sit below; that of the ali'i alone should be raised up towards significance.)

What this means is that the people put forth the flower of their families as their representative and de-emphasized the rest of the family to give added prominence to that representative. (Of course once their representative is recognized and admired, the status of everyone else is assured as well by genealogical connection.) The ali'i were the flower of the maka'ainana, within the ideals of both the base and aesthetic culture. The family relationship remains intact, although individuals maintain distances.

In Hawaiian base culture much emphasis is put on first-born children. In today's Hawaiian families the oldest child often has control over the younger children, and respect and even some authority is carried by the first-born child even into adulthood with respect to his or her younger siblings. The Hawaiian language itself always distinguishes older from younger sibling in its kinship terms. The importance of birth order even carries into the extended family, with the term used for a cousin depending on the relative age of the connecting parent. In their base culture, then, Hawaiians put much emphasis on birth order and the prestige of being first-born. The aesthetic culture supports this with special ceremonies for first-born children and traditions of giving them special name songs, or similar special recognition.

Genealogies are made more prominent by including first-born children, and the person chosen to represent the people as ali'i is usually from the genealogy with the most first-born children and lineages in it. In a more traditional Hawaiian interpretation, then, ali'i and maka'ainana are kin terms with the ali'i representing the equivalent of ka'ikua'ana, "older sibling of the same sex or cousin related to one through an older sibling of one's parent."

The grammar of the language itself strengthens the identification of ali'i and maka'ainana as kin terms, since they use the O-class possessive markers characteristic of the possession of kin. That is, the ali'i says ko'u maka'ainana, "my maka'ainana" (note the o of ko'u), and the maka'ainana says ko'u ali'i, "my ali'i." The use of the O-class possessive markers here contrasts with the use of A-class possessive markers used with ordinary material goods possessed by a person, and even hired hands, and spouses, who are treated as A-class and less intimately bound with one than O-class possessed items.

Even the rigid "taboos" (kapu) as described in English books on Hawaiian culture are not as the English language makes them appear. The kapu are, actually associated with a lineage through an historical or legendary event, the emphasizing of which through ceremonial observation stresses the status of the lineage (ali'i and maka'ainana as one). When the people (and even nature, as happens in the traditional context) recognize these kapu by lighting torches at day, sitting before an ali'i, allowing the ali'i to move only at night, or observing rainbows...
arching at the approach of their ali'i, the people gained status along with that of their ali'i. The more extravagant the kapu, the greater the status for the whole group.

This is quite different from European culture, which sometimes described commoners and serfs as forced to grovel before royalty. In fact, when an ali'i misused his or her powers and kapu responsibilities, he or she was removed by the group and replaced with another, a practice for which there is ample evidence and moral support in Hawaiian traditions. For all the ferocity reported on Hawaiian kapu in English books, little or no mention is made of the fact that the greatest defense against the kapu was the physical person of the ali'i. The ali'i was a pu'uhonua or "place of refuge and sanctuary" for those who inadvertently failed to maintain the kapu of the lineage. This concept is preserved in ordinary Hawaiian language in the word opūali'i, meaning to have the heart of an ali'i or the ability to forgive some mistake.

Thus, the study of Hawaiian culture through the English language can be very damaging and just the two words, ali'i and maka'āinana, as interpreted through English-language Hawaiian culture textbooks, have caused problems for English-speaking Hawaiians. As mentioned earlier, the ali'i and maka'āinana are a single lineage with those descending from first-born children having higher status. Almost every Hawaiian has some connection to some first-born lineage in his background and thus every Hawaiian seems to have some ali'i "blood." There are two reactions to this within the context of the English connotations of the English term "king:" overbearing haughtiness, or shame in association with a repressive group, both in direct conflict with the traditional Hawaiian view that the people are all one.

We see then that the replacement of Hawaiian with English can have (and has had) a tremendous negative impact on Hawaiian culture and thus the Hawaiian people:

- First, any aesthetic culture divorced from its language cannot exist, and this is especially true for Hawaiian culture in which such great importance is placed upon the intricate and subtle use of language.

- Second, although the base culture or the basic personality of the Hawaiian people can survive within the context of the replacement English language, that Hawaiian base culture becomes redefined as a subculture and historic development will move toward a definition of negatives that contrast with ideals of both the indigenous aesthetic culture and the imposed aesthetic culture.

- Third, descriptions of the indigenous Hawaiian aesthetic culture and base culture through the medium of the imposed English language cannot absolutely transmit a full picture of Hawaiian culture. English inevitably implies Anglo-American culture in direct proportion to that part of Hawaiian culture that is lost in the description. This has a negative impact on Hawaiians, not only in the impressions gained by outsiders, but also in the self-impression gained by English-speaking Hawaiians using such descriptions.
History of the Hawaiian Language

Origin of the Language

What is technically, in English terminology, the prehistory of Hawaiian (that is, the period before the documentation of the language in writing) was touched on briefly in the first section. Linguists agree that Hawaiian is closely related to Eastern Polynesia, with a particularly strong link in the Southern Marquesas, and a secondary link in Tahiti, which may be explained by voyaging between the Hawaiian and Society Islands. The weakest linguistic link exists between Hawaiian and Western Polynesian languages, such as Samoan, Tongan and Niuean are considered the least closely related Polynesian relatives of the Hawaiian language.

Hawaiian tradition itself claims a local origin for man and thus his language, agreeing with linguists however, in ascribing some cultural influences to a period of voyaging.

Anthropologists also support a theory of voyaging between Hawai'i and Central Eastern Polynesia, with some believing that voyaging started in Hawai'i and moved south (as does Thor Heyerdahl) and others that voyaging originated in Central/Eastern Polynesia (as does Dr. Kenneth Emory of the Bishop Museum and the majority of anthropologists now working in the Pacific). Some local religious denominations, such as the Church of Jesus Christ of the Latter Day Saints, ascribe to one theory or the other (in their case, Hawai'i is considered the original source); others, such as the Buddhists, have no teaching regarding the origin of voyaging between Hawai'i and the rest of Polynesia.

Phonology, Grammar, and Syntax

Despite disagreements on how Hawaiian is related to other Polynesian languages, it is clear that the language has continued to expand and develop its own uniqueness. Hawaiian is typically Polynesian in an emphasis of vowel over consonant. The most noticeable phonological difference between Hawaiian and other Polynesian languages involves consonant correspondence, including the merger of some consonants, somewhat in the way that English differs from Romance languages in certain consonant correspondences (for example, Latin "pater" and English "father," Latin "pede" and English "foot," Latin "mater" and English "mother"). (See Table 62).

Consonants are de-emphasized in Hawaiian, accentuating instead vowel distinctions and combinations. This vocalic nature gives Hawaiian a melodic character. Hawaiian speakers frequently refer to English in slang as namu, "grumbling," because of its comparatively harsh sound, and also as hiohio, "windlike or flatulence-like whistling," again because of its heavy use of consonants compared to Hawaiian.

In the area of grammar, most Polynesian languages have one or two definite articles. Hawaiian, however, has five: ka (regular singular definite article), ke (irregular singular definite article), kahi (diminutive singular definite article), na (regular plural definite article), and nähi (diminutive plural definite article). Hawaiian conversely uses a single verbal negative, 'a'ole (with pronunciation variants 'a'ale and 'ale, like the single English verbal negative not with the pronunciation variant -n't), where Tahitian and New Zealand Māori utilize different negatives with different tenses.

In syntax, Hawaiian provides complex grammatical methods for emphasizing different points in a sentence, which in English are normally indicated by raising the voice level. Hawaiian has also
reduced the complexities of Polynesian morphology not found in European languages (for example, the loss of reciprocal verb forms and indefinite possessive pronouns, such as, respectively, Tongan--fe'akaiga'aki, "be related to each other," and haku--"one of my"). Depending on whether one emphasized consonants and morphology (as many earlier schools of American language scholars did) or vowels and syntax (as is becoming more popular in modern linguistics), Hawaiian at initial Western contact was either a simple or complex language. Like all Polynesian languages, however, Hawaiian has an elegant and pragmatically-balanced grammatical structure that eliminates many of the ambiguities of English. The pronominal, verbal, possessive, and demonstrative systems are particularly well-developed compared to English (as shown in Table 63). Dr. Samuel E. Elbert, one of the pioneers of Hawaiian and Polynesian linguistics, has even proposed that the pronunciation and structure of Hawaiian makes it a good candidate for a language of international communication like Esperanto.

Vocabulary and Written Form

The vocabulary of Hawaiian relating to traditional Hawaiian culture and the natural history of Hawai'i is extensive (over 25,000 words have been recorded in the Pūku'i-Elbert dictionary). Contact with the rest of the world in 1778 created a need for an expanded vocabulary to describe new artifacts, technologies, diseases, and activities. The process of expanding vocabulary was already well established in the language and it was readily applied upon the arrival of the first Western ships. For example, ships were termed moku, a poetic term for a large, exposed sea rock or small island; guns became pū, a term referring to large trumpet shell horns; and syphilis became known as kaōkao, probably an analogy with hākaokao, a description of rotting taro.

For some forty years Hawaiians rapidly developed vocabulary to describe new things with which they came into contact, by adapting traditional vocabulary and foreign terms to Hawaiian. Early vocabulary expansion was particularly great in matters relating to Western sailing vessels and technology. Hawaiian men were recruited in large numbers as crew members by visiting traders and whalers, with some commanding vessels for foreign owners as well as vessels acquired by the Hawaiian court.

It was not until forty-four years after the first Western contact that an attempt was made by Westerners to participate in the expansion of Hawaiian vocabulary. Calvinist missionaries from New England arrived in Hawai'i in 1820, with the altruistic intention of egotistically imposing their religion and culture on a people considered inferior and deprived, because of a religion and culture incomprehensible to Calvinists. It took approximately two years and the guidance of John Pickering's Essay on a Uniform Orthography for the Indian Languages of North America before the missionaries were able to start teaching Hawaiians a method of writing and reading their native language. The experimental orthography, that they used was most stable in its use of five vowel symbols (a, e, i, o, and u) and the exclusion of the English consonantal symbols c, q, and x.

Hawaiian language possessed sounds for which there were no consonant symbols in the English language. The confusing result was frequent interchange of consonant symbols that
were as nearly similar to the sound as possible. For example, l, r, and d were all used in the spelling of the word Hilo and three English-speaking listeners might have recorded the sound three different ways. The first sheets printed in the Hawaiian language, on January 7, 1822, used this confusing alphabet. However, it was released before confusion over the consonant symbols was resolved.

Reading and writing spread very rapidly in schools instituted by district ali'i with Hawaiian teachers, and in schools at the mission stations taught by missionaries. The early schools enrolled all ages, the majority of whom were adults. Great public examination festivals termed hō'i'ike further stimulated interest in learning the basic skills of reading and writing as well as some arithmetic and music. These hō'i'ike were times for villages and districts to show off personal finery and meet together, as well as display the skills acquired in the schools. By the late 1820's, spontaneous enthusiasm for learning had reached its peak when there were some 900 schools in the country, attended by forty to sixty thousand students. Only a tiny fraction of these schools was taught by the missionaries.

In the 1830's, once reading and writing had been mastered, enthusiasm for further schooling lessened somewhat among the adult Hawaiians. Missionaries, reinforced by several newly-arrived groups of fellow workers, concentrated their efforts on improved facilities, teacher training, and increased production of materials. The goals of the mission are well illustrated by the following excerpt from the instructions given by the American Board to the fifth party of missionaries in 1832:

Your mission...embraces a wide range of objects. Depending on divine grace, it aims at nothing less than making every Sandwich Islander intelligent, holy, and happy. Its appropriate work will not, therefore, be fully accomplished, until every town and village is blessed with a school house and church, and these school houses are all well furnished with competent native masters, and all these churches with well instructed native preachers--until every inhabitant is taught to read, and is furnished with a Bible in the native tongue--until academies, with native preceptors, are established on all the principal islands; and the High School now existing on the island of Maui, has become a College with native professors--until the printing presses are owned and conducted by native publishers, and find employment for native authors, and, so employed pour forth treasures of theology, history, and every useful science, for supplying the native demand for public and private libraries; nor until Christianity is fully established as the religion of the island, and its benign influence has become paramount in every rank and class of the people.

For a time it appeared that these goals would be met. The high school referred to above is Lahainaluna boarding school, established on September 5, 1831, to train young Hawaiian men to become teachers and ministers. Students were soon studying such subjects as geography,
geometry, anatomy, music, trigonometry, Greek, English, Hawaiian language, and composition, all through the medium of Hawaiian language.

Lahainaluna was the cornerstone of the government department of education that developed in 1840 to coordinate schools of the kingdom. Lahainaluna supplied texts and periodicals through its press and trained native Hawaiian-speaking teachers. The school was also the primary source of many of the Hawaiian ministers, lawyers, politicians, and judges of the monarchy and later the Territory of Hawaii. Individuals educated in the better Hawaiian medium schools received broad exposure to Western knowledge, but within a generally Hawaiian context since almost all the teachers in the system were Hawaiians themselves. Hawaiian cultural topics appear to have been actively used as topics for compositions, and many Lahainaluna graduates became well-known writers on Hawaiian topics for the Hawaiian publications.

The great enthusiasm of the nineteenth and twentieth century Hawaiians for written literature in their own language has left today’s Hawaiian people with a tremendous gift, although one that they cannot fully appreciate without an ability to read their ancestral language. In the some five hundred years between the Christianization of the English and their conquest by the Norman French, the Anglo-Saxons preserved very little literature relating to their pre-contact past. The most famous of these, the epic poem Beowulf, is somewhat comparable to Hawai‘i’s Kumulipo preserved by Hawaiian writers, although one can find some Christian influence in Beowulf. While much of Old English poetry concerns Christian topics, Hawaiian writers generally chose traditional topics, shown not only in their great interest in recording old chants but also in their own compositions. Historians of English are proud of the development of an early English prose tradition that consisted primarily of translations from well-known texts in Latin. Baugh states:

In the development of literature, prose generally comes late. Verse is more effective for oral delivery and more easily retained in the memory. It is therefore a rather remarkable fact, and one well worthy of note, that English possessed a considerable body of prose literature in the ninth century. (Note: This is three hundred years after initial introduction of writing), at a time when most other modern languages in Europe had scarcely developed a literature in verse.

It is surprising for students of the Hawaiian language to discover that English had no tradition of prose until the introduction of Christianity. Early Hawaiian writers recorded many long Hawaiian prose stories, some of the more famous are sagas of Pele and Hi‘iaka, Kavelo, Kamapua‘a, and Lā‘ieikawai. Not satisfied with a single version, early Hawaiian writers sometimes wrote down regional or period-variants of Hawaiian sagas. Like the newly literate Anglo-Saxons, the Hawaiians translated works from other languages into their own tongue, but there are also a number of original compositions, including several histories of the people and descriptions of foreign travel. Through their writings, these people preserved and created a body of written Hawaiian literature within approximately a one hundred-year span that is comparable
to the body of written Old English literature covering a period of about four times as long, with a much larger population.

The introduction of writing, and contact with a third culture, led to a strengthening of Hawai‘i’s culture through Hawaiian documentation of practices disapproved by the American Calvinists. 20/ The Hawaiian newspapers (some of which had come into existence before 1900) were the primary means through which traditional and Western culture were communicated to the adult population. Hawaiian traditions were serialized in the newspapers along with translations of famous European works, such as those of Shakespeare. The newspapers were avidly read by a population that was one of the most, if not the most literate of its time. Literacy in the United States was in fact considerably deficient in comparison to the Hawaiians of the nineteenth century.

Most of the Hawaiian population actually learned to read and write largely through their own efforts prior to the missionary translation of the Bible in 1839, and even before the missionaries had standardized the alphabet they would use in their mission. This standardization occurred in the mid-1820’s when missionaries voted to end the confusion between consonant pairs such as k and t, w and v, and b and p. This vote resulted in a decision to represent all native Hawaiian words using t, v, and r to represent k, w, and l, respectively, the same set of symbols has survived until today. In making their final decision on their alphabet, the American missionaries closely copied the decisions made by English missionaries in the South Pacific, and like the English failed to establish standards for the marking of phonemic vowel length and glottal stop. Correcting this defect was the first task of modern students of the Hawaiian language.

The glottal stop, or 'okina, is a phonemic consonant of Hawaiian and the length of vowels is also a phonemic feature distinguishing words. 21/ Neither of these are especially unusual features in world languages. English historically had a long/short contrast in its vowels and contemporary American English has a glottal stop. (For example, the word button pronounced bu'n differs from the word bun in pronunciation only by the presence of a glottal stop in most American dialects.) The early American missionaries were only vaguely aware that words written identically were somehow pronounced differently, and they sometimes referred to the effect of the phonemic glottal stop and vowel length as "accent" or "euphony." By 1864, the missionary grammarian Alexander had noted the importance of both the 'okina and vowel length, but he had difficulty in transcribing them and therefore made no attempt to use the symbols for them consistently in his writing.

Native Hawaiian speakers devised a method to indicate the presence of a long vowel, or 'okina, to eliminate the possibility of word ambiguity. A dash between consonants indicated a pronunciation including long vowels.
(for example, ku-mu would spell kūmū, a type of fish, in contrast to kumu, "teacher"). A dash between vowels indicated a pronunciation including long vowels, an 'okina, or both (for example, pa-u would spell pā'u, "riding skirt," in contrast to pau, "finished"). An apostrophe between vowels indicated an 'okina (for example, ka'i would spell ka'i, "move in a procession," in contrast to kai, "sea").

These practices became more frequent in publications by Hawaiians as time went on, and the inaccuracy of the original spelling system lost some of its force. It was not until 1957, however, with the publication of the Pūkulu'i-Elbert dictionary, that a systematic and accurate recording of long vowels and 'okina in the lexicon of Hawaiian occurred. The Pūkulu'i-Elbert dictionary, now the standard reference for the Hawaiian language, marks the 'okina with a single open quote (also described as an inverted comma) and long vowels with a macron, following standard practice adopted previously in other parts of Polynesia. Table 64 illustrates some words always distinguished in Hawaiian pronunciation, but only consistently distinguished in Hawaiian writing since 1957.

The inclusion of the 'okina and kahakō (macron) into the Hawaiian writing system improved the missionaries' original alphabet. Unfortunately, it arrived too late to impact a good number of old Hawaiian names and archaic terms. Hawaiians today can only guess at the correct pronunciation of these, due to the loss of authoritative knowledge prior to recordation in the improved spelling system. Hawaiians are also losing the pronunciation of words and even family names, since those who are knowledgeable about them are not taught to record them in the modern spelling system.

Although the addition of the 'okina and the kahakō have greatly improved the missionary orthography, much work remains to be done in the area of Hawaiian spelling. The missionaries established a basic alphabet, while questions of word divisions, capitalization, punctuation, and related matters were never adequately addressed. Standardization is still needed in these areas as the assignment of the 'okina and kahakō has varied even within editions of the Pūkulu'i-Elbert dictionary. The use of 'okina and kahakō is becoming standard in published material today, although many older speakers are still more familiar with the unmarked missionary alphabet. Within the English language publications, the use of the 'okina and kahakō is a sign of accuracy and positive respect towards Hawaiian culture. Unfortunately, many English speakers have a very poor attitude toward the importance of spelling Hawaiian words with anything resembling the care they give to the spelling of English, and this attitude has even rubbed off on many younger English-speaking Hawaiians.

As the Hawaiian writing system expanded from the time of the first missionary contact, so too Hawaiian vocabulary has continued to expand. The Hawaiian medium schools served as a stimulus for the development of terminology useful in discussing topics such as biology and mathematics, while the civic life of Hawaiians resulted in a large body of vocabulary related to law and politics. The expanded vocabulary of Hawaiian included terms developed by Hawaiian newspapermen in reporting World War I and World War II, linguistic terminology developed in modern monolingual language classes at the University of Hawai'i at Hilo, and expanded terms for modern gadgetry developed by the Ni'ihiwai community.
Hawaiian language is handicapped today for lack of a strong Hawaiian-language media and an official language planning office (as exists in many other parts of the Pacific Basin) that can disseminate new vocabulary developments. The secular Hawaiian newspapers went out of business after World War II and neither the potential of radio nor television has ever been fully applied toward benefiting the Hawaiian-speaking community. Without the dissemination of vocabulary, those speakers of Hawaiian still active today are linguistically deprived. The reason for this situation is the development of English dominance at the expense of Hawaiian.

The English dominance of Hawaiian parallels Norman French subjection of English between 1066 and 1200. Whether Hawaiian can be revived, as was English, after the current trial period is a matter of conjecture. At present, the language has a single native-speaking community of some 150 individuals located on the island of Ni'ihau. There are less than 2,000 native speakers, all above the age of 60, scattered throughout the other six inhabited islands, who must function within an English-speaking environment. Another one thousand or so English speakers are actively trying to learn Hawaiian. There are also many in the community who can understand some Hawaiian, but cannot speak it, and the majority of Hawaiians who speak a form of English heavily influenced by Hawaiian. The life and death of the Hawaiian language rests primarily with these people, but the success of their efforts to assure the life of their language depends in large part on the cessation of hostile and senseless measures emanating from the dominant English-speaking groups. Perhaps if the English speakers were more aware of how their own language almost suffered death at the hands of the Normans, who considered English primitive and inferior, their attitudes and actions presently so detrimental to the survival of Hawaiian would change.

The Rise of English

Much of the early communication in Hawai'i between Hawaiians and foreigners from various linguistic groups was through a form of broken or simplified Hawaiian. This broken Hawaiian was carried by Hawaiian sailors aboard Western vessels and traces of it are found in Eskimo trading language and a Kamchatka trading language of the Asian Soviet Union. Simplified Hawaiian survived as a means of communicating with foreigners and gradually developed into what is called pidgin English, in the early twentieth century.

The existence of a form of broken Hawaiian is testimony of the cultural and linguistic strength of the language at the early period of contact with other cultures. From earliest contact, however, there were also Hawaiians who learned foreign languages by working around foreigners, especially aboard their vessels, and through extended stays in foreign ports. Hawaiians were reputed to be quick language learners and were hired to serve as interpreters in the Northwest coast of the North American continent. Bilingual Hawaiians were important to all the Hawaiian people as a direct means of understanding other cultures and introducing new ideas at home. One strength of the early Hawaiian government lay in the fact that there were a number of Hawaiians and assimilated Europeans who understood foreign languages and thinking well enough to assist the country in avoiding early loss of sovereignty.
From first contact with the West, the English language in both its British and American forms was the principle foreign tongue in Hawaii, although French, Spanish, and Russian were also present. The arrival of the American missionaries in 1820 brought a new future for the English language in Hawaii beyond the simple use of conducting trade. The missionaries established a community of some permanence. They eventually disregarded, however, their own goals of teaching the community in the native tongue.

Although the missionaries espoused a new order among the early foreign residents, they could not envision themselves and their children as truly part of the community. Missionary children were not allowed to learn the Hawaiian language, missionaries maintained their own church congregations and schools, and even punished members for marrying into Hawaiian families. Thus the American missionaries and their families created the nucleus of the first permanent non-Hawaiian-speaking community in Hawaii.

This English-speaking community at first derived it subsistence from religious and academic instruction of Hawaiians. These occupations, however, were supplanted by Hawaiians who were better able to communicate with fellow natives. Consequently, the American Board of Commissioners for Foreign Missions (ABCFM, which financed the Hawaiian mission) officially declared the Christianization of Hawaii a success. This ended their support and contributions to the livelihood of the missionaries, their children, and their associates. Some missionaries returned to New England, others journeyed to other parts of the Pacific to continue their calling, but many stayed in Hawaii. Because the missionaries had remained aloof from the general English-speaking community, they became trapped by the remnants of their own arrogance when the ABCFM withdrew support. In order to continue in their accustomed lifestyle and survive as a separate group, they began to wrest control of the land from the Hawaiians. The missionaries started to come into conflict with the very principles that had originally inspired the ABCFM ministry.

Hawaiian culture stresses sympathy for individuals in need and the Hawaiian people had developed considerable aloha for the early altruistic efforts of the missionaries. The people expected ruling ali'i to care for the missionaries and their families according to Hawaiian culture, and the ali'i did so generously. Some missionaries were granted the use of large tracts of land and others were incorporated into government service (that is, the court) to utilize their expertise in dealing with foreigners and new concepts entering Hawaii.

Incorporation of English-speaking members of the community into government service represented a departure from the earlier practice. As a result, in conflicting matters, the small groups of English speakers in government favored their own interests over that of the Hawaiian community.

They supported dismantling the Hawaiian common property ownership tradition, the repeal of the voting rights of Hawaiian women, and other similar programs that benefited their own linguistic community at the expense of the entire nation. The necessity existed because without such change, the English-speaking community could not expand in Hawaii, and the
general American philosophy represented by these people did not support the thought of traditional Hawaiian political, economic, or linguistic systems. Those who had been incorporated into government service believed that the country owed them something, rather than the other way around. They made little attempt to use Hawaiian in carrying out their duties, and instead complained about the lack of English-speaking abilities of Hawaiians who served with them in government. Again, there was direct conflict with the originally expressed goals of the mission to retain the indigenous language, while encouraging the indigenous people to develop a Western lifestyle. The insistence that English was more suited to high government service and recordkeeping (which it actually was not) removed much authority from Hawaiian control and opened government for a greater expansion by the tiny English-speaking community.

A situation thus developed in which Hawaiian was the language of the sovereign, low-order government service and the courts, local church systems, the public education system, law enforcement, low-order internal business, blue collar jobs, and the subsistence life of the country districts, while English was the language of high-paying, upper-administration jobs, and big business. The Hawaiian reaction to this development was deep resentment toward the English speakers (who had received their positions in the first place due to the largess of the nation) and a strong movement to learn English in order to better compete with the intrusive group.

Although the missionary-centered community had overstressed the importance of English as a means to maintain their power, the importance of developing English and other foreign language skills in order to secure occupations dealing with the outside world soon became clear to Hawaiians. As early as 1839, even before the missionary community had organized its own English language school at Punahou, young ali`i were educated exclusively in English at a school designed for that purpose called the Chiefs' Children's School (new Royal Elementary). It was not until 1851, however, that a government-sponsored school in a medium other than Hawaiian was established. Even this school, the Honolulu Free School, catered primarily to mixed-blood children, many of whom already had exposure to foreign languages through one non-Hawaiian parent. By 1854, regular government schools taught through the medium of English were opened and began to compete with the Hawaiian medium schools for the Department of Education's attention. Several private schools enrolling Hawaiian students, and often employing British teachers, also appeared after mid-century. By the late 1880's, the government had sent academically-talented Hawaiian youth abroad to receive educations in England, Germany, Japan, and Italy.

Leadership within the Department of Education interpreted Hawaiian interest in learning English as indicative of a desire to abandon Hawaiian altogether. This coincided with the opinion of many younger individuals in the manifest destiny of Northern European races, the rising tide of Euro-American dominance, and the inferiority and ultimate doom of Asian and Pacific cultures. Suggestions to abandon Hawaiian language in favor of English came from the English-speaking community, but not all of them agreed with the idea. There were a few left who held to the original missionary ideals, as witnessed by Reverend Lorenzo Lyons'
entry in the missionary journal *The Friend*, September, 1878:

I've studied Hawaiian for 46 years but am by no means perfect...it is an interminable language...it is one of the oldest living languages of the earth, as some conjecture, and may well be classed among the best...the thought to displace it, or to doom it to oblivion by substituting the English language, ought not for a moment be indulged. Long live the grand old, sonorous, poetical Hawaiian language! 24/

Strong support from the English-speaking leadership of the Department of Education for the English medium schools had a negative financial impact on the Hawaiian medium schools and school teachers. Appropriations given the English medium schools were considerably higher, as were the salaries paid teachers in those schools. Loss of pupils to the better-supplied English medium schools resulted in loss of jobs for many Hawaiian teachers, and increased job opportunities for the English-speaking community.

Hawaiian interest in English was primarily economic. The period of greatest interest occurred during the reign of King Kalākaua (1874 to 1891). There was also at this time, however, a correspondingly high interest in restoring Hawaiian poetry, dance, and traditional culture among all Hawaiians, including Kalākaua. The expanding establishment of English medium schools intensified the study of English and foreign languages and took a serious toll on the Hawaiian language. The prestige of Hawaiian language diminished, as did teaching in Hawaiian, as a result of poor salaries and facilities associated with Hawaiian schools. The English medium schools further removed Hawaiian vocabulary for technical and academic matters relating to the Western aspects of life in Hawai'i, hence employment alternatives. The schools affected the status of Hawaiian as a means for bringing different races together by removing the growing immigrant children population from an atmosphere in which their command of the national language could be improved. Hawaiian language lost an opportunity to act as a racial catalyst when the growing population of immigrant children was denied improvement in the national language. Also destructive was the direct exposure to Euro-American philosophy (in a way, propaganda) of that era, which proposed that non-Western peoples were inferior, further weakening confidence of Hawaiian children in themselves, their native language, and their culture.

To credit the English schools of the monarchy, a good number of Hawaiians became bilingual and very fluent in an English that was characterized by a certain British flavor, due to a preference for the British by upper-class Hawaiians. This competence in a high-value, prestige dialect of English was exactly what the Hawaiians needed to regain control of the positions that had been overtaken by an English-speaking group claiming that they alone could serve the nation in this capacity. Further strengthening the Hawaiian speakers in this area was the group of talented Hawaiian youth who had been sent abroad to Japan, Italy, Germany, and England to be educated. They returned with broadened perspectives and languages to better serve Hawai'i in dealing with foreign nations. 25/

Growing Hawaiian competence in what the English-speaking community had
established as their own area of influence and control led to uneasiness and greater militancy and radicalism among the English speakers. It is significant that acts, such as the Bayonet Constitution of 1887 and the overthrow of the monarchy, came at times when the goals of an independent nation based on a Western model, as espoused by the original missionaries, were seriously being pursued by Hawaiians and deliberately being defrayed by the missionary community.

The Hawaiian movement to expand the people's economic and political control through skills in English and other foreign languages never saw fruition because whenever there was a threat of success, violence was used to prevent it. The establishment of English medium schools actually backfired on the Hawaiian people during the Republic when the English speakers legislated their personal biases that English should completely replace Hawaiian, and it became official policy to do away with the Hawaiian language completely. The few Hawaiian medium schools remaining at the time of the overthrow were abolished by law, and English became even more pervasive as its official status formed a means for English speakers to move into occupations, such as lower-civil service, that formerly required skill in Hawaiian rather than English. Long after annexation and well into the territorial period, increased erosion of the Hawaiian language and growth of an English-speaking population led not to an increase in the political, social, and economic position of Hawaiians, but to a decrease in these areas proportionate to the loss of skill in Hawaiian.

The government continued to use the language in all business that dealt with the general population, and Hawaiian was secure in the churches, in its role as the lingua franca of the country even between non-Hawaiian residents of different language backgrounds. In 1888, when 84 percent of the nation's 8,770 school children were instructed through the medium of English, and only 15 percent received their education in Hawaiian, the vast majority of the children had Hawaiian as their dominant tongue. Over 75 percent of these children were of Hawaiian ancestry and certainly native speakers of Hawaiian. Queen Kapi'olani in that year is described by a personal servant as always speaking Hawaiian and requesting a translator when English was used. Another 20 percent of the school enrollment consisted of children of plantation workers of various non-English-speaking groups who were certainly familiar with some Hawaiian. Children of pure English and American ethnic parentage made up less than 5 percent of the entire school enrollment at the time and even in this group it is certain that some of them spoke Hawaiian. There are in fact haole plantation families with a history of children growing up speaking Hawaiian before English during the monarchical period. Hawaiian remained the normal vernacular of Hawai'i and the language of the street in Hawai'i until between 1910 and 1920, when it was replaced by pidgin English.

Hawaiian was still the dominant language in terms of numbers of speakers at the time of American annexation in 1898, despite official legislative policy replacing Hawaiian with English. Since Hawaiian was the language understood by the majority of the electorate and citizens of the new territory, it was the language used by politicians, including non-Hawaiians. The language was also used in the legislature, and a provision of the Organic Act (Section
44) requiring debates in the legislature to be in English resulted in the need for interpreters and translators for the Territorial House and Senate (until 1907) just to comply with the law for those legislators not fluent in English. The laws were disseminated to the general electorate through the Hawaiian press, and ballots remained in Hawaiian until the 1960's. At the beginning of the territorial period, English speakers in government not fluent in Hawaiian were often closed out of political discussion.

While the Hawaiian language was still quite strong in public life in the early days of the Territory, the main loss of language came through the school system, which attacked the language at its most vulnerable and important point, the children from Hawaiian-speaking homes. During the Republic and Territory, Hawaiian was strictly forbidden anywhere within school yards or buildings, and physical punishment for using it could be harsh. Teachers who were native speakers of Hawaiian (many were in the first three decades of the Territory) were threatened with dismissal for using Hawaiian in school. Some were even a bit leery of using Hawaiian place names in class. Teachers were sent to Hawaiian-speaking homes to reprimand parents for speaking Hawaiian to their children. Most subtle of all, but most effective, was a psychological approach emphasizing a European view of precontact Hawai'i as a simple world that alternated between paradise and hell; a world whose original language had no relevance as a first language in modern or future Hawai'i. The reference to Hawaiian as an obsolete language is especially audacious in light of modern use of Hawaiian to conduct monarchical business, the legislature, and other Western activities.

This psychological approach stemmed from an ideological belief in the superiority of the American ethnic group and its culture by the administration of the Department of Education. This department was controlled, not by the popularly-elected legislature, but by the appointed governor, who was part of the English-speaking community. The administrative bias against Hawaiian language was so powerful that the Department of Education effectively ignored both the letter and spirit of law emanating from the legislature to ensure the survival of the Hawaiian language through the school system. The major laws referred to here are the act of 1919 requiring that Hawaiian be taught in high schools and teachers' colleges, and a 1935 provision requiring daily instruction in the language in schools serving Hawaiian Home areas. Both provisions were deleted from the law in 1968, but a new requirement was revived in the form of an amendment to the Hawai'i Constitution in 1978.

Resistance to English usage was steadfast in Hawaiian churches, where reading and writing Hawaiian language was incorporated into the Sunday school curriculum. It has only been in the past two decades that English services have predominated in many Hawaiian churches, and this has occurred primarily because most native-speaking Hawaiian ministers have died. While other Hawaiian churches go to considerable efforts to include Hawaiian readings, lessons, and hymns in the predominantly English services today, there are still congregations that conduct their services entirely in Hawaiian. Like the churches, Hawaiian benevolent organizations strictly maintain the Hawaiian language.
However, these organizations face extinction unless they begin to accommodate younger English-speaking Hawaiians.

The Hawaiian press also continued, in spite of the policy to replace it with English. In the initial years of the territory the press moved into new areas such as the printing of traditional stories and modern, locally-produced nonfiction about the history of folk heroes who defended Hawaiian sovereignty.

Hawaiian-language publications gradually decreased with the passing of readers who could understand the language. The last secular paper went out of business after World War II; and the last Hawaiian-language church periodical in the 1970's. There are still occasional Hawaiian columns in publications read primarily by Hawaiians.

Hawaiian-language groups occasionally publish newsletters and other material in Hawaiian. There is a weekly, one-hour radio talk show in the language (since 1973), and another weekly bilingual program featuring Hawaiian music. The most important response, and the one that is responsible for the existence of many of the native speakers of Hawaiian living today, was the refusal of many parents and grandparents to speak English to their children in spite of discouragement by teachers. In many cases families refused to allow children to speak any English to them at all, because they believed that Hawaiians should speak to one another in their own language. This attitude was especially strong when individuals raised during the monarchy were dominant in the territory, and it has not died out entirely. There still exist some very few individuals on the major islands who raise their children to speak Hawaiian at home, as well as the residents of Ni'ihau, who speak only Hawaiian.

In response to the move to replace the Hawaiian language with English, organized grassroots efforts specifically directed towards strengthening the Hawaiian language and culture appeared under the American administration. A Hawaiian Language League based on the Gaelic League was organized in the 1930's, and a Hawaiian language school was also organized. In the 1950's, Lalani Hawaiian Village was created for the purpose of teaching Hawaiian language and culture. Ulu Mau Village was created in the 1960's with a similar goal. Both attempts met with an early demise. The 1970's saw the creation of the 'Ahahui 'Olelo Hawai'i, an organization established through assistance from the Kamehameha Schools to promote the Hawaiian language. This group is still actively pursuing its goal.

Hawaiian language then, continues the fight to survive. There is considerable resiliency among those involved with the language. The effort to continue and strengthen the language has a solid core of support in the general population, among the Hawaiians as well as non-Hawaiians. Hawaiian would certainly have remained the first language of the majority of the native Hawaiian population and a likely number of locally-born non-Hawaiians if it were not for the rigorously pursued policy of the territorial administration to replace Hawaiian with English. The efforts of early local legislators to ensure the language's survival through legislative support would certainly have been more successful with a fair-minded administration. A reversal of the trend towards English medium schools might have even occurred around 1920 once the formation of the Hawaiian Language League showed that Hawaiians were
aware and anxious to participate in a worldwide language revival movement. As history developed, however, the schools eliminated their language from the lives of several generations of Hawaiians.

The Role of Pidgin

In the previous section, a form of broken Hawaiian used with foreigners is described. This language, which originated before the missionaries established the English-speaking community in Hawai'i, has as its descendant, "pigdin," the language that has been used in an attempt to fill the void caused by the eradication of Hawaiian. The replacement is hardly equal to Hawaiian in the realm of aesthetic culture, but it serves well the primary role of any language in the base culture: the identification of a people as a unique and cohesive entity, with continuity of basic family values.

Pidgin as we know it today is termed "Hawai'i Creole-English" by linguists who have shown great interest in its development as proof of the language-generating ability of the brain in filling a language void. Pidgin, like Hawaiian at the time of annexation, is identified with locals; that is, people whose primary cultural identification is with Hawai'i. This includes all Hawaiians and the majority of plantation descendants, but not the descendants of the original English-speaking community. The term is not truly racial, since "local" includes descendants of Portuguese, Russian, Scandinavian, and German plantation laborers, as well as the Japanese, Chinese, Filipino, Okinawan, Puerto Rican, Gilbertese, and other ethnic groups that were brought to Hawai'i to supplement the Hawaiian group.

Besides the primary cultural identification, there is also a class identification, growing out of the fact that the English speakers tended (and still tend) to hold better-paying and more prestigious jobs. Linguistically, pidgin is a full and complicated language, but sociologically it is identified by negatives—that is, not being North American English. There are certainly many differences between the local pidgin and North American English. These include:

- Pronunciation (for example, pronouncing rotten as raten rather than the general American ra'n);
- Intonation (for example, the use of the question intonation of the Hawaiian language rather than of English);
- Vocabulary (for example, using soda for American pop, and funny kind for American weird);
- Stress (that is, following the Hawaiian rule of penultimate stress rather than an American tendency towards antepenultimate stress, as in local strawberry versus American strawberry); and
- Grammar (for example, use of the Hawaiian calque "Long time, I never go," where American English would use "I haven't gone for a long time.")

The examples below give further illustration of the nature of pidgin, showing the strong Hawaiian language origins of pidgin, combined with the genius for language creation exhibited by the children who first made it their own language.

I no more money.
(I don't have any money.)

You go come on your pickup.
(Come in your pickup.)
John guys like help.
(John and his friends want to help.)

Funny kind this fish.
(This fish is unusual.)

The wahine stay hāpai.
(The lady is pregnant.)

Pidgin was not spoken as a first and native language by anyone, until about 1910. Much of the popular English press and initial study of the language in the 1930s attributed it to a simple mixture of English and the languages spoken on the plantations. This simplistic explanation cannot explain the strong Hawaiian flavor of the language in terms of grammar, intonation, stress, and vocabulary, when Hawaiians were such a tiny minority in the plantation workforce. Recent research has shown what even the haole plantation owners of the monarchy period recorded: that broken Hawaiian, not broken English, was the language of the plantations; and pidgin was originally a form of Hawaiian. Broken Hawaiian was used not only on the plantations, but to speak with anyone who had a poor command of Hawaiian, including haole residents of Hawai'i. There were of course many non-Hawaiians who spoke Hawaiian well during the monarchy through the turn of the century, and there were even non-Hawaiians who spoke Hawaiian better than their ancestral languages, because Hawaiian was the language of the community in which they were raised. The broken or pidgin language was quite common, however, due to the great influx of immigrants with the rise of the sugar industry.

At the turn of the century, English and Hawaiian words started to become interchanged more frequently in pidgin and, as the twentieth century progressed, English vocabulary came to predominate. Much of the structure and pronunciation of the basic broken Hawaiian remained, along with much Hawaiian vocabulary, some of it restricted to use in broken Hawaiian (for example, kaukau—"food", "eat," versus normal Hawaiian mea'ai—"food," and 'ai—"eat"). About 1910, children started to use this language among themselves, and developed greater strength in it than they had in their parents' languages or the proper English language that was taught in school. This process, termed creolization, involved all Hawaiian children (except those of Niihau) by 1920, as well as the children of the immigrant plantation workers. Creolization resulted in a pidgin that grew more complex in its grammar, sound system, speed of delivery, and inventiveness of slang.

Creolization of pidgin was the perfect tool for local children to resist the campaign to force them to speak English. Pidgin is English, and yet it really is not. Thus, the children were able to comply with the heavy campaign to make English the language of the territory and still not truly cooperate with what Hawaiians saw as persecution of their own language, nor identify linguistically with the haole group who were viewed as more concerned with their own power than with the rest of the population on human terms.

Pidgin is also Hawaiian, and yet not really Hawaiian. This also suited the children. The identity with Hawai'i and the Hawaiian people was a very positive thing not only for the Hawaiian children themselves, but also for the immigrant children who saw themselves as different from their foreign parents. The fact that the language was not really Hawaiian was important in that it distanced Hawaiian and immigrant child alike from the picture of a primitive stone age race doomed to die, which was
Presented in the school system in accordance with the ideology espoused by the English speakers controlling the department. The development of pidgin assured the cultural survival of Hawaiians and those who chose to identify with them as locals, when the only alternative seemed to be to completely give up a cohesive Hawaiian identity that relied on the existence of a unifying language. Pidgin assured a Hawaiian identity, but it was used against local people by the English speakers in the same way that Hawaiian had been. Individuals were chosen for jobs based on their skills in English, not pidgin, although the majority of those with whom one might deal in the position might speak pidgin. Just as had been done earlier in distinguishing between English language schools and Hawaiian language schools during the monarchy, government English Standard schools for those speaking Standard English were established during the 1920's by the territorial government for those who aspired to higher positions. (See chapter on "Education," above). Entrance to these schools was by a test of English ability. Very few Hawaiians could pass the test, and it was even more difficult for most plantation children, whose parents had absolutely no formal contact with English. Most of those who passed were the more middle-class Americans who had migrated to Hawai'i to fill new white collar jobs in the territory when these were vacated by the Hawaiian speakers. The older, more well-to-do American families, however, sent their children to the prestigious private schools.

Although the development of pidgin saved the Hawaiian identity from eradication, the replacement of Hawaiian with pidgin added fuel to the philosophy that things Hawaiian are primitive and have no place in the modern world. Without a knowledge of Hawaiian, students cannot examine Hawaiian literature and records of modern Hawaiians functioning within their own indigenous language and culture. Their knowledge of themselves had to be filtered through an English viewpoint, which is strongly prejudiced towards itself and against Hawaiian culture. Thus, pidgin cuts Hawaiians off from their ancestral roots and aesthetic culture, along with the adaptive tradition to technological society that is also their heritage.

Pidgin also handicaps local children's social standing, because it is viewed as an inferior version of English. Hawaiian can never be viewed as an inferior form of English and to speak Hawaiian using English rules is to speak inferior Hawaiian. Because it is its own full language, Hawaiian determines its own boundaries and contains its own gradations of language use within itself. There is no anomaly to having an opera in Hawaiian, formal debates in Hawaiian, written literature in Hawaiian, or high church services in Hawaiian, and all of these have been done in the language. There is even a certain preference for Hawaiian over English for the ceremonial opening of the legislature or new buildings, for example. Pidgin would never be seriously used in today's social context for any of these purposes. The only time that pidgin is consciously used in print or on stage is for a comical effect; otherwise listeners interpret it as speaking down to them.

Pidgin puts local people at the bottom of the English-language status structure, which is somewhat ironic in view of the fact that English itself
has a pidgin-like history. This status has nothing to do with the structure of the language, which is in some ways more intricate than Standard English (particularly in its tense structure), but with its historical connection with broken English. Since the position of one's language in the hierarchy of English dialects affects the impression one gives in both the educational and employment fields, pidgin labels its speakers as unqualified, no matter what their intellect. Also, since the pidgin culture is a subculture of the larger American English-speaking culture, its members generally accept the status hierarchy and apply it to themselves. An amazing example of this is the fact that as Hawaiian-speaking ministers die off, Hawaiian congregations are replacing them, not from their own pidgin-speaking ranks, but with mainland, Standard American English speakers. Thus, the replacement of Hawaiian with pidgin has taken Hawaiians (except those of Ni'ihau) to the final point of loss of control over themselves, which first occurred when the decision was made that members of the English-speaking missionary community would be appropriate in high government service, performing duties formerly handled by members of the Hawaiian-speaking community.

Present thinking in Hawai'i is that elimination of pidgin in favor of Standard American English will solve many educational and occupational problems for local people. The history of what has happened with the replacement of Hawaiian by English does not support this thinking. The worst scenario (with the elimination of this last true linguistic unifying factor of Hawaiians) is that Hawaiians would be considered completely assimilated and the term "Hawaiian" would be applied to anyone resident or born in Hawai'i. This would open up the losing of rights that accompany the Hawaiian identity, and the dispersal of Hawaiians for economic reasons from their traditional homeland to lower economic areas on the North American continent.

Even if it were desirable to replace pidgin with American English (because of the fact that any slight non-North American feature can be used to label a person a speaker of "pidgin"), it will never be completely possible to eliminate the local sound, and the accompanying negative reaction it evinces in speakers of Standard American English. Just as it will never be possible for New Yorkers to sound like Texans, it will never be possible for all local people to speak like Nebraskans, for the simple reason of demographics. Another reason that pidgin cannot be replaced altogether by Standard American English is that it carries a very positive and highly-valued association with the local Hawai'i identity. For non-Hawaiian, immigrant-descended "locals," whose ancestors may have spoken good Hawaiian and who certainly spoke the broken plantation language, abandonment of pidgin is a possibility if they wish to give up their local identity. Most do not, and there is ample evidence for non-Hawaiian locals emphasizing their localness over their own ethnic background, as well as over any identity with Standard American English.

For Hawaiians, however, localness is included in their Hawaiian blood and appearance. They have no choice of becoming a Japanese-American or Filipino-American (versus a local Hawai'i-Japanese or a local Hawai'i-Filipino), with an identity that does not include Hawai'i. A Hawaiian must always be identified
with Hawai' i and even emigration will not change that. A consequence of this obligatory local identification that Hawaiians carry is a stronger attachment to pidgin among Hawaiians than among other ethnic groups. This attachment has been observed by linguists who have noticed an increase rather than a decrease of pidgin features in the speech of Hawaiians in recent years.

One of the ironies of pidgin is that the present pidgin-speaking generation is often observed as speaking poorer English than the native Hawaiian speakers educated in English at the turn of the century. It has also been observed that with all the exposure of modern-day Hawaiians to Standard English on television, newspapers, and in the American school system, citizens of small Pacific Island nations preserving their indigenous languages often speak better English than the "civilized" Hawaiians. Something is clearly wrong when the Hawaiian language has been sacrificed in the name of the English language and instead of a great leap forward in terms of benefits in English, there appears to be a regression.

One explanation for this situation is the fact that the Hawaiian-speaking Hawaiians and indigenous language-conserving Pacific Islanders look upon learning English in a different way than pidgin speakers do. For speakers of full Polynesian languages, learning English is simply a skill. For the pidgin speaker, learning Standard English represents a threat to his identity and the identity of the group, because that identity is maintained by not using Standard English pronunciation, vocabulary, intonation, and so forth.

A second explanation for the impressive English of Hawaiians of the monarchy period and citizens of several modern South Pacific nations is that the British English favored by them for their schools has greater status than the American English taught in contemporary Hawai'i schools. Although not generally considered by educators in Hawai'i, American English has less prestige than British English internationally, and although the difference in status is not as great as between pidgin and Standard English, the added status of British English can make a South Pacific Islander of equal intelligence to an ordinary American appear more intelligent, even to other Americans. For the same reasons that pidgin speakers feel attached to their dialect of English, American speakers are attached to their dialect of English and have not adopted the higher status British form of the language. Speakers of Hawaiian during the monarchy had no allegiance to any dialect of English, be it American, British, or Australian. It was only natural for them to feel that if they were going to learn the English language, they should learn the dialect that would give them the most prestige, and therefore serve them the best. From that point of view, their choice of British English as their dialect of English was a logical one.

Perhaps the strangest feature of the replacement of Hawaiian with pidgin is how it has been reflected in Hawaiian behavior. This feature really has nothing to do with pidgin per se, but with the image of Hawaiians as depicted through the medium of English. In an attempt to assert their distinct identity from the English speakers, some Hawaiians have consciously or subconsciously tried to live up to what the English-language literature describes
opposite of what English-language literature describes as "American." Neither of these things really has anything to do with what is a Hawaiian view of Hawaiian-ness, which, of course, is recorded in Hawaiian. This method of self-identification has caused great trauma in the Hawaiian community because the English-speaking community and media immediately recognize it as "Hawaiian" by their own definition, even when it is in direct conflict with traditional Hawaiian values.

The negative features of pidgin and lack of status are obvious. The fact that pidgin is most decried by the English-speaking group should serve as notice that eliminating pidgin in favor of Standard American English would probably not be in the best interests of the Hawaiian people. The positive features of pidgin must always be recognized: maintenance of the unity and identity of Hawaiians in the face of the elimination of the ancestral tongue for so many; and a means for continuing in large part the traditional base culture of the Hawaiian people referred to above, for which purpose Standard English is not overly-well suited.

Creolization of pidgin was really the only solution that local children had in order to retain that distinct and primary Hawaiian cultural identity within the context of compulsory education in English. This education deprived them of a full Hawaiian language education, and even deprived them of time with their families, important in developing full control of the entire spectrum of the Hawaiian language. The same forces that created pidgin initially are presently with us, and work against ever replacing it with Standard American English, or even making such a replacement in the best interest of Hawaiians. What then is the alternative? The revival of Hawaiian as a primary language for local people is a natural proposal for anyone at all familiar with the achievements of Hawaiians in their own language and with similar situations in other parts of the world where language revival had made a considerable difference in people's lives. 30/

C. HISTORIC PRESERVATION

Introduction

Title I of the National Historic Preservation Act of 1966 authorizes the Secretary of the Interior to expand and maintain a National Register of Historic Places "composed of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture." 31/

Historic preservation is basically a citizen, not a government, movement. Action by the private sector is supported, not initiated, in Hawaii by the County, State, and Federal Governments. The Hawaii State Historic Preservation Plan defines the roles of these respective sectors in the following way:

Private Sector: Increasing numbers of people from all walks of life are beginning to realize that action is needed to protect the rapidly diminishing treasure of historic resources and that private efforts are often the most cost-effective.

County Governments: Counties are the level of government where the average citizen can most effectively be involved in the decision-making process. It is through the County government that community preservation priorities can be voiced and action best tailored to those priorities can be initiated.
State Government: The lead agencies in the State of Hawaii for historic preservation are the Department of Land and Natural Resources, the Department of Accounting and General Services, the Department of Education, and the University of Hawaii.

Federal Government: The primary role of the Federal Government in historic preservation is one of guidance and assistance. Guidance is provided in the form of setting criteria for evaluating resources, and in determining the requirement for grant programs. Assistance is in the form of grants, technical assistance, and leadership in the formation of policy and standards for historic preservation. The two federal agencies primarily responsible for historic preservation are the Department of the Interior and the Advisory Council on Historic Preservation, an independent agency of the Executive Branch.

Federal Government Involvement

The Federal Government greatly influences the administration of State and local historic preservation programs. Part of the duties of the Hawaii State Historic Preservation Officer, who is appointed by the Governor to serve as a liaison to the Federal Government, is to coordinate these diverse Federal activities. Federal involvement in the State and local management of historic preservation programs can be summarized as follows:

- **Identification and evaluation:** survey programs (Historic American Buildings Survey, Historic American Engineering Record); availability of grants for State, local, or private surveys; National Register and National Historic Landmarks programs; and requirements for Federal projects to undertake surveys and authorization to use funds for that purpose (Archaeology and Historic Preservation Act of 1974, Department of Transportation acts).

- **Protection:** requirement that any activity on Federal land or licensed, funded, or certified by the Federal Government must be reviewed by the Advisory Council for adverse effects (National Environmental Policy Act, National Historic Preservation Act of 1966, as amended).

- **Preservation and enhancement:** National Parks; authorization to transfer surplus property to State or local government for historic preservation purposes; availability of technical services on preservation technology; tax incentives; and availability of grants and loans.

- **Overall planning and administration:** availability of grants for planning; requirement to have a State Historic Preservation Officer (by mandate of National Historic Preservation Act of 1966); and national policies embodied primarily in the National Historic Preservation Act of 1966 and Historic Sites Act of 1953.
State Historic Preservation Plan

The State Historic Preservation Plan of the State of Hawaii was prepared as one of twelve functional plans detailing the overall Hawaii State Plan. Based on the priorities of the Hawaii State Plan, the following are the priorities identified for historic preservation in Hawaii:

1. Develop a comprehensive inventory of historic properties, including areas possessing rural character and lifestyle.

2. Identify from the inventory those areas that are "critical."

3. Develop protective mechanisms so that urban development can either be directed away from critical areas or mitigating measures can be imposed to minimize negative impacts.

4. Develop a program to preserve and enhance the significant historic properties, especially those along the shoreline.

5. Particular emphasis should be given to rehabilitation of existing areas; this action serves a double function in terms of directing urban growth to existing areas and preserving historic properties.

The State Historic Preservation Plan discusses six major activities within historic preservation: the collection and conservation of records; the collection and conservation of oral histories; the collection and conservation of artifacts; the perpetuation of traditional arts and skills; the preservation of archeological and historic properties; and the presentation of information to the public. The Plan sets forth policies, proposes implementation measures, and identifies problem areas for each of these activities.

Federal and State Registers

Because of its importance in protecting native Hawaiian archeological and historic sites, this section focuses on State and Federal activities related to the National Register of Historic Places. The National Register of Historic Places was designed to be a planning tool. It is an authoritative guide to be used by Federal, State, and local governments, as well as by private groups and citizens, to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment.

There are several effects of being listed in the National Register. Included in these effects are the following:

- Listing in the National Register makes property owners eligible to be considered for Federal grants-in-aid for historic preservation;

- If a property is listed, certain provisions in tax laws encourage the preservation of depreciable historic structures by allowing favorable tax treatments for rehabilitation;
Other tax provisions discourage destruction of historic buildings by eliminating certain otherwise available Federal tax provisions both for demolition of historic structures and for new construction on the site of demolished historic buildings.

The National Register listing does not always prevent a federal activity from adversely impacting an historic property. It does require, however, that serious consideration be given to the impact and that it be fully justified before beginning the activity.

The State of Hawaii also has a Hawaii Register. The Hawaii Register is a planning tool that assists in the assessment of the impact of any action, be it public or private, on historic properties located in the State. Likewise, Hawaii Register listing does not prevent an activity from adversely affecting an historic property, but it does require that some consideration of the impact be taken before the action occurs. In addition to the State Register, there are also several evaluative lists that exist on the county level in Hawaii.

Criteria for Evaluation

The criteria for evaluation are used: to evaluate properties for nomination to the National Register; by the National Park Service in reviewing nominations; and for evaluating National Register eligibility of properties. The criteria are:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history. 36/76

These criteria emphasize the "tangible" aspects of historical sites such as buildings and objects, rather than the "intangible" aspects of culture. The significance of this distinction is particularly important for protection of historical religious sites. Unless there is some tangible structure (a heiau, for example), such sites are not usually considered eligible for inclusion in the National Register. In order to be eligible, these sites must be documented as
having historical cultural, political, or religious value. Sites having current or contemporary religious value are not deemed eligible for protection.

This is, of course, a difficult distinction to make. In the case of native Hawaiians, the situation is complicated even more because of the necessity of scholarly documentation of historical value. The oral tradition in transmitting Hawaiian culture and history means that documentation is more often contained in chants and legends handed down orally, than in scholarly works of historians.

The State of Hawaii has additional criteria used by the Review Board in evaluating properties for listing in the Hawaii Register. These criteria are:

1) Structures and sites closely related to events, ideas, groups, persons, or cultural patterns that have contributed significantly to Hawaii's history or to the broad patterns of the Pacific area or national history;

2) Structures that embody characteristics valuable for the study of a period, style, method of construction, an architectural curiosity or picturesque work, representative structures of a master builder, designer, or architect, or eastern or western styles adapted to Hawaii's climate or way of life;

3) Districts, large or small, comprising an ensemble of structures or features that individually may not have a particular merit, but collectively have significant historical, cultural, or architectural or environmental importance;

4) Objects associated with significant events, persons, ideas or that are valuable for high artistic merit or as a study specimen of a period, style or method of construction, or a notable representative work of a master craftsman or designer;

5) Properties that have yielded, or are likely to yield, information in prehistory or history;

6) Quality, of which integrity is the essence. Integrity is composite derived from original workmanship, original location and intangible elements of feelings and association;

7) Environmental impact, the preservation of this site, structure, district or object significantly enhances the environmental quality of the State;

8) Social, educational, and recreation value of the site, structure, district, or object preserved, presented or interpreted contributes significantly to understanding and enjoying Hawaii, the Pacific area or the nation's history and culture. 22/

Processes for Nomination

A property can be added to the National Register through one of five processes:
1) Those Acts of Congress and Executive orders that create historic areas of the National Park System administered by the National Park Service, all or portions of which may be determined to be of historic significance consistent with the intent of Congress;

2) Properties declared by the Secretary of the Interior to be of national significance and designated as National Historic Landmarks;

3) Nominations prepared under approved State Historic Preservation Programs, submitted by the State Historic Preservation officer and approved by the National Park Service (the nominations may be generated by the State Historic Preservation Program itself, or by any citizen or group within the State that wishes to make a nomination);

4) Nominations from any person or local government (only if such property is located in a State with no approved State Historic Preservation Program) approved by the National Park Service; and

5) Nominations of Federal properties prepared by Federal agencies, submitted by the Federal Preservation Officer, and approved by the National Park Service.

The most relevant process for the purposes of the Native Hawaiians Study Commission are those involving the State Historic Preservation Programs and Federal agencies.

On the State level, the State Historic Preservation Plan details the implementation of the registration process in Hawaii and recent problems in that process:

The Registration of Hawaii's historic properties commenced in 1971 when the Hawaii Historic Places Review Board was formed. The Review Board is comprised of professionals in the fields of archaeology, history, architecture, sociology, and Hawaiiana...

In 1980, 579 sites were removed from the State Register because of a procedural error in notifying the property owners. Although the sites on State property have been placed back on the Register, very few privately owned sites have been resubmitted. Many extremely valuable archaeological sites are not on the Register because [the Department of Land and Natural Resources'] staff is limited in size, and the review of development projects is its highest priority.

State Nomination Process: For any State, the State Historic Preservation Officer has the responsibility for making the first determination of which properties meet the criteria for evaluations. To ensure high professional standards, the National Park Service requires that each State
develop expertise in the disciplines of history, architectural history, archeology, and historical architecture, on the State staff and State Review Board. Nominations are prepared under the supervision of the State Historic Preservation Officer and his or her professional staff in accordance with the approved State historic preservation plan.

The State Historic Preservation Officer submits nominations to the State Review Board where they are reviewed and a recommendation concerning whether or not the property meets the National Register criteria for evaluation is made. The State Historic Preservation Officer again reviews the nomination after its consideration by the Review Board, signs it, and forwards it to the National Park Service.

As part of the nomination process, the State is required to notify in writing the property owner(s) of the State's intent to bring the nomination before the State Review Board. Upon notification, any owner or owners of a private property who wish to object to listing the property in the National Register can submit a statement to that effect to the State Historic Preservation Officer. If the sole owner of a property (or a majority of owners in the case of multiple ownership) object to the listing, the property will not be listed in the National Register. Rather, if the nomination is subsequently submitted by the State Historic Preservation Officer, the Keeper of the National Register will make only a determination of eligibility. Once the objection of the owners is lifted, the property will be automatically listed on the National Register.

Nomination may also be made by individuals and organizations by submitting an adequately documented National Register nomination form to the State Historic Preservation Officer (or Federal Preservation Officer). If the nomination form is in order and if the property appears to meet the National Register's criteria for evaluation, the nomination must be scheduled for presentation at the earliest possible State Review Board meeting. This scheduling must take into account, however, the State's established priorities for nomination.

Federal Agency Nomination Process: The National Historic Preservation Act of 1966 requires each Federal agency to establish a program to locate, inventory, and nominate to the Secretary of the Interior all properties under the agency's ownership or control that appear to qualify for inclusion on the National Register. In addition, Executive Order 11593 provides that Federal agencies shall locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

Nomination forms are prepared under the supervision of the Federal Preservation Officer designated by the head of each Federal Agency. Completed nominations are submitted to the appropriate State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property, and its eligibility for the National Register. The chief elected local officials of the county in which
the property is located are notified and given 45 days in which to comment.

After receiving the comments of the State Historic Preservation Officer and chief elected official, or if there has been no response within 45 days, the Federal Preservation Officer may approve the nomination and forward it to the Keeper of the National Register.

**Determination of Eligibility:** Many Federal agencies have not completed the inventory of all properties under their ownership that appear to qualify for inclusion on the National Register. In the absence of such inventories, and before any projects are undertaken that may harm possible historical sites, Federal agencies are required to request the opinion of the Secretary of the Interior regarding properties that may be eligible for inclusion on the Register. Thus, the Keeper of the National Register will make a "determination of eligibility" regarding such properties.

An important role in this process is played by the Advisory Council on Historic Preservation. The Council has regulations whose purpose is to protect properties included in, or eligible for inclusion in, the National Register. This protection is afforded through review and comment by the Council on Federal undertakings that affect such properties. The process of consultation is designed to ensure that alternatives to avoid or mitigate an adverse effect on a National Register or eligible property are adequately considered in the Federal agency's planning process. It should be noted, however, that ultimately the decision lies with the Federal agency on whether or not to change its plans.

Determination of eligibility does not constitute listing in the National Register. However, properties determined eligible receive the same governmental protection from harm and destruction as those on the Register. Private owners of property on the eligible list are not eligible for benefits such as grants, loans, or tax incentives that have listing on the National Register as a prerequisite. Determination of eligibility may be made with or without the request of the Federal agency involved.

After the determination, written notice is given to the Federal agency and the State Historic Preservation Officer. In addition, public notice of properties determined eligible is published in the Federal Register.

**Differences in Review Processes:** There are several differences between the review procedures for Federal and State/County projects. The Hawaii State Historic Preservation Plan summarizes them as follows:

- **Differences in legal authority:** Legal authority mandating review of federal projects stems primarily from Sec. 106 of the National Historic Preservation Act of 1966, Executive Order 11593, the National Environmental Policy Act, and Sec. 4F of the Department of Transportation Act of 1966. Legal authority mandating review of the State/County projects stems from Sec. 6E-8, [Hawaii Revised Statutes].

- **Differences in reviewing agencies:** The primary reviewing agencies for federal projects are the State Historic Preservation
Officer and the Advisory Council on Historic Preservation. For State/County projects the reviewing agency is the Department of Land and Natural Resources.

- **Differences in review procedures:** There are two major differences. One difference between Federal and State/County review procedures is that Federal projects must consider effects to properties eligible for the National Register, as well as those already listed on the Register. The provision to consider eligibility is very important in that it requires an identification and evaluation of historic resources in unsurveyed areas. State/County projects must also consider unregistered properties; however, the determination of eligibility procedures are not formulated. The second major difference is the availability at the Federal level of a conflict resolution mechanism if there is disagreement over appropriate mitigative measures. The mechanism is the Advisory Council on Historic Preservation. There is authority already established at the State level to implement a similar advisory council to advise the governor when conflicts arise between State agencies (Sec. 6E-8); however, the provision has not been implemented.

Acceptance on the National Register

Generally, the National Park Service relies on States and Federal agencies to identify historic properties for National Register listing. Because of the experience and ability of the States and Federal agencies in identifying and evaluating historic and cultural properties, the National Park Service will, in most instances, list nominations by States with approved State programs and by Federal agencies without substantive review. This acceptance requires that the Federal agency or State certify that the procedures for making nominations have been properly followed, the documentation is sufficient, and the nomination meets the National Register criteria for evaluation.

**Appeals for Nomination**

The Department of the Interior is in the process of establishing procedures for appealing nominations. Under these procedures, any person or local government may appeal to the Keeper of the National Register the failure or refusal of a nominating authority to nominate a property that they consider to meet the National Register criteria for evaluation.

An applicant seeking to have property nominated to the National Register may appeal directly to the Keeper under the following circumstances:

Where the applicant—

1) Disagrees with the decision of the State Historic Preservation
Officer or the Federal Preservation Officer not to submit an adequately-documented nomination form to the National Park Service after it has been processed by the State or Federal agency;

2) Disagrees with a decision of the State Historic Preservation Officer not to submit an adequately-documented nomination form to the State Review Board;

3) Believes that the State Historic Preservation Officer has not scheduled an adequately-documented nomination form for State Review Board consideration within a reasonable period of time consistent with the State's priorities for nominations.

The Keeper will respond in writing to the request within 30 days. The decision may:

- Deny the appeal;
- Recommend that the State Historic Preservation Office submit the nomination form to the State Review Board;
- Recommend that the State Historic Preservation Officer submit the nomination form to the State Review Board for consideration at an earlier date than scheduled;
- Provide notice that the Keeper will consider for listing a nomination form previously approved or disapproved by the State Review Board or a Federal agency nomination form.

Current Historic Preservation Issues

The preceding sections have concentrated on existing State and Federal laws on historic preservation. However, as pointed out in comments received by the Commission, there are numerous practical problems in the implementation and enforcement of these regulations.

Native Hawaiians are concerned about protection of ancient religious sites—a concern that was voiced to the Commission not only in the written comments cited above, but in public testimony before the Commission in January 1982. At the State level, a comment from Kenneth Chan notes that "the State Historic Preservation Plan has not even been adopted into law, and has in fact been shelved for the past three years. There is no comprehensive plan adopted and utilized by the State at this time." Another problem already mentioned above is the removal of 579 sites from the State Register because they were not properly registered. In addition, staffing and funding difficulties also plague the State's historic preservation program.

The problems of protecting historic sites of importance to native Hawaiians are not totally administrative, however. An even greater difficulty may be that criteria for eligibility as they now exist do not always address the religious and cultural significance of land regarded as sacred by native Hawaiians.

According to one native Hawaiian:

"The concerns of Hawaiians...are different from the concerns of archaeologists. We are trained in the Western scientific tradition. We see archeological sites primarily as repositories of information. This is in
contrast to the view of Hawaiians of archaeologic sites as areas of cultural and religious significance. Insufficient concern is exhibited at all levels of government to the views and opinions of Hawaiians about archaeologic sites. The very structure of the mechanisms designed to protect sites which meet Western criteria of significance, neglect sites significant to Hawaiians which don't meet these criteria. Sites without significant research value or which do not meet the historic criteria are ineligible for protection (by the National Register of Historic Places). A sacred site of extreme importance to Hawaiians may quite easily be ineligible for protection. Mechanisms must be designed to protect sites of this type.

The most publicized problem of historic preservation in Hawaii, however, involves the island of Kahoolawe. The U.S. Navy continues to utilize the island as a target for bombing practice, even though it is now listed on the National Register of Historic Places. Several years ago native Hawaiian groups began protesting the bombing of Kahoolawe because it is regarded as sacred and contains numerous archaeological sites. At present, the U.S. Navy does allow native Hawaiian groups access to the island on a limited basis.
### Table 59
**A Comparison of Some Words in Hawaiian and Other Eastern Polynesian Languages**

<table>
<thead>
<tr>
<th>Hawaiian</th>
<th>Tahitian</th>
<th>C.I. Maori *</th>
<th>N.Z. Maori *</th>
</tr>
</thead>
<tbody>
<tr>
<td>maka</td>
<td>mata</td>
<td>mata</td>
<td>mata</td>
</tr>
<tr>
<td>maike'i</td>
<td>maite'i</td>
<td>maitei</td>
<td>maitei</td>
</tr>
<tr>
<td>wahine</td>
<td>ve'ine</td>
<td>waheine</td>
<td>waheine</td>
</tr>
<tr>
<td>pepesiao</td>
<td>tari'a</td>
<td>tarina</td>
<td>tarina</td>
</tr>
<tr>
<td>lani</td>
<td>ra'i</td>
<td>rangi</td>
<td>rangi</td>
</tr>
<tr>
<td>lime</td>
<td>rima</td>
<td>ringle</td>
<td>ringle</td>
</tr>
<tr>
<td>kai</td>
<td>miti</td>
<td>tai</td>
<td>tai</td>
</tr>
</tbody>
</table>

* The high percentage of cognates between Cook Islands Maori and Hawaiian is not due to a more close genetic relationship between the two languages, as compared to say between Hawaiian and Tahitian. This high percentage of cognates is due instead to a certain conservatism in retaining old vocabulary in both languages.

### Table 60
**A Comparison of Terms Used in Different Parts of Hawai'i**

<table>
<thead>
<tr>
<th>Place</th>
<th>Hawaiian</th>
<th>Tahitian</th>
<th>Maori</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kahi</td>
<td>kahakai</td>
<td>kahakai</td>
<td></td>
</tr>
<tr>
<td>Kipahulu</td>
<td>plaia</td>
<td>plaia</td>
<td></td>
</tr>
<tr>
<td>Puu</td>
<td>'o'ahu</td>
<td>'o'ahu</td>
<td></td>
</tr>
</tbody>
</table>

* The table compares only the symbols used to write the languages while other Polynesian languages, like English, have increased their phoneme inventories through the borrowing of foreign words.

### Table 61
**A Sampling of Some Terms for Rain in Hawaiian**

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>hilihune</td>
<td>light rain often with some sun</td>
</tr>
<tr>
<td>miali</td>
<td>a shower, as often forms over the sea</td>
</tr>
<tr>
<td>makoko</td>
<td>rain with large dropped rain</td>
</tr>
<tr>
<td>lino</td>
<td>soft rain, almost mist-like in density</td>
</tr>
<tr>
<td>ualani</td>
<td>heavy rain that lasts for days</td>
</tr>
<tr>
<td>kihuko o ke akua</td>
<td>poetic term for rain (lit. adornment of the deity)</td>
</tr>
<tr>
<td>ilelehine</td>
<td>fine wind blown rain</td>
</tr>
<tr>
<td>wa'awa'</td>
<td>cold dripping rain as found in the high volcano areas</td>
</tr>
<tr>
<td>ko'iwai</td>
<td>unexpected rain from a clear sky in which it has been carried by breezes from the mountains</td>
</tr>
</tbody>
</table>

Note: The symbol represents the glottal stop while ng represents the velar nasal.
### TABLE 63

Some English Ambiguities Not Existent in Hawaiian

1. WE ARE IN CHARGE OF HANDLING THE MONEY (announced at a meeting)
   Na kaulu e malama i ke kala. we = you (one) and I
   Na kaua. we = you (several)
   Na makou. we = he and I
   Na maumakou. we = they and I

2. WHAT IS YOUR-NUMBER? (asked by a telephone operator)
   Ne hea kou helu? your = the one you are calling from
   " kau helu? your = the one you are calling

3. I KILLED HIM (confessed in court)
   Ua pepehi au is la. kill = act with intent
   Ua make 'o ia la'u. kill = simply a consequence, as in a car accident

4. PLEASE BRING ME THAT DOCUMENT (asked of a secretary)
   E lave mai i kona palapala. that = the one close to you
   " " " kela that = the one far from you
   " " " ia that = the one that we discussed previously

### TABLE 64

Some Words Distinguished by Vowel Length and/or Presence of the 'Okina

<table>
<thead>
<tr>
<th>Hawaiian</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>hu'a</td>
<td>fruit</td>
</tr>
<tr>
<td>hua</td>
<td>fruit</td>
</tr>
<tr>
<td>'a'a</td>
<td>fruit</td>
</tr>
<tr>
<td>hua'</td>
<td>foam</td>
</tr>
<tr>
<td>'a'a</td>
<td>foam</td>
</tr>
<tr>
<td>hina'</td>
<td>envy</td>
</tr>
<tr>
<td>'a'a</td>
<td>envy</td>
</tr>
<tr>
<td>kau'</td>
<td>suspend</td>
</tr>
<tr>
<td>koa</td>
<td>warrior</td>
</tr>
<tr>
<td>ka'u</td>
<td>my</td>
</tr>
<tr>
<td>ko'a</td>
<td>coral</td>
</tr>
<tr>
<td>koau'</td>
<td>your</td>
</tr>
<tr>
<td>ko'a</td>
<td>space</td>
</tr>
<tr>
<td>ko'a</td>
<td>arid</td>
</tr>
</tbody>
</table>
1/ I [Larry Kimura] would like to acknowledge the contributions of Dr. William H. Wilson, Assistant Professor of Hawaiian, University of Hawai'i at Hilo, to this paper. He and I assembled this paper after I was approached by the Office of Hawaiian Affairs to produce something for the Native Hawaiians Study Commission. We both regret that we did not have the time to make a more thorough contribution ("He wahi ma'iū nā ne keāla"). We are grateful to the Office of Hawaiian Affairs for their interest in seeing that Hawaiian language concerns be addressed in some fashion by the Commission.

2/ Haole originally meant any foreigner, and is clearly an old precontact word, since it occurs in old chants. Marquesan has a cognate, Hao'e, with a similar meaning. Captain Cook and even early Chinese visitors were termed haole. With the preponderance of foreigners of European descent, haole came to mean individuals of European cultures, and new terms came to be applied to the Chinese and other non-Western ethnic groups. As greater distinctions came to be made in European groups, haole was applied more and more to Americans, including American Blacks, termed haole 'ele'ele, "black haole." Today, haole is used in both Hawaiian and local English to refer to the mainstream American ethnic group and culture alone. It is not uncommon for local people to make statements like, "He isn't a haole, he's German" (or Italian, or English, etc.) in describing a person from Europe or an American citizen with a strong ethnic background. Similarly, it is not uncommon for persons who are not of purely WASP [white, Anglo-Saxon, Protestant] background to be referred to as haole because of their cultural and linguistic background (Standard American English). Although some haole people new to Hawai'i immediately jump to the conclusion that haole is a derogatory term, it is not, and is used by haole raised in Hawai'i to describe themselves. English alternatives (white, Caucasian, and American) are all either too broad or too narrow. White is used for people who do not go to the beach; Caucasian includes local Portuguese and Europeans who differ culturally from the haole group; and American is used to refer to citizenship. The quoted passage is from Abraham Fornander, An Account of the Polynesian Race: Its Origins and Migrations (Rutland, Vermont and Tokyo: Charles E. Tuttle Company, 1969), p. 285.

3/ Note, for example that the outline given in the Draft Report of the Native Hawaiians Study Commission on language (p. 130) erroneously states that Hawaiian, Tahitian, Samoan, and Māori are dialects of one language called Proto Polynesian. This is equivalent to saying that English, German, Russian, and French are dialects of one language called Proto Indo-European. Although English speakers may recognize related words in European languages, they are not mutually intelligible dialects of the same language. Furthermore, Proto Indo-European, the ancestor of these European languages and many of those of India, ceased to be a unified single language in the far distant past. The same applied to Polynesian languages and Proto Polynesian.
4/ Fornander, pp. 67-68.

5/ It is a common claim of individuals who do not speak the Hawaiian language (and who are unfamiliar with Hawaiian as it is spoken today) that the pronunciation of the language was radically changed when it was committed to writing. This is not true. The language has continued to be pronounced in the same regional ways up to today, with any reduction in certain regional pronunciation habits due to the movement of people between islands, rather than the effect of the writing system. For speakers of Hawaiian in the nineteenth century who did not speak English, there was no way for them to know the symbolic value of the letters in English and, furthermore, people are usually not aware of the different pronunciations that they give phonemes (or letters in writing) in any language. An example from English is the phoneme t, which has variable pronunciations between dialects and even between different positions in words in the same dialect. In many North American dialects of English, t is pronounced like a d or Japanese r between vowels, e.g., writer (ride'); as a glottal stop before a vowel followed by n, e.g., button (bo'n); and as a simple t (with slight aspiration) at the beginning of a word, e.g., toad (təd). British and (local Hawai'i) English speakers have different patterns for pronouncing t and most speakers of the language do not notice their own pronunciations of the phoneme t. Similarly, it is often easier to imitate a dialect that is different from one's own than to tell exactly how it is different.

Just like English speakers, Hawaiian speakers are not usually aware of how they pronounce each letter in the written language, and regional pronunciations have continued.

For English speakers to assume that the form of the letters in the written Hawaiian alphabet would affect the native speakers' pronunciation of Hawaiian is as silly as expecting the same thing to have occurred in English where the values given to many letters are different from the usual usage in other European languages; e.g., a as in cat, e as in beat and late, etc.

6/ The lyrics to English songs and even English rhyming schemes appear very dull to traditional Hawaiian ears because they are so predictable and often overly repetitive. The most bothersome thing is the way in which English songs lay bare for any old stranger to hear and comment on the composer's (and honoree's) "undying love" (popular songs), "sexual arousal" (rock songs), "public love of Jesus" (gospel songs), etc.

7/ Lest one think that Hawaiian culture is the only one in which a fundamental concept can be applied to extremes, it should be pointed out that similar situations exist in American culture. The American concept of the power of law (that is, sentences of words set down by agreed-upon procedures) is very strong. If, for example, a confessed mass murderer is able to find even the tiniest loophole in the written law intended to punish his crime, he can go free even if he openly declares his intention to do more killings. Similarly, a law that required death for stealing a horse could theoretically result in the execution of someone who stole a horse in order to save someone else's life.

In Hawaiian culture, the extremes that resulted from full application of certain concepts (e.g., the elevation of the group's lineage through impressive kapu applied to the group's senior line) were tempered by the concept of aloha that allowed ali'i to
let violations pass. This occurred even during the late period of the monarchy when custom required the death of a child defiling an ali'i with urine unless the child belonged to the ali'i. A story is told of a turn of the century ali'i holding a child while visiting a country area and the child urinating on her. The immediate reaction of the ali'i was to claim the child as her own and then give it back to the parent "to raise for her" with a special commemorative name from the visit.

An example of confusion between the Western concept of etymology and the Hawaiian concept of word power can be seen in the two volume set of Nānā I Ke Kumu, one of the most important Hawaiian cultural resources in English, but edited with some English-speaking preconceptions. The author, the venerable and strongly traditional Mary K. Pūku'i, applies the concept of word power to each term described in the volumes. This is firmly part of the Hawaiian tradition and is used beautifully to draw attention to different aspects of various Hawaiian practices. For example, the word 'ohana (family) is related by Pūku'i to the somewhat similar sounding 'ōhā (side shoots of the taro). This she poetically develops into a beautiful expression of word power stressing the genealogical links of Hawaiian nuclear and extended families and the connection with Haloalaukapalili, a taro plant who was the older brother of the first Hawaiian in traditional genealogies. This explanation is a tribute to the poetic genius of Pūku'i and not an etymology, as it is treated by the editor, or even a poetic image that has been recorded from other traditional Hawaiians. By presenting Pūku'i's use of word power in such a way as to suggest that it is the same as etymology in the Western sense, these influential volumes actually stifle the creative use of word power in Hawaiian culture. Thus, a native speaker of Hawaiian who wanted to use the word 'ohana to strengthen the concept of working together with hana (work) could be subject to criticism for not knowing the "true" origin of the word 'ohana as shown in Nānā I Ke Kumu; this certainly not being the intention of the author.

Another unfortunate aspect of the editing in Nānā I Ke Kumu is the spelling of the Hawaiian words. Rather than follow the spelling used in the Hawaiian Dictionary that Pūku'i herself authored, the editor haphazardly spelled Hawaiian words, possibly because the spelling of words used together by Pūku'i within the Hawaiian concept of word power differed subtly from each other, as in fact they do in pronunciation, e.g., 'ohana and 'ōhā. The unfortunate result of the sloppy spelling is that those who do not know the Hawaiian language well will try to pronounce words as they are written in the books, thus again weakening the Hawaiian language and culture. There are numerous other cases especially involving place names, in which a Hawaiian speaker using the concept of word power has been interpreted as giving an etymological derivation, or worse yet an actual "correct" pronunciation of the name. An example is the pronunciation of the island Kaua'i in normal Hawaiian conversation by all native speakers of the language. It has been claimed as "correctly" pronounced Kau'ai (related to the word 'ai, "food") or Kau'ā'i (related to the word 'ā'i, "neck") by individuals who assumed that a Hawaiian speaker making a point about the island using word power actually meant that these were pronunciations that had been used for generations by Hawaiian speakers.
9/ Tape of radio program "Ka Leo Hawai'i," Catalog no. 24.65A, University of Hawaii, Manoa, Language Laboratory. [Mr. Kimura also submitted a tape recording and transcripts of Hawaiian language and interviews. The transcripts appear in the Appendix of this Report.]

10/ In Hawaii you do not speak of coming from a place, but belonging to it, much as you belong to a family. The same word no (belong to) used to mean one is from a place is also used to say one "owns" land, as illustrated below:

No Hanalei 'o Kaleiheana.
(Kaleiheana is from Hanalei.)

belongs to - Hanalei - name marker - Kaleiheana

No Kaleiheana 'o Hanalei.
(Kaleiheana "owns" Hanalei.)

belongs to - Kaleiheana - name marker - Hanalei

The word no is technically a preposition in Hawaiian and there is no real word for "own." The word no is also one of a pair of prepositions, na being the other. Both these prepositions translate as "belonging to" in English. The preposition na is used for things that are more like disposable belongings such as tools, bowls, food, and even spouses. The preposition no is used for more intimate things that one cannot dispose of such as parts of one's body, one's name, one's parents, and things that envelope one like clothing. The contrast between the use of the two possessive prepositions no and na is part of a contrast between O-class or intimate and inalienable possessive terms and A-class or dominated alienable possessed terms. Then, the grammar of the language supports the contention held by some that ownership of land similar to ownership of cattle in the Western sense is not a Hawaiian concept and is foreign to Hawaiian speakers. Conversely, however, the concept of land as inalienable, enveloping, and, even as kin, is foreign to American thinking.

11/ Ke Aloha 'Aina (March 18, 1899): 2.

12/ Hawaiian tradition requires that one release one's attachment to a person who has died by urging him to pass on to join with others in the next world. One shows one's attachment, however, in recalling before the body shared experiences, joys, and sorrows, and even by chiding the person for leaving when so much remains to be done and enjoyed.

13/ Produced by the Bishop Museum, 1981.

14/ Almost all Hawaiians profess Christianity today and there is a strong Christian tradition in Hawai'i. This is not to say that there have not continued to be individuals who have rejected Christianity in favor of traditional Hawaiian religion, from the time of the arrival of the missionaries until today. The Hawaiian Christian tradition, however, coexists and has been blended with traditional Hawaiian beliefs, much like Buddhism and Shintoism are blended in Japan. Christianity and traditional Hawaiian beliefs can coexist quite well because traditionally Hawaiians recognize the spiritual world to consist of beings of human-like natures connected to man and nature by genealogical links. The Christian deity, however, is not genealogically linked to mankind in the Christian tradition, but is representative of ultimate perfection. Traditional Hawaiian spirituality then fits into a Christian Hawaiian life,
something like saints, angels, and deceased family members in heaven do in the European version of Christianity. (European versions of Christianity themselves take much from pre-Christian European cultural practices; the Christmas tree, Easter bunny, and Halloween are obvious examples, but more subtle influences also exist.) [See also, chapter below on "Native Hawaiian Religion." ]


16/ See Note 10, above.

17/ According to Hawaiian tradition, all Hawaiian ali'i and maka'aiaina descend through Hāloa from Papa and Wākea who were superhuman/supernatural beings. Hāloa was second-born after a miscarriage that developed into the taro plant, thus elevating the lineage of this staff of Hawaiian life above man himself, who derives his strength from the plant. Papa and Wākea also gave birth to the Hawaiian Islands before the birth of Hāloa, thus making the Hawaiian people genetically-related to their land and subservient to it by Hawaiian concepts of ranking by birth. Significantly, the name of the first-born island, Hawai'i, is applied to all junior members of the family, giving ka pae'aiina Hawai'i ("the Hawai'i cluster of lands" or Hawai'i in the sense of the archipelago) and ka po'e Hawai'i ("the Hawai'i people" or the Hawaiians).

Voyagers mentioned in precontact traditions include Pili, Pa'ao, 'Aukelenuia'Ikū and others who married into the original Hawai'i lineage. Of course, since Western and Eastern contact many other people have married into the Hawai'i lineage, but its unity has been maintained by recognition of the common lineage at the same time that pride in the other contributing lineages is expressed.

18/ The history of education in most parts of the United States starts considerably later than in Hawai'i. Many people in Hawai'i take pride in noting that Lahainaluna is the first American high school established west of the Rocky Mountains, although this is technically incorrect since Lahainaluna was not politically under the flag of the United States until 1899. It cannot even be counted geographically American because Hawai'i is not geographically part of North or South America. The early establishment of secondary education in Hawai'i speaks well for the academic interests and capabilities of Hawaiians.


20/ Some have argued that the introduction of writing harmed the Hawaiian people, but there is little evidence to support such an idea and much that contradicts it. Many Hawaiian traditions would be lost today if there was no written Hawaiian language because non-Hawaiians wrote very little about Hawaiian culture, compared to the many writings in Hawaiian on the topic by Hawaiian speakers. The introduction of writing did not affect the native sounds of Hawaiian, and Hawaiian continues to be spoken by native speakers with the 'okina and kahakō, although these were not regularly written for over one hundred years. (See also note 5 on the continuation of regional pronunciations of consonants.) The only area in which writing may have affected Hawaiian culture negatively is that it may have reduced the heavy dependency on
memorization that early visitors considered remarkable. It is also recorded, however, that many Hawaiians applied the traditional attitude towards memorization to reading, and memorized whole sections of books in the form of chants. It is still bad form in Hawaiian culture to hold a script before you when chanting, in the manner of sheet music in Western culture. Therefore, the tradition of using one's memory is still alive today even though writing exists as a means for preserving old chants. The greatest stumbling block to exercising the memory in reciting Hawaiian chants today is not writing, but the inability of chanters to speak Hawaiian.

Mentally, long vowels appear to be actually two adjacent short vowels; e.g., ā is a written representation of what is mentally aa. We have evidence for the mental reality of double vowels in the occurrence of long vowels when a word with an initial short vowel is doubled; e.g., awa, "harbor," awāwa, "valley." Hawaiians themselves writing in the nineteenth century sometimes wrote awāwa as awaawa rather than awawa, as was standard missionary practice. The writing of awaawa as awaawa, however, can lead to confusion with the missionary spelling of 'awa'awa (sour), because the missionary orthography does not indicate the 'okina.

The use of the apostrophe to represent an 'okina appears to have grown out of a mistaken etymology in the Bible. In the Bible the elision of an a is indicated by an apostrophe; e.g., e ola ai (by which one is saved) is often written e ola'ai in the Bible to indicate a pronunciation e ola'ai in which one a has been elided. First-person singular possessive words like na'u (for me) were always written with an apostrophe in the Bible, apparently based on an idea that they represent an elision (i.e., na, "for," plus au, "I, me," gives na' u). The spelling of these common words with an apostrophe became fixed in Hawaiian speakers' minds and since the apostrophe was located in a place where an 'okina was pronounced in actual speech, the apostrophe came to be associated with the 'okina. As time went by, Hawaiian speakers came to use the apostrophe more and more to represent the 'okina and less and less to represent the predictable elision of a before another vowel.

A lax attitude toward the spelling of Hawaiian words is commonly found among English speakers in Hawai'i and even among Hawaiian speakers who have attended only English medium schools. English speakers often brush aside criticism of their sloppy treatment of Hawaiian spelling in comparison with their insistence on high standards in English spelling with a remark that Hawaiian is an oral language and not a written one like English. This shows ignorance of both the histories of Hawaiian and English. Hawaiian speakers have a history of one of the world's highest literacy rates. English itself has a history of missionary introduction of the Latin alphabet to the British Isles. It is interesting to note that one of the most remote and least-Western-influenced part of Polynesia, the Kingdom of Tonga, is the area in Polynesia with the most careful spellers of an indigenous language. All signs, personal names, and reading material in Tonga is printed with the kahakō and 'okina and school children use them consistently, properly, and as easily as any other part of the writing system, just as they are pronounced in the spoken language.
The way a person spells a language indicates his respect for it. Evidently Tongan respect their language more than many people visiting or living in Hawai'i respect Hawaiian.

24/ Among the missionaries in Hawai'i, Reverend Lyons was one who did become very close to the Hawaiian people. His translations of hymns into Hawaiian show an adaptation of Hawaiian poetic thinking and lack the grammatical errors found in the work of some of the other missionaries. His defense of the Hawaiian language is a tribute to his concern for the Hawaiian people and proof that there were some of the missionary group who were true to their higher ideals.

25/ The concept of sending students to different countries was especially apropos for a country such as Hawai'i with its geographic and cultural isolations from the sources of world power. The concept might have also been effectively applied internally by the establishment of a policy of having different schools taught through the medium of different foreign languages. Such a policy would not only have produced a population with increased ability to function within the international sphere, but would also have served to protect the position of the indigenous language, since graduates from different schools would share Hawaiian as their only common language. This policy could have been implemented in Hawai'i fairly early by encouraging the French Catholics to establish schools using French as alternatives to the American-sponsored schools. Later, when German and Japanese interests in Hawai'i became stronger, they too could have been encouraged to establish schools of this sort in the kingdom.

26/ At this point in Mr. Kimura's text, the following passage appears:

Despite this, it is still Department of Education policy to replace Hawaiian with English for the one remaining native-speaking group of children (on Ni'ihau). The children on this island are the target of this policy which many believed was being underscored by the current head of the Department of Education when she called for the formulation of a plan to "improve" education on the island. Ni'ihau children residing on the nearby island of Kaua'i are already targets of a federally financed SLEP program that specifically aims toward the replacement of Hawaiian with English.

It is included as a footnote because there was not time to receive a response from the head of the Department of Education prior to the Commission's printing deadline.


28/ Hawaiian has not been the only target of language extermination in Hawai'i. There are no communities anywhere in Hawai'i outside Ni'ihau where children born in the islands grow up speaking a language other than some form of English as their strongest and primary tongue. This includes the native languages of such large immigrant groups as the
Japinese, Chinese, and Portuguese. Speakers of these other languages have the right, however, to return to their ancestral homes to cultivate their languages, a right not available to Hawaiians. The indigenous nature of Hawaiian has always been clear to ethnic groups other than the English speakers in Hawai'i, and non-Hawaiians have a history of supporting and learning Hawaiian, which is one reason for the relative strength of the language given the trying conditions it has had to endure.

29/ Anglo-Saxon, a language of complicated case endings and verb paradigms, lost these complications and much of its traditional vocabulary with subjugation of the English people by the Norman French in 1066. The invading French used their language in all areas of prestige, leaving Anglo-Saxon a despised language of the lower classes. Anglo-Saxon aesthetic culture did not fare well under the French and the weakening of the aesthetic culture resulted in a further lack of support for the base culture language. When the French influence finally ended and the English resumed control of prestige positions, the language that remained was a pidgin-like mixture of simplified Anglo-Saxon structure with an extensive French-derived vocabulary, changed in pronunciation from that used by the French. This once humble and despised broken language, however, has become quite respectable today as the English language and is used as a means of international communication. Hawai'i's pidgin is similar to English in that it derives from a simplified Hawaiian with a massive dose of foreign vocabulary and its origins lie in foreign domination of the Hawaiian people.

30/ A section on strengthening the Hawaiian language, also sent by OHA and written by Larry Kimura, appears in the Appendix of this Report, along with information on legal aspects, transcriptions of Hawaiian interviews, and testimony presented before the Native Hawaiians Study Commission. These documents were sent to the Commission by OHA after the incorporation of the Mr. Kimura's "Language" paper into the Commission's Final Report.

31/ National Historic Preservation Act, as amended, Sec. 101(a)(1)(A).


33/ Ibid., pp. II-35-36.

34/ Ibid., p. II-11.

35/ Public Inquiries for copies of the National Register of Historic Places, or for information on the National Register, should be directed to:

Judy Bullock
National Register of Historic Places
440 G St., N.W.
Room 115
Washington, D.C. 20240


38/ Ibid., p. II-43.


40/ See comments from Kenneth C. "Keneke" Chan and John J. Hall.
41/ Glenn K. Nanod, Testimony
Presented to the Native Hawaiians
Study Commission, Kaunakakai, Molokai
(January 10, 1982).

42/ Comment from Kenneth C.
"Keneke" Chan, p. 2. Emphasis in original.

43/ Glenn K. Nanod, Testimony,
pp. 2-3.

44/ For a further discussion of
Kahoolawe, see paper submitted to the
Commission by the Office of Hawaiian
Affairs entitled, "The Demise of the
Hawaiian Kingdom: Its Psycho-Cultural
Impact and Moral Legacy," written by
Ramon Lopez-Reyes (February 1983),
pages 17-19. This paper is reproduced
in full in the Appendix of this
Report.
Native Hawaiian Religion

A. APPROACH

In order to faithfully represent most modern-day native Hawaiians and their needs and concerns in this important area of native culture, this report will clarify with as much brevity as possible the aspirations of the Hawaiian people to effect respect for their dignity as native Hawaiians, Hawaiian Americans, and as thoughtful citizens of the world. It will concentrate on several main issues:

1) The ancient Hawaiian concept of the soul of man in relation to ancestral or controlling spiritual beings in nature, or beyond nature, during human life and in a spiritual afterlife.

2) The relationship between the community worship of the chiefs and priests as a ruling class, and family ('ohana) worship in ancient pre-contact (1778-1779) and post-conversion (1820-) times, continuing into fragmented private family religious observances today in association with introduced forms of worship, reflecting positive or negative identity changes.

3) Post-conversion Hawaiian conflict in native identity or crisis in self and group esteem, and its opposite, complete conversion without trauma to other world religions or philosophies; Hawaiian resiliency in adjusted personality and identity change.

4) The need felt by some emerging native Hawaiian groups to recover self-esteem as Hawaiians by pledging faith in ancient religious beliefs and customs beneficial to group identity through participation in a live, revitalized religious setting, requiring recovery of temple and other shrine sites designated as sacred, with the privilege or right to reenact pertinent rituals in ceremonies conducive to harmonious and inspired religious expression.

5) Summary of needs and concerns about Hawaiian religion with recommendations for improving religious expression as desired in the present multi-ethnic social setting.

* The following chapter is a complete reproduction of the paper prepared by Rubellite K. Johnson, entitled, "Religion Section of Native Hawaiians Study Commission Report" (February 1983), written at the direction of and funded by the Office of Hawaiian Affairs. Rubellite Johnson is an Associate Professor in Hawaiian Language, Department of Indo-Pacific Languages, at the University of Hawaii, Manoa campus. Minor editorial changes have been made to conform to the Final Report's (cont'd) format, and the footnotes have been redesignated, for the convenience of the reader. Also, information appended to Professor Johnson's paper does not appear in the text of this chapter, but can be found in the Appendix of this Report, referenced at the appropriate places in the text. Except for these changes, Professor Johnson's paper appears as sub-edmitted by OHA and is otherwise unchanged. References used by Professor Johnson appear in the "List of References" of this Report, marked by a "[3]."
B. BASIC RELIGIOUS CONCEPTS OF HUMAN EXISTENCE IN LIFE AND AFTER DEATH

Life in Hawaiian thought is not restricted to human life in the concrete world felt and seen by the senses of the human body. The Hawaiian idea of the reality of life in the world supersedes the world that is seen and experienced by the material body, and enters into the life of the spirit that is beyond the physical senses of the body. This reality is perceived through the ability of the mind to either envision through the mind asleep or awake or to sense through other psychologically-conditioned awareness (through premonition, for example) that the total life of man involves the ability of the spirit through all of material life to move back and forth between the world of the live physical senses and the world of the "extra" spiritual senses. Thus, the Hawaiian mind places greater reality on the life of the human individual in the spiritual realm, the present material life being regarded as ground for discipline of the spirit in preparation for the afterlife. Therefore, a human being, whether male or female, has spiritual origin, material birth, and spiritual eternity of complete unceasing existence—a personality composed of several layers of embodiment. These are:

1) The living material, corporeal body (kino) having life (ola) of the body;

2) The separable, second soul (kino wailua) that moves during sleep causing dreams (moe 'uhane), with the consciousness inert (the kino wailua may also become "dis-embodied;" for example, the experience by some people of so-called "astral projection," when the personality wholly leaves the body and moves about with the consciousness intact, the corporeal body lies inert but alive);  

3) The spirit that is the dormant body, which at death survives the body, that is, the 'uhane. (The living human being as a foetus is not considered a "live" person until birth when the kino breathes (hanu) the "air" (ea) of the god(s), so that the material body quickens with the "spirit" (ea) of the universe in the "breath" (hā) of the human being as it ingests the atmosphere (ea) of "god." Abortion of the non-breathing foetus is thus not considered deprivation of life inasmuch as "life" (ea) is a condition of the "spirit" (ea) and requires the ability to breathe (hā) in the god's breath. To be a full, living personality there must be corporeal life (ola), spiritual life ('uhane), the soul personality (kino wailua), and breath (hā). Survival of the 'uhane, however, is not dependent on breath (hā) nor the corporeal body (kino ola); it is intact and continues the existence of the person in another life.)  

No Hawaiian has experienced how the spirit ('uhane) survives, inasmuch as all reports of a second life are the
results of experiences by the astral
travel (wailua) of Hawaiian persons.
Such experiences as related describe,
exttraterrestrial journeys through
known parts of the galaxy in the form
of light, while the soul escapes from
the tear ducts and returns through the
toe. Other experiences of Hawaiian
astral travels (wailua) are walks
through familiar places, watching
people in their daily doings, and then
returning to the body; or, the astral
travel (wailua) moves upward to a
place of great light, only to find it
is not ready to be allowed entry and
must go back to the corporeal body
(kino) to live out the corporeal
existence. Persons who have had such
experiences are often described by
relatives as living a daily life of
prayer and having an expectation of
dying with no fear of passage from
human life to death. Stories told by
persons having had these experiences
usually fortify strong Hawaiian faith
in the reality of an afterlife and
tend to also assist in conversion to
both Western and Eastern forms of
world religion without any loss of
faith in the older religious beliefs.
Where there has been no experience of
this kind, there is conversion
accompanied usually by rejection of
the older religious beliefs and total
absorption of the family into the
adopted norms.

One must regard these beliefs and
experiences in the life of the soul as
a social condition that allowed the
Hawaiian a margin of belief in similar
ideas voiced in other sacred works and
foreign forms of religion that were
not inconsistent with native Hawaiian
beliefs. Thus, prophecy based on
visions and dreams is accepted
practice, whether found in native
Hawaiian or foreign religions, and
dream interpretation in the Bible as
practiced by the prophet Daniel on the
dream of Nebuchadnezzar is given wide
credence. Hawaiian attitudes of
belief in dream interpretation,
however, vary between dreams or
visions considered "prophetic" and
those that are brushed aside as
rubbish. Dreams with prophetic value
contain symbols of wide application in
meaning among Hawaiians, and visions
that are seen when the conscious mind
is fully alert receive the most
credence. In the same context,
experiences of an extrasensory nature
perceived by more than one individual
at the same time are given more
credence than the same perceived by
only one individual. Dreams
visualized while the disembodiment
(kino wailua) is moving around but
the conscious mind is asleep are
therefore called moe 'uhane (spirit
sleep). Visions beheld while fully
alert are called aka-ki (shadow-
standing, or shadow substance).

For each Hawaiian individual a
lifetime of collected experiences of
this nature, whether by himself or by
other family members, continues a
record of the spiritual life as
witnessed psychologically. Hawaiians
do not doubt others' experience but
are also equipped to recognize when
these states are injurious to mental
health and to separate true prophetic
visions or dreams from hallucinations
and defective, abnormal perceptions.
The criteria of evaluation is
difficult to determine and needs
research, study, and clarification.
Hawaiians are sensitive, however, to
being called "superstitious" so far as
these areas of belief are concerned,
and denials of acceptance when these
experiences are offered bring either
deep-seated resentment or open anger.
This may be one of the pitfalls of
religion, that it requires belief and
acceptance without proof or demon-
strability, and the Hawaiians in being
converted to other religions have
never required proof or demanded
demonstration of the efficacy, for
example, of Christian beliefs. As
with other converts the world over,
the Hawaiian people take the
resurrection of Christ as demonstrable by the written record of the gospel and effect their belief strictly by faith. The Hawaiian Christian is therefore more primarily affiliated with his church, and so far as his native Hawaiian beliefs are concerned, simply keeps them separate as it suits him, or as in other cases, will work them into home rituals combining Christian and Hawaiian forms of worship with no fear that they may be violating either tradition.

Animism and Animatism as Primary Facets of Hawaiian Religious Belief

Animism is the belief in spirits, and as we have demonstrated, Hawaiian religion rests upon a basic belief in spirits and the spirit world. These spirits ('uhane) are also the gods (akua) in the ranking hierarchy of guardian gods ('aumakua) who protect the family from harm and who answer all kinds of trouble calls from their family ('ohana) patrons. Thus a patron deity is an akua when called upon by a group of workers, but when turned to by the family for help is called an 'aumakua. Both the akua as "gods" and the 'aumakua as "ancestral guardian gods" are 'uhane (spirits).

We can classify these spirit gods as ancestral spirits ('aumakua) ranging from the recent deified departed dead in the family, or the ancestral spirit gods (akua) who have never known mortal existence except in instances when they occupy human bodies for visits to earth and who are true spirits, or those who are god-like in that they have never experienced human death. These immortal spirits are those, then, with the greatest supernatural power (mana), and as they are called upon through prayer and ritual, they impart their mana to human beings. Men receive more of this power than women do, and chiefs more than commoners.

Mana is the "animating" force in all life forms and in all forms of universal energy. Since the source of this power is from the spiritual to the material world, it follows that the material world flows from the spiritual into concrete being, and man is the conduit of its intelligent, cognitive thought, whereby understanding or knowledge of its existence perseveres through corporeal life and back again into spiritual life. Thus, Hawaiian religion evinces a dependency between belief in spiritual entity ('uhane) residing in man and ancestral gods ('akua, 'aumakua), in man as living god (kupua or "demigod"), and belief in the psycho-dynamic force of life-energy and power existing in a direct flow to all of creation; that is, animism and animatism: man's life and all life in the creation being but a manifestation of the animating force of spiritual energy and power.

Inasmuch as nature is, however, both animate and inanimate, it can be asked how inanimate nature demonstrates, in its dormancy, spiritual energy, and how Hawaiian belief in mana as residual, in all of creation's forms, handles the resolution between animation and inanimation? It is simple. "Life," in Hawaiian thought, is not restricted to animated, corporeal life (ola), because "life" as emerging invigoration is spirit (ea) in both inanimate and animate forms. Mana is either dormant and residual in the inanimate forms of life or energy (if we see mana as "potential" energy) and also dynamic and active in the animate forms of life (or "kinetic" energy). Light is not living (ola), but it is a manifestation of the great akua god Kāne-ka-ʻonohi-ō-ka-lā (Kāne-eyeball-of-the-sun). So light is masculine, and an expression of mana as it emanates from the sunlight to man on earth for his use. Light as the inner
light of intelligence in man is thus "daylight intestines" or that gut-feeling reaction that prompts enlightenment (na'auao) and the mana of enlightenment in man's wisdom and intelligent use of power. In this context, therefore, mana is inherited by mankind from the gods, as both are spiritual (ʻuhane) and therefore in constant contact between birth and death; that is, mana is transferable.

In being thus transferable, it can be either increased by function or decreased by dysfunction, so that mana has quantity in indefinite amount of flow, and if it is not maintained it is diminished. Therefore, mana can also be acquired by intelligent use and need not be inherited, necessarily, in a direct conduit between gods (akua) and men as chiefs (ali'i). The common man (kanaka maoli) or woman (wahine) is born with intelligence (akamai) and with intelligent use of akamai and na'auao (wisdom) acquires skill (no'eau), thus increasing mana in possessing all three: akamai, na'auao and no'eau. Thus, inherited mana as possessed by chiefs in the kupua (demigod) role as gods incarnate, through which they rank higher than the kanaka maoli, does not guarantee superior rank as automatic privilege in the afterlife. Mana as power and as a "good" in itself, as possessed by gods or by men, is a force that does not inhibit the free will of mankind to produce either "good" (maika'i) or "evil" (ʻino), as evil doing takes as much intelligence and power as doing good requires.

So, it also follows that in Hawaiian ethics mana in productive or destructive use by man in daily existence does not automatically will him into good acts. Therefore, it is not mana that places the spirit of man into favorable circumstances in the afterlife by virtue of rank. No spirit (ʻuhane) of man or woman ascends into the spiritual life guaranteed into eternity except by pono, which means duty, responsibility, justice, and righteousness. Without pono no good life for mankind either on earth or beyond earth develops. Thus, in ancient Hawaiian society, history records the lives of good and bad kings, of good and bad spirits; in order to demonstrate what pono is and how it is achieved through the intelligent use of mana in all positive attributes of the total activity of man. Thus, mana can be diminished by negative transference, and in order to be vital must be maintained and kept moving positively through every activity of the economic, political, social, aesthetic, and religious life of ancient Hawaii.

The discussion can continue here indefinitely into volumes of analysis, but suffice it here to define mana as the three-fold manifestation of power with its regional source in the spiritual world, or the world of neither birth nor death, and its perceptive function in the visible, material world as:

1) The source mana, that is, supernatural power of sacred spiritual beings (akua, ʻaumakua, ʻuhane), as seen abstractly in their manifold inanimate forms of natural energy (potential, kinetic), or concretely in their manifold animate forms of corporeal life.

2) The mana of human beings, inherited or acquired, by either direct descent from the gods, as chiefs (ali'i), or by intelligent, wise, or just and productive use for the good life (pono).
3) The residual mana of sacred objects wrought by human intelligence as used in everyday economic life and in sacred shrine and temple rituals.

This leads the discussion of Hawaiian religion from this point into two directions: (1) toward an understanding of the forms of the gods (akua, 'aumakua) as manifestations of mana in life's forms, inanimate and animate, or as their kinolau, that is, "many forms;" and (2) toward an understanding of the use of political power as the mana, or authority of chiefs to effect maintenance of this mana so as to keep it increasing for mankind's use and to prevent its decreasing from his grasp. This leads, then, ultimately to an understanding of how mana is retained as a result of the discreet use of kānawai, secular law, and kapu, sacred law, to inhibit negative transference or loss of available or necessary mana for retention of human mana as political or economic power.

C. RELATIONSHIP BETWEEN COMMUNITY WORSHIP OF THE RULING CLASS AND THE PRACTICE OF FAMILY WORSHIP

This section will explore the relationship between the community worship of the chiefs and priests as a ruling class, and the practice of family ('ohana) religion in ancient pre-contact times (that is, before Captain Cook, 1778-1779), and post-contact times to post-conversion times (1820, arrival of American missionaries from New England), with fragmented continuation of aboriginal religious practices in family worship patterns today associated with introduced forms of worship. In order to handle this topic, it will be necessary to divide the discussion that follows into three sub-topics:

1) Variability in observed patterns of worship between classes, that is, as between chiefs and priests as one group, and commoners as another, or between men on one hand and women on another, or between followers or "true believers" on one hand, and resisters or "deviants" on another;

2) The overthrow of the kapu system in 1819 effecting defeat of the community worship of the chiefs and priests, without destruction of the active family practice of 'ohana worship persisting in family customs in the present society; and

3) The unifying effect of the kinolau concept of akua and 'aumakua identification in symbolic forms, abstract or concrete, linking community worship of the chiefs and priests on one hand to the family 'ohana religion on the other.

This discussion will then lead to the next section, which explores changes in the Hawaiian psyche, or duplicity of religious practice with or without harmful effects to personality and identity of the Hawaiian individual as a member of native Hawaiian or Hawaiian American society, and the duality of allegiance to traditional Hawaiian and to American (Christian) religion.

Variability in Worship Patterns

In the earliest account written by native Hawaiian scholars called the Mo'olelo Hawaii, for which principal authorship is often credited to David Malo (not exempting however other
Lahainaluna scholars such as Samuel M. Kamakau, John Papa I'i, Boaz Mahune, and Timothy Keawe'iwi) the following account is given:

The manner of worship of the kings and chiefs was different from that of the common people. When the commoners performed religious services they uttered their prayers themselves, without the assistance of a priest or of a kahu-akua. But when the king or an ali'i worshipped, the priest or the keeper of the idol uttered the prayers, while the ali'i only moved his lips and did not utter the prayers to their gods. 1/

It is expedient here to recognize that "assistance of a priest or a kahu-akua" is the key phrase under-scoring the role of the organized priesthood in the formalized "community" organization of "national" worship by chiefs. While worship of the gods by commoners was directed toward the identical akua 'aumakua, the role of the priests (if they assisted the commoners in simpler rites on family shrines at all) was outside their official governmental capacity. The political aspect of the chiefs and priests' religion can be seen in that the community system of religion sustained the authority of the chief as an authority granted by the akua in lineal descent from the akua, with the chief as a divine embodiment of the akua in the world.

Thus, there were two systems of religion in ancient Hawaii: one set in which commoners and chiefs worshipped the gods and where the rules of order were maintained by the priestly orders of Ōi and Lono; another in which men and women worshipped the same gods as family guardians in everyday ceremonies, or as patron deities by occupational groups. The society did not exempt the men from the established community worship of the great akua gods on the sacrificial temple (luakini), but it exempted the women. Chiefesses worshipped at the Hale o Papa temple (heiau) when services were held at the heiau dedicated to Ōi (one of the major gods). All women in the society observed the tabus on silence, eating, and cohabitation when worship periods were in effect on the major temples.

The year was organized into the major ritual seasons by the Lono priesthood who kept the calendar computations accurate by marking the solstices, equinoxes, turning of the Milky Way during the months of the year, and by adjusting the ecliptic to the sidereal cycle of the Pleiades from one November sighting in the east, at first rise after the first new moon, to another November. Heiau attendance by males in the community was compelled for eight months of the year, divided into seventy-two days per year, nine per month. The required attendance was relaxed during the four-month makahiki season of Lono-i-ka-makahiki, when taxes were collected and the first-fruits ceremonies enacted in honor of the god Lono-i-ka-makahiki. This makahiki season took place in the first quarter of the Hawaiian year, between the autumn equinox and the winter solstice, ending when the Pleiades came to zenith culmination. Exactly ninety days, or three Hawaiian months, could be computed between the first sighting of the Pleiades in November and the end of the quarter called ke'au o Makali'i, the quarter season of the Pleiades year. These ninety days equalled one-quarter of the ecliptic, or the passage of the sun from one equinox to one solstice.

All of this was coordinated into a lunar calendar so that the nine tabu days called the 1a kapu kauila were spaced out through the moon's synodic cycle of 29.5 nights per month (mahina). During the waxing of the
oon, the kaula days were assigned first to Kū; at the rounding of the moon to Hua; and at the waning of the moon to Kanaia, Kāne, and Lono, in that order.

Services to Kū on the human sacrifice or "war" heiau were confined to the period between the spring equinox and the summer solstice, between April and June. Human sacrifices were restricted to luakini ceremonies on the heiau po'okanaka (human sacrifice) or heiau kaua (war temple), dedicated to Kū as patron deity of warrior chiefs. The quantity of human sacrifices varies in accounts from three to as many as twenty-six for building or consecrating the luakini po'okanaka. Since criminals who broke the kapu akua supplied the sacrificial numbers, and since these ceremonies only took place when the community went to war or when the ruling chief sickened and died from sorcery, the impression is allowed that people were not being carried off to the execution altars every year, but it would seem that the chiefs and priests kept note of who in the community skipped the services or disturbed the peace. This does not rule out the likelihood that chiefs could revenge themselves easily upon their opposition. So, it is interesting once again to note how the society provided the escape hatch: first, in the form of the pu'uhonua "cities of refuge" dedicated to Lono, wherein criminals were granted full mercy from violations of the kapu akua that brought the death penalty in judgment upon them; and again in the right of any man to remove himself and his family from his ali'i and move out of his constituent 'ohana to any other district or island beyond the reach of revengeful overlords. What of those, however, who knowingly stayed and accepted their lot, unless taken unawares by the priests? From several accounts (particularly that of the penitent behavior of men in Kamehameha's army who were sacrificed before the Battle of Nu'uanu in the heiau Papa'ena'ena on O'ahu) it would seem that compliance was consistent with religious beliefs, that proper restitution was owing to society and the 'aumakua by willingness to admit wrongdoing and to suffer punishment in order to reach eternal existence as a living spirit, absolved finally of crime.

Overthrow of the Kapu System in 1819

Within six months after the death of Kamehameha the Great in May of 1819, the chiefesses Keopuolani and Ka'ahumanu, surviving wives of Kamehameha I, publicly ate with the young chiefs Liholiho (then Kamehameha II) and his younger brother Kauikeouli (not yet Kamehameha III), in defiance of the 'ai kapu, or sacred law against men and women eating together. This act of the chiefesses and young chiefs ushered in the 'ai noa, or "free eating," that eliminated the death penalty for criminal infractions by breakers of this law through execution on the heiau as human sacrifices.

This was not the first breach by the ali'i in customary law requiring capital punishment for breaking of the kapu akua. Human sacrifice as the moe-pu'u custom, a kind of "self-immolation," was required of the chief's closest companions in life as demonstration of loyalty to a king upon his death. It placed the strain of heroism on the ali'i to demonstrate to their peers and to their subjects that they were not afraid to die for their lords, although practicality would demand these heroic actions from those ranks nearest the king in age or those who had seen many wars, defeats and victories, with him. If none, however, volunteered within specific allowances of time, then the moe-pu'u death companions were forcibly taken from the community at will. In
addition, if they were not found within the allowed time, the number of moe-pu'u required also increased. The first "freeing" of these "death" laws was a request by Kamehameha I that the moe-pu'u custom not be observed when he died.

In 1819, moreover, breaking of the 'ai kapu by Keopuolani and Ka'ahumanu did not eliminate human sacrifice requirements entirely, for there were other kapu akua of capital punishment equally enforceable. What they especially achieved was freedom for women to eat with the men and to eat what the men could eat in formerly prohibited places. The Russian visitor Lisianski, writing aboard the Neva (1804-1806), mentioned that he observed that men could visit the women while they ate in the hale 'aina but did not partake of the food they ate, while women never went near the men's hale mua where they were not allowed. He also observed that men and women ate together outside the houses while they fished and farmed as husbands and wives, but never ate taro or poi from the same dish. He also observed that the house in which the women ate, or the hale 'aina by day, was the sleeping house at night (hale moe). It is known that the houses of sleeping were places where men and women came together to be with their families, that is to say, the hale moe was noa, "free," from tabu.

The sanctity of the hale mua was due to its being the shrine (unu) of the god Lono in the Ipu o Lono image. The hale mua was called a "shrine of Lono" (unu o Lono) due to the presence of the "gourd" (Ipu) in the men's eating house. The 'Alana sacrifice, by which the men ate of offerings placed for the god in the Ipu of Lono, suspended in a net (koko), was ritually made here before eating of food. The presence of women may be considered as providing a conduit for negative transference of mana from the male gods away from male participants. The same kind of inhibition is recognized in the situating of the women's menstrual house (hale pe'a) away from the community of "normal" women and men. Men were not allowed in or near the hale pe'a, and were prohibited from cohabitation with menstruating women, as such acts reduced availability of mana.

This duality of separation in the social sphere of kapu akua is rooted in the male/female dualism of the religion that metaphysically assigned to portions of the universe either male or female identity, as in Chinese yin/yang opposition. Male/female dualism was a tenet of ancient religion defining the male sphere of action as distinct from the female.

The overthrow of the kapu system by native Hawaiian society was the most significant departure, then, effecting culture change in religion and politics after contact with Europeans between 1778 and 1819. (Note that this is still within the pre-conversion period.) It was a significant alteration in attitude as belief or faith in the efficacy of mana of the great male akua gods to influence positive outcome in human spheres of power and action from a supportive spiritual source.

So-called "deviant" behavior in the pre-contact period by commoners, while the kapu system was in force, constituted capital offenses against both the akua and the community, so that chiefs and priests enforced the penalty as required by a system established in traditional custom through belief of the entire society in the akua gods. Pre-contact deviant behavior by the 'aia (ungodly) against the kapu system is documented: "But there were people who had no god, and who worshipped nothing; these atheists were called 'aia." These "atheists" (aia) in the pre-contact society are defined as
"ungodly, irreligious, wicked, careless of observing taboos" and who "led others astray." 5/. They represent a recurrent, steady percentage of the population discontent with the status quo. This "radical fringe," already existing in marginal Hawaiian society before the arrival of Captain Cook, could only have increased during the time of massive annexation of territory by Kamehameha I that obliterated traditional claims of titled chiefs to their lands and gods, both of which Kamehameha attached to his domain. Disaffection with conquest is evident in reported rebellions and retaliations by rival chiefs until they, and their families too, were dispossessed or brought under the Kamehameha administration.

The increase in numbers of conquered "deviants" were being influenced as well by the mere proximity of deviant, although natural, examples of European behavior operating out of range of akua controls with no negative results as expected. Cultural deviation by the ali'i class from ordained akua authority, established in native religion by force of kapu akua, as a ripened revolt (while not military in character) became in 1819 open refutation by the chiefesses in publicly defying the efficacy of godly mana. This action by the ali'i is not to be misconstrued as violent overthrow, but rather as a reasoned movement toward liberation of both the ali'i and maka'ainana classes from restrictions on human pleasure. (Note that restrictions on sex as plural or extramarital relations were absent. Post-conversion introduction of the Mosaic code of Biblical laws on adultery became a headache for Hawaiians.)

The chiefesses, however, could not have succeeded without support of the priesthood. The priests had charge of and professional obligation toward interpretation of the law for the ali'i, and such power was not given to ruling chiefs. In a sensitive analysis of the overthrow of the kapu system as a result of "culture fatigue," anthropologist Kroeber correctly identifies High Priest Hewahewa as the real force behind the whole overthrow. 6/ What motive drove this high priest to completely dismantle his "courts of justice" (the heiau with powers over life and death) by renouncing the authority of his public office? Nothing so liberating in bringing the law itself to justice has ever been seen on earth since, paving the way for easy conversion of Hawaiians to Christianity in 1820.

Unifying Effect of the Kinolau Concept

This section discusses the unifying effect of the kinolau concept of the akua and 'aumakua (that is, multiple symbolic forms of gods) in the religious practice of the chiefs and priests on one hand, and the commoners on the other. It is expedient for discussion of the kinolau concept to return to Malo's description of the difference between the manner of worship of chiefs/priests versus commoners as a primary factor of distinction, rather than in the objects of worship, that is, the gods worshipped in common by both systems. To quote Malo:

The names of the male deities worshipped by the Hawaiians, whether chiefs or common people, were Kū, Lono, Kāne, and Kanaloa, and the various gods worshipped by the people and the ali'i were named after them. 7/

There was and still is an inherent and consistent agreement in the symbolism of identity linking through the kinolau of the akua the "national" manner of worship, or customs carried on closer to home or in places of daily economic occupation. A pervasive system of multiple symbolic
forms (kinolau) as manifestations of the akua/aumakua reaches into associations of multiple ancestral ties through common genealogies and, thusly, to other related aumakua.

For example, if someone has a dream of a man with webbed feet coming on a canoe and wearing a red malo (loincloth), that personality is Kanaka-o-Kai (Man-of-the-sea), an aumakua of Moloka'i families who also takes the form of a shark god. If one has a dream of a man in a red malo standing by a clear pool of fresh water, that personality is the god Kāne as giver of the wai ola "water of life" (that is, procreative male fluid, drinking water, sea water as the source of man's beginnings, human blood). As the aumakua Kanaka-o-kai is also Kanaka'aukai (Man-who-swims/sails by sea), persons with the name "Aukai" are also associated with the migration hero 'Aukele-nui-aiku. Since 'Aukele married the older sister of the volcano goddess (Pele), Nā-maka-o-Kaha'i (The-eyes-of-Kaha'i), in the land of Ka-la-ke'e (Ra'iatea, Borabora, Pele's home), the name 'Aukai is related to Pele's parental ancestor, Kāne-hoa-lani. As Pele in variant genealogies is given two fathers (po'olua, "two heads"), Kū and Kāne, there are two parental lineages, but major maternal descent is from the goddess Haumea, who is called also Papa-hānau-moku (Papa-giving-birth-to-islands) and Wainu'u. Haumea (or Papa) married four gods (Kū, Kāne, Kanaloa, and Wākea). As Haumea joined with Kū, both she and Kū share the breadfruit tree as kinolau bodies. When Haumea as Papa-hānau-moku joins with Wākea, she is the mother of Ho'ohōkū-ka-lani, who in turn is mother of the taro stalk, Hāloa. Hāloa (Long-stalk), or the lauloa species of taro, is the symbolic representation of a large extended family of chiefs and commoners descended from Papa and Wākea. Hā is the taro stalk replanted as the huli, or corm and root cutting that regrows the starchy stem; loa (long) means that the hā is enduring. Until the 'ohā forms, or the new shoot from the parent stem, the hā stalk is continually replanted as the same individual, so "long" (loa) not only in stalk (hā) but also in living "breath" (hā). A subtle understanding is found here in how Hawaiians view the character of the taro stalk, as it must come up from below water to "breatne," analogous to the human need to breathe out of water and in air (ea, "spirit"). From the joint symbolism involved comes an analogy to the extended family (ohana). The taro corm is a kinolau of the god Kāne, and the 10'au leaves, of Lono. When the Hawaiian family sits down to dinner, and the calabash of taro poi is set before them, a rule of good manners is that no one while eating Hāloa should talk expectantly of the future, as "Hāloa says no," meaning it is rude to speak before the ancestral staple while eating one's own words, so nothing comes of prophecy.

How does knowing the kinolau bodies of the four-fold godhead help to understand the Hawaiian concept of deity in the "real" and in the "spirit" worlds? The following kinolau outlines for each of the major gods present the holistic view of akua so as to divide the animate and inanimate nature of akua into their proper spheres of control and how they themselves are governed to provide for the daily life of mankind.

1. Symbolization of god Kū:

   a. As god of forest and rain, patronized by canoe-makers and builders of the luakini (po'okanaka type) human sacrifice temples:

      Kū-moku-hali'i: Ku-spreading over land.
Kū-pulupulu: Kū-of-the-undergrowth (pulupulu), fern down, used in tinder, fire-making; equated sometimes with Laka, ancestor of the menehune people; hence, with Kū-ka-ohi'a-laka, -in-the-lehua-tree, god of the hula dance, and god in the haku-ohi'a image on the Kū heiau.

Kū-o-lono-wao: Kū-of-the-deep-forest (wao, uninhabited by human beings).

Kū-a-lana-wao, Kū-aela-na-wao: (Variant of Kū-o-lono-wao, one of the gods of the canoe).

Kū-ka-ohi'a-laka: Kū-of-the-ohi'a-laka tree (the lehua tree; see Kū-pulupulu, above).

Kū-ka-'ie'ie: Kū-of-the-wild-pandanus vine (Freycinetia scandens).

Kū-mauna: Kū-of-the-mountain.

Kū-holoholo-pali: Kū-sliding-down-steeps (God of canoe-hauling over cliffs).

Kū-pepeia-loa/Kū-pepeia-poko: Kū-of-long-ears/Kū-of-short-ears; gods of the pepeia or "ears" of the canoe interior, used as handles for hauling and later for sea supports.


b. Kū as god of husbandry; patronized by farmers.

Kū-ka-o'o: Kū-of-the-digging-stick.

Kū-kulia: Kū-of-dry-farming.

Kū-ke-olowalu: Kū-of-wet-farming.


c. Kū as god of fishing; patronized by fishermen.

Kū-'ula-kai: Kū-of-the-abundance-of-the-sea; "red" things in the sea symbolized "abundance" of the sea; sacred to Kū.

d. Kū as god of war and sorcery; patronized by warriors/chiefs.

Kū-nui-akea: Kū-the-supreme-god.

Kū-ka'ilimoku: Kū-snatcher-of-land; war god of Hawaii, cared for by Liloa, handed down to 'Umi and inherited by Kamehameha from Ka-lani-opu'u; war god of the 'Umi-Kamehameha line of kings of the Mahi clan of Kohala-Hamakua district.

Kū-ke-oloewa: Kū-the-supporter, god of the Maui kings; captured by Kamehameha the Great.

Kū-ho'one'enu'u: Kū-pulling-together-the-earth; god of Pakaka temple of Oahu chiefs and their war god; captured by Kamehameha.

Kū-waha-ilo: Kū-maggot-mouth; god who received human sacrifices, symbolized as the tongue; kinolau bodies in whirlwind, earthquake, caterpillar, blood; mo'o reptile with "flashing eyes and thrusting tongue."

e. Kū as god of healing/invoked with the goddess Hina in Kū and Hina worship.

Kū symbolizes the east point of the compass. Hina, as the moon, symbolizes the west.)
f. Kū as god of sorcery.

Kū-koa'e: Kū-tropic-bird; the Kū-koa'e shrine was erected by a chief for the deification into an aumakua after death; also for circumcision rites for young chiefs.

g. Kū of bird-catching; patronized by bird-snarers.

Kū-huluhulu-manu: Kū-bird-feathers; god of bird-snarers, bird-limers, and all who did featherwork.

h. Kū gods as chiefs' gods:

Kū-

Kū-maka-iki: Kū-small-eyes

Kū-maka-nui: Kū-big-eyes

Kū-makela

Kū-maka'aka'a

Kū-holoholo-kaua: Kū-run-wars

Kū-koa: Kū-warrior/courage

Kū-nui-akea: Kū-of-wide-expanse (the highest form and rank of Kū as war god)

Kū-ka'ilimoku: Kū-snatcher-of-land

Kū-waha-ilo-o-ka-puni: Kū-maggot-mouth-of-overcoming

i. Kū symbolization summary:

1) Fibrous pulupulu of fern, used in fire-making and for stuffing mumified corpses; pulupulu, as of coconut sennit, for rope and cordage to wind adz blade to handle (a form of Kū), and for lashing canoe parts and house timbers.

2) 'Ie'ie pandanus vine, used as rope for tying the tops of the felled trees and for girdling the tree before cutting; red spathe of the flower is a phallic symbol of Kū as male god.

3) The adz, as used in sacred ceremonies on the Kū temple and for cutting wood and adzing out canoes; the primary "tool" form of Kū as used by carpenters.

4) Coconut tree as proceeding out of the head of the eel, a form of Kū, related to the caterpillar (Kumuhea, son of Kū), worm (ilo, as worm of corruption, i.e., Kū-waha-ilō; ilō, as sprouting shoot of the coconut), sea cucumber, eel; coconut tree provides the materials for making sennit, also provides the drinking nut, has many uses for survival on the ocean and on land.

5) Breadfruit tree, wood and flower (as the husband of Haumea, goddess in the breadfruit tree).

6) Upright stem of the ti plant (Cordyline terminalis); or "uprightness" (ku) of solid plant stems and hardwood trees or shrubs, particularly as use in making canoes and building houses.

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a. As god of rain:


Lono-nui-noho-i-ka-wai: (Great-Lono-dwelling-in-water.

1) Visible in cloud and storm phenomena: Thunder; rain-clouds; "Blood-red rainfall" (uakoko) as flood after storm; rainbow (uakoko); Lightning (maka'ālohilohi, "flashing eyes").

2) Heard as sound of thunder (Lono), thus the verb ho'olono, "to hear."

b. As god of the agricultural year:

Lono-i-ka-makahiki: Lono-in-the-year; Lono-in-the-first-fruits-season

1) God of first-fruits, tax-collecting, sports, in the makahiki season.

(a) Major forms: Ipu o Lono (gourd, hue, ipu); (sweet potato, 'uala)

Ipu o Lono image in hale mua (unu o Lo.10)

2) God of the ahu-pua'a image.

(a) The boar incarnation of Lono as Kamapua'a, the hog demigod (kupua). Represented as a pig's head carved from kukui wood.

(b) As the medicine god:

Lono-puha: Lono-of-abscess

(c) Plant forms of Kamapua'a, as medicinal kinolau of Lono:

kuki: Aleurites moluccana

ama'uma'u fern: Sadleria spp.

hala: Pandanus odoratissimus

uhaloe: Waltheria americana

kūka'e-pua'a grass: Digitaria pruriens

(Pua'a) olomea: Perrottetia sandwicensis

hapu'u fern: Cibotium spp.

lū'au leaf: Colocasia esculenta

hinu pua'a banana: Muscacear spp. (black)

limu lipu'upu'u: Valonia utricularia

ki (ti): Cordyline terminalis

3) Images of Lono-i-ka-makahiki (other than Ipu o Lono gourd image)

Lono-makua (makahiki standard): Lono-father

Called the akua loa: (long god, carried around the island);

akua poko: (short god, carried inland).
c. As god of fire-making:

Lono-pele, Lono-makua:
Lono-in-lava-flow, Lono-Father.

1) In firesticks, the 'aunaki (grooved, light wood);
'aulima (held in the land, hard wood) (Polynesian
fire-plow method).

2) Lono-pele, Lono-makua:
names of the volcano
 goddess; Pele god of
fire-making.

d. Other kinolau of the god Lono.

1) "Pig-fish" forms of
Kamapua'a/Lono:

humuhumu-nukunuku-a-pua'a:
_Rhinecanthus aculeatus_

humuhumu: all trigger-
fishes

kūmū: _Upeneus prophyreus_,
goatfish

'ohua palemo: young of
uhu, parrotfish

paulu: surgeonfish

pawalu: oilfish (Ruvet-
tus pretiosus)

2) Sacred black color:
hiwa', hiwahiwa (as of
sacrificial pig).

Shiny black color: hinu,
hinuhinu (as of sacri-
ficial banana).

3) Lono-muku: Lono-cut-off
(as moon phases, dark
night)

Another name for Hina-
hānai-a-ka-malama, goddess
of the moon.

3. Symbolization of the god Kāne:

a. Atmospheric and geophysical
phenomena:

1) Kāne-nui-akea: sky

2) Kāne-ka-'onohi-o'ka-la: sun

3) Kāne-i-ka-hoku-lani: star

4) Kāne-hekili: thunder

Kāne-ka-leo-lono-nui

Kāne-ka-leo-lono-iki

Kāne-ka-leo-'ula-nui

5) Kāne-wawahi-lani

Kāne-ui-la-ma(ka)-ke-hā-'i-
ka-lani: lightning

Kāne-i-ka-pōhā(ka)-ka'a:
ahailstones

6) Kāne-i-ka-punohu-'ula:
red rainbow

Kāne-i-ke-anuenue: rainbow

Ke-ao-popolo-hua-mea-ā-
Kāne: purple

thunderhead

7) Kāne-i-ke-pili: cloud-
burst, atmosphere

Kāne-i-ka-ua: rain

Kāne-i-ke-ao-lani: heavenly cloud

Kāne-i-ke-ao-luna: upper clouds

Kāne-i-ke-ao-lewa-lalo:
lower clouds
Kāne-i-ka-maka-o-ka-opua: tips of the horizon clouds
Kāne-i-ka-pua-lena: yellow cloud

8) Kāne-i-ka-pa-kolonahe: in the gentle breeze
Kāne-i-ke-ahe-ahe-malie: in the calm breeze
Kāne-i-ka-makani-iki: in the slight wind
Kāne-i-ka-makani-nui: in the great wind
Kāne-i-ka-pūahiohio: in the whirlwind
Kāne-i-ke-kiu: in the Kiu wind (sharp point)

9) Kāne-i-ke-ahi: fire
Kāne-i-ka-'ohu: mist
Kāne-i-ka-noe: mist
Kāne-i-ka-uahi (-nui, iki): smoke
Kāne-i-ke-aka: shadow
Kāne-i-ke-aka-o-Kapolei: shadow-of-Kapolei

10) Kāne-hulihiha (i-Kahiki): overturning of Kahiki (earthquake)

b. Water
Kāne-i-ka-pahu'a-nui: great thrust
Kāne-i-ka-pahu-wai (nui, iki): water
Kāne-i-ka-wai-ola: (Ka-wai-ola-ā-

Kāne, the healing waters of Kāne; fresh water).
c. Agriculture
Kāne-pua'a: pig
d. Reef, coral
Kāne-kokala: coral
Kāne-i-ke-kokala-loa: reef
Kāne-i-ke-kokala-lu-honua: shaking coral
Kāne-i-ke-kokala-kū-honua: steadfast coral
Kāne-i-ke-kokala-kiu: sharp-pointed coral
Kāne-i-ke-kokala-ahe: wafted coral
e. Directions (movement, stationary position).
Kāne-i-ka-holoholo-uka: to run upland
Kāne-i-ka-holoholo-kai: to run towards the sea; short travel (running, sailing)
Kāne-i-ka-holoholo-nui: great travel
Kāne-noho-uka: 'living upland
Kāne-noho-kai: 'living by the sea
Kāne-hālō-luna: to look upward
Kāne-hālō-lalo: to look downward
Kāne-hālō-lewā-lalo: to look in the lower spaces of the atmosphere
f. Land formations.
Kāne-noho-pali-luni: dwelling in the upper cliff
Kāne-noho-pali-lalo: dwelling in the lower cliff

g. Plants.

Kāne-i-ka-ho'opuakea: pale flower

Kāne-i-ka-pua-lalahua: seed-scattering flower

Kāne-i-kamaile: Alyxia olivae-formis

Kāne-i-ka-palai: Microlepi setosa

Kāne-i-ka-ei'ie: Freycinetia arborea

Kāne-i-ka-pua-lehua: Metrosidero macropus

Kāne-i-ka-pualena: yellow flower

Kāne-i-ka-"olapa: Cheirodendron spp.

Kāne-i-ka-halapēpē: Dracaena (Pleomele) aurea

Kāne-i-ke-kalo: Colocasia esculenta

Kāne-i-ke-kō: Saccharum officinarum

Kāne-'ohe: Gramineae bambusa

Kāne-i-ka-'awa: Piper methysticum

(pua-kala): spiny poppy (kala, 'to forgive')

(limu-kala): seaweed, Sargassum spp.

h. Birds.

Ka-pueo-kahi: lone owl (bird of Kamehameha IV)

Ka-pueo-makalulu: owl of peace ("still eyes")

i. Procreation, fertility.

Pohaku-o-Kāne: stone-of-Kāne pillar as fertility shrine

4. Symbolization of the god Kanaloa.

a. God of the sea.

octopus, as symbol of the eight-eyed, or eight-legged wind compass rayfish whale, propoise, whale ivory coral (with Kane)

b. Plant forms.

banana fiber, as used in cordage ('awe'awe, plantain).

uhaloa (Waltheria americana), with Kampu'a'a/Lono

black 'awa ('awa hiwa), with Kane.

c. Other

sunlight and white color (with Kane)

To summarize the discussion of kinolau symbolism, although more thorough analysis is really needed, suffice it to say that a significant number are staple plants, or basic, necessary food plants: taro (Kane, Lono, Haloa); sweet potato (Lono); breadfruit (Ku, Haumea); cane (Kane). Another group are medicine and narcotic plants: uhaloa (Lono, Kanaloa); ti plant (Ku, Lono); kala (Lono); or fiber plants: coconut (Ku); banana, plaintain (Kanaloa); fern down as stuffing for embalming the dead or for fire-making (Ku-pulupulu, Lono-makua). A very important group are hardwood plants and trees used in making weapons, implements, and in general building of houses, canoes, or carving of images, all forms of Ku. Others
are plants used in constructing parts of the temple, as fencing or thatching: lana (Lono); loulu palm (KH).

D. POST-CONVERSION HAWAIIAN CONFLICT IN NATIVE IDENTITY

This section discusses post-conversion Hawaiian conflict in native identity, or crisis in self and group esteem, reflecting positive or negative personality or identity changes; or, the opposite, Hawaiian steadfastness in tradition with resiliency in adjusted or modified personality and identity change. As we contemplate the first Hawaiian "Christians", the names of several powerfully influential people come into view, including Henry 'Opukahaia and David Malo.

Henry 'Opukahaia, or Obookiah, was a young boy when war took the lives of his parents and baby brother and made him a captive in the household of his captors. He endured the stay until other men threw his aunt off a cliff into the sea. He stole away on a ship with Captain Brintnall "from New York." In 'Opukahaia's own words he tells what it was like to feel abandoned in the society of the 1790's:

At death of my parents...I was with them; I saw them killed with a bayonet--and with my little brother, not more than two or three months old. So that I was left alone without father and mother in this wilderness world. Poor boy, thought I within myself, after they were gone, are there any father or mother of mine at home that I may go and find them at home? No, poor boy am I. And while I was at play with other children--after we had made an end of playing, they return to their parents--but I was returned into tears;--for I have no home, neither father nor mother. I was now brought away from my home to a strange place and thought of nothing more but want of father or mother, and to cry day and night.

While I was with my uncle, for some time I began to think about leaving that country to go to some other part of the world. I did not care where I shall go to. I thought to myself if I should get away, and go to some other country, probably, I may find some comfort, more than to live there without father and mother...

...the captain made some inquiry to see if we were willing to come to America; and soon I made a motion with my head that I was willing to go. This man was very agreeable, and his kindness much delighted my heart, as if I was his own son, and he was my own father. Thus I still continue thankful for his kindness toward me.

...As soon as my uncle heard that I was going to leave him, he shut me up in a room, for he was not willing to let me go. While I was in the room, my old grandmother coming in asked me what was my notion of leaving them, and go with people whom I know not. I told her it is better for me to go, than to stay there. She said if I should leave them I shall not see them any more. I told her that I shall come back in a few months, if I live. Her eyes were filled with tears. She said I was a very foolish boy. 8/

This moving personal account written in fluent English by a native Hawaiian scholar while in New England training to return as a missionary to the Hawaiian people, tells a certain truth about the character of the Hawaiian people at the time of European contact. When 'Opukahaia
died in 1818, the American Board of Commissioners for Foreign Missions sent the First Company instead, men like Hiram Bingham, Asa Thurston, and Elisha Loomis. He was converted completely to Christianity and by the time of death had mastered English and Latin, common arithmetic, geometry, and was learning Hebrew. Because of the strength and fervor of 'Opukahaia's determination to bring Christianity to Hawaii, the mission felt obliged to undertake forming the First Company and sent it out in 'Opukahaia's place. One of 'Opukahaia's letters frames this frustrated commitment:

I hope the Lord will send the Gospel to the Heathen land where the words of the Savior never yet had been. Poor people worship the wood, and stone, and shark, and almost everything [as] their gods; the Bible is not there, and heaven and hell they do not know about it. I yet in this country and no father and no mother. But God is friend if I will do his will, and not my own will. 9/

David Malo, born in 1793, commenced his studies for Christian ministry at 30 years of age. He spent the previous 30 years immersed in ancient culture preparing for the priesthood. Converted in 1823 in Lahaina, he began writing the Mo'olelo Hawaii (Hawaiian Antiquities), a historical description of ancient mores, after 1831, in the company of other illustrious Hawaiian peers at Lahainaluna Seminary. Before his death in 1853, Malo finished other writings that have been lost. Had he not written the Mo'olelo Hawaii, all that has been included about ancient religion in this Report would never have been available. Although converted, Malo still accepted the task of writing about the past he had come to reject.

Malo cannot be fully appreciated, however, by reading his written work without assessing his lifetime as a period of immense cultural upheaval:

1) The conquest of Oahu by Kamehameha in 1795 (Malo was two years old);
2) The ceding of Kaua'i to Kamehameha by Kaumuali'i in 1810 (Malo was seventeen);
3) The death of Kamehameha I in 1819 and overthrow of the kapu system in the same year (Malo was twenty-six);
4) The arrival of the First Company of American missionaries in 1820 (Malo was twenty-seven);
5) The conversion of Malo at Lahaina in 1823 (Malo was thirty); William Ellis arrived in Hawaii with Tahitian converts who spoke fluent English;
6) Malo entered Lahainaluna Seminary in 1831 (he was thirty-eight when he commenced his studies); 10/ [See footnote for explanation of curriculum at Lahainaluna Seminary.]
7) The first printing press at Lahainaluna Seminary published the first Hawaiian language newspaper, Ka Lama Hawai'i (The Hawaiian Torch) in 1834 (Malo was forty-one);
8) The Hawaiian Magna Carta, or Declaration of Rights, was promulgated by Kamehameha III in 1839 (Malo was forty-six);
9) The first constitution setting up a constitutional monarchy was promulgated by Kamehameha III in 1840 (Malo was forty-seven);

10) The first partitioning of land in the Great Mahele took place in 1848 (Malo was fifty-five);

11) The Kuleana Act of 1850 gave the maka'ainana title in fee to land (Malo was fifty-seven);

12) Kamehameha III died in 1854; Malo was already dead in 1853 at the age of 60.

The list of critical events does not include the difficulties experienced by the fledgling kingdom with foreign nations between 1793 and 1853. During this period Kamehameha III witnessed the civil war on Kaua'i in 1824 (death of Liholiho in England); the struggle between the clergy of Protestant (American) and Catholic (French) missions, until 1839, when freedom of religion became a constitutional guarantee; the Lord George Paulet episode in 1843 by which the king temporarily ceded the government to Britain; restoration of sovereignty to the Hawaiian monarchy by Admiral Thomas in 1843; and the smallpox epidemic, 1853.

It would seem then that in 1853-1854 two great Hawaiian representatives of the post-conversion period of immense change in Hawaiian life and society died: David Malo and Kauikeaouli (Kamehameha III). Their attitudes were interesting contrasts. Malo, destined for the Hawaiian priesthood, followed that career out by switching allegiance in the midstream of life away from the Hawaiian akua to the Akua Mana Loa, Jehovah of the Old Testament and the "Perfect Spirit" (akua Hemolele), or "Father: (Makua) of the New Testament." By the end of his life he had become too disillusioned by the knowledge that foreigners would be arriving in such sufficiently larger numbers to eventually overwhelm Hawaiians:

Malo was one of that class to whom the prophetic vision of the oncoming tide of invasion—peaceful though it was to be—that was destined to overflow his native land and supplant in a measure its indigenous population, was acutely painful and not to be contemplated with any degree of philosophic calm; and this in spite of the fact that he fully recognized the immense physical, moral and intellectual benefits that had accrued and were still further to accrue to him and his people from the coming of that man to his shores. And this sentiment, which was like a division of councils in his nature, controlled many of his actions during his life, and decided the place of his burial after death. 11/

In order to escape the "tide of invasion," Malo requested burial atop Mount Ball high above Lahainaluna Seminary.

By contrast, Kauikeaouli, although king, never submitted to conversion to Christianity and never became a member of the established Protestant Church at Kawaiaha'o in Honolulu, although he attended services. What would Henry 'Opukahaia say if he had lived to be a bold instigator of such changes wrought by two living Hawaiian personalities, Hawaiian priest and ruling chief, after the 1819 overthrow of the kapu system that propelled them into changed roles of diminished authority and power? This is the background against which to evaluate the search today by Hawaiians for traditional values in the culture that got away from them.
E. PRESENT-DAY SEARCH FOR TRADITIONAL VALUES

In 1979, the Humanities Conference addressed these issues of concern and need among Hawaiians in a panel discussion on: "Can the Humanities Help the Search for Traditional Hawaiian Values?" Since then the Office of Hawaiian Affairs has become a reality, but at that time the community was groping for answers to some of these questions:

Do humanities scholars know what values motivated ancient Hawaiian society and to what extent they are now present in the contemporary Hawaiian society? Moreover, if they do know what they were and are, are such values proper for present-day Hawaiian society with its multi-ethnic composition? Or, rather, if they are worth recovering, should they be applied to present-day social aims to promote inter-ethnic understanding or to be strictly applied toward the Hawaiian Renaissance? If so, how shall they be applied and who shall determine the effective means of implementation?

Let us assume that traditional Hawaiian values are worth knowing by humanities scholars and worth recovering by both the general public and the Hawaiian people themselves. What questions would then be posed? If it should be assumed that the people of Hawaii and the Hawaiians in particular wish to recover certain traditional values, does this imply that they genuinely feel something of tremendous value has been lost to all of society that was formerly unique to the aboriginal group? What then do they wish to recover for the sake of all and also what, in more specific terms, ought to be recovered for the sake of the Hawaiian people? Whose responsibility would it then be to determine those differences in value choices and under what conditions? Would it be largely a question for an open society to contemplate or is it one in which the role of the Hawaiian group may assert priority in basic decision-making? If the latter, in what role would the humanities scholars then find themselves if they have not yet ascertained what their present state of actual knowledge of Hawaiian values is, and if it is sufficiently reliable enough when used to augment or to modify any determination effected chiefly through the means of political, rather than intellectual or economic process?

Since the Humanities Conference of 1979, when these questions were first offered for consideration, the Office of Hawaiian Affairs (OHA) has been mandated by the State Constitution, with full community support and legislative backing, precisely to give Hawaiians priority in decision-making on issues directly affecting their lives now and in the approaching future.

The need for research into the area of indigenous Hawaiian cultural values, including those of ethics and religion, has become a primary requirement in OHA's program for cultural recovery. Most Hawaiians are unsure of what the true, dependable, and trustworthy models are and if they are suited to their present needs and conditions, while some feel they need to be simply recognized, esteemed, and respected not just for what they are but who they are, the last living remnant of the original inhabitants of this place. What can others learn about cultural extinction as it
rapidly lunges forward in the wake of replacement by values inimical, in many ways, to those of extended families in large kind groups? What can silent temples be made to reveal of Hawaiian knowledge if probed, and probed with understanding? What values, if any, exist there for Hawaiians to realize how their families and ancestors of old fared under kind or ruthless power figures? The issue of Kaho'olawe looms large in the minds of young and old alike, but the issue remains a divisive polarization of opinion between young Hawaiians who wish the Navy to stop bombing long enough to allow them to set up religious practices in accordance with present law, and older Hawaiians who see no need to recover it from the United States Navy. Common ground or agreement between them may be found, perhaps, in the realization of scientific interest and curiosity about existing archaeological sites on that island.

OHA states in its 1982 report the view that: "The Hawaiian religion was the first aspect of our culture to be suppressed. It is today the least understood dimension of the culture. As we shed light on religious and ceremonial practices, we will choose more freely how we live our lives."

There is no doubt in anyone's mind that much can be gained in combing recorded but untranslated Hawaiian documents for history on such sites that have been wasting away through neglect, due to lack of funds to study them more fully. The value, especially for young Hawaiian people, in involving themselves in careful, patient study as such is that it generates enthusiasm for authentic history.

F. RECOMMENDATIONS */

From all appearances the OHA cultural plan under the State of Hawaii for implementation of action to gather, record, and to make available information desired by the Hawaiian community about traditional values in religion and ethics, or rites and ceremonies, seems to be on solid ground.

In the same direction one major private corporation, American Factors, has begun to seriously consider building, within a live native Hawaiian village setting, a functioning heiau kilolani, or astronomical temple than, among other things, will feature alignment to the celestial equator/ecliptic coordinate system, which is known to have been used by ancient Hawaiian priests in computing the sidereal and tropical calendar.

In the same context, astrophysicists and geographers have been drawn to the Pacific, Hawaii included, to continue research into potential archaeoastronomic sites in the Oceanic and Southeast Asian area. Within the last few years, some of this work has reached publication. 14/

Along these lines of inquiry, local, national, and international interest in the Pacific archaeo- and ethno-astronomy may perhaps grow, with concomitant interest in the aboriginal religious institutions that raised, as in Hawaii, temples to celestial and spiritual understanding. On never knows how much human progress there is in this mustard seed of genuine hope.

*/ NOTE: These recommendations are reproduced directly from Professor Johnson's paper, and do not necessarily reflect the views of the Native Hawaiians Study Commission. (See "Conclusions and Recommendations," above.)
NOTES


3/ See Rubellite K. Johnson, Kumulipo, Hawaiian Hymn of Creation, Volume I (Honolulu: Topgallant Publishing Co., Ltd., 1981); pp. 145-14 to 145-19 of this volume were included in Professor Johnson's paper and are appended to this Report, in the Appendix containing the written comments received by the Native Hawaiians Study Commission.

4/ Malo, p. 82.


6/ See A. I. Kroeber, Anthropology: Culture Patterns and Processes (New York: First Harbinger Books, 1963). Pages 211-213 were included in Professor Johnson's paper and are appended to this Report, in the Appendix containing the written comments received by the Native Hawaiians Study Commission, as pages 145-21 to 145-22.

7/ Malo, p. 81.


9/ Ibid., p. 28, Letter from Andover, dated December 15, 1812.

10/ The following paragraphs of Professor Johnson's paper appeared in her original paper at this point in text:

It is important here to realize what the curriculum was like at Lahainaluna Seminary between 1831 and 1850. The curriculum included the "hard" sciences and higher mathematics (geometry, trigonometry, navigation), geography (Biblical and world), anatomy, grammar in Hawaiian and English, and not purely religious subjects. The texts used were produced in Hawaiian at the school by translating from English and other language texts, but it is the calibre of the Hawaiian technical texts that astound present-day scientists. Evaluation of the Anahonua (Land Surveying) text in Hawaiian, as written by the Rev. Ephraim Clark, has been evaluated by Dr. E. Dixon Stroup, oceanographer (Hawaii Institute of Geophysics, University of Hawaii). Below is a facsimile of his evaluation:

The Manual of Navigation is the last major division of Ke Anahonua, published in Hawaiian at Lahainaluna in 1834. It is the most technically advanced section in a book which begins with the basic definitions of geometry ("point," "line," and "plane"). The methods described include both dead reckoning and celestial navigation.
as used by western navigators in the 1830's (and, in fact, into the early 1900's). While there is no input of Polynesian navigation, a lot is revealed about the surprisingly high academic level of instruction at Lahainaluna in these early days. It is clear from the text, and in many illustrative navigational problems and exercises, that the students were required to have ability in the following areas:

Basic geography (world wide).

Astronomical concepts (orbits and relative distances of moon, sun, planets, and fixed stars; the thin atmosphere of earth in empty space; curvature of the earth and its effect on the horizon; refraction of light, etc.).

Worldwide time and its relation to the earth's rotation.

Use of a sextant (at least in principle) and drawing instruments (in practice).

Abstract concepts, such as comparison of real observations with those which might be made by a hypothetical observer at the center of the Earth.

Use of mathematical tables of various sorts (familiarity with log tables) and the use of logarithms in working numerical problems--(Note: This was introduced with no explanation in the text). Trigonometry and the use of tables of trig functions. Use of a log-scalp ruler (like a slide rule without the slide) in working problems. Working out of quite complex problems, involving many steps. (As an example, the following quote is part of the instructions for working up Lunar Observations:

"From Table XIV, extract the logarithm equal to the parallax and it is written in two columns. Write down the cosecant of the Lunar altitude below the second (column), and the cosecant of the solar altitude under the first, and the sine of the corrected distance under the first, and the tangent of the corrected distance under the second. Add these two columns (discarding the interval 20), then look for the logarithms in Table XIV, where the two arcs are written. If the first arc is greater than the second, subtract the excess from the corrected distance; however, if the second arc is greater than the first, add the excess to the corrected distance; and if the corrected distance is greater than 90° then subtract the sum of the two arcs from the corrected distance; this the true distance."

Comments of the Translation: My main reaction is admiration for the way that they were able so successfully to put pretty heavy technical material into Hawaiian, along with numerical examples. This is a Manual, not just a simplified introduction to the subject. I know I would have a hard time trying to put a lot of this across in English, to college freshmen today!

It's also clear that they had a high opinion of the ability of their students, or they wouldn't have taken (what must have been) the very great trouble of printing all this complex stuff, with numerical tables and examples of computations. (Setting the type by hand--wow!)

The text is also an excellent illustration of the general principle that, for translation of technical material, the translator had better
have some technical background in the area, besides knowledge of Hawaiian. Would someone not a navigator or cartographer know that "na hakina meridiana" should translate as "meridional parts" and nothing else? Or that "alanuihonua" should be "ecliptic?" Or "hina," "dip?" "Holo ililauamania," "plane sailing?" The text is full of these; a translator unfamiliar with the English terminology would make a botch of it no matter how hard he tried. With such background, the Hawaiian reads with remarkable ease. (E. Dixon Stroup, Manuscript translation of the Manual of Navigation in Ke Anahonua, section entitled Ke Kumu o Ka Holoholomoku (the principles of sailing in ships or navigation) (Lahainaluna: Press of the High School, 1834), pp. 83-122; Rubellite K. Johnson, "The Contribution of Lahainaluna to Educational Excellence," Keynote Address on the occasion of the Sesquicentennial Celebration of the founding of Lahainaluna Seminary in Hawaii in 1831 (presented May 23, 1981).

11/ Dr. Nathaniel B. Emerson, in Malo, p. xiii.


13/ See two pieces appended to this Report in the Appendix containing the written comments received by the Native Hawaiians Study Commission: an article on the study of Ku'ilioloa Heiau, by young students (Hawaii Coastal Zone News, Vol. 4, No. 10 (February, 1980)); and the Office of Hawaiian Affairs' program for Hawaiian religion (First Draft, 1982).

Iolani Palace.
Part II
Federal, State, And Local Relationships
King David Kalakaua (center) was accompanied by Governor Dominis, Chief Justice Allen, U.S. Minister Pierce, and Governor Kapena on their journey to Washington, D.C. to negotiate terms of the 1875 Reciprocity Treaty with the United States.
Land Laws And Relationships

This chapter outlines the history of laws governing land ownership in Hawaii, and considers the special problems that native Hawaiians perceive related to the land ownership history.

A. HISTORY OF LAND OWNERSHIP LAWS

Traditional Land Tenure 1/

When Captain Cook arrived in Hawaii in 1778, the country had a complex land tenure system, similar to a European feudal system, 2/ that supported a dense population. Whole portions of islands were controlled by high chiefs (ali‘i). An important landholding unit was an ahupua‘a, controlled by a chief. The ahupua‘a ranged in size from 100 to 100,000 acres, generally with natural boundaries running from mountain tops down ridges to the sea, “enabling the chief of the ahupua‘a and his followers to obtain fish and seaweeds at the seashore, taro, bananas, and sweet potatoes from the lowlands, and forest products from the mountains. However, more often than not, an ahupua‘a failed to extend to either the mountain or the seashore, being cut off from one or the other by the odd shapes of other ahupua‘a.” 3/

The ahupua‘a was divided into ili. Subchiefs and land agents (konohiki) controlled smaller units of land. Ili kupona were another type of ili, and were completely independent of the ahupua‘a in which they were situated. The chief of the ili kupona paid tribute directly to the king. Commoners (maka‘ainana, or people of the land) worked the land for the benefit of the chief. Commoners had their own plots, and had gathering rights and fishing rights 4/ on those ahupua‘a lands that were not cultivated. 5/ Landholdings were revocable at the will of the chief. At the death of a high chief, his successor could redistribute his lands among the low chiefs; the lands were not necessarily given to the decedent’s heirs. Warfare erupted among chiefs over land rights and resulted in reassignment of control over land. These changes affected neither the land boundaries nor the common farmers. The maka‘ainana generally stayed on the same land even though the ali‘i controlling the land changed. However, common farmers were not bound to a specific piece of land and could leave the ahupua‘a if they were unhappy with their landlords. This distinction from European patterns may have made the chiefs more sympathetic landlords than their European counterparts, because of their need to keep an available workforce. 6/ It is important to emphasize that the concept of fee-simple ownership of the land was unknown to Hawaiians. */ The high chiefs did not own the land—they merely managed the land and other resources: “From a religious viewpoint, the ali‘i nui [high chief] was a person of divine power. Yet his authority was not a personal authority. It was, instead, a power channeled through him by the gods. In relation to the land and natural resources, he was analogous to a trustee.” 7/ The ancient land system thus stands in stark contrast to Western concepts of private ownership:

*/ This paragraph added from comments of the Office of Hawaiian Affairs; edited to avoid duplication.
The ali'i nui himself enjoyed no absolute ownership of all the land. The ali'i nui was a trustee of all the people within an island or some other larger district. The konohiki also maintained a similar tentative position because the maka'ainana were free to leave the ahupu'a if they were unhappy with a particular chieftain...or kohohiki. In short, the members throughout the political hierarchy shared a mutual dependence in sustaining their subsistence way of life...

However, the land itself was viewed as belonging not to one individual but to the gods. All the people, including the ali'i, merely administered the land for the benefit of the gods and society as a whole.

The system, therefore, had no analogy to ownership in fee simple absolute. The high chief had significant power: "the king was over all the people; he was the supreme executive, so long, however, as he did right." The native Hawaiians believed that the power of the high chief was divine power, channeled through him by the gods, and that he was a trustee of the land and other resources on behalf of the gods. This concept continued down through the political hierarchy.

Transition Period: 1778 to 1846

The arrival of westerners altered socio-economic patterns in Hawaii. By 1795, King Kamehameha I had expanded his rule to all of Hawaii except the island of Kauai, in part by use of European arms. An aristocratic class developed, which had to be serviced by the Hawaiian economy. Further, the activity of port communities and demands of the sandalwood trade drew the farmers from the land. The new focus away from subsistence coincided with the spread of Western diseases and worsened the lot of the commoners. Agriculture suffered as a result. Traditional notions of responsibility to chiefs were disrupted, and an oppressive tax system was installed. The result, however, was greater control by the king and greater stability in landholding.

In 1819, Kamehameha II became king, and with the Dowager Queen Kaahumanu as regent, ruled until 1825. He decided not to disrupt the holdings of his predecessor's subchiefs. Foreigners wanted to codify this new stability in landholdings.

Therefore, when Kamehameha III became king at age 12, the council of chiefs, with some advice from an English frigate captain, persuaded him to adopt a formal policy allowing chiefs to keep their land upon the king's death. This policy was known as the Law of 1825. During this time as well, westerners were given lands by the king or chiefs, so that they entered the Hawaiian landholding pattern.

When the sandalwood trade collapsed from overharvesting, these westerners turned to large-scale plantation crops as a focus for economic activity.

In 1839, Kamehameha III set forth a Declaration of Rights providing that: "Protection is hereby secured to the persons of all the people, together with their lands, their building lots and all their property, and nothing whatever shall be taken from any individual, except by express provision of the laws." In 1840, a written constitution was adopted. It attempted to adjust land rights to reflect the new relationships described above. It was designed as a final attempt to preserve the traditional land system and to keep native Hawaiians in their homes rather than migrating to the developing port areas of Honolulu and Lahaina. The constitution, and laws enacted pursuant to it, announced tenants' rights for the first time and lowered...
labor taxes. Native Hawaiians who had already left their land were given the opportunity to return by applying for any uncultivated lands. The Constitution of 1840 also provided that the king could lose "no land without his consent--an effort to deal with the fear of alienation of land to foreigners. However, the constitution provided that property already held by foreigners would not be reclaimed by the crown--an effort to avoid conflict with foreigners. 18/

The Constitution of 1840 did not totally put to rest land disputes--problems and episodes continued. In 1841, the king announced a plan to allow island governors to enter into 50-year leases with foreigners. 19/

As discussed below, a large number of acres were conveyed to foreigners. In 1843, in part because of a lease dispute, the British warship Carysfort entered Honolulu, and its captain took over the government for five months. 20/

Although Britain repudiated the captain's action, the episode was a clear mark of problems to come.

The Great Mahele

Because of the increasing pressure for change in the land tenure system, in 1845 the legislature provided for and the king established, a Board of Land Commissioners. 21/

The Commission was charged to conduct "the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property acquired anterior to the passage of this Act..." 22/

Existing land law was to be the basis for its conclusions, including "native usages in regard to landed tenures." 23/

The Commission had five members, of whom two were native Hawaiians, one half-Hawaiian, and two westerners. 24/

The Commission first examined building lots in Honolulu and Lahaina, since this land was already outside the traditional feudal scheme. 25/

In determining who was entitled to land in conveying plots, the Commission stated that it found "no native rights of occupancy in this plot." Based on those awards, the Minister of the Interior was authorized to issue fee patents. A number of land disputes, within the foreign community were thus resolved. 26/

The next step was the adoption by the Commission in 1846 of "Principles," ratified by the legislature. The Commission's goal was "total defeudalization and partition of undivided interests." 27/

The Principles stated:

If the King be disposed voluntarily to yield to the tenant a portion of what practice has given himself, he most assuredly has a right to do it; and should the King allow to the landlord one-third, to the tenant one-third and retain one-third himself, he, according to the uniform opinion of the witnesses, would injure no one unless himself,...According to this principle, a tract of land now in the hands of landlord and occupied by tenants, if all parts of it were equally valuable, might be divided into three equal parts... 28/

In fact, no action was taken on this recommendation, and it was not adopted as a way to implement the division. 29/

The king and chiefs did not intend to divide the land in thirds with the tenants. 30/

The statement that the land was divided into three parts--one part to the king, one part to the chiefs, and one part to the common people--is wholly erroneous. 31/

Therefore, how to fulfill the Principles was debated at length. On December 18, 1847, a formulation drafted by westerner Justice William Lee was adopted by the king and chiefs.
in Privy Council. 32/ Under this formulation, lands of the king were distinguished between those he held as king and his private lands. He was to retain all his private lands, with a right in his tenants "to a fee simple title to one-third of the lands possessed and cultivated by them" whenever the king or tenants desired. 33/ The remaining land in the kingdom was to be divided into thirds: one-third to the Hawaiian government, one-third to the chiefs and konohiki, one-third to the tenant farmers. 34/ If he paid the government, a chief or konohiki could also retain his proportional share of the one-third which was to go to the government; that is, to get the land patent, the chief had to pay the government either with money or with one-third of the land to which he sought title. 35/

The Great Mahele--or division--was conducted from January 27 to March 7, 1848. Interests were written in the Mahele Book. The king quit-claimed his interest in specific ahupua'a and ili under the control of 245 chiefs and konohiki, and the chiefs in turn quit-claimed to the king their interests in the balance of the divided lands, which became the king's private lands, subject to the commoners' claims. 36/

At the end of the process, the king "set apart forever to the chiefs and people of my kingdom" approximately 1.5 million acres (the Government lands) and kept for himself, his heirs, and successors approximately one million acres (the Crown lands). The remaining 1.5 million acres were awarded to the chiefs, "reserving the rights of the people." 37/ The division was affirmed by legislation. 38/

To defeudalize the land totally, the Commission also had to divide the interests of the common people. By an 1850 Act, each tenant was allowed to apply for his own kuleana. Such land could come from the Crown lands, from the Government lands, or from the other 1.5 million acres of the kingdom. A kuleana could include only land that was actually cultivated plus a house lot of one-quarter acre. The tenant had to prove his claim by 1854 and pay survey costs. In fact, commoners received fewer than 30,000 acres under this Act. 39/ Only 26 percent of the adult male native population received these lands. 40/

Several further statutes completed the transition to a modern landholding system. 41/ An Act of 1846 authorized government land sales approved by the king and Privy Council; by May 1, 1850, the government had sold over 27,000 acres under these laws. The Kuleana Act discussed above also provided that portions of government land be set aside in lots of sizes ranging from one to fifty acres for purchase by natives who did not qualify for kuleana rights. The minimum price was 50 cents an acre.

By 1852, foreigners held thousands of acres of land in Hawaii. Western property concepts, which native Hawaiians did not understand because of the historic land tenure system, would facilitate westerners in taking over Hawaiian-owned lands during the next decades. 42/ Many lands were sold. Debts to westerners were often paid in land. Those landowners who attempted large-scale farming were unable to manage cash plantations, and lost property through foreclosure. 43/ Government lands also came into western hands through sales. 44/

Kuleana lands were also conveyed to westerners. Many kuleana rights were lost through harassment by illegal diversion of water and foraging cattle from large ranches. Furthermore, some kuleana rights were forfeited because, without the gathering and foraging rights that had formerly been provided, the kuleana could not accord their owners subsistence. 45/ Kuleana that were leased to westerners were often not returned, as natural...
landmarks disappeared when they became part of plantations. Kuleana were also lost to larger surrounding land-holders by invocation of the doctrine of adverse possession. Some kuleana lands were simply sold.

The king's lands were freely sold by kings. Because of particular problems with these lands, including the debts of the monarchs, the Act of January 3, 1865, designated the king's lands as Crown lands and declared them inalienable, to descend to the heirs and successors of the Hawaiian crown forever. The 1990 census revealed the extent to which these forces had put land in the hands of westerners. Of a population of near 90,000, fewer than 5,000 owned land. The relatively small number of Americans and Europeans owned over one million acres. Although three out of four landowners were native Hawaiian, three out of four acres belonging to private owners were held by westerners.

B. SPECIFIC PROPERTY OWNERSHIP QUESTIONS

A number of specific questions about property ownership and use that may affect native Hawaiian interests arose at the hearings of the Native Hawaiians Study Commission in January, 1982. To assure a comprehensive study, this section will identify and discuss those issues.

Status of Water and Fishpond Rights under Hawaiian Law

For the most part, waters in Hawaii are treated no differently than waters elsewhere in the United States—that is, navigable waters cannot be privately owned. In McBryde Sugar Co., Ltd. v. Robinson, 54 Haw. 174, 187 (1973), the Supreme Court of Hawaii held that "the ownership of water in natural watercourses, streams, and rivers remained in the people of Hawaii for their common good." In ruling, the court rejected a long line of cases suggesting that all waters were owned by the holder of the ahugua'a. The Supreme Court's conclusion followed naturally from the fact that at least as early as 1842, interference with navigation was precluded by statute (Laws of 1842, Ch. XXVII, Statute Regulations Respecting Ships, Vessels, and Harbors (Fundamental Law, pp. 80-89)), and hence, by implication, a superior right of the sovereign over commerce and navigation was recognized.

Hawaiian law did, however, accord special protection to the right to raise and capture fish. Two categories of waters, sea fisheries and fishponds, have historically been treated as part of the land. The situation with respect to sea fisheries has changed from feudal times, but fishponds continue to be treated as fast land. The early regime has been described as follows:

Kuapa Pond, with other Hawaiian fishponds, have always been considered to be private property by landowners and by the Hawaiian government. Most fishponds were built behind barrier beaches, such as Kuapa Pond, or immediately seaward of the land controlled by the ali'i, or chiefs. By imposing tabu on the taking of fish from a pond, the chief alone determined the allotment, if any, of fish, just as he distributed the other crops among his sub-chiefs, land agents, and vassals. The fishpond was thus an integral part of the Hawaiian feudal system. Chiefs
gave land, including its fishponds, to sub-chiefs, or took it away at will. Any fishponds in conquered chiefdoms became the personal property of the conquering high chief and were treated in the same manner the high chief treated all newly subjugated lands and appurtenances. The commoner had no absolute right to fish in the ponds, not in the sector adjacent to the chief's land—all of such rights were vested in the chiefs and ultimately in the king, alone.

In 1848, King Kamehameha III pronounced the Great Mahele, or national land distribution. Any fishponds therein were allotted as part or inholding of the ahupua'a (a land/water unit). Titles to fishponds were recognized to the same extent and in the same manner as rights were recognized in fast land. (United States v. Kaiser Aetna, 408 F. Supp. 42 (D. Haw. 1976), rev'd 554 F. 2d 378 (9th Cir. 1978), rev'd, 444 U.S. 164 (1979).)

The correctness of description is confirmed by the fact that the Board of Commissioners to Quiet Land Titles routinely included fishponds within its land awards or patents under the Great Mahele, notwithstanding the fact that the Board was concerned solely with landed property. (See Haw. Att'y. Gen. Op. No. 1689, at 460 (1939).) So far as can be determined, fishponds retain their status as private property today.

The situation with respect to sea fisheries changed, however, upon passage of the Organic Act in 1900. In that Act, Congress repealed all prior rights in sea water fisheries by providing that "all fisheries in the sea waters of the Territory...not included in any fish pond or artificial enclosures shall be free to all citizens...subject...to vested rights" (48 U.S.C. § 506). Procedures were established to compensate those people who had vested rights in sea fisheries; if those procedures were not followed within three years, however, even rights to sea fisheries were lost.

Thus, fishponds remain privately owned today, while fisheries remain in private ownership only to the extent that the owners followed the proper procedures to obtain recognition of their rights. In all other respects, waters in Hawaii are treated the same as in the rest of the United States.

Concern was also expressed at the hearings about the rights to use of water. People in Hawaii have the right to use water under a series of rules unique to Hawaii and closely related to ancient Hawaiian land law. A landowner has present right to use the amount of water used at the time of the award of the land under the ancient landholding system. These are called "appurtenant" rights. In addition, persons receiving land rights from the king (either ili or ahupua'a), called honohiki rights, have the right to water for those lands equal to those of the king.

Under Hawaiian law, further rights to surface water, called "prescriptive rights," can be established, and once they are established, they also are appurtenant to the land on which the water is used. To establish a prescriptive right, certain tests, including actual, open, notorious, continuous, and hostile use for ten years under claim of right, must be met. Finally, by State statutes passed in the mid-19th century, people on lands to which the landlords have taken fee simple title have the right to drinking water and running water. On such lands, the springs, running water, and roads are free to all, except as to wells and water courses provided by individuals for their own use. These can be considered native...
tenant rights. Disputes over water rights can be resolved in a proceeding in State courts, according to procedures set out in Hawaiian statutes.

Geothermal and Mineral Rights

The only Hawaiian State statutes relating to minerals are a strip mining law and a law providing for mineral leases on State-owned land. At least some of the patents that were issued by the kingdom of Hawaii retained the mineral rights in the government and these mineral rights are today owned by the State of Hawaii.

No State statute mentions geothermal development or geothermal rights. Native Hawaiians do appear to be concerned about geothermal development sociologically, however. The Puna Hui Ohana, an organization of the Puna Hawaiian community, has undertaken an extensive assessment of the potential social and cultural impact of geothermal development on the "aboriginal" Hawaiians of Lower Puna on the island of Hawaii. The report states:

Early Hawaiians used the steam emanating from fissures along the rift zone for cooking and geothermally heated water ponds for bathing. Though exploratory drilling had begun in the 1960's in Puna, the first successful well wasn't discovered until 1976. Designated HGP-A (Hawaii Geothermal Project-Abbott), the well was one of the hottest in the world (675°), high pressured (555 psi), and relatively chemically benign. The successful well represented a new era of alternative energy for the State of Hawaii. For the community of Puna, the geothermal success introduced a developmental element for which it had not been prepared.

The report evaluates a survey of attitudes among Lower Puna's native Hawaiian leaders. These leaders felt that the development of geothermal resources in the area would increase the in-migration to the area and result in major cultural changes. It was felt that socio-economic impacts of a growing Caucasian population would increase during geothermal development. Respondents felt that Caucasians would control the economic benefits of geothermal development, and that, unless native Hawaiians "help themselves or develop fruitful relationships with the developer, Hawaiians' benefits will be very limited at best."

Other concerns included changes in interpersonal relationships, changes in the apparent transfer of political and social power from the local Japanese political establishment to the Caucasians, and a possible effect on native Hawaiians' relationship to nature, to people, and to the supernatural. Finally, native Hawaiian leaders and elders of Lower Puna believed that population and economic growth in connection with geothermal development continues to be a serious threat to the preservation of the native Hawaiian culture as it exists in Lower Puna. They "also believe that the culture can be preserved if families will learn the concepts well and pass it on to their descendants."

Despite distrust of geothermal development, however, the community seems to have approved it with strong reservations. Of special concern is the manner in which surplus energy is used. The study concludes that "continued dialogue between newcomers and long time residents may promote a better understanding of
economic growth consistent with concerns over environmental and social/cultural preservation." 55/ These findings suggest that to accommodate the concerns of native Hawaiians, geothermal development should be undertaken only after education and consultation with the native Hawaiians themselves.

Kuleana Land Rights

In 1850, two years after the enactment of the Great Mahele, an act was passed allowing Hawaiian native commoners to acquire fee title to the land that they had "really cultivated" under the feudal system, plus a household lot of no more than one-quarter acre. 56/ These parcels, called kuleana, could come from the lands retained by the king as Crown lands, or from Government lands, or from the lands granted to the chiefs under the Great Mahele. The commoner could receive fee title to his kuleana only if he proved his claim to the Hawaii Land Commission and paid the costs of a survey. As a result of the Kuleana Act, 8,000 commoners acquired title to land, but the holdings of these commoners totaled fewer than 30,000 acres, or less than one percent of the land.

Several reasons have been given for the failure of the commoners to acquire more land under the Kuleana Act. 57/ One is that most commoners could not afford to pay for the survey work; another is that they feared reprisals from the ali'i if they applied. A third suggested reason is that commoners could obtain title only to land they "actually cultivated." Under the previous system the commoners were entitled to use not only the land they actually cultivated but also were entitled to use common lands for growing crops and for pasturing--a right not preserved under the Kuleana Act. The "actually cultivated" lands were insufficient to support the commoner and thus the Kuleana Act meant little to him. One comment received by the Commission states that native Hawaiians also did not apply because some did not think application necessary or were unaware of the Act. Thus, the effect of the Kuleana Act, in conjunction with the Great Mahele, was the same as the enactment of the enclosure laws in England--fee title to the common lands passed to the chiefs, and the commoners did not acquire sufficient lands to support themselves.

An act of the legislature barred establishment of any kuleana claims not proved by 1854. Therefore, establishment of kuleana rights is not an issue today. However, observers have suggested that full use of many kuleana is presently disrupted by three major legal obstacles: fractionated ownership, inadequate access, and adverse possession. 58/ Fractionated ownership of many kuleana plots arises from the effects of intestate succession (passing of the property without a will). Parcels may, therefore, have a number of joint owners, with no clear responsibility for taxes or improvements. Possible remedies include one joint owner buying the interests of the others, partitioning of the kuleana, or putting title in a mutually-owned corporation, trust, or partnership with responsibility to ensure payment of taxes and land improvements.

Inadequate access is a problem for some kuleana because they are surrounded by large plantations and developments. Hawaiian law provides for easements by necessity when they are "reasonably necessary"--other access is difficult or expensive. The 1850 statute itself also provides for access. Therefore, legal tools exist for establishing better access to kuleana.
Finally, many kuleana plots have been claimed by persons other than the original grantee and his heirs by adverse possession. Adverse possession is a legal principle that permits a person who has occupied the land for a statutory period in an open, hostile, notorious, and exclusive manner to claim title to that land. In Hawaii, the statutory period from 1870 until 1898 was 20 years; in 1898 it was reduced to 10 years. In 1973, it was changed back to 20 years (7A Hawaii Rev. Stats. §657-31). A 1978 law limits adverse possession for rights that mature in 1978 or thereafter to claims for real property under five acres, and to claimants who have not asserted a similar defense within the last 20 years (7A Haw. Rev. Stats. §657-31.5).

Large landholders primarily have used adverse possession to absorb the enclosed kuleana of native Hawaiians. Native Hawaiians have been less able to use the doctrine to secure lands for themselves. One reason is that if a native Hawaiian remained on cultivated lands after 1850 but did not perfect kuleana rights, his tenancy was considered permissive rather than adverse, so he could not claim the land by adverse possession. To avoid problems in the future, kuleana owners could register their lands to prevent them from being taken by adverse possession, 59/ or could seek some reform in the adverse possession laws in the State. 60/

Adverse possession cannot be claimed for lands owned by the State or by the United States.

Genealogical Searches

During the hearings, some concern was expressed about the difficulty and expense of undertaking genealogical research in order to establish qualifications for land that must be owned by those of native Hawaiian ancestry. Three circumstances related to land ownership could give rise to the need for such research: establishing a legal interest in land that may be recognized by courts in Hawaii today; qualification under the Hawaiian Home Lands program, which provides land to those of 50 percent or more native Hawaiian blood; and qualification under legislation, if any, which could in the future be passed to compensate native Hawaiians for their land claims. Such research may be expensive; in addition, without a central site for relevant materials, the research can be difficult indeed. The State or the Office of Hawaiian Affairs may be undertaking to resolve some of these problems. 64/

Adverse Possession

Adverse possession has been considered a problem for native Hawaiians in continuing kuleana land rights. (See discussion in the preceding section.) The benefits of the doctrine for native Hawaiians are shown in a recent decision by a Circuit Court in Hawaii. That case uses the principle to benefit smaller landholders against a large company and to help in dividing undivided common ownership interests. 61/ Every state has developed a law on adverse possession. It has been suggested that in Hawaii the concept developed because larger land owners wanted a means to increase their holdings by engulfing smaller plots owned by native Hawaiians. 62/
1/ An excellent description of ancient land tenure is contained in Jon Chinen, The Great Mahele (Honolulu: University Press of Hawaii, 1958). One commenter, Haunani-Kay Trask, thought that the presentation in this section was so biased and inaccurate that she re-wrote it. The Commission does not adopt her alternate language, which appears in full in the Appendix of this report.

2/ Some commenters suggested that a comparison to European feudal systems leads to oversimplification. The comparison is used throughout the literature on Hawaiian tenure, however. (See also above, p. 148.)

3/ Chinen, The Great Mahele, p. 3.

4/ Change suggested by comments received from the Office of Hawaiian Affairs (OHA).


6/ Ibid.

7/ MacKenzie, Sovereignty and Land: Honoring the Hawaiian Native Claim, p. 3.


9/ Levy, p. 879; MacKenzie, p. 3.


11/ MacKenzie, p. 3.

12/ Levy, p. 850.

13/ MacKenzie, pp. 4-5.

14/ Levy, p. 850; MacKenzie, p. 5.

15/ Ibid.

16/ Ibid.

17/ As quoted in Kuykendall, The Hawaiian Kingdom, 1778-1854, p. 271.

18/ See generally, Levy, pp. 851-2; MacKenzie, pp. 5-7.

19/ MacKenzie, p. 7.

21/ Levy, p. 853.

22/ Ibid., quoting Hawaiian Statute of 1845.

23/ Ibid.


25/ Ibid.

26/ Ibid.

27/ Levy, p. 854.


29/ Chinen, p. 15; Kuykendall, p. 282.

30/ Kuykendall, p. 282.

31/ Ibid.


33/ Ibid., quoting Rules adopted by Privy Council.


35/ Ibid.


37/ Ibid.

38/ The division was approved by legislation. Act of June 7, 1848, referred to in Levy, p. 855. Comments received from OHA suggest that: "The Mah-le of 1848 and conversion to a fee simple system did not entirely do away with this trust concept" that the king held the lands in trust for the gods and society as a whole.


40/ MacKenzie, p. 10. Comments received from John Agard presented an informative discussion of kuleana rights and claims.

41/ Levy, p. 857; MacKenzie, pp. 11-12.

42/ Levy, p. 857.


44/ Ibid.

45/ Levy, p. 861.


48/ One commenter stressed the importance of water rights in modern Hawaii, in part because of the problems that development can cause in terms of short water supplies.


50/ The material for this paragraph is drawn from Clark, Water and Water Rights, Vol. 5, ¶ 433, which has an extensive discussion of Hawaiian water laws.


52/ Ibid., p. 10.

53/ Ibid., p. 119.
Ibid., pp. 119-121.

Ibid., p. 122.

Act of August 6, 1850, § 1 (1850) Hawaii Laws 202 in 2 Revised Laws 1925 at 2141. See discussion above.

See Levy, p. 861; MacKenzie, p. 11.

An extended discussion is set forth in Levy, pp. 867-870. Congressman Daniel Akaka comments that the analysis presented here of the problems inherent in settling title to kuleana lands suggests that the problems are easily solved. As a substantive review of this section of the report and the authorities on which it relies shows, they are indeed difficult to solve. One commenter suggests that the right to exercise kuleana rights did not terminate in 1855. The comment is simply in error. See Chinen, The Great Mahele, pp. 30-31, which states that the Land Commission that granted deeds to such lands dissolved on March 31, 1855.

See Levy, p. 870, citing a suggestion of Chief Justice William Richardson of the Hawaii Supreme Court.

Such reform might include permitting adverse possession claims only if the claimant has entered the land "in good faith." Such a bill was passed by the Hawaii legislature in 1973, but vetoed by the governor. See Levy, p. 870.

The extensive opinion is in Ranch, Inc. v. Joseph Ahsing, et. al., Civil No. 1878, Findings of Fact and Conclusions of Law (Circuit Court of the Second Circuit, State of Hawaii, May 12, 1982).

Previous two sentences suggested in comments received from Congressman Daniel Akaka.

Addition suggested in comments received from Congressman Daniel Akaka.

Many records in the native Hawaiian language are available but are not easily accessible as a resource.
A full review of the history of the relations of the United States with Hawaii and the native Hawaiians is necessary for an evaluation of Hawaiian native claims. In Part I of this Report, that relationship is traced from ancient times to 1875. This chapter continues the story and has four parts. First, it sets forth the history of United States-Hawaiian relations from 1875 through 1893. Second, it provides an analysis of the causes of the fall of the monarchy and annexation. Because this section is particularly sensitive and crucial to this study, the Commissioners have determined that review by a professional historian with qualifications in the relevant historical period is essential. Therefore, the section on United States-Hawaiian relations between 1893 and 1900 has been prepared by William Dudley, Chief of Research in the Historical Research Branch of the Naval Historical Center, and Lt. Donna Nelson of his staff. The Naval Historical Research Branch works primarily on research requests from all sources concerning U.S. Navy history from the eighteenth into the twentieth centuries. The Branch edits and publishes multi-volume series and other works on naval history with particular emphasis on the eighteenth and nineteenth centuries. The research staff, well-regarded in the field, assists scholars and the public by providing information and reviewing manuscripts. The Branch has an extensive library of naval and diplomatic history, and the researchers are careful, objective historians.

The third part of this chapter further analyzes annexation and compares the annexation process for Hawaii with those of other territories. The fourth part outlines the history of Hawaii's admission to statehood, and compares Hawaii's admission to the Union to that of other selected states.

A. UNITED STATES-HAWAII RELATIONSHIPS AND TREATIES, 1875 to 1893

The history of Hawaii and its relationship to the United States from ancient times to 1875 is set forth in Part I of this report (pages 147 to 167). The period from 1875 to 1893 was extremely important and eventful in the formulation of a relationship between the United States and Hawaii. During this span of time, turmoil occurred in Hawaiian politics concerning that relationship, which resulted in violent protests as well as written treaty and agreement that cemented the bond between the two countries. The period also marked the end of an era, as Hawaii moved from a royal monarchy to a republican form of government. One of the most important events occurred early in this period—the signing of the Reciprocity Treaty of 1875 between the United States and the Kingdom of Hawaii.

1875 Reciprocity Treaty

Certain pre-1875 events affected the reign of King Kalakaua, which encompassed the period from 1874 to 1891. A reciprocal trade treaty between the United States and Hawaii:

...had been agitated at intervals for almost thirty years. In 1855, Judq Lee had secured endorsement of such a treaty in Washington, only to have it defeated in the Senate by Louisiana sugar planters. Kamehameha IV and his successor had favored it only as a lesser evil than annexation to the United States. 1/
King Kalakaua's predecessor, Lunalilo, had also been urged to negotiate a treaty of reciprocity by influential members of the sugar planters and non-native whites, as well as by cabinet members urging closer bonds to the United States. Lunalilo had originally agreed to introduce such a treaty in the name of the Hawaiians, in return for the support of these people. He backed down, however, when native elements and white pro-Hawaiians, such as American Walter Murray Gibson, urged him to do so. The main reason for this change in Lunalilo's policy was the issue of the lease or cession of Pearl River (Harbor) to the United States.

When Lunalilo died in 1874, the pro-reciprocity factions (also known as the Missionary Party and "kingmakers") became convinced that Kalakaua would support their cause. After public statements of goodwill toward each other,

...there were further secret conferences between Kalakaua and the "kingmakers" at which both sides gave pledges. It was agreed that in return for their support of money and influence he would permit them to name his cabinet officers, and that he would go personally to Washington to ask for the reciprocity treaty in the name of the Hawaiian people. They in turn would not seek to lease Pearl River to the United States.

Kalakaua sought and obtained Hawaiian legislative approval of a reciprocity treaty in 1874. He then "appointed Chief Justice E. H. Allen, former United States Consul to Hawaii, and the Honorable H. A. P. Carter, island-born American, as special Commissioners to Washington to prepare the way for a visit by His Majesty to the capital." Shortly afterwards "Kalakaua, the first king ever to visit the United States, was received as a guest of the nation by President Grant and all the members of Congress."

Although the king (and prospects for a treaty) were greeted amiably, one man, Claus Spreckels, a California sugarbeet grower, singlehandedly "organized Western opposition and enlisted the support of Southern sugar cane planters and Eastern refiners in tabling the treaty." As a result of this action, Hawaii's trade slowed to a standstill and a national depression began as sugar planters slowed or stopped their shipments, hoping that the taxes on their products sent to the United States.
States would soon be lifted. Relief was relatively slow in coming, but: "after a year, upon President Grant's insistence, the treaty got to the Senate floor, and...Spreckels himself appeared to lobby against it...the Senate went into executive session. At the secret meeting, 'Secretary of State Hamilton Fish's special clause was read, which he was inserting in the treaty—and which would eventually tie Hawaii to the United States." 9/

This special clause, which is found in Article 4 of the Reciprocity Treaty, stated:

'It is agreed, on the part of his Hawaiian Majesty, that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power...10/

In a report of the Committee on Ways and Means of the House of Representatives, "the majority frankly conceded that the main reason why the treaty should be ratified by the United States was on account of the danger of British absorption of the islands." 11/ Senator John T. Morgan of Alabama confessed as well that the treaty had political implications: "The Hawaiian treaty was negotiated for the purpose of securing political control of those islands, making them industrially and commercially, a part of the United States" 12/ as well as preventing any other power from acquiring a foothold on them.

Evidently Kalakaua had not been (or at least claimed he had not been) aware that this clause would be a part of the treaty. When the British Commissioner to Hawaii complained to the king about these exclusive rights, Kalakaua answered: "...how can I answer you about something which I have neither read nor approved?" 13/ The king, however, eventually did agree to this clause and the "treaty was approved by both the United States and Hawaiian governments in mid-1875. In August of the following year, Hawaii learned that Congress had passed the legislation necessary to put the treaty into operation. About the only Americans in the islands who were displeased...were those who believed in annexation." 14/ Pro-annexationists were concerned that the reciprocity treaty would delay annexation.

American Advisors' Influence

Several Americans and other foreigners became close advisors to the king at about this time. Claus Spreckels (who had opposed the treaty) was one of them. He saw opportunity even in his defeat and "arrived in Hawaii aboard the vessel which brought the news that the treaty had finally been approved in Washington. With his money and relentless drive Spreckels soon became the most powerful sugar man in Hawaii." Spreckels also had other interests, such as banking:

Once Kalakaua was in his debt he was also in his grasp, and Claus Spreckels was so important to the king that anyone who opposed his various deals, including cabinet members, was soon out of office. Eventually his hold on the government and business community was broken...15/

However, Spreckels remained a force in Hawaii for many years. By 1884, he was known as "'the other king' of the Hawaiian Islands." 16/ Other private Americans, such as Walter Gibson, advised and swayed the king. 17/ Gibson, however, was
pro-Hawaii to an extreme that eventually almost cost him his life at the hands of planter backers (as well as bringing the king's reign to the brink of disaster). Through intermediaries, while the king was in the United States, and again upon his return to Hawaii (during an era of prosperity brought on by the Reciprocity Treaty), Gibson had proposed the building of an empire for the king and Hawaii. Gibson told Kalakaua, "Hawaii should be the hub of the Polynesian kingdom. Sire, you are standing today on the very threshold of the door marked 'Emperor of Oceana!'" Although this project was delayed for the time being, it remained in the king's mind, refreshed often by his advisors.

To increase his influence in persuading the king to implement Hawaiian programs, Gibson needed to enter politics. In 1878, he sought a seat in the Hawaiian House of Representatives and won at the head of the King's Party. His election was despised by the "kingmakers," but hailed by the native Hawaiians whom he won to his side by his speeches of nationalism and proposals for their benefit. Almost immediately, Gibson suggested that the special favors granted to the United States under the 1875 Reciprocity Treaty be granted to Great Britain as well: "The matter of first importance to us is that the kingdom perpetuate its cordial relations with all other nations so as to guard its independence." The United States Minister to Hawaii, General J. M. Comly, "on intimate terms with the planters...at their request, reported to Washington that Gibson was a troublemaker and a dangerous man with great influence over the natives." Gibson, however, survived these threats to his tenure and became the "closest confidant of the king...In 1882, Kalakaua named Gibson as premier of the nation. For nine years this controversial figure would dominate both king and government." Celso Caesar Moreno, an Italian-American, also played a short, but critical, role in advising Kalakaua. The king had met Moreno while in the United States seeking support for the Reciprocity Treaty. Moreno had charmed the king with talk of a Polynesian empire, much like the one proposed by Walter Gibson. Moreno arrived in Hawaii in November 1879, while Gibson was away. He represented both the American government's interest for a trans-Pacific cable and the China Merchant's Steam Navigation Company's request to open commercial relations. Kalakaua was so enchanted with his visitor's reacquaintance and the revival of empire dreams that he asked Moreno to "resign your commission with this King Sing and become my foreign minister." The king also granted the Chinese company the subsidy it needed to establish commercial relations with Hawaii, but asked that Moreno keep his cabinet position secret until elections two months hence, when he would make the appointment public. On Gibson's return to Hawaii he recognized Moreno, but did not inform the king of his views on him. Moreno and Gibson then agreed to work toward the policy of establishing a Polynesian kingdom.

The main obstacle to this goal was the passage of "a ten-million dollar loan to finance the king's army and navy." This loan proposal brought an uproar from the planter lobby, which, through Representative Castle, charged "as surely as you vote for this measure, you hasten the end of the king's rule. We taxpayers will express our resentment in a concrete manner." Claus Spreckels also appeared at this time at the assembly and through his persuasive powers, supported by Castle, "headed off the very likely passage of the $10,000,000 loan; among the king's loyal Hawaiians, there were too many in Spreckels' employ."
Shortly afterward the king told Gibson of his intentions to make Moreno premier and foreign minister. Gibson seemed to be amenable to this idea, but he was actually furious and started a campaign through the newspapers to dislodge Moreno. Raising the ire of the planters, Gibson fueled a fire that resulted in Moreno and the king calling for Hawaiians to throw out or kill the planter sympathizers and foreign interest groups on the islands. 26/

As the threat of violence increased, the king had second thoughts and met with the United States minister, General J. M. Comly, who told him: "Unless Moreno is discharged, the diplomatic corps has agreed to ask their governments to send warships and intercede to protect the lives and property of their nationals." 27/ Faced with the possibility of war, intrusion on his sovereignty and:

...worried by public calumny, facing an angry and agitated American minister, Kalakaua at last caught the message. Reluctantly he dismissed Moreno. In appointing a new cabinet, the king again liberally sprinkled it with faithful and dependable Americans, and he retained the indispensable Gibson. 28/

Events Leading to Cabinet Government, 1881 to 1887

Before this confrontation had barely passed, it was announced at a January 11, 1881, meeting of the cabinet that the king planned to make a world trip. The purpose of this trip was "to explore ways by which people from other countries could be brought to Hawaii to help reverse the population decline." 29/ Among the people Kalakaua took with him, at the insistence of the planter lobby, were Charles H. Judd and William N. Armstrong, a former New York lawyer, who the king named "Commissioner of Immigration for the expedition." 30/ Word of the expedition caused concern to United States Secretary of State James G. Blaine, who feared that Kalakaua's taste for spending and need for funds might cause him to sell part of his kingdom to a foreign country. 31/ Blaine wrote "to the American ministers in the countries the king intended to visit telling them to watch the activities of Kalakaua closely, and instructed them to inform any foreign power to which the king might offer to sell a portion of his kingdom that such a transfer would not be allowed by the United States." 32/ While visiting Italy, the king was met by the ousted Moreno. Armstrong and Judd discovered that Moreno was attempting "to get all the European countries to guarantee [the] independence of the Hawaiian Kingdom." Armstrong and Judd "warned the countries that any such action would be looked upon by America as an interference in her sphere of influence." 33/

The fears of a land sale were unrealized; the king never raised the subject on his tour. 'Instead, while the king admired other countries' wealth and cultures, Armstrong pushed the planters' view that only laborers were wanted in Hawaii, not a migration. The Advertiser, a pro-Hawaiian newspaper, commented: "[h]e is obviously endeavoring to hinder any migration except that of cheap plantation labor although his instructions from the king are that he is to bring families for repopulating the Islands." 34/ This point seemed to have been verified when during the king's trip, ships arrived in Hawaii carrying "Chinese immigrants Armstrong had arranged as consignment for plantation labor;" 35/ those immigrants were found to be carrying smallpox. Even though the ships flew the yellow flag, "Board of Health President H. A. P. Carter, yielding to pressure by merchants and planters,
permitted all passengers to land." 36/ The resulting epidemic left 282 native and non-native Hawaiians dead. 37/

Shortly after Kalakaua returned to Hawaii, efforts were again undertaken by the planter lobby to eliminate Gibson from Hawaiian politics. These actions included a suit for libel against Gibson by William Armstrong for writing a letter published in a newspaper accusing Armstrong of "treason to the state." 38/ When this failed, efforts were made to defeat Gibson in the election of 1882. Complaints were made against his plans to finance projects like the completion of the royal palace, literary and cultural monuments to Hawaii, and free school education. These attacks did not succeed, either.

At this same time the Reciprocity Treaty of 1875 was nearing the end of its seven-year life. The Sugar Planter Association sent a draft of a new treaty to William Leetonia Green, Minister of Foreign Affairs, with a clause that Pearl River be ceded to the United States. Green objected to this proposal, stating: "I do not believe that the proposal is a sound one...The United States had made no demand for [Pearl River]...they wish only that no other power should control it and that is what we all want." 39/

Green's response infuriated the Association, which secretly decided to depose him. To effect this decision, the Association chose to implement a plan, discussed at the time of the 1882 elections, that would entice Walter Gibson to their side. The proposal has been described as follows:

The planters would tell the king to dismiss his Cabinet and make Gibson Premier and Minister of Foreign Affairs. Then, under a ruling already established by themselves making appointment of the rest of the Cabinet by the premier mandatory, Gibson was to permit the planters to name his colleagues—thus assuring planter control of the Government. 40/

Gibson, however, informed the king of the plan, and the king in turn secretly slipped this information to Green. Green, to aid the king, resigned, allowing Gibson to be named by the king "prime minister of all the realm." 41/ Gibson immediately named persons suitable to himself and the king to the cabinet. William Green wrote later: "in a most remarkable circumstance...Gibson has been lifted into the highest political position in the Kingdom by the exertions of his bitterest opponents." 42/ With this accomplished, the question of the Reciprocity Treaty was allowed to rest for the time, and the treaty was neither extended nor abrogated: "As to the renewal of that treaty,...after seven years the king seemed to be growing indifferent if not directly hostile." 43/

Financial matters became Gibson's and Hawaii's biggest problem. The planter lobby complained of the monies being used for Hawaiian cultural programs while the treasury remained low and business interests took a back seat. Each appropriation brought renewed protests from the opposition. Representative Aholo, representing the king's interests, "reminded that those same men had been made millionaires by the treaty secured by His Majesty: 'And now they object to him enjoying any of the money!'" 44/ Even with the planters' tax money, the treasury could not replenish itself fast enough. Gibson turned to borrowing and "once again Claus Spreckels, already holding Kalakaua captive in debt, offered...a loan of $2,000,000." 45/

Through all of his dealings with the king, Spreckels had begun to move toward the Hawaiian viewpoint on
issues, due to his huge financial investments and dependence on the kingdom. This alarmed the sugar planters. They had been able in 1884 to bypass Spreckels' virtual monopoly on handling their sugar exports as "some of them marketed their sugar independently in the United States and, finding they could do so successfully, all were eager to break with him." 46/ In 1883, Premier Gibson had also promised Spreckels the monopoly on transporting Chinese immigrants—a monopoly that had already been promised to an American firm. Sanford Dole, in a December 1883 meeting of soon-to-be reformists, discussed renewal of the reciprocity treaty. He stated that Gibson's act of giving Spreckels a monopoly on transporting immigrants was "likely to endanger Hawaii's treaty relations with the United States at a crucial time." 47/

Attacks on Gibson's policies continued so unceasingly that he became "the sole issue of the 1886 legislative campaign." 48/ At this time "the king had at last wearied of domination by Claus Spreckels, the Opposition affected an alliance with the king and his party, and expressed distrust in the existing Cabinet." 49/ Spreckels' hold over the king was thus finally broken, despite Gibson's protests. Two cabinets were dismissed and replaced with Gibson still as premier. Reform members had been voted into the Assembly in 1886, including Lorrin A. Thurston, who would play a major role in the formation of a republic.

Cabinet Government Formed

The reformers regarded themselves as a "morally righteous group" who finally took action against the king and Gibson for two main reasons: their attempt to create an empire, and the king's action on opium licenses. Concern focused on the "attempt to establish an Empire of Polynesia, with Kalakaua as ruler;" and on the fact that the king was "accepting money for the license to import opium from two different individuals." 50/ Although the opium license problem had far less world impact than the matter of creating a Polynesian empire, it raised the ire of the reformers from the start. Several of the reformists had gone home from the legislature on private business, wherein "the Royalists seized the reins and by a bare majority passed an opium license bill which was signed by the king in spite of outspoken public protests."

51/ The problem was compounded when it was learned that the king had evidently accepted money for the license from more than one individual.

The other event that brought the reformers to action was the attempt to implement Gibson's dream for the king of creating a Polynesian empire. This dream had been given fresh impetus after the king's world tour, where he saw that his European fellow sovereigns had expansionist dreams as well. As a result:

In 1880 a resolution was passed in the legislature which created a Royal Hawaiian Commissioner to represent the government to the peoples of Polynesia. Three years later the government sent copies of a policy statement to twenty-six nations stating that the various islands of Polynesia should be allowed to govern themselves and not be annexed by any major power. 52/

Although most nations disregarded this statement, Kalakaua decided in 1887 to implement his dream by sending a delegation to Samoa with the responsibility of "forming a political confederation." 53/ Germany was at the same time in the process of making Samoa a colony. When Bismarck learned of Hawaii's confederation, he sent angry messages to Washington demanding
that Hawaii not interfere. The U.S. State Department took action and "Kalakaua was ordered to cease and desist from all inflammatory acts in other territories." 54/

The damage to Kalakaua had been done. The opposition had had enough of his conduct and his over-spending. The Hawaiian League was formed in December 1886, consisting of reformers and part-Hawaiians. The goals of this secret opposition group were divergent; "the conservative members simply wanted to force Gibson out of office, while the radicals wanted to overthrow the monarchy and establish a republic or seek annexation to the United States." 55/ The membership, numbering about 400, was led by ruling officers called the "Committee of Thirteen." These leaders included Sanford Dole, Lorrin Thurston, W. R. Castle, and others who "announced, in Honolulu's newspapers, that it [the Hawaiian League] intended to dethrone Kalakaua—and that it had the armed might to do so." 56/

Events Leading to the 1887 Constitution 57/

The Hawaiian League acquired the Honolulu Rifles as a military ally in 1887. The Honolulu Rifles company:

...was organized in the spring of 1884 by a group of men reported to be "interested in the formation of a semi-military and social organization." It had the approval of the cabinet and of Kalakaua, who suggested the name for the company, and it became one of the recognized volunteer military companies of the kingdom. It was an all-haole company, and made its first public appearance on April 26, 1885...The early enthusiasm [for it] soon waned and the Rifles attained relatively little prominence or importance until after Volney V. Ashford was elected captain on July 28, 1886. 58/

The Rifles went through various reorganizations and added members to their totals so that "at the end of June [1887], therefore, when the political crisis came to a head, the Honolulu Rifles consisted of a battalion of three companies commanded by Lieutenant Colonel Volney V. Ashford." 59/ Ashford, with his decided military bent and one of the Hawaiian League's future radicals, was a Canadian who came to Hawaii about the beginning of 1885.

It is impossible to ascertain the exact date that the Honolulu Rifles joined the Hawaiian League as their military ally. What is known is that Volney Ashford was their commander when the alliance occurred. Sanford Dole, an original member of the Hawaiian League, described the Rifles and their alliance with the League as follows: "A military organization of volunteers, young men of Honolulu, in several companies, a growth from the original Honolulu Rifles, was won to the support of the league, the commander, Colonel V. V. Ashford, becoming an enthusiastic advocate of its plans." 60/ Kuykendall states that: "in all probability it was not a mere coincidence that the rapid expansion of the Honolulu Rifles occurred simultaneously with that of the Hawaiian League." 61/

Because the Hawaiian League was a secret organization, its origins and early history can only be found in papers of its original members, who played an active part in the League. There are only three published accounts of the League, and "these accounts were written long after the events which they describe; Dole's in 1916, Ashford's in 1919, and
Thurston's in the period 1926-1930. The objective of the league...

...as stated in section two of its constitution, was "constitutional, representative Government, in fact as well as in form, in the Hawaiian Islands, by all necessary means." Within the League there developed a radical wing and a conservative wing. The radicals favored abolition of the monarchy and the setting up of a republic; some of them wished to go further and seek annexation to the United States. The conservatives, on the other hand, favored retention of the monarchy, but wanted a change of ministry and a drastic revision of the constitution of the kingdom; for them a republic was a last resort, in case the king refused to agree to the reforms demanded.

With respect to the issue of annexation, "Volley V. Ashford, not a very reliable witness, wrote to Commissioner H. H. Blount on March 8, 1893: 'The plan of the movement of 1887...embraced the establishment of an independent republic, with the view to ultimate annexation to the United States.'" But S. B. Dole, in a letter of December 23, 1893, to Minister A. S. Willis, said that the revolution of 1887 "was not an annexation movement in any sense, but tended toward an independent republic, but when it had the monarchy in its power, conservative councils prevailed..."

At a later time, W. R. Castle wrote,

There was a very strong element in the league determined to bring about annexation to the United States, but prior to the mass meeting which finally resulted in a revolution...this annexation element after a long and very bitter discussion, was defeated and the Hawaiians, meaning thereby those of Hawaiian birth, parentage and affiliation, procured a promise on the part of the league that its attempts would be confined to a reformed Hawaiian government, under sufficient guaranties to insure responsible and safe government." More important than these statements, however, is that the "strong support given to the 1887 movement by the British residents of Hawaii is good evidence that the idea of annexation was not a major factor in it." As noted previously, the opposition to the policies and actions of Kalakaua and his cabinet under Gibson motivated the formation of the Hawaiian League. The abhorrence of and opposition to Gibson and his policies is nowhere more evident than when the Hawaiian League's committee drafted and sent a set of resolutions to Kalakaua. The first resolution called for the dismissal of his present cabinet and the second specifically called for Walter M. Gibson's "dismissal from each and every office held by him under the Government." The absence of any direct American involvement in the events that led to the Constitution of 1887 is fairly well documented. The management and control of the Hawaiian League was vested in a "Committee of Thirteen," whose exact make-up "was a fairly well-guarded secret; it is known however, that there were occasional changes in its composition." It
appears that American nationals (that is, "American expatriates") comprised only a small part of the membership of the Committee of Thirteen, since: 70/

"The feeling of dissatisfaction with the government and the desire for a change was shared by haoleos of all nationalities and by some native Hawaiians." 71/ The editors of major newspapers in opposition to Kalakaua were largely British nationals. With respect to petitions that nationals sent to the American and British Ministers, there appears to be "no reason to believe that any of the governments appealed to would have ventured to interfere in the internal politics of Hawaii." 72/

H. A. P. Carter, the Hawaiian Minister in Washington, held a meeting with U.S. Secretary of State Bayard on July 6, 1887, in the United States. Carter told Bayard that:

...the state of affairs in Hawaii was very critical, and he wished to know what would be the action of the commander of the United States vessels that might go there, or the action of the U.S. Minister, in case the other foreign powers were to land forces for the purpose of protecting their citizens against what he called "the mob"...that if that was done, Major Wodehouse, British Minister,... who is an aggressive man, would no doubt move promptly to the defense of his people....

I [Bayard] said it was simply impossible for me to tell; that I could give no information upon a purely supposititious case...73/

Apparent American opposition (at least on the part of the U.S. Minister in Hawaii) is revealed in a letter written by Carter's son, Charles, to Bayard in 1894. He states:

[Continues with narrative about petition and its handling]

In June, 1887, my father...came to...Michigan, to attend my graduation...he was compelled to leave in the midst of the festivities because...he learned that it was the intention of the United States Government to send the warship Adams to Honolulu to protect the late King Kalakaua and his government from the anticipated Revolution predicted in the then latest despatches and he further told me that in consequence of his assurances to you, that the revolution was being conducted by his friends and would be in the best interests of Hawaii, that the orders to [U.S.] Minister Merrill and the warships at Honolulu were not to interfere with those conducting the revolt...I have since learned from those [in] Honolulu that up to a short time before the revolt [was] consummated, Minister Merrill was indifferent if not hostile to the party of reform, but at the last moment changed in his expressions and did not interpose as had been feared...74/

Already confronted with considerable opposition to its financial policies and its "Oceana supremacy" aspirations (also known as the "Samoan policy"), in 1887, the Gibson Administration confronted an additional problem--rumors of bribery and graft concerning the granting of licenses to import opium. The Hawaiian Gazette, on May 17, 1887, printed a synopsis of twelve affidavits, including one by T. Aki, a Chinese rice-planter who failed to receive a license, even though a "present" of $75,000 had been given to the king. 75/ British Commissioner Wodehouse had informed his government five weeks earlier about these charges.
and stated "the truth of which...no one hardly doubts...Great indignation is felt at the transaction." 76/ Wodehouse had written even earlier: "In view of the widespread and deeply seated feeling of dissatisfaction, amounting almost to hostility, with the manner in which the Government of this country is now carried on, it seems to me that a crisis must arrive before long." 77/

Against this backdrop, U.S. Minister Merrill forwarded, on May 31, a complete set of the affidavits of Aki and others to the Secretary of State in Washington. Minister Merrill also reported:

public feeling has been intense against the King while the daily press has been outspoken in denouncing the King, the Ministry and nearly all officials throughout the Kingdom. Among the people, foreign residents especially, there has been aroused a feeling that a change must soon occur from the highest to lowest official. Of late I have heard it remarked that no change would be satisfactory unless it was one deposing the King, changing the Constitution and adopting a republican form of government. 78/

Merrill wrote shortly afterwards though that he had "quietly counseled [to Americans] moderation and the adoption of peaceful measures as the best method of bringing about a proper administration of affairs." 79/

On June 27, 1887, the day before Kalakaua dismissed his cabinet in hopes of heading off further trouble with the opposition, he made a request to see American Minister Merrill. Kalakaua proceeded to explain to the minister that he had sent for him, "to ask your advice, unofficially but as a friend, concerning the present political situation and I desire you to acquaint me with your ideas of the cause of excitement and what is best to be done." 80/ In his report back to Washington, Merrill stated that:

I at once informed him that there were loud complaints against the manner in which the public funds were being expended, that instead of being expended on necessary internal improvements, such as dredging the harbor, repairing roads and bridges, they were being expended in the purchase and repair of a training ship and equipping her for an unnecessary expedition, the sending of a Mission to Samoa and maintaining unnecessary agents in foreign countries.

I also informed him that from my observation, of late, there was great unanimity in the demand for the removal of his present Cabinet and the substitution of men well known in the community and in whom the people had confidence, that there was much complaint among the people on account of the belief which was prevalent that His Majesty interfered with the actions of his Cabinet in all matters directly or indirectly affecting the revenues--especially in political elections, appointments and Legislative action, therefore there was much unanimity among the taxpayers that the Cabinet should be left to act independently and made responsible to the people direct.

I informed him that I believed the retention of the present Ministry was daily intensifying the people and that, since he had
frankly asked my opinion, I thought it was better for many reasons to heed the voice of the people especially those who were paying the taxes, had accumulated wealth in the country and were directly interested.

In fact, I conversed with him for about one hour upon the foregoing and kindred subjects to which he listened with much apparent interest and when I rose to leave he remarked that it was now about 11 o'clock and that I would hear of changes in the Cabinet within 12 hours.

On the following morning, June 28th I received information that Mr. Gibson and all the cabinet had resigned. 81/

From the above it can be seen that Kalakaua specifically called for the meeting with American Minister Merrill to ask for his advice. Nothing in the dispatch would indicate that Kalakaua asked for more than this, or that the American minister had demanded that Kalakaua change his cabinet officials.

Of this change in the cabinet, Kuykendall writes that: "Apparently the king and Gibson believed, or at least hoped, that a change of ministry, including the latter's removal from the government, would be enough of a concession to quiet the clamor for reform." 82/ However, this belief was not correct, a Hawaiian newspaper wrote:

...We are not in the humor to accept any compromise that will allow an opening for a reproduction in the future of what we have had too much of in the past. A real, complete, thorough change...is what the intelligence and respectability of the country want...Moreover, there must be a positive and undeniable guarantee of its continuance. The king must be prepared to take his own proper place, and be content to reign without ruling. We want capable, responsible Ministers, not irresponsible clerks. 83/

Reports that the king was attempting to form a coalition cabinet with W. L. Green and had called out the Honolulu Rifles to protect government buildings, generated still more opposition against him. The result was a public meeting of the king's opponents on June 30. L. A. Thurston read a set of resolutions prepared by the Committee of Thirteen of the Hawaiian League that included the commitment "to the policy of securing a new constitution," as well as calling for the dismissal of Gibson and the cabinet. 84/ The Committee of Thirteen presented these resolutions to the king, requesting a reply within 24 hours. 85/

On the morning of July 1st, Colonel Ashford and the Honolulu Rifles seized a shipment of arms sent to Hawaii, thinking they were intended for the king. Later that same morning, "after the firearms seizure, Lieutenant Colonel Volney Ashford, with a squad of the Honolulu Rifles, went to Gibson's residence, took him and his son-in-law Fred Hayselden into custody...[and] threats to hang Gibson were made by Lieutenant Ashford and other noisy radicals, but any such purpose was promptly vetoed by the executive committee of the Hawaiian League." 86/ These actions by the Honolulu Rifles indicate that during the evening of June 30 and the morning of July 1, 1887, the "control of the city of Honolulu was in the hands of the Honolulu Rifles who were acting theoretically, but not always in fact, under the direction of the executive committee of the Hawaiian League." 87/
With these events of the morning of July 1 in mind, Kalakaua called for a meeting of the foreign national ministers. American Minister Merrill wrote the following about this meeting:

About twelve o'clock...His Majesty sent for the British, French, Portuguese and Japanese Commissioners and myself to meet him at the Palace.

When all had assembled His Majesty, evidently being much alarmed, stated that an armed foe had recently arrested a late member of his Cabinet, Mr. Gibson, and as armed men were patrolling the streets, and not knowing what the next act might be, he desired to place the control of the affairs of the kingdom in our hands.

This offer we informed him could not be accepted and it was the desire of all the representatives of other powers that he should maintain himself in authority and as he informed us that he had agreed to the wishes of the people, expressed at the Mass Meeting the day previous, and would shortly so inform the Committee in Writing, we advised him to at once authorize Mr. Green, if he was the person selected, to form a Ministry when it was believed affairs would assume a quiet attitude. We immediately retired and, passing down to the central portion of the city, assured the people that the king had acceded to their request and was now forming a Ministry with Mr. Green as Premier and no necessity for further excitement existed. 88/

From the above quoted dispatch it appears evident why the foreign ministers, including Merrill, did not want to accept Kalakaua's offer of placing control of the Kingdom in our hands. The ministers, including Merrill, wanted Kalakaua to stay in authority and were convinced there was every reason to believe things would quiet down since he had agreed to the resolutions of the committee of the Hawaiian League. 89/

Kalakaua, after this meeting, signed and sent his acceptance of the resolutions to the committee. W. L. Green then sent, and the king accepted, a list of cabinet ministers that included W. L. Green, Godfrey Brown, Lorrin A. Thurston, and Clarence W. Ashford. American Minister Merrill wrote that all, except Thurston, were of British origin, and the "principal American merchants...generally coincide in the opinion that the present Ministers are satisfactory, and favorable to the welfare of this kingdom." 90/

Merrill's dispatch concerning the approval by the American merchants of the cabinet is especially noteworthy, since it was well known that the British wanted Hawaii to remain independent and not be annexed to the United States.

The Constitution of 1887 was not actually completed and signed by Kalakaua until July 6. The "new constitution, drawn by the committee and never submitted to the people, was handed to the king and he signed it." 91/ The "bayonet constitution," as it was known (written mainly by Lorrin A. Thurston 92/), made the king more of a ceremonial leader and effectively ended much of the monarchy's power. This was "summed up in the three words" that changed Article 31 of the prevailing 1864 Constitution from "To the King belongs the Executive Power" to the new constitution Article 31 which read "To the King and the Cabinet belongs the Executive power." 93/ The new constitution also incorporated property and income
requirements to vote and hold office that effectively brought control of the government within the sphere of the planters and merchants and: "In return for this drastic house cleaning, [Kalakaua] was allowed to keep his job as king." 94/

In defending the actions of the reformers in forcing the king's hand, Attorney General C. W. Ashford stated:

If the New Constitution had been submitted to the Legislature it would simply mean that at the end of two years the king would say "This does not suit me," and kill it by absolute veto. There was only one way to proceed, and that was to arbitrarily force the King into giving us a better form of government. 95/

Reciprocity Treaty Renewal--1887

While the reformers had been in the process of revolt, the commander of the armed wing of the revolutionaries (the Honolulu Rifles), Volney Ashford, "had been selected by the Gibson administration to go to Canada to negotiate a reciprocal trade agreement with that country." 96/ This occurred only days before the reformers took over and raised questions as to whether Ashford had pocketed some of his commission pay for protection money for the king. Because of the timing, it is not clear whether the government had seriously intended to make such a treaty with Canada.

With regard to the Reciprocity Treaty between Hawaii and the United States, the other hand:

Between 1883 and 1887, the reciprocity treaty had neither been terminated nor renewed by the United States. The Senate had, at first, been in [the] mood to scrap it, but the State Department, worried over Britain's and Germany's high interest in the Pacific, had insisted on keeping the vacuous treaty alive. Suddenly now, after Kalakaua had been ignobly driven to the corner, the United States asked for the renewal of the agreement. This time it formally demanded cession of Pearl Harbor to the United States. This time--insistently prodded by the reform cabinet--the chastened and worried king signed a new and changed state document. 97/

Prior to approval of this agreement, Secretary of State Blaine had instructed U.S. Minister Comly (in 1881) that the American Government would not permit the transfer of Hawaiian territory or sovereignty to any European power. 98/ This was followed in 1884 by a resolution from the U.S. Senate Committee on Foreign Relations that not only advised the President to extend the reciprocity treaty, but also suggested that Hawaii should be requested to permit the establishment of a "naval station for the United States in the vicinity of Honolulu." 99/ Despite this attitude on the part of the Senate, "the supplementary convention with Hawaii was not agreed to by the Senate during the continuance of President Arthur's term of office." 100/

Again on April 14, 1886, the Senate Committee on Foreign Relations made a favorable report on the supplementary treaty of December 6, 1884. 101/ The Committee also recommended an amendment that would give the United States the right to establish a naval base at Pearl Harbor. Of this recommendation one author says:
There was little doubt that members of the Senate Committee on Foreign Relations were anxious to forestall any attempt by a European Power to secure some means of control over Hawaii. The cession of Pearl Harbor as a naval station would definitely place the United States in a position of dominance in the islands, and this very fact accounted for the reluctance of the Hawaiian Government to make a favorable response to this Senate suggestion. 102/

This concern in the United States about foreign influence was exacerbated in late 1886 by rumors that Hawaii was going to float a $2 million loan, negotiated in England, that would "pledge the public revenues of the Hawaiian Kingdom as a collateral security for that loan." 103/ The United States felt this would interfere with their preferred rights gained under the 1875 Treaty. This situation, along with hints received of attempts to negotiate a treaty between Hawaii and Canada, was enough for the United States Senate to approve a new treaty of reciprocity with Hawaii on January 10, 1887. The king quickly approved it after the reformists' revolt.

Cabinet Government and Attempts to Regain Powers of the Monarchy, 1887 to 1891 104/

The remaining years prior to the establishment of a Provisional Government in 1893 were marked with sporadic attempts by the native Hawaiians to regain some measure of their power:

The men who carried through the Revolution of 1887 thought they had, in the constitution of that year, formulated the conditions under which monarchy could continue to exist in the Hawaiian islands...But the Hawaiian monarchy did not willingly accept the role assigned to it by the Constitution of 1887. It wanted the sovereign to be not merely a glamorous symbol of the power of the nation but the actual repository and wielder of that power as he had been in earlier years. The conflict between these two concepts of government is the most important feature of the history of the remaining years of the kingdom. 105/

Under Article 90 of the new constitution of 1887, elections were required to be held within ninety days for nobles and representatives. A campaign preceded the election, which was to be held on September 12, 1887. Meetings were held by the opposition in which objections were raised to the suffrage provisions of the constitution (Articles 59 and 62), which excluded all persons of Asiatic birth from the privilege of voting. A Hawaiian lawyer, J. M. Poepoe, a leader of the native Hawaiians, also objected to the suffrage provisions and suggested a petition to the king. 106/

Resolutions were adopted a short time later by the opposition (that is, the natives) requesting that "the new Constitution be abrogated, and the old one reestablished; that all volunteer companies be forthwith disbanded and that all the arms and ammunition in possession of citizens be taken away from them." 107/ In response to these resolutions, the king replied: "the new constitution (his constitution) was better than the old and that it enlarged rather than curtailed the civil rights of the people." 108/ The king was later reported to have made
a speech in which he spoke "at some
length regarding the changes that had
lately taken place, advising the
natives to go to the proper offices
and take the oath to support the new
Constitution and thereby qualify-
temselves to vote." 109/ 7

The reformist (i.e., government)
party won the election, and it "was
clear that many of the native
Hawaiians, especially on the outside
islands, had voted for the reform
candidates." 110/ It was noted,
however, that on Oahu and in Honolulu
there was strong native population
opposition and that "it was the votes
of foreigners, including the
Portuguese, enfranchised by the new
constitution, that gave the Reform
Party its decisive victory." 111/

The reformers proceeded to either
repeal or enact laws that further
eroded the power of the king.
However, Kalakaua still retained the
power to veto legislation under the
Constitution of 1887 and after the
elections of 1887 promptly proceeded
to veto five bills. One of these was
"an act relating to the military
forces of the kingdom (providing for a
salaried brigadier general as
commanding general, and transferring
general supervision of the military
from the minister of foreign affairs
to the minister of the interior)."

112/ The Minister of Foreign Affairs
at the time was Godfrey Brown, a
friend of the king who had tried to
disband the Honolulu Rifles and change
relations between the cabinet and the
king, in the king's favor. The
enactment of this law was "understood
to be a slap at Minister Brown." 113/
Princess Liliuokalani wrote in her
diary on November 14, 1887, that:
"John [her husband] and I discussed on
the weakness of everyone. The King,
the Court, the city wants to get rid
of the Rifles and yet do not dare to.
How laughable." 114/

The veto power used by Kalakaua was
questioned by the legislature and a
resolution was passed on December 12,
1887, that circumvented the king's
vetoes. The resolution stated that
the enactments "do go upon their usual
and ordinary course, becoming law at
the expiration of ten days from the
date of presentation to the king."

115/ Thus, the five bills became
laws. However, Kalakaua took his case
to the Hawaiian Supreme Court and in a
test case heard on February 2, 1888,
by a decision of 4-to-1 the judges
sustained the king's right to veto
legislative acts "in pursuance of the
power given him by the Constitution,"
which is "a personal one and does not
require the advice and consent of the
Cabinet." 116/

During this same period,
suggestions arose that Kalakaua should
abdicate in favor of his sister,
Princess Liliuokalani, because of the
sharp conflict between Kalakaua and
his cabinet. The suggestion recurred,
according to American Minister
Merrill, in conversations the latter
had with Ministers L. A. Thurston and
Brown. Merrill reported to Bayard
that Minister Brown had told him "the
subject of the abdication of the King
in favor of H.R.H. Princess
Liliuokalani... was spoken of..." 117/

On December 20 and 23, 1887, Princess
Liliuokalani was asked about the
subject of taking the throne by
members of the cabinet. Her answer to
them, which she wrote in her diary
was: "if it was particularly
necessary if the King abdicated I
would--if [the King] was doing
wrong--I would but not till then. In
the evening went and told the King."

118/ Accounts of this whole incident
vary. According to Kuykendall:

The account of this episode by
Liliuokalani in her book Hawaii's
Story by Hawaii's Queen, pp. 186-
189, is obviously quite inaccurate.
The account by Thurston in his
Memoirs of the Hawaiian Revolution, pp. 175-179, points out some of the discrepancies between Liliuokalani's diary and her book; but he makes no mention of the discussion within the cabinet and implies that there was none. 119/

Political accommodation was achieved, however, and the differences between the king and cabinet were ended for the time being with the appointment of Jonathan Austin to replace Godfrey Brown as Minister of Foreign Affairs and the appointment of Sanford Dole to the Supreme Court. 120/

However, the idea that Liliuokalani should take over grew because native Hawaiians and their friends considered the king far too submissive in the face of the demands of the reformers. 121/ Liliuokalani held meetings with her supporters and in 1888 wrote in her diary:

[January 16:] W. comes to W. on matter of importances—I advise them to use only respectful words and no threats but to explain the situation to him [the king] how everything and the state of the country might be changed should he abdicate if only for a year, then he should take the reigns [sic] again, and reign peaceably the rest of his life. W. and W. went to the King and after explanations he told them he would think it over...[January 17:] W. told me the result of their proposition to the King—he said wait a while—I said yes, then wait. 122/

Further information concerning this event can be found in the records of the cabinet, where Thurston, on January 18, reported "information as to a native secret society organized with a view to removing the King and putting Mrs. Dominis [Liliuokalani] in his place." 123/ The minister of foreign affairs, however, assured the king "of the support of the Cabinet against any effort to unseat him" if the king would abide by the cabinet and its advice. To this the king agreed, "but requested that no publicity be given to the matter", and to this the cabinet agreed." 124/

The king's expressed willingness to abide by the cabinet's advice did not last long. For example, the king fought the cabinet's attempt to change Hawaiian representation to London. The king's spirit of cooperation was also eroded by his fury at what he considered the cabinet's attempt to discredit him by implying he allowed the importation of liquor to sway votes. Furthermore, on October 1, 1888, the king appointed G. W. Macfarlane as his chamberlain, but the cabinet refused to recognize the appointment or pay his salary. British Commissioner Wodehouse wrote that it:

...would not be favorably regarded by the majority of the Foreign Residents: but would, on the contrary, tend to excite suspicion and distrust, as indicating a disposition on the part of His Majesty to recur, if possible, to a reactionary policy, Colonel Macfarlane being associated in their minds with Loans and an extravagant Financial policy. For the Cabinet it would mean increased antagonism on the part of the King, and consequently, a widening of the breach already existing between His Majesty and His Ministers. 125/
Macfarlane's salary was finally paid when the Hawaiian Supreme Court decided against the cabinet on February 26, 1890. The Court "held, that the appointment of Chamberlain was personal to His Majesty, and did not require the approval of the Cabinet" and "that the salary of the office follows the title to it." 126/ The 1888 law concerning military forces, passed over the king's veto, was an additional concern for the king. V. V. Ashford was nominated to have a controlling power in the military. The British Commissioner wrote at this time that: "Colonel Ashford has, recently made himself so notorious that he has lost the support of his party, and a considerable portion of the 'Rifles.'" 127/ Despite this, Ashford won the nomination, but the king refused to sign it, remembering Ashford's part in the events leading to the 1887 Constitution. The cabinet bypassed the king once again by saying Ashford was "constructively in command" without the signed certificate. (It should be noted here that Ashford's loss of favor with the reformists eventually led him into the camp of the opposition later on.)

The series of events chronicled above created the conditions that led to the insurrection of July 30, 1889. This insurrection was led by the same Robert W. Wilcox who was considered "the principal leader of the agitation among the Hawaiians" during 1887-88. 128/ Princess Liliuokalani had befriended and supported Wilcox during this period until his departure from Hawaii for the United States in early 1888. On his return to Hawaii in April 1889, Liliuokalani again befriended Wilcox and gave him permission to live in her unoccupied Palama residence. Sometime in June, Wilcox held the first of seven meetings in which the insurrection was planned. 129/

At the first meeting (consisting of "a small group of men, all haole") Wilcox formed a secret society called "the 'Liberal Patriotic Association,' of which Wilcox was president and the Belgian Albert Loomens was vice-president, its stated purpose being to restore the former system of government and the former rights of the king." 130/ The movement was believed to be largely financed by the Chinese and it was not until the fifth meeting that, "for the first time, native Hawaiians were admitted." 131/ The king and cabinet were warned of Wilcox's actions by both the American and British Ministers in early July. 132/ Despite this warning, British Commissioner Wodehouse wrote: "Meetings still continue to be held at the Princess's residence by Mr. Wilcox, who is purchasing arms wherever he can get them. It is strange that he is not arrested." 133/ The Hawaiian government made no arrangements to meet this crisis, in spite of its knowledge of Wilcox's activities. This inaction may be explained by American Minister Merrill's statement of August 1, 1889, that:

...it was recently ascertained on what seemed very reliable authority that no overt acts would be committed prior to the next general election in February, when it was thought the present ministers would be defeated at the polls. 134/

Wilcox, however, did not wait and on July 30, 1889, marched with his followers on Iolani Palace and occupied the grounds. Kalakaua was not at the palace and could not be enticed by Wilcox to return there. According to one author, Wilcox's objectives in this action were to "(1) replace the Constitution of 1887 with one similar to that of 1864; and (2)
It is unclear what his intentions were with regard to Kalakaua. It has been suggested that Kalakaua was in sympathy with Wilcox until he learned of Wilcox's plans to depose him in favor of Liliuokalani, although she denied this. In any event, the government mobilized after learning of Wilcox's actions, and before attacking told the foreign ministers "that they desired to fully inform us of their contemplated action in the present emergency" but, at Minister Merrill's suggestion, "endeavored to communicate with Mr. Wilcox before attacking." When this attempt failed, the firing began, and Wilcox and his men eventually surrendered. During the morning, when reports of firing were heard, Minister Merrill "requested Commander Woodward to send to the legation a body of marines," which was supplemented by others later in the day to serve "as a precautionary measure in the event any assistance to preserve order might be required." Quiet ensued during the night, and "early the following morning all the men belonging to the Adams returned to the ship." Wilcox's revolt was crushed in one day, but he won some measure of victory since he "was tried by a native judge as the law required and was acquitted." As a result of the insurrection and the king's continued objection to many of the cabinet's actions, a statement was drafted by the cabinet for the king's signature prescribing that: "the powers and responsibilities of the ministers and His Majesty should be clearly understood and precisely defined." The king objected to signing the statement at first but, at a meeting with Ministers Merrill and Wodehouse, he told them he had decided to sign. British Commissioner Wodehouse wrote of this meeting:

Before leaving His Majesty, we explained the hope that he would now accept the role of a Constitutional sovereign, and leave responsibility of Government with his Ministers; and I remarked that if the country was not satisfied with their conduct, the remedy lay in the polls in February next.

From this time until the general election, further political problems occurred with rifts in the Reform Cabinet, opposition to renewal of the reciprocity treaty, and an anti-Chinese movement. Two major parties formed: the National Reform Party (on Hui Kalaiaina, headed by Robert Wilcox and supported by many haole aliens), whose goal was to revise the constitution and oppose both continued importation of Asian laborers and annexation to the United States; and the Reform Party, supporting the government. The intensity of the pre-election debate was so great that British Commissioner Wodehouse wrote: "The feeling of both parties is very bitter, and perhaps may bring about a collision." Wodehouse's fear of violence was such that the day before the election he convinced the recently-appointed American Minister Stevens to agree...

..."that Guards for the English and American Legations should be landed tomorrow morning from the English and American War ships now in the Port." Informed of this fact by Stevens, the cabinet ministers vigorously objected to such landing, saying that every precaution was taken to prevent disorder and that the government would provide special "guards for the legations if such was requested. The diplomats thereupon cancelled their plan and stated no guards would be needed."
In spite of these fears, the election was peaceful. The opposition National Reform Party (or Hui Kalaiaina) won half the party seats in the Hawaiian legislature. The election was regarded as a victory by the opponents of the reformers in the government and a defeat of those who favored a policy of closer alignment with the United States. A reformer, W. D. Alexander, wrote the following concerning the election results on Oahu:

One element, which turned the scales against us, was the strong anti-American feeling of the British and many of the Germans, to say nothing of the natives and half-whites. 144/

After the election, the National Reform Party was assisted further by the introduction of a resolution in the legislature "declaring a want of confidence in the ministry because of the dissension within the ranks." 145/ Although this resolution was not voted on, the cabinet resigned anyway and a new cabinet was appointed by the king. The new cabinet consisted of four ministers: one part-Hawaiian, one British by birth, and two born in the United States (one of whom was a personal friend of the king). 146/ Kalakaua had thus managed to remove the Reform cabinet.

Shortly afterwards, a resolution was introduced in the legislature asking whether the new cabinet would discuss the subject of a new constitution. The president of the legislature responded that the sponsor of the resolution "might as well ask the Ministers if they intended to hold a revolution." 147/ In spite of this block in the legislature, a mass meeting of citizens supporting a new constitution was held and committee meetings on the subject were subsequently held. These meetings were led by Robert W. Wilcox and others who presented a resolution to the king on August 14, 1890, calling for the "King to request the Legislature to enact a Law authorizing You to call a Convention for the purpose of drafting a suitable and equitable Constitution for Your Kingdom." 148/

On August 15, Kalakaua, without consulting his ministers, sent a message to the legislature referring to the resolution petition and stating that it was his "Royal Pleasure that the Legislative Assembly...take such measures as would carry out the intention of the people expressed in that Petition." 149/ This message, and the bills that followed, forced the legislature to form a committee to consider the desirability of a new constitution.

As these events proceeded, American Minister Stevens wrote:

The businessmen and the more responsible citizens of the islands are greatly disturbed. For good reasons they fear to have the country convulsed by such an issue. The English commissioner and the undersigned have been urged confidentially by the leading members of the cabinet and by the most conservative of the Legislature to counsel the King against the rash and dangerous step. 150/

Stevens and British Commissioner Wodehouse then agreed that they would talk to the king together. Of this meeting, Wodehouse wrote:

We told the King that we came as His friends, and as the Representatives of two Powers who had the most friendly Relations with Him and that looking to the "large interests" which we had to protect, we thought that our duty to our Governments required us to point to His Majesty the disastrous
results to Himself, and to His Kingdom which would, in our opinion attend any attempt to force through the Legislative Assembly such a measure as that recommended in His Message to that body on the 15th instant...

We said, Whatever grievances Hawaiians might have to complain of under the present Constitution, and we did not say that there were none, a means for redressing them is provided by the Constitution. To go outside of that would be to get on dangerous and Revolutionary ground.

The country, we said required peace, which meant prosperity. 151/

Kalakaua was so displeased with the diplomats' comments, particularly those of Wodehouse, that he asked that Wodehouse be replaced by "some person more lively to the British interest." 152/

The movement for a constitutional convention continued to the point where Robert Wilcox stated in the legislature on September 9, 1890, that:

There was danger of another revolution and the streets being made sticky with blood, if the wishes of the people were to be persistently thwarted as at present. It would be a worse revolution than that of 1887, and some of the finest buildings in Honolulu would be blown up. He would take a hand in it himself...

153/

After this speech British Commissioner Wodehouse wrote: "My colleague [Stevens] and I, have, under these circumstances, called upon the commanders of our National Ships to hold themselves in readiness for any emergency." 154/ On September 25, 1890, Stevens wrote: "There are threats of attempts to constrain the Legislature by intimidation and violence. But at present writing it looks like a pacific solution by the approval of some Constitutional amendments..." 155/

The events did not turn violent, however, and relative calm ensued after the legislative committee considering the bill for a constitutional convention rejected it. Opponents of the bill believed that pending proposed constitutional amendments would "correct all the really objectionable features of the constitution." 156/

On January 20, 1891, King Kalakaua died and Princess Liliuokalani became queen. The queen immediately moved against the reformers by appointing cabinet members of her choice and giving Kalakaua a large state funeral. She also developed a plan (initially secret) for a new constitution for Hawaii. This would eliminate the "bayonet" constitution of 1887 and restore control of Hawaii to the monarchy and the natives.

Because many of Liliuokalani's policies were opposed to the goals of the reformers, "there was a marked increase in annexation sentiment" during 1891 and 1892. 157/ This sentiment contributed to the fall of the monarchy and the formation of the Provisional Government.

Annexation Movements: 1891 and 1892

When Liliuokalani ascended the throne, Hawaii was "in the beginning of an economic depression brought on by the recent change in the tariff law of the United States." 158/ Although the McKinley Tariff Act raising the tariff on Hawaiian sugar imported into the United States did not go into effect until April 1, 1891, an anticipatory reaction was already occurring in Hawaii.

Several courses of action for Hawaii were suggested in response to this new development. These included
actions to: (1) "abrogate the reciprocity treaty with the United States and then make a similar agreement with one or more of the British colonies in the Pacific;" or, (2) "seek to revise the reciprocity treaty in order to make it permanent...and provide for complete free trade." 159/ As it turned out, due to various obstacles, neither one of these courses was to become a reality.

The second approach, revision of the treaty, was the most desirable for Hawaii and a treaty was actually drafted. This draft treaty included the cession of Pearl Harbor, along with complete free trade, and was submitted to President Harrison, who took no action on it. On February 10, 1892, the Hawaiian Special Envoy to the United States, Mott Smith, learned that "the President would not submit this treaty...to the Senate" and that "his chief objection is that the policy of his administration is pledged to 'high protection,' while this treaty requires him to recommend 'free trade.'" 160/

The draft treaty caused a debate in Hawaii that lasted long after the original treaty attempt had failed. On July 9, 1892, the Hawaiian Special Envoy to the United States, Mott Smith, learned that "the President would not submit this treaty...to the Senate" and that "his chief objection is that the policy of his administration is pledged to 'high protection,' while this treaty requires him to recommend 'free trade.'" 160/

For many years there have been a few residents here who have desired the annexation of these Islands to the United States. Their reasons have been various; some believing that under that great Government the permanent interests of the Islands would be best secured; others that more money could thus be made, and some have always been impressed with the instability and insecurity of the Hawaiian Government. But the majority of intelligent foreigners, and especially those born here of foreign parents, have contended for the independence of the Government. They have believed it to be far more for the interests of the native race that they should maintain an independent Government and a distinctive national existence...It is well known that the United States Government does not desire the annexation of these Islands; the accession of foreign territory is contrary to its policy; but it is certain that Government will not permit its interests here to be sacrificed, nor permit any other foreign Government to control here. When these Islands cease to be self-governing the United States Government will take possession. 165/
During 1891 and 1892, annexation sentiment increased due to Liliuokalani's policies and the defeat of the Reform Party in the 1890 elections. This defeat had discouraged many who saw the Reform Party as the only vehicle to ensure a stable government. They now looked toward the possibility of annexation as a solution. One of those who began to consider the possibility of annexation with increasing favor was L. A. Thurston, who by 1892 was an ardent annexationist. However, "up to the end of 1891 there was, it is believed, no organized group seeking to promote annexation to the United States." The elections of February 1892 were complicated by an increase in the number of political parties from two in 1890 (the Reform Party and the National Reform Party) to four in 1892. The Liberal Party, which included Wilcox and many followers of the National Reform Party, was opposed by three smaller parties, including the Reform Party and the National Reform Party. The Liberal Party slogan was "Hawaii for Hawaiians," and its goal was a republican form of government:

The Liberal Party was the party of the opposition; its campaign orators continued the attack on the cabinet, the queen, and Marshal C. B. Wilson [an influential advisor to the queen] that had been started by [John E.] Bush and Wilcox in the spring of 1891, and these leaders continued to preach the doctrine of republicanism which, said Bush, was gaining favor among the Hawaiians because of the "present rotten condition of officialdom" in the kingdom. In one speech Wilcox explained that "in times gone by he had been a staunch royalist, today he was in the same degree a Republican, he was a strong believer in freedom and justice and was in favor of a government of the people, by the people and for the people." On another occasion he spoke of the "utter misgovernment of affairs at home. Ignorant fools are conducting the Government. A 'blacksmith' [Wilson] is very influential with the Queen...He is too ignorant a man to be even trusted with any responsible Government position. It is a standing disgrace to the Hawaiian nation...We must all be loyal Hawaiians, and tell the Queen that her present Government is an injustice and a disgrace to the nation. We must not flatter her." To flatter the Queen would be to inflate her with her own importance, which would cause disastrous results. Neither the Liberal Party nor any of the other parties was able to win a majority of seats in the legislature in the 1892 election. The election results thus left the legislature in a weakened state. John E. Bush, a Liberal Party leader, wrote: "The practical defeat of the Liberal Party is the lost opportunity of the Hawaiians...It looks now as though the only hope for equal rights in this country lies in--shall we say it--annexation." During the last year of the Hawaiian monarchy the pace of events became more heated and feverish. Between the election of February 3, 1892, and the meeting of the legislature on May 28, 1892, two major developments occurred, "one overt and one secret, [that] were important elements of what Minister Stevens described as a feverish political situation: (1) an antigovernment agitation and conspiracy fomented by certain leaders of the Liberal Party, and (2) the formation and activities of an annexation club."
The Government put down the Liberal Party conspiracy by arresting many of its leaders when the queen's marshal, "Wilson learned of the secret Hawaiian Patriotic League [and] succeeded in infiltrating it with spies who supplied him with information about the doings of the conspirators." 172/ Kuykendall points out that, given these events, it seemed "that the United States naval force in Honolulu Harbor was in fact affording protection to the queen's government against the menace of possible revolutionary actions by the Liberal faction." 173/

The second major development was the formation of the Annexation Club. According to Kuykendall, "The sole source of information about the origin and activities of the Annexation Club, a secret one— is Lorrin A. Thurston." 174/ Thurston indicated that the date of the Club's formation was January or February 1892. The object of the club "was not to promote annexation, but to be ready to act quickly and intelligently, should Liliuokalani precipitate the necessity by some move against the Constitution, tending to revert to absolutism or anything of the nature." 175/ The organization, which kept no records, was small—never more than seventeen members, thirteen of whom were, on January 14, 1893, appointed to a Committee of Safety that planned and directed the overthrow of the monarchy. 176/ The club members felt that they ought to "know beforehand the probable attitude of the United States Government toward annexing Hawaii," 177/ and Thurston visited Washington in order to get that information. Of his trip, Thurston wrote:

Dr. Mott Smith [special emissary of the Hawaiian Government sent to Washington to negotiate a free-trade treaty with the United States] volunteered to introduce me to the principal authorities, and was present when I met Senator Cushman K. Davis, Republican member of the foreign relations committee of the Republican Senate, and Representative James H. Blount, Democratic chairman of the like committee of the Democratic House of Representatives. My interview with Mr. Blount took place in his committee room at the Capitol, and lasted about a half-hour.

When I had finished my statement, he said: I suppose that you have come to me because you want to know, in case action becomes necessary in Honolulu, what the attitude of the Democratic House of Representatives may be, if the matter comes up in Washington. I replied that he had stated the case exactly. He went on: I do not know very much about this subject, but I can tell you this: if the question does come up, it will be treated here as a national one, and not as a Democratic [one]. I advise you to see Mr. Blaine, secretary of state, and see what he thinks. I explained that I intended to see Mr. Blaine, but that he was ill, and I had not seen him, although I hoped to meet him soon. All right, said Mr. Blount. You do so, and let me know what he says. I agreed.

A few days afterward, I called at the State Department and presented James G. Blaine a letter of introduction from John L. Stevens, United States minister to Hawaii. I made a full explanation to Mr. Blaine; we had no intention of precipitating action in Honolulu but conditions had gone so far that we felt the maintenance of peace to be impossible; we believed
that Liliuokalani was likely at any time to attempt the promulgation of a new constitution. If she tended toward absolutism, we proposed to seek annexation to the United States, provided it would entertain the proposal. A nucleus had been formed in Honolulu to bring the plan to a focus, should occasion arise; that nucleus had sent me to Washington to ascertain the attitude of the authorities there. Mr. Blaine asked: Have you talked to anyone else in Washington on this subject? I answered that I had, mentioning Senator Davis and Mr. Blount.

Mr. Blaine said that he considered the subject of the utmost importance, and continued: "I am somewhat unwell, but I wish you would call on B. F. Tracy, secretary of the navy, and tell him what you have told me, and say to him that I think you should see the President. Do not see Mr. Blount again. I will attend to him. Come to me after you have seen President Harrison." In accordance with the request, I immediately met Secretary Tracy and reported my conversation with Mr. Blaine. Said Mr. Tracy: I do not know whether you had better see the President or not. But come with me, and we will learn what he thinks. We went to the White House. Mr. Tracy had me wait in an outer room while he spoke with the President. After about a half-hour, the secretary reappeared and beckoned me to accompany him outdoors. Then he spoke: I have explained fully to the President what you have said to me, and have this to say to you: the President does not think he should see you, but he authorizes me to say to you that, if conditions in Hawaii compel you people to act as you have indicated, and you come to Washington with an annexation proposition, you will find an exceedingly sympathetic administration here. That was all I wanted to know. 178/

Before he left the United States, Thurston wrote a letter to Secretary of State Blaine concerning the subject of "Annexation of Hawaii to the United States." Thurston not only described the current situation in Hawaii, but also the plan of action that would be pursued by the Annexation Club. This plan included: "securing the appointment of a Cabinet at the Islands, committed to annexation, and educating the people in favor of annexation; then, if sentiment in Washington was favorable when Congress assembled in December, proceeding to bring about annexation by action of the Hawaiian legislature." 179/ This letter, coupled with United States Minister Stevens' pro-annexation views, leaves little question that the United States Government became increasingly aware of impending annexation movements in Hawaii during 1892.

II. THE FALL OF THE MONARCHY AND ANNEXATION OF HAWAII*

Memorandum from William Dudley, Research Branch, Naval Historical Center, to Carol E. Dinkins, Chair, Native Hawaiians Study Commission Committee on Federal, State, and Local Relationships (Dated March 2, 1983)

/* This section of the Report was prepared by William Dudley and Lt. Donna Nelson of the Naval Historical Center. See above, page 265.
Subject: Public Comments on Draft Report of Findings of the Native Hawaiians Study Commission

1. This replies to a request from your office that we respond to public comments to Part II.B., "The Fall of the Monarchy and Annexation of Hawaii," which was researched and written in this office at your request.

2. The written comments that you forwarded to this office were contained in letters and lengthy memoranda from Native Hawaiians or those who share their views. The general tenor of these comments was a critical reaction to the content and sources used in researching and writing the sub-chapter.

3. When your request was received last May, we responded within the guidelines of that request, namely: that within six to eight weeks we produce a 15 to 20 page, double-spaced report, footnoted, on "what forces caused the monarchy to fall and what forces led to the annexation of Hawaii to the United States as a Territory in 1898." The request also stated that "reliance on secondary sources will be sufficient for our review."

4. The account we produced was essentially a summary based on leading secondary works and a limited number of primary sources. Ralph Kuykendall's The Hawaiian Kingdom: The Kalakaua Dynasty (1967) was chosen as a principal source, for it is a well-balanced interpretation, based on multi-archival research with careful annotations. Printed primary sources such as the multi-volume Blount report, the Morgan report, and Lt. Lucien Young's account were consulted but were used carefully and sparingly, with their biases taken into consideration.

5. The types of critical comments varied widely. Several respondents sent accounts they considered more accurate. These statements were lengthy and detailed but the facts presented did not contradict those in our account. The response from the Hawaiian State Statistician remarked that "...the demographic, statistical and historical aspects of the study have been handled reasonably well, reflecting a satisfactory degree of competence and objectivity." The most cogent criticisms argued that primary source research in both public and private archives was much to be preferred to reliance on secondary sources, and that several questions regarding the fall of the monarchy and annexation should have been treated in greater depth and detail. I concur with these sentiments. Primary sources are to be preferred in the research and writing of any historical account. Ideally, the scholar would travel to all archival institutions holding pertinent collections to see if any new facts or fresh perspectives could be found. Unfortunately, the six to eight week time limit, the lack of funds for travel, and the fact that this work was assumed for completion in addition to other work normally done by this office precluded any more extensive treatment.

6. Some commentators objected to the fact that federal historians were asked to provide research on a subject which involved the actions of the U.S. Government and its armed forces. The presumption here is that government historians could not be unbiased in the matter. Our report strove for objectivity and made no attempt to ignore or minimize the parts played by the U.S. Navy, Marine Corps, or the American Minister to Hawaii, John L. Stevens. It is conceded, however, that it would have been more
appropriate had the Commission re-
quested this work be undertaken by a
non-governmental historian so that
there might have been no question -
about the appearance or substance of
objectivity. I recommend strongly
that if the Commission feels
additional work is needed with regard
to the revision, amendment or
re-writing of this chapter, it should
be done by either an academic or an
independent historian who has no
administrative connection with the
U.S. Government.

Respectfully yours,

(signed) William S. Dudley

Setting the Stage

To summarize the previous section,
the fall of the monarchy in 1893 was
primarily the result of a power
struggle between supporters of the
monarchy, a group largely composed of
persons of Hawaiian ancestry, and the
monied haole group, or "foreigners,"
persons of American and European birth
or descent. The Kamehamehas had been
the last strong monarchs of Hawaii.
In the latter part of the nineteenth
century, as the kings weakened, the
haole population gained in political
influence and economic power. This
set the scene for the ensuing
 conflict.

The Constitution of 1887 was a key
in the changing scope of Hawaiian
politics (see above, page 277). Major
changes were that: although the king
retained his right to appoint the
cabinet, cabinet members could be
removed only with the approval of the
legislature; the king no longer had an
absolute veto, which could now be
overridden by a two-thirds majority
in the legislature; the House of
Nobles was no longer appointed by the
king but became elective offices; both
nobles and legislators had to meet
residence and property requirements,
more stringent for the nobles; but the
most significant change was in the
voting requirements. The vote was
extended to all male residents of
Hawaiian, American, or European birth
or descent who met certain property,
educational, and residence require-
ments and who took an oath to support
the Constitution and laws. This
extended the vote to foreign residents
and naturalized citizens as well as to
native Hawaiians. The property
requirements for eligibility to vote
for representatives were modest; but
to vote for nobles, one was required
to own "taxable property in this
country of the value of not less than
three thousand dollars over and above
all encumbrances, or shall have
received an income of not less than
six hundred dollars during the next
year preceding his registration for
such election." *180/ This last
requirement had the effect of placing
the control of the House of Nobles
(and thus the legislature) in the
hands of the Reform Party, which was
made up largely of Hawaiian-born
Americans and Europeans, and resident
foreigners. This group held most of
the land and a majority of the
businesses of the country. They
could, therefore, meet the property
requirements, while most of the native
Hawaiians were disenfranchised.

In 1889, an attempt was made by a
group led by Robert W. Wilcox, a
European-educated Hawaiian, to overturn the Constitution of 1887 by force (see above, page 282). The aim was to return to a constitution similar to that of 1864 in which the king had a great deal more power. The insurrection was quelled, but this was the beginning of almost continuous political unrest. At this time the Hui Kalaiaina, a native political organization whose main objective was a restoration of the pre-1887 constitutional system, was formed. This party gained in strength as the Reform Party was weakened by internal dissension. In the elections of 1889 the Reform Party became the minority party, and its cabinet was forced out of office.

Once again, a move was made to revise the constitution, this time with the open support of King Kalakaua. This was naturally opposed by those who had gained so much under the new constitution. Rear Admiral George Brown, commanding the Pacific Squadron, described the situation in a letter to Secretary of the Navy B. F. Tracy, dated July 29, 1890:

Sir: In reference to political matters in the Hawaiian Islands I have to report that since my last communication on the subject, No. 228 of June 26, 1890, many events have transpired in Honolulu which indicate that serious trouble, if not a revolution, is imminent, at no distant day. The Legislature now in session will not probably adjourn before the middle of September next, and until that time the discordant element in the National Reform Party (Hui Kalaiaina), as represented by several natives and half-castes in the Legislature, who were prominent leaders in the attempted revolution of July, 1889, will not cease their revolutionary discussions and movements either in the Legislature or in public meetings on the streets. Their efforts are now being made in favor of a constitutional convention, with a view of revising the present constitution, which was adopted in 1887. The presence of the force under my command has a marked influence on the would-be revolutionists, as while they are aware that I am here to protect the persons and properties of citizens of the United States, the general belief among them is that I will, in the event of a revolution, take a more decided stand in the interests of those opposed to them than I might be warranted in doing. The white residents and natives and half-castes who stand ready to oppose the revolutionists have every confidence in their ability to do so successfully, and take great comfort in the knowledge of an adequate naval force being present... 181/

The king was persuaded to back down from his position favoring a new constitution, largely through the joint efforts of the American and British ministers (see above, page 285). Crisis was averted in this instance, but the events of 1893, almost parallel to the situation described by Brown, had a markedly different outcome.

Liliuokalani Ascends the Throne

The king's death in 1891 and the passage of the McKinley Tariff in the United States Congress later that year led to a new time of trouble in the kingdom. The new Queen Liliuokalani's reign was marked by an economic
depression brought about by the McKinley Tariff. Rear Admiral Brown reported on August 17, 1892: "The great depression in business matters in the Islands is being felt by all classes. Importations from the United States are extremely light and many vessels leave here in ballast..." 182/

Another major problem was the struggle for control of the cabinet. After the 1892 election, no one party had enough members to claim a clear majority (see above, page 287.) Four successful want-of-confidence resolutions were supported by various combinations of three parties (Reform, National Reform, and Liberal) in the first eight months of the session. Little business was accomplished until November, when a strong moderate cabinet led by George Wilcox was formed as a compromise. It appeared that some stability had at last been achieved.

A number of bills had been post-poned during the turmoil. Among the most controversial were the Lottery Bill, the Opium Licensing Bill, and a bill calling for a new constitutional convention. The queen had reluctantly appointed this cabinet, and now a widening rift began to appear between the queen and her ministers. The first two above-mentioned pieces of legislation were supported by the queen, but vigorously opposed by her cabinet. Other clashes worsened the situation. By January 4, 1893, the queen's supporters felt confident enough to propose yet another want-of-confidence resolution. The measure was defeated by only a narrow margin. On January 10, the Lottery Bill passed over the opposition of the cabinet, and taking this as a sign, once again a want-of-confidence vote was called. In the ensuing debate, the feelings of the legislators were summed up by Representative Kamauoha:

The Cabinet were honest and able men. There was no doubt that they possessed the confidence of the Community. They were men of integrity, who would be able to secure funds to carry on the government. But would they carry out the wishes of the Queen? Would they do what the Queen and the Hawaiian people wanted in regard to the Lottery, the Constitutional Convention, etc.? Would they do as the Queen wanted them to do? 183/

The resolution passed. A new cabinet was appointed by the queen, and on January 14, 1893, the legislature was prorogued.

Events of January, 1893

Constitutional reform had been a major campaign issue in the elections of February 1892; indeed it was a primary plank in the platform of the Liberal Party. Yet the resolution had failed to pass in the legislature of 1892, having been set aside while more pressing matters were attended to. Liliuokalani, as had Kalakaua, had felt severely hampered by the restrictions placed on the monarchy by the present constitution. Now, feeling that she had the will of the people and the support of her new cabinet, the queen decided to take matters into her own hands.

Since early 1892, she had been quietly making plans to revise the constitution. A draft had been prepared in October 1892 that generally reverted to the earlier constitution of 1864, but which gave the monarchy even more control. The queen had made no secret of her intentions. A copy of the document had been submitted to Attorney General Arthur Peterson for his recommendations. All of the cabinet members were aware of its existence, and at least two had promised their support prior to their appointments. 184/

With this in view, Liliuokalani planned to promulgate the new
constitution immediately following prorogation of the legislature. Members of the diplomatic community, the legislature, and other dignitaries were invited to the ceremony. Yet when it came down to signing their names and thus attesting their support, the cabinet refused. The queen later wrote, "They had led me out to the edge of a precipice, and now were leaving me to take the step alone. It was humiliating." 185/

The queen then reluctantly decided to wait until she had more official support; however, the news had spread. The members of the Annexationist Club, a secret organization that had formed during the last constitutional crisis in 1890 (see above, page 288), quickly met and decided the time had come to act on their beliefs. A Committee of Safety was formed under the leadership of Henry E. Cooper. All members of this committee were members of the Annexationist Club with the exception of George Wilcox, the former prime minister. Lorrin Thurston, one of the leaders of the club, proposed as the first order of business a resolution that it is the sense of this meeting that the solution of the present situation is annexation to the United States." 186/ All but Wilcox approved the motion. Wilcox quietly resigned and returned to his home on Kauai.

The first action of the committee was to send three men, Thurston, W. C. Wilder, and H. F. Glade, to call upon the American Minister, John L. Stevens, to learn if "assistance could be afforded by the United States forces for the protection of life and property, the unanimous sentiment and feeling being that life and property were in danger." 187/ Lorrin Thurston reported back to the Committee that Stevens:

...had said that the United States troops on board the Boston would be ready to land any moment to prevent the destruction of American life and property, and in regard to the matter of establishing a Provisional Government they of course recognize the existing government whatever it might be. 188/

Thurston also reported that when asked what requirements there were for being the "existing government" in Stevens' eyes, Stevens informed him that whatever government was "actually in possession of the Government building, the executive departments and archives, and in possession of the city, that was a de facto government proclaiming itself a government, would necessarily have to be recognized." 189/

Stevens' role in the Hawaiian revolution has always been controversial. He had held strong annexationist views from the beginning, and this was well known in the Hawaiian community. While he did not openly oppose the queen, from such statements as that quoted above it was obvious that he would not oppose a change. Stevens was careful not to offer aid, but he did promise to recognize any government that the committee might be able to establish. Other accounts indicate that Stevens had promised to support the Provisional Government with U.S. troops. There is some doubt of the validity of this assertion, as will be seen below. However, the approval of the American Minister, tacit or otherwise, was enough to bolster the Committee of Safety and to harden their resolve. By the evening of the 14th of January, recruiting and arming of a revolutionary force had begun and plans were under way to take over the government.

The royal government was aware of the Committee and of its purpose as early as Sunday, January 15th, yet nothing was done to break up the movement. It was generally believed by members of the cabinet that Stevens
had indeed promised support and this was perhaps sufficient to dissuade them from any direct action. However, the government had a force of five hundred men, ten Gatling guns, and twelve pieces of artillery at its disposal. A landing party from the Boston could consist of at most one hundred seventy-five men and the Committee of Safety was assured of only about seventy-five men at that time. For whatever reasons, this day was spent in debate rather than action. 190/

On Sunday evening two cabinet members called on Stevens to find out if the rumors were true. Stevens made it clear to them that he would not support the queen in a conflict. That same day, members of the Committee of Safety also called on Stevens. Stevens reiterated "that while he would call for the United States troops to protect life and property, he could not recognize any government until actually established." He repeated that the troops when landed would not take sides with either party, but would protect American life and property. 191/

On Monday, January 16, a mass meeting was held by the Committee to garner support for their aims. On that day also, in an attempt to defuse the situation, Liliuokalani made a public announcement that no new constitution would be promulgated for the time being. Meanwhile, the Committee sent the following letter to John Stevens:

We, the undersigned, citizens and residents of Honolulu, respectfully represent that, in view of recent public events in this kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced and lives and property are in peril, and we appeal to you and the United States forces at your command for assistance. The Queen, with the aid of armed force and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution; and while prevented for the time from accomplishing her object, declared publicly that she would only defer her action. This conduct and action was upon an occasion and under circumstance[s] which have created general alarm and terror. We are unable to protect ourselves without aid and, therefore, pray for the protection of the United States forces. 192/

This letter was delivered some time in the early afternoon. By four o'clock, following the mass meeting, the Committee decided that circumstances were such that any action on their part would have to wait until the next day. As it would be beneficial to their objectives to be established and recognized before any American troops landed, two men called upon Stevens and requested that the landing party be detained until the next day. At this point, it seems obvious that Stevens was trying to avoid the appearance of complicity because he informed them that arrangements had already been made and that there would be no alterations in the plans. The U.S. troops landed at five o'clock that evening.

Stevens had gone aboard the Boston at three o'clock with the following request: "In view of existing critical circumstances in Honolulu,
indicating an inadequate legal force, I request you to land Marines and Sailors from the ship under your command for the protection of the United States Legation, and the United States Consulate and to secure the safety of American life and property."

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Captain Gilbert C. Wiltse, commanding officer of the Boston, had been watching the situation closely since his return to Honolulu on the 14th of January. (The ship, with Stevens and his daughter as passengers, had been at gunnery practice off Hilo from January 4 to January 14.) When Stevens arrived, he found that preparations had already been made. A landing force had been organized and armed, and an order couched in terms of standard Navy policy had been issued to Lieutenant Commander Swinburn, who was to lead the force:

...You will take command of the Battalion and land in Honolulu for the purpose of protecting our Legation, Consulate, and the lives and property of American Citizens, and to assist in preserving public order. Great prudence must be exercised by both officers and men, and no action taken that is not fully warranted by the condition of affairs, and by the conduct of those who may be inimical to the treaty rights of American Citizens...

The landing force consisted of "one company of Marines, 30 men, under command of Lieut. H. L. Draper, U.S.M.C., two companies of Sailors, the first consisting of 34 men under command of Lieut. Charles Laird, ...and the second consisting of 35 men, under command of Lieut. Dewitt Coffman...and two pieces of artillery, one short gatling and one 37 m/m H.R.C. (Hotchkiss Revolving Cannon)"

The Marines were detached to guard the Legation and Consulate, while the remainder of the men halted near the Palace until a place to bivouac could be found. At about 9:30 p.m., Arion Hall was obtained. This has been another point of controversy concerning the objectives of the landing force. Arion Hall was some distance from the concentration of American property, yet it was located immediately between the Government Building and the Palace. This would be an ideal location from which to participate in any conflict between the two forces. Though not one hostile move was made by the American forces, there is no doubt that their presence provided a psychological support to the revolutionists. As has been noted above, the cabinet and the queen were convinced that the American Minister and forces from the Boston were in support of the rebell ing faction. No matter what their purpose, the mere presence of this armed force served to demoralize the monarchists and to dampen any threat of violence.

A protest was lodged by the local government, but Stevens refused to recall the men. At this point, Monday evening, the Committee of Safety still had not formalized its plans. Sanford Dole, an Associate Judge of the Supreme Court, and generally well respected by all factions, was invited to head the new government that was planned. He was not a member of the Committee of Safety and was not in favor of overthrowing the monarchy or of annexation. His arguments were for deposing the queen and replacing her with a regency in favor of Princess Kaululani, the queen's designated heir. After much debate, argument, and soul-searching, Dole finally agreed to accept the position the next day.

By Tuesday morning the queen and her cabinet had positive information concerning the Committee of Safety and
their aims, as some of the cabinet members had been invited to join the Executive Council of the Committee. Still they made no move to halt the proposed revolution. Dr. William Alexander, an observer of the events, concluded:

To judge from their conduct, the Queen's Cabinet was overawed by the unanimity and determination of the foreign community, and probably had an exaggerated idea of the force at the command of the Committee of Safety. They shrank from the responsibility of causing fruitless bloodshed, and sought a valid excuse for inaction, which they thought they found in the presence of the United States troops on shore, and in the well known sympathy of the American Minister with the opposition.

By 2:30 on the afternoon of the 17th, the Committee had completed its preparations and began moving toward its objectives. Within fifteen minutes, the Committee of Safety had quietly taken control of the Government Building, which was virtually empty when they arrived. A proclamation was read from the steps by H. E. Cooper, designated vice-president of the new government, and the first phase of the revolution was accomplished as the Committee of Safety became the Provisional Government.

The new Provisional Government moved into the building and got down to work. Martial law was declared, all saloons were ordered to be closed, and messengers were sent to the diplomatic community to inform them of the change in government and to request reognition. Between four and five o'clock, a message was delivered to Dole from Stevens:

A Provisional Government having been duly constituted in the place of the recent Government of Queen Liliuokalani and said Provisional Government being in full possession of the Government Building, the Archives and the Treasury and in control of the capital of the Hawaiian Islands, I hereby recognize said Provisional Government as the de facto government of the Hawaiian Islands.

Other foreign ministers followed suit within days. Armed with Stevens' support, members of the Provisional Government called on the queen and demanded her resignation. After much protest, the queen yielded and signed the following document:

I, Liliuokalani, by the Grace of God and under the Constitution of the Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional government of the Hawaiian Kingdom by certain persons claiming to have established a provisional government of and for this Kingdom. That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government. Now to avoid any collision of armed forces and perhaps the loss of life, I do under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in
the authority which I claim as the constitutional sovereign of the Hawaiian Islands. 198/

By thus phrasing her protest, yielding to the United States rather than to the Provisional Government, Liliuokalani had left open a door by which she might regain her kingdom. She nearly succeeded.

During the next two weeks, the Provisional Government worked to solidify its position. A commission was sent to Washington to request annexation. At the same time, a commission was sent by the queen to request a delay in any action until investigations could be made into the events of her overthrow.

Although Honolulu was apparently peaceful during the last days of January, rumors of counter-revolt were rife in the city. The Provisional Government's small military force would clearly not be effective against any major uprising. Consequently, on January 31, a formal request was made to Stevens to extend protection to the government pending negotiations in Washington. Stevens promptly complied. On February 1, 1893, the following order was given to Captain Wiltse of the Boston:

The Provisional Government of the Hawaiian Islands having duly and officially expressed to the undersigned, the fear that said Government may be unable to protect life and property, and to prevent civil disorder in Honolulu, the Capital of said Hawaiian Islands, requests that the flag of the United States may be raised, for the protection of the Hawaiian Islands, and to that end confer on the United States, through the undersigned, freedom of occupation of the public building of the Hawaiian Government and the soil of the Hawaiian Islands, so far as may be necessary for the exercise of such protection, but not interfering with the administration of the public affairs, by said Provisional Government.

I hereby ask you to comply with the spirit and terms of the request of the Hawaiian Provisional Government, and to that end to use all the force at your Command, in the exercise of your best judgment and discretion, you and myself awaiting instructions from the United States Government at Washington. 199/

Accordingly, that same day the American flag was raised over the Government Building and custody of the building was given over to U.S. Marines.

Stevens' actions were accepted up to a point by the State Department: "So far as your course accorded to the de facto sovereign government the material co-operation of the United States for the maintenance of good order and protection of life and property from apprehended disorder, it is commended; but so far as it may appear to overstep that limit by setting the authority of the United States above that of the Hawaiian Government, in the capacity of Protectors, or to impair the independent sovereignty of that government by substituting the flag and power of the United States, it is disavowed." 200/

The Blount and Morgan Reports

There were no changes in the state of affairs until April 1 when Representative James Blount arrived at the islands on a fact-finding commission. Blount was under instructions from President Cleveland to investigate fully all aspects of the events that had taken place. As Stevens' role was under investigation, he was superseded.
though at first not officially relieved, by Blount. Blount's instructions read, in part:

To enable you to fulfill this charge, your authority in all matters touching the relations of this Government to the existing or other government of the islands, and the protection of our citizens therein, is paramount, and in you alone, acting in co-operation with the commander of the naval forces, is vested full discretion and power to determine when such forces should be landed or withdrawn. 201/

By this time, Captain Wiltse had been relieved as senior officer on the Pacific Station by Rear Admiral Joseph Skerrett. Wiltse was detached and ordered home on February 28, 1893. Blount ordered the Marines to return to the Boston (one company of sailors had already been withdrawn, the other remained on shore) and he ordered that the American flag be hauled down. On May 24 he officially replaced Stevens as Minister.

Blount remained in Hawaii until August 9 when he returned to Washington without waiting for a replacement. His lengthy report (nearly 700 pages) laid the blame for the revolution squarely on Stevens and recommended a restoration of the former government. Based on this recommendation, and at the urgings of Secretary of State Walter Gresham, the President ordered the new Minister to offer to aid Liliuokalani to regain her throne with the expectation that she would grant full amnesty to those who had opposed her. Liliuokalani’s refusal to meet this requirement, coupled with the Provisional Government’s emphatic refusal to consider such a move, negated the attempt. 202/ Meanwhile, it was noted that Blount interviewed neither the members of the Committee of Safety nor the officers of the Boston. There were complaints from those who were interviewed by him that their testimony was slanted in the final report. 203/

After receipt of this report, in a message to Congress on December 18, 1893, President Cleveland said, in part:

...The lawful government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But for the notorious predilections of the United States Minister for Annexation, the Committee of Safety, which should be called the Committee for Annexation, would never have existed.

But for the landing of the United States forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the plans and penalties of treason by undertaking the subversion of the Queen’s government.

But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the Government building.

And finally, but for the lawless occupation of Honolulu under the false pretexts by the United States forces, and but for Minister Stevens’ recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and
her Government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States. 204/

In December 1893, a resolution was adopted by the Senate directing the Senate Committee on Foreign Relations to determine, "Whether any, and if so, what irregularities have occurred in the diplomatic and other intercourse between the United States and Hawaii ..." 205/ The resulting report, the so-called "Morgan Report," reached a conclusion almost exactly opposite the Blount Report. Again there were complaints that not all the people involved had been interviewed and that important pieces of evidence were lacking. The truth lies somewhere between the two reports.

The Republic and Annexation Attempts

Meanwhile, it was evident to the Provisional Government that the political climate was not right for annexation. A more permanent form of government was necessary. Therefore, a constitution for the Republic of Hawaii was adopted on July 4, 1894.

The next few years were relatively calm and stable, yet the aim of the Hawaiian government remained annexation to the United States. Repeated overtures were made, but realization of their goals remained distant until 1897. A new administration in Washington would perhaps be more favorable to annexation. A commission was once again sent to negotiate a treaty. The terms of the treaty were agreed upon and the document signed on June 15, 1897. The treaty was unanimously ratified by the Hawaiian Senate on September 10, 1897. Although it had been introduced in the United States Senate in June 1897, no action was taken until December of that year. After much debate and many delays, the chances of the treaty receiving a two-thirds majority in the Senate appeared slim. On March 16, 1898, a joint resolution was substituted for the Senate bill. Thus the subject came before the entire Congress, where only a simple majority would be required in each House to pass the measure. 206/

The strategic value of the Hawaiian Islands in terms of naval and commercial interests had long been recognized. They lay in the center of the Pacific Basin, a logical point for refueling and resupply. Alfred Thayer Mahan had written in a March 1893 article for Forum that it "may be inferred the importance of the Hawaiian Islands [is] as a position powerfully influencing the commercial and military control of the Pacific, and especially of the northern Pacific; in which the United States, geographically, has the strongest right to assert herself." 207/ Mahan was not alone in his view. Other naval strategists such as Theodore Roosevelt and Commodore George Melville argued the importance of the islands to the United States as well as the importance of keeping any other nation from gaining a foothold there.

With Japan's emergence as a naval force to be reckoned with in the Pacific, and the growing threat of war with Spain, the strategic argument was popular in the United States, although commercial interests were equally important. With America's entry into the war with Spain, and Rear Admiral George Dewey's operations and victories in the Philippines, the strategists' arguments became even more important. Although Pearl Harbor had been ceded to the United States in 1887, nothing had been done to develop the site as a naval base. The strategists argued that mere possession of that harbor did not ensure security as foreign interests could be encouraged in other points in the islands. At the beginning of the Spanish-American War, Honolulu represented the only coaling station
available to the United States in the Pacific, with the exception of Samoa which, geographically, was not as important. Victory at Manila Bay provided the impetus for victory for the annexationists in Hawaii. On May 4, 1898, three days after the Battle of Manila, the Newlands Resolution for Annexation was introduced in the House of Representatives. Although there was still a great deal of opposition, the Resolution finally passed on June 15, 1898. After more lengthy debate in the Senate, annexation was approved on July 6, 1898. Formal transfer of sovereignty occurred on August 12, 1898, when the Hawaiian Islands became a United States territory.

C. FURTHER ANALYSIS OF ANNEXATION

Why a Joint Resolution, Not a Treaty?

The reasons for the use of a joint Congressional resolution (the Newlands Resolution) rather than a treaty to annex Hawaii to the United States can be ascertained through the documented history of the annexation proceedings as well as by a review of world events that affected United States policies at the time. Several attempts to annex Hawaii to the United States had taken place prior to 1898, one as early as 1854. 208/ The treaty process was tried until the alternative joint resolution process succeeded in 1898. Although members of Congress and other government officials, as well as private citizens, advanced numerous reasons to use a joint resolution, the primary motivation was expediency. A joint resolution required only a simple majority of the Congress, whereas a treaty would have required a two-thirds majority of the Senate. 209/ The need for annexation, by whatever parliamentary means, was believed urgent to protect the strategic and military interests of the United States in the Pacific.

A short review of world events prior to debate and passage of the 1898 resolution clearly shows the sense of urgency its backers felt. A treaty of annexation was negotiated between the United States and Hawaii on June 16, 1897, and ratified by the Hawaiian Senate later that year. This treaty was submitted to the United States Senate on the same day it was negotiated, but "embroiled in the tariff and lacking a clear majority, much less a two-thirds vote of the membership, the Republican senatorial leadership delayed action." 210/ In the meantime, Japan protested against annexation as harmful to its nationals in Hawaii, who now made up the majority of the cheap labor force on the islands. President McKinley was fearful that Japan would take possession of Hawaii before the United States could annex it. On the subject of Japan, one author writes that in a conversation with Senator Hoar, McKinley stated that:

"We cannot let the islands go to Japan...Japan has her eye on them. Her people are crowding in there. I am satisfied they do not go there voluntarily, as ordinary immigrants, but that Japan is pressing them in there, in order to get possession before anybody can interfere." McKinley from the first acted on the basis of his new policy with a consciousness of American defense, an appreciation of the desirability of Pacific possessions, and an awareness of the designs of other powers. That consciousness would settle into a hardened conviction that America must assume her destiny in the Philippines as well as Hawaii.

The Japanese scare, however true or false, generated heat, but not enough to accomplish annexation. 211/
On the heels of the Japanese scare came problems with Spain as the United States became involved in the affairs of Cuba and the Philippines. Pro-annexationists also used this as an argument: "The expansionists were quick to point out that suffering Cuba tied in with Hawaii; it was America's destiny to redeem them both. As war with Spain loomed, Hawaii took on new strategic importance for the war in the Pacific." 212/

A listing of specific reasons for Hawaii's strategic importance were incorporated into both Senate Report No. 681, which accompanied an earlier proposed Senate joint resolution, and House Report No. 1355, accompanying the final proposed House joint resolution for Hawaiian annexation. These specifics included the prevention of an alien establishment in the North Pacific, thereby protecting the U.S. Pacific coast, and securing the commerce of the islands. A more important consideration was that the "...United States must act NOW to preserve the results of its past policy, and to prevent the dominancy in Hawaii of a foreign people...It is no longer a question of whether Hawaii shall be controlled by the native Hawaiian or by some foreign people; but the question is, What foreign people shall control Hawaii?" 213/

When war with Spain did come, claims for the strategic importance of Hawaii expanded to include arguments for a coaling station. It was argued that anything less than annexation would keep Hawaii neutral and allow other belligerents comfort. Most important of all was ensuring that Dewey's ability to defeat the Spaniards at Manila in the Philippines would not be weakened by lack of supplies. Representative Hitt was also concerned about a counterattack: 214/

For a war of defense the Hawaiian Islands are to us inestimably important, most essential, and in this light they have been most often discussed. The discussion in past years has attracted little public attention, because our people, until they were lately awakened by the war and the movement to reinforce Dewey, have not thought much about the exposed situation of our western coast in case of war with a really great power or the necessity of possessing these islands confronting our Pacific coast.

We learn fast in war time... 214/

President McKinley, "under such circumstances, feared interminable delays, and replaced the treaty...with a simple resolution which could be adopted by a simple majority." 215/

The fact that the administration felt there was a real possibility that the Senate would fail to ratify a treaty with the required two-thirds majority was noted by several members of Congress. Among them was Representative Crumpacker of Indiana, an opponent of annexation, who stated in the debate of June 14, 1898: "...the treaty required the assent of two-thirds of the Senators, and it became apparent that it could not command that assent, so it has been abandoned and this expedient invented..." 216/

In a remarkable display of candor and confidence, Representative Dolliver of Iowa, in favor of annexation, confirmed the comment of the Indiana Representative on both simple majority and expediency, by stating on the day the resolution passed the House that: "Now for the second time a treaty has been negotiated annexing these islands, and the opposition of less than a majority in the Senate has held up the treaty and we are driven to the
unusual expedient of a joint resolution of Congress to accomplish a thing which ought to have been accomplished nearly ten years ago." 217/

The proceedings in the Senate also confirmed the fear that the treaty lacked votes. Senator Morrill, during annexation debate, stated: "Here the Senate was informed about it after the Secretary had signed the treaty, but even the Senate did not permit itself to discuss it except in secret session until its paucity of votes was disclosed; and it came originally in the form of a treaty..." 218/

The argument for holding secret sessions was weak and the weakness of the argument is evident from reading the proceedings of this session of May 31, 1898, in which senators in the session questioned the secrecy of anything discussed there.

The proceedings of the secret session show that the proponents of annexation desired a secret session not because of concern for war security, but because they feared defeat of the proposed 1897 treaty of annexation. They used the war with Spain to provide "the heat that generated annexation." 219/

As Representative Alexander stated on June 11: "The annexation of the Hawaiian Islands, for the first time in our history, is presented to us as a war necessity." 220/ This idea was echoed by other legislators such as Representative Pearson who said: "I shall give my vote for this resolution for the same reasons that I supported the war revenue bill. I believe that this is a necessary step in the successful prosecution of the war with Spain." 221/

The final argument involved the appropriateness and constitutionality of the resolution, although Congressional debate on Hawaiian annexation did not concentrate on the constitutional authority of the Congress to annex territory, as it did with Texas. After discussion of this issue, the next section of this report considers the constitutionality question in the context of the lack of a plebiscite in Hawaii on the issue of annexation, as was the case in Texas. (See below, pages 305 and 312.)

Congressmen stated that the annexation of Texas by joint resolution was a precedent to be followed in the Hawaiian case. Mr. William Alden Smith of the House of Representatives commented on the annexation issue:

While there can be no question, Mr. Speaker, but that treaty making was especially lodged by the Constitution in the President and Senate, and that the composition of the Senate was so framed that each State should have an equal voice, nevertheless, the exigencies which at times confront the Republic warn us of the importance of the popular branch of Congress, coming direct from the people; and the Texas precedent has made the votes of a majority of both branches of Congress sufficient. 222/

Representative Parker also stated that, in dealing with Hawaii, the proper means of annexation would necessarily come from Congress, rather than the treaty-making power. He gave the following explanation:

It is well understood to be a proper exercise of the treaty-making power that a nation may contract to sell part of its lands which another wishes to buy, but it may well be doubted whether a government can by treaty contract itself out of existence...It may acquiesce, it may agree, but the authority over these islands will
Senator Bate remarked on June 30, 1898, "that it is an innovation upon all precedents known in the history of this country and its legislation that we should have a resolution from the House of Representatives before the Senate involving the precise question that is still pending in the nature of a treaty." 224/ To this may be added the statement concerning McKinley's sentiments that, "He had thought of Hawaii for a year while the treaty languished in the Senate, and finally adopted the medium of a joint resolution for speed's sake though he still disliked its quality of evasion." 225/ President McKinley had evidently considered using a joint resolution to annex Hawaii as early as March 15, 1897. In a conference with former Secretary of State Foster and President Pro Tem of the Senate, William Pierce Frye, the President decided that because his party lacked a two-thirds majority in the Senate: "a joint resolution was best, since it required simple majorities in each house." 226/ However, after sudden negotiations for the Annexation Treaty of June 16, 1897, the treaty was introduced in the Senate instead. The President at this time "had now abandoned the joint resolution scheme because it smacked of weakness, and he wished to gauge opinion while the Treaty was debated." 227/ The joint resolution that was finally used to annex Hawaii was not introduced until world events made plain to the President and Congress that annexation was essential. All concerned viewed it as an expedient. The possibility that passage by a majority of the more representative House, as well as by the Senate, may have indicated greater public support than treaty ratification apparently was not discussed by those considering these issues.

A Comparison to Annexation of Other Territories

Inhabited territories, other than those lands ceded to the Federal Government by individual states, and except for Texas, were annexed by treaty until 1898. 228/ President Jefferson, in considering the territorial annexation of Louisiana in 1803, deliberated carefully whether he had the constitutional authority to annex. The Constitution prohibited the Federal Government from exercising all powers not expressly delegated to it, and was silent on the subject of territorial expansion. Amendment of the Constitution was possible, but Jefferson thought the time required to amend could have lost the purchase of Louisiana. He therefore entered into a treaty with France to purchase and annex the Louisiana Territory on April 30, 1803. At the same time he proposed "to procure a subsequent ratification of the act in a constitutional amendment that should make specific provisions for future acquisitions." 229/ Since the strict constructionists were in the minority, however, without amendment "the troublesome question was deemed to be settled in favor of the constitutionality of territorial acquisition for all time." 230/ The precedent set in the case of Louisiana was subsequently followed in other cases of annexation by treaty: Florida was acquired from Spain on February 22, 1819; California basically was acquired by conquest in 1846-47, followed by a treaty with Mexico on February 2, 1848; New Mexico and Arizona were included in the California treaty; additional
territory was added to Arizona by the Gadsden treaty with Mexico of December 3, 1853–June 30, 1854; and Alaska was annexed by treaty of purchase from Russia on March 30, 1867.

In addition, in 1867 the United States proposed to annex Denmark's islands of St. Thomas, St. John, and St. Croix by treaty. Those treaties contained a clause for the assent of the islands' people. The people assented, but the treaty failed. 231/ St. Thomas, St. John, and St. Croix were later annexed by treaty in 1917.

A proposed treaty for Santo Domingo failed in 1870 when the clause for the assent of the people resulted in a rejection. The Congressional consideration of the Santo Domingo matter is helpful. After the failure of the treaty to pass the Senate in 1870, numerous attempts were made to pass a joint resolution to annex Santo Domingo, but the Senate resolution that finally passed called only for an investigation of the annexation subject. 232/ The House then proceeded to kill any hopes of annexation using the resolution approach by passing an amendment that stated nothing in the resolution shall be "understood or construed as committing Congress to the policy of annexing..." 233/ When the investigation report was submitted, promoting annexation, it was debated for several days and finally died because "it was impossible to obtain the approval of two-thirds of the senators for a treaty, equally impossible to get a majority vote in the House for a joint resolution." 234/

In addition to these annexations of territory by either treaty of purchase or conquest, the United States also acquired a large number of islands under the Act of August 15, 1856. 235/ This act provided that private American citizens could take possession of (uninhabited) islands for the United States under the principle of discovery. The principal object of such annexations was to secure the guano located on those islands.

Approximately 70 islands became United States territory during the period of October 28, 1856, through June 21, 1894. 236/ In addition, the island of Midway was annexed by the Executive Office in 1868 under the principle of discovery, "to create a naval station there." 237/

Another means of acquiring territory was the Proclamation used by President Madison in 1810 to acquire "possession" of territory purchased by the United States in the Louisiana Purchase. 238/ The territory had been allowed to remain under Spanish authority since the treaty with France in 1803.

The annexation most analogous to that of Hawaii, however, was the annexation of Texas. Both were "independent foreign states" that became territories of the United States under joint resolutions.

Texas assumed independence from Mexico and negotiated a treaty with the United States for annexation on April 12, 1844. This treaty was rejected by the United States Senate. In indignation, a powerful movement started in Texas favoring a treaty of alliance with Great Britain or possible reconciliation with Mexico. 239/ This movement aroused the people of the United States and, in consequence, a joint resolution passed both houses of Congress providing for the admittance of the territory of Texas into the Union as a state. The resolution left to the discretion of the President whether to accept Texas by treaty "or by articles of agreement with the Government of Texas under legislative authority, or by the act of a convention chosen by the people of Texas, under like authority." 240/ Texas preferred the convention method, and the matter was submitted to the people of Texas who voted in favor of annexation.
The Texas and Hawaii annexations were similar in several respects, therefore. A number of expatriated American citizens resided in both Texas and Hawaii. In each, a failed treaty attempt had preceded the annexation by a joint resolution. As stated in Senate Report No. 681 on the Hawaiian annexation, "this joint resolution [on Texas] clearly establishes the precedent that Congress has the power to annex a foreign State...either by assenting to a treaty of annexation or by agreeing to articles of annexation or by act of Congress based upon the consent of such foreign Government obtained in any authentic way." 241/ The argument had the tone of certainty, but those opposed argued against the precedent. 242/

Opponents noted that the body of the joint resolution annexing Texas did not contain the words "annex" or "annexing." Instead, the resolutions read: "'may be erected into a State,'...The proper title to the Texas resolutions is shown by the Congressional Globe to have been, 'Joint resolutions declaring the terms on which Congress will admit Texas into the Union as a State.'" 243/ Representative Mann replied in Congressional debate that: "It is not necessary to deny that the proposed annexation of the Hawaiian Islands constitutes a new departure in the policy of our Government, for whether it does or not makes no difference...the Republican party...has never shrunk from doing that which is right and advantageous because it might be called a 'new departure.'" 244/ To add weight to the argument, it was reported that one of the President's advisors stated: "the President has been very firm about it and means to annex the Islands anyway..." President McKinley himself told George Cortelyou: "We need Hawaii just as much and a good deal more than we did California. It is manifest destiny." 245/

The annexation differed, as well. In Texas, unlike in Hawaii, the people voted on annexation. 246/

Did Any Native Hawaiians Sign Annexation Documents?

Determination of whether any native Hawaiians signed the proposed 1897 annexation treaty first requires a definition of "native Hawaiians." Certain parties during the annexation debate attempted to define second and third generation whites born on the islands as "white natives." For example, it was argued that Lorrin A. Thurston, a member of the Hawaiian treaty delegation, whose parents were born in Hawaii, and Chief Justice Judd of Hawaii were "white natives of the islands." 247/ Most agreed, however, that "native Hawaiians" referred to the original aboriginal natives of the islands. This was clearly shown in the census breakdowns concerning Hawaii 248/ and in most of the documents presented concerning annexation.

However, the only way to determine definitively how many native Hawaiians were involved in annexation proceedings is extensive genealogical research. The Federal Archivist told the Commission that this is both time-consuming and expensive. The alternative approach, checking surnames, undoubtedly does not reliably identify the number of native Hawaiians present for legislative action.

The historical record, as detailed below, indicates that no more than six native Hawaiians 249/ were present in the Hawaiian legislature when the 1894 Constitution of Hawaii was adopted. This Constitution, valid until annexation, called for Hawaii's annexation. 250/ Hawaii had a long history of submitting requests for annexation to the United States, both informally and through negotiated treaties. 251/ How many of these earlier requests were actually supported by the native...
population is a matter of conjecture, since none of Hawaii's constitutions called for a popular vote on annexation. Treaties were left to the head of state with approval of the legislature, as set forth in Article 32 of the 1894 Hawaiian Constitution. The proposed annexation treaty of 1854 was initiated by the king, a native Hawaiian. This proposal failed when he died and the new king rejected the treaty.

One native Hawaiian was present and voted for the Hawaiian Senate resolution that ratified the Annexation Treaty of 1897 between the United States and Hawaii. This final act in Hawaiian participation in the treaty ratification process took place in a Special Session of the Senate of the Republic of Hawaii in September, 1897. On the first day of the session, September 8th, President Dole listed the following reasons for annexation: (1) a growing menace to the population by immigration; (2) the threat of great naval powers; (3) need for United States' development of resources; and (4) it was in the best interests of all people of Hawaii.

A protest resolution was also submitted to the Hawaiian Senate, signed by fifteen natives, stating that a mass meeting had been held confirming that "the native Hawaiians and a large majority of the People of the Hawaiian Islands" were against annexation. On the second day of the session a report was submitted by the Committee on Foreign Relations endorsing the ratification of the proposed treaty of annexation and agreeing with the reasons for annexation presented by President Dole the day before. This report was signed by the committee, including J. Kauhane, a native Hawaiian, on September 9, 1897.

The same committee also submitted a report on the native Hawaiians' protest, in which the committee concluded that it was based more on sentiment than real opposition and recommended that the protest be laid on the table, which it was. This report was also signed by the committee, including J. Kauhane, on September 9, 1897. The Hawaiian resolution for ratification of the annexation treaty was unanimously adopted by the Senate the same day. One of those senators voting to adopt the ratification resolution was J. Kauhane, who was also Vice-President of the Senate. Senator Kauhane was the only native Hawaiian who signed the annexation ratification resolution, the only instrument relating to annexation other than the Treaty of 1897.

In the Congressional debate on annexation, Representative Bland was asked directly whether "the Senate of Hawaii which ratified the treaty is composed largely of native Hawaiians?" The answer was: "Oh, Mr. Speaker, I am not speaking of natives or foreigners. There are a few white natives."

Providing further evidence of lack of "native" participation in annexation proceedings was the so-called "monster petition" of 1897 signed by approximately 29,000 native Hawaiians protesting annexation by the United States. This petition was investigated by the United States Congress and the subsequent report indicated that many names on it were fraudulent. A large portion of the 29,000 names on the list remained, however, and they represented the vast majority of the 31,000 "native Hawaiians" living on the islands. This figure may be compared with the 3,196 actual voters in the first election under the 1894 Constitution held in 1896, and the 2,687 voters for representatives in 1897.

Congressional debate on annexation is filled with comments to the effect that it was known that most, if not
all, native Hawaiians opposed annexation. 266/ Senator Caffery informed the Senate on June 28, 1898, that "the people of Hawaii do not want annexation...When I speak of the people of Hawaii I speak of the native Hawaiians." 267/ He then submitted documents concerning an 1893 interview with a white Hawaiian born in the islands in 1850. This gentleman stated that if an annexation vote had been taken "it would be overwhelmingly defeated--almost to a man by the native Hawaiians..." 268/

The Organic Act, passed by the United States Congress, opened the way for an open electorate in Hawaii. With this development, Hawaiians sent to the U.S. Congress their first delegate, Robert Wilcox, a home rule advocate and leader of native Hawaiian insurrections in 1889 and 1895. Hawaii's first Territorial Legislature of 1901 was also composed largely of native Hawaiians and Home Rule advocates who proceeded to protest annexation by delaying bills, failing to pass the appropriation bill, and calling for Governor Dole's removal due to incompetence. 269/

D. HAWAIIAN ADMISSION TO STATEHOOD COMPARED TO THAT OF OTHER STATES

Hawaii was admitted to statehood in 1959 after more than sixty years as a territory. This section of the report includes a discussion of Hawaii's admission, a statement of Hawaii's boundaries at statehood, and a comparison of the history of admission with the admission history of several other states. The selected states, in the order of their statehood, are: Louisiana, Florida, Texas, Oregon and Alaska.

Under the Constitution, the acquisition of new territory was achieved by treaties with foreign nations, except for Texas and Hawaii, which were annexed by joint resolution. The usual course after annexation was the establishment of a territorial government, the adoption of a state constitution and government, and the request for admission. A few states did not establish territorial governments: Texas, Florida and California. 270/ Certain other requirements also became standard for statehood:

(1) The inhabitants of the proposed new State are imbued with and are sympathetic toward the principles of democracy as exemplified in the American form of government.

(2) A majority of the electorate wishes statehood.

(3) The proposed new State has sufficient population and resources to support State government and at the same time carry its share of the cost of the Federal Government. 271/

While the move to incorporate the Hawaiian territory into the United States was an important step toward statehood, it was not an assurance for its realization. The extended period of time in which the islands remained in territorial status was notable, but it was not unique to Hawaii. Alaska experienced the same delay in achieving statehood. There were also other states with long territorial periods: Utah, 46 years; Arizona, 49 years; and New Mexico, 62 years. 272/

History of Hawaiian Statehood

Hawaii was annexed to the United States by Joint Resolution No. 55, July 7, 1898 (30 Stat. 750). The legislative record indicated that the
joint resolution for annexation was substantially the same as the treaty negotiated in the prior year with the Republic of Hawaii, which was duly ratified by its Senate. 273/

Soon after annexation, a territorial government was established for Hawaii under the Act of April 30, 1900 (31 Stat. 141). As early as 1903 the legislature of the Territory of Hawaii began to petition Congress for statehood. 274/ As in the case of Alaska, the question of statehood for Hawaii was the subject of numerous Congressional hearings and debates for many years. The proceedings in which Hawaiian statehood was discussed reflect that politics, both in the United States and on the islands, was a major factor in delaying Hawaii's transformation from territory to state.

The political situation in Hawaii was best summarized by John A. Burns, Delegate from Hawaii, in his article entitled, "Statehood and Hawaii's People." 275/ He described the Hawaiian achievement of statehood as the conquering of centralized government and the emergence of Hawaii's people. He admitted that the overthrow of the Hawaiian monarchy in 1893 was an unpopular event and that the Hawaiian people distrusted the new Provisional Government. Its rule was much more stringent than that of the monarchy since a large portion of the general public was prevented from voting, while power remained in the hands of the propertied class. Burns stated that the unpopularity of the annexation was not because of animosity toward the United States, but rather a resentment for the particular ruling party.

Directly after annexation, a commission was set up to compose an Organic Act for Hawaii. According to Burns, two Hawaiian members of the commission wished to add a property and income requirement to the educational qualifications for voting. This provision would have prevented the majority of the Hawaiian people from voting. The efforts of Senator Tillman of South Carolina blocked such a measure, however, and the Organic Act was passed in 1900 with only a literacy requirement for voters.

The Territorial government continued to be extremely restrictive. Even though the Territorial legislature had passed measures for erecting county governments, the Territorial executive repeatedly vetoed them. Finally, the situation evoked a Congressional investigation. This resulted in an ultimatum by Congress that called for the Territory to organize county governments quickly or Congress would do so. After this directive, the Territorial executive allowed a local government bill to pass.

Delegate Burns listed a number of other reasons why statehood was delayed for Hawaii: besides county government, the Hawaiian Homes Commission, the bill of rights, and other projects all involved excessive amounts of time. In addition to these reasons, the controlling economic and political groups strongly opposed statehood for their own interests. After amendments were made to the Agricultural Adjustment Act by the Act of May 9, 1934 (48 Stat. 670), placing strict limits on the amount of sugar imported from Hawaii into the continental United States, and extensive investigations were made into other Hawaiian affairs, the controlling groups were compelled to support statehood.

By 1935, Hawaiian statehood hearings had become more active. It was then suggested that a plebiscite be held to determine whether Hawaiian citizens approved of the statehood proposal. A plebiscite held in 1940 showed a majority of the residents of Hawaii favoring admission to the Union. At that point, however,
World War II temporarily delayed any further attempts for statehood. The numerous proceedings on Hawaiian statehood proved time and time again that Hawaii had met all the criteria for admission. Desire for statehood was evidenced by the approval of the state constitution in the general election of November 1950, by a 3-to-2 margin. 276/2

After the war, procrastination on Hawaiian statehood bills came mostly from the United States Congress. Alaska and Hawaii were in the midst of the same political struggle and their futures as territories or states were at the sole discretion of the Congress. Once the fight for Alaskan statehood had been won, it was evident that the last incorporated territory, Hawaii, would soon achieve the same status. Hawaii was finally admitted to the Union as a State by the Act of March 18, 1959 (73 Stat. 4).

Hawaiian Boundaries

The joint resolution of annexation did not define the boundaries of Hawaii, but merely accepted the cession made by the government of the Republic of Hawaii of "the Hawaiian Islands and their dependencies." The islands were listed as Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, Nihiu, Kahoolewa, Molokini, Lehua, Kaula, Nihoa, Necker, Layisan, Gardiner, Lisiansky, Ocean, French Frigates Shoal, Palmyra, Brooks Shoal, Pearl and Hermes Reef, Gambia Shoal, and Dowssett and Maro Reef (Sen. Doc. No. 16, 55th Cong., 3rd Sess.).

The Admission Act of March 18, 1959 (73 Stat. 4) and the State Constitution define the boundaries as "all the islands, together with their appurtenant reefs and territorial waters, included within the territory of Hawaii...except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said state shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters."

Some question is presented regarding the status of Midway Island. The United States claims that it acquired Midway on August 28, 1867. The Hawaiian government, before annexation, claimed it had acquired Midway on July 5, 1859, prior to the acquisition by the United States. Thus, there is an academic question of whether the United States acquired Midway when it annexed Hawaii or whether it acquired Midway independently.

Palmyra Island was part of the territory that the United States acquired when it annexed Hawaii (see United States v. Fullard-Leo, 331 U.S. 256 (1947)), but is not now part of the State of Hawaii. Midway Island, Johnston Island, and Sand Island were included within the jurisdiction of the United States District Court for Hawaii by the Act of August 13, 1940 (54 Stat. 784) and it may be that the specific exclusion of these islands from the Admission Act and the Constitution was merely to overcome any presumption that might have arisen from the 1940 Act that these islands were in the Territory of Hawaii. In any event, it is clear that Palmyra Island was once part of the Kingdom of Hawaii and the Territory of Hawaii but is not now part of the State of Hawaii. Midway Island is not part of the State of Hawaii either; there is a question of whether it was part of the Hawaiian Kingdom. Midway, however, is part of the Hawaiian Island chain.
Comparison to Admission of Other States

Louisiana

The first parcel of land to be added to the United States under the powers of the new federal Constitution was the territory known as the "Louisiana Purchase." This land was purchased by the United States from France under the Treaty of April 30, 1803 (8 Stat. 200). The transaction was necessary for the continued success of the commercial traffic on the Mississippi River and especially for maintaining the important port at New Orleans. Popular support for the acquisition of the Louisiana territory was strong because the acquisition was viewed as a means of removing a large European power from America's doorstep and promoting national independence. This sentiment overcame whatever doubts were expressed by members of Congress as to the constitutional authority of the nation to acquire foreign territory.

A significant section of the Treaty of Paris in 1803 was Article III, which stated:

The inhabitants of the territory shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution.

This provision anticipated the admission of the Louisiana territory in the near future. From the cession, two territories were erected and a temporary government provided for under the Act of March 26, 1804 (2 Stat. 283). An enabling act was then passed for the people of the Orleans Territory on February 20, 1811 (2 Stat. 641) so that they might form a constitution and state government and request admission to the Union. This goal was subsequently accomplished as statehood was confirmed by the Act of April 8, 1812 (2 Stat. 701).

Florida

The second area of land annexed to the United States by means of treaty was East and West Florida. This territory was ceded by Spain to the United States under the Treaty of Amity, Settlement, and Limits, February 22, 1819, and ratified by the United States on February 19, 1821 (8 Stat. 252). The necessity of the annexation of Florida was accepted under the same principle as Louisiana, that is, keeping the European powers at a safe distance from home.

The treaty with Spain contained a provision under Article 6 similar to that in the Treaty of 1803 with France. It stated:

The inhabitants of the territories which his Catholic Majesty cedes to the the United States, by this Treaty, shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

In keeping with this agreement, a temporary government was established for Florida under the Act of March 3, 1819 (3 Stat. 523), superseded by the Act of March 3, 1821 (3 Stat. 637) following ratification of the treaty. In January 1839, Florida formed its constitution and state government and asked for admission into the Union. Florida statehood was confirmed by the Act of March 3, 1845 (5 Stat. 742), which also admitted the State of Iowa.

The acquisitions of Louisiana and Florida were reflections of a growing national policy described by John Gorham Palfrey, who stated:
The acquisition must be read with all the facts; it expressed the national individualism; it was defensive, to preserve the national unity; a mere taking of adjoining land to protect the peace and prosperity at home; it was subjective, not objective.

Texas

The circumstances surrounding the annexation of Texas were quite different from the circumstances surrounding acquisition of Florida and Louisiana. Texas was an independent republic and had been since about 1835. At that time, Mexico had begun losing control over the territory and the Anglo-Saxon settlers organized a provisional government of their own. From that point on, there had been constant struggles between the Texans and Mexicans. President John Tyler, in his message to the members of the 28th Congress during its second session, stated that the continued hostile relations between Texas and Mexico would only prove detrimental to the peace and prosperity of the United States. To avoid this, President Tyler offered a treaty of annexation to Texas that Texas found most agreeable. The Senate, however, did not ratify the treaty. Tyler claimed that the main objection to the treaty was that it was not put to a popular vote among the American people. Thus, he felt it his "duty to submit the whole subject to Congress as the best expounders of popular sentiment." The flavor of the Congressional debates in the 28th Congress, second session, on the proposition for the annexation or admission of Texas to the Union indicated that the question of slavery was the prime concern. To divert attention from the preeminent slavery issue, however, other arguments against annexation came into focus. These arguments included the constitutional power of Congress to acquire foreign lands, and the effect of the Texas annexation on the rights of Mexico and her possible response to such action.

While slavery was at the heart of the disagreement about the annexation of Texas, the constitutional question regarding the authority of Congress to annex by joint resolution, rather than treaty power, gained the most support from those in opposition. Were it not for an amendment to the joint resolution providing that the President could, if he deemed advisable, negotiate with the republic instead of proceeding with the resolution, the action might never have passed the Senate.

Texas was ultimately annexed to the Union by Joint Resolution No. 8, March 1, 1845 (5 Stat. 797). The resolution of annexation anticipated immediate statehood for the Republic of Texas. Shortly thereafter, Joint Resolution No. 1, December 29, 1845 (9 Stat. 108) was passed, admitting the State of Texas into the Union. Discussions were brief in the 29th Congress on the resolution to admit Texas; however, a few remarks were made concerning the propriety of the action of Congress that effectuated the Texas annexation. The dissenting members of Congress apparently became resigned to the majority opinion.

The annexation of Texas was a prime example of the expression of the popular political and social conditions of the time. It was a rejection of Mexico's continued hostilities in the territory, an exercise of an inherent power of Congress, and a submission to the unyielding efforts of the annexationists.

Oregon

The area of the Pacific Northwest, which had been known as Oregon
Country, was made popular by its fur trade. This industry gained the interest of the United States, Russia, Spain, and England. Spain, however, yielded her interest in that territory to the United States in the Treaty of 1819, and later, in 1824, Russia agreed to cease further settlements south of 54° 40'. This left the powers of the United States and Great Britain as final competitors for the vast territory. Prior to that time, the United States and Great Britain had entered into an agreement of joint occupation in 1818 (8 Stat. 248), which remained in effect for ten years. On August 26, 1827, the 1818 agreement was essentially renewed, but for an indefinite period of time with a provision that either party could terminate the agreement upon a twelve-month notice. 284/

Settlement in the Oregon Country was slow until the early 1840's, when large groups of emigrants began making their way along the Oregon trail in search of more prosperous lives. It was this influx of American settlers that provided the impetus for the United States to define her claim in the Oregon Country against Great Britain. President Polk reoffered a division of the territory at the 49th parallel, but Great Britain refused. The United States then exercised her right to abrogate the Convention of 1827 while expressing her intention to fight for the territory that she claimed was rightfully hers by title. New negotiations were begun and Great Britain finally agreed to the division of the Oregon Country at the 49th parallel by the Treaty of June 15, 1846 (9 Stat. 869).

Oregon was provided with a territorial government under the Act of August 14, 1848 (9 Stat. 323). This action had been delayed in the Congress because of the heavily-debated slavery issue. The people of the Oregon territory then adopted a constitution and state government. Their application for admission into the Union was accepted by the Act of February 14, 1859 (11 Stat. 383). The State of Oregon was formed and the remainder of its territorial lands outside the newly-declared boundaries were made part of the Territory of Washington.

Alaska

Alaska was purchased from the Russians under the Treaty of March 30, 1867 (15 Stat. 539) for $7,200,000. The treaty was not overwhelmingly well received, but with the persistence of Secretary of State Seward, it passed the Senate.

The quest for Alaskan statehood was a long and tedious battle. Alaska was first established as a "civil and judicial district" under the Act of May 17, 1884 (23 Stat. 24), and was not recognized under a territorial government until the passage of the Act of August 24, 1912 (37 Stat. 512). The legislative record showed that the first statehood bill was offered in 1916, followed in subsequent years by extensive hearings and testimony on the subject. At various times during this period, bills for Alaskan statehood had been acted upon favorably in both houses of Congress and in committees of each house. 285/ Ernest Gruening's book on The State of Alaska, indicated that Alaskan industrial interests and other partisan interests were strongly against statehood, and for maintaining the status quo. They caused considerable delay to Alaska's admission.

By the 1950's, even with party platforms supporting statehood for the last two incorporated territories, Alaska and Hawaii, resistance continued in the Congress. Senator Church described the situation as "the reluctance of Congress to share it."

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prerogatives, or to extend the legislative franchise." 286/ Members of Congress did not want their voices or votes to be undermined by the addition of new senators and representatives. Finally, these political obstacles were overcome in the 85th Congress and the State of Alaska was admitted into the Union by the Act of July 7, 1958 (72 Stat. 339).
NOTES


5/ Ibid.

6/ Mellen, p. 36.

7/ Damon, p. 141.


9/ Ibid.


12/ Ibid.

13/ Burns, p. 157.


15/ Ibid., pp. 211-212.

16/ Bailey, p. 269.

17/ Congressman D. Akaka, in his comments on the Commission's Draft Report, questions the interpretation in the Draft Report of events during Kalakaua's reign because of the emphasis placed on the role of Walter Gibson. He states: "If Gibson was in fact so important a figure, why wasn't his participation in events ignored in first-hand accounts of the period...?" (Akaka's Comments, p. 5). He adds: "I seriously question this interpretation of history and the emphasis placed on Gibson's influence with the monarchy" (Akaka's comments, p. 5).

Walter Gibson's influence on the monarchy ended with his departure from Hawaii on July 12, 1887. He died shortly afterwards in the United States on January 24, 1888. (K. D. Mellen, An Island Kingdom Passes, pp. 200 and 212, (1958)). James H. Blount arrived in Hawaii for the first time on April 6, 1893 (Dispatch No. 1, Spec. Comm.). His duties, upon arrival in Hawaii, were to concentrate on taking and compiling evidence and testimony on the 1893 downfall of the Hawaiian Monarchy and formation of the Provisional Government, as well as the state of affairs in Hawaii at the time (E. M. Damon, Sanford Dole and His Hawaii, p. 258 (1957); Gresham to Blount, Correspondence No. 1, March 11, 1893 printed in H. Ex. Doc. No. 47, 53rd Cong., 2nd Sess. (1893)) It is self-explanatory that Blount himself could not have been the author of any first-hand account of the Kalakaua/Gibson era. Indeed, the scope of Blount's duties did not include any need to investigate this period.

Notwithstanding the foregoing, it can be pointed out that the Blount dispatches did discuss Gibson's participation in the events of the Kalakaua era. Not only did Blount
discuss Gibson, but he took testimony of first-hand accounts from people who were present in Hawaii at the time Gibson was, and who knew him.

Blount’s papers include an interview he had with Hawaiian Chief Justice A. F. Judd on May 16, 1893 (Interview No. 28, p. 371 of Blount’s report in House Ex. Doc. No. 47, 53d Cong. 2d Sess. (Dec. 18, 1893)). The questions were asked by Blount, himself, concerning Gibson and his power.

Q. Did Gibson use the race feeling to obtain power, and to maintain himself in it?

A. He did; and he also used flattery to the King to exalt his position. He fostered in the King’s mind the idea of proclaiming himself emperor of the Pacific in connection with the Samoan affair.

The interview Blount had with M. M. Scott on April 10, 1893 went even further. It implied that Gibson’s policies and influence not only caused the 1887 revolution, but that the impact of these policies were evident even in 1893 (Interview No. 46, Ibid., p. 488 (1893)). Blount again conducted the interview personally.

Blount: What I want to know is this: Whether or not prior to 1887, and down to the revolution the controversies followed racial lines.

Scott: This present revolution?

Blount: Yes, were the contests generally parallel with racial lines?

Scott: They were.

Blount: Did these contests, parallel to what we have termed racial lines, grow out of the difference of opinion on questions of taxation or questions of taxation and legislation? How did they grow?

Scott: No, they grew out of the office. Mr. Gibson advised it.

Blount: Please bring that out.

Scott: In the spring of 1882, when they held the election here, he advised it. He was the originator of the phrase "Hawaii for Hawaiians." He was a man of marked ability. He was the president of the board of education. He made speeches couched in careful language when the foreigners would see or hear them. He spoke Hawaiian well. His cry was "Hawaii for Hawaiians." He said to the people, the missionary has not been your friend. He leaves no outlet for you. He does not wish you to hold office. He [Gibson] puffed up 'alakaua with the idea that he could be emperor of all the Pacific Islands.

Regarding this and other comments, Blount sent a dispatch (Blount to Gresham, Correspondence No. 17, July 17, 1893, pp. 107-108, in H. Ex. Doc. No. 47, 53d Cong., 2d Sess. (1893)) which stated:

The great stir in Cabinet changes commenced with the Gibson Cabinet in 1882. He was a man of large information, free from all suspicions of bribery, politically ambitious, and led the natives and some whites...
It may not be amiss to present some of the criticisms against Kalakaua and his party formally filed with me by Professor W. D. Alexander...

He gives an account of various obnoxious measures advocated by the king, which were defeated.

In 1882 he says the race issue was raised by W. Gibson and only two white men were elected to the Legislature on the Islands.

Walter Gibson's influence over Kalakaua was also illustrated in passages of Gibson's diary as follows:

Sat., Jan. 15--"Examined the Explorer [a ship]. Propose to purchase her as a Government vessel to send to Samoa to carry Bush on his several missions."

Sun., Jan. 16--"A talk with the King about the Explorer. He said Aholo and Kanoa were opposed to the purchase of her. It is too much my enterprise. These natives are opposed. I am sorry to have our Polynesian movement checked."


Tues., Jan. 18--"Talked earnestly with the King about the purchase of the Explorer. He is convinced and with me. Told me to call a Cabinet early in the morning."

Wed., Jan. 19--"A Cabinet Council at the Palace at 7:00 A.M. The King determined about purchase of Explorer--so decided in Council. I and Aholo, a Committee to make purchase. We went at 8 F.M. to Hotel and found Mr. Arundel. Concluded purchase for $20,000 in four installments. [sic] I have carried my point, and the Polynesian movement will not be checked." (Ibid., p. 115.)

Fri., Jan. 21--"Completed the purchase of the Explorer—the vessel delivered to the Min. of Interior Aholo. I will now take charge of her as Secretary of the Navy—an empty title—but I will push this matter, our Polynesian confederation. Hawaii has the elements and prospects of a commanding Polynesian state—Kalakaua shall be a King." (Ibid., pp. 116-117.)

Lorrin Thurston and William Castle were also very familiar with Gibson. They were among the members of the Committee of Thirteen who specifically asked for his dismissal from the Kalakaua Cabinet in 1887. Wm. R. Castle, in his Reminiscences (published privately in 1960 per the University of Hawaii Library (Hawaiian Collection)), wrote at p. 77:

It was said at that time that Moreno was going to organize and consolidate a union of all the Pacific Islands under Kalakaua as emperor. The same way that dreamer Walter Gibson obtained a controlling influence over Kalakaua by holding out wonderful pictures of a vast future of boundless wealth for us if his, Gibson's plans were carried. No doubt these alluring pictures accounted in part for his determined plan to create an army and navy with which to conquer the Pacific. Through his dreams or to appreciate the fact that with every opportunity in his grasp to render his name immortal by a wise and beneficent leadership 'he was instead making a wreck of his reign..."  

As for the books by Wm. A. Russ, the titles alone should explain Gibson's absence from them. They were entitled The Hawaiian Revolution, 1893-94 and The Hawaiian Republic, 1894-98. Gibson died in 1888.

The above comments also address views expressed in comments received by the Commission from Elmer Miller about Kalakaua's policies.
26/ With respect to the statement that Celso Moreno and the king called "for Hawaiians to throw out or kill the planter sympathizers and foreign interests groups on the Islands," Congressman Daniel Akaka commented: "It is difficult to believe Kalakaua capable of such intrigue and scheming" (Akaka's Comments, p. 5).

Shortly after Celso Moreno was installed as a member of the Hawaiian Cabinet with the title of Minister of Foreign Affairs in 1880, posters in his support came out in all parts of Honolulu. They were addressed to "All true-born citizens of the country" and asked them to support Moreno: "His intention is to cast down the foreigners and put in their places the true Hawaiians..." (K. D. Mellen, An Island Kingdom Passes, p. 91 (1958); Copy of entire poster in Blount Rept., H. Ex. Doc. No. 47, 53rd Cong., 2d Sess., p. 183 (1893).

Robert W. Wilcox, a Hawaiian who supported Moreno and attended a mass meeting of citizens to discuss the Moreno appointment, proclaimed that "foreigners were stirring up confusion for their own evil purposes..." (E. M. Damon, Sanford B. Dole, p. 156 (1957)). Sanford Dole, who attended the mass meeting, reported his feelings to his brother George. Dole wrote: "Robert Wilcox...probably egged on by the king...appears to wish the destruction of white men..." (Ibid., p. 157).

A first-hand account by James M. Comly, the U.S. Minister Resident to Hawaii (1877-1882), discusses the Moreno incident of 1880 in some detail, particularly in Dispatch No. 122, dated 21 August 1880 from Honolulu. Comly reports that the British, American, "Hawaiian citizens who were natives of the United States," and German residents of Hawaii presented memorials "to interfere for the protection of [their] interests, and demand the dismissal of the new Cabinet, as a menace to [their] capital invested here."

Comly, who had informed the king of strong opposition to Moreno, mentions a discussion held by him and others in which "the general impression seemed to be that Moreno intended personal violence if I did not give way."

With respect to the role of the king it appears that at the very least he was highly sympathetic to Moreno's points of view. Kalakaua stated to Minister Comly: "Mr. Moreno had shown himself to be a very entertaining companion, a man of large and novel views in political and state affairs; that he had been frequently surprised to find out how exactly Mr. Moreno's views coincided with his own; and that he [had] put him in office because of this harmony and sympathy..." (Comly Dispatch, No. 122).

The dispatches of Minister Comly pertaining to the Moreno affair and its sequel include Nos. 104, 113, 121, 122, 131, 136, 141 and 149. "The Moreno affair of 1880 is one of the most curious and at the same time one of the most important incidents in Hawaiian history...These dispatches of General Comly are an important contribution to the history of the reign of Kalakaua" (Hawaiian Diplomatic Correspondence, Historical Commission of the Territory of Hawaii,
Congressman Daniel Akaka comments that the Draft Report on page 184, "indicates that the spark that ignited the annexationists was the signing of a bill to regulate the sale of opium and a bill to establish a lottery" (Akaka's Comments, pp. 5-6). In addition, it is asserted that these bills "...were merely used as excuses by the annexationists to bring down the Monarchy" (Akaka's Comments, p. 6). Other commenters raised a similar point.

The draft report does not refer to the lottery bill until page 190, in the section on Liliuokalani's reign. Moreover, the comments do not accurately reflect the chronology of events. The lottery bill was enacted in 1893—not in 1886-1887 which is the period discussed at pages 184-185 of the draft report. More importantly, the statement cited in support of these comments is a December 20, 1893 statement made with respect to conditions in 1893 and not events in 1886-1887. Finally, pages 184-185 of the draft report refer to the "reformers"—not "annexationists."

Senator Daniel Inouye and others commented that the Draft Report fails to inquire into the possible role of the United States Government in the adoption of the 1887 Constitution; i.e., the extent to
which the United States "condoned, participated in or enjoyed the benefits of the coercive activities of the American expatriate group" which is alleged to be chiefly responsible for the 1887 Constitution (Comments by Senator Daniel K. Inouye on the Draft Report of Findings of the Native Hawaiians Study Commission, pp. 14-15 (November 23, 1982)). This section is added to explain that role.


61/ Kuykendall, Volume III, p. 352. The foregoing information is not contained in James H. Blount's 1893 report. Neither Clarence Ashford "nor Volney Ashford, in the statement which he wrote for Commissioner Blount, say anything about the Honolulu Rifles and their part in the Revolution of 1887" (Kuykendall, Volume III, p. 704, note 27). This is a critical omission in light of the pivotal role of the Honolulu Rifles with respect to the adoption of the 1887 Constitution. Specifically, the Honolulu Rifles patrolled the streets of Honolulu and arrested Walter Gibson, Kalakaua's premier, just prior to the king's assent to the formation of the cabinet government. Kalakaua, who had called out the Rifles himself on June 30, 1887, to keep order, had unwittingly given official sanction to an army that he discovered shortly afterwards was unreliable. Fear of the worst convinced the king to sign.

Obviously, concealment of the data from Blount was beyond his control. The salient point is that the absence of this information from Blount's report, for whatever reason, tends to make it much less authoritative than its proponents contend it is.


63/ Ibid., pp. 348-349.


65/ Ibid., p. 348, footnote.


69/ Kuykendall, Volume III, p. 348.

70/ Ibid., p. 347; and Enclosure No. 5 to Dispatch No. 124 (Petition of American Citizens to Merrill), U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy No. T-30, Roll 23). The names of only three members of the Committee of Thirteen appear on the petition of American citizens. Presumably, if there had been more than three American-nationals on the Committee, the names of more than three members of the Committee would have appeared on the petition. This assumption is supported by the fact that the Hawaiian League-sponsored
"Reform Cabinet" (appointed in 1887) contained only one American expatriate—the grandson of original American Missionaries who had been in Hawaii since 1828. (See discussion above, p. 277 and Lorrin A. Thurston, Memoirs of the Hawaiian Revolution (Honolulu: Advertiser Publishing Co., Ltd., 1936), p. 277.) Thurston added as well that "Among the leaders of the conservatives were the 'mission boys,' the sons and grandsons of the early American missionaries. Two of the strongest conservatives were Sanford B. Dole and P. C. Jones, members of the executive committee" (Ibid., p. 277). Thurston also stated: "Besides our own military [Honolulu Rifles], we had the support of the 'Drei Hundert,' chiefly composed of Germans, who were reputed to have served in the German Army" (Ibid., p. 141). Thus, the military wing of the League contained Germans and was commanded by a Canadian.

71/ Kuykendall, Volume III, p. 344.

72/ Ibid., p. 355.

73/ Memorandum written by Bayard after conversation with Carter, July 6, 1887, Hawaiian Legation, Notes from Vol. 3, MS Dept. of State; cited and quoted in Charles C. Tansill, The Foreign Policy of Thomas F. Bayard, p. 391.

74/ Bayard MS, Foreign Relations, 1894, Appendix II, pp. 660-662, 793-817; cited and quoted in Tansill, pp. 391-392. The above quote was cited to indicate the possibility that Minister Merrill was opposed to the reformers, though it cannot be determined. As pointed out in Tansill, p. 392: "There is nothing in the Bayard manuscript that would confirm this statement of Mr. Carter." From the conversation that Bayard had on July 6, 1887, it would appear that references to instructing Merrill not to help Kalakaua are probably false. What was interesting in the above quote is that Merrill was not considered an active ally of the reformers nor American warships an aid to their revolution.

75/ Kuykendall, Volume III, p. 353. Inclusion of this discussion of the Aki episode was suggested in comments received by the Commission on its Draft Report.


78/ Merrill to Bayard, unnumbered, May 31, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 24, 1st letter on roll).

79/ Merrill to Bayard, No. 124, June 6, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

80/ Merrill to Bayard, Dispatch No. 135, July 30, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

81/ Ibid.

82/ Kuykendall, Volume III, p. 358.


84/ Daily Herald, July 1, 1887, submitted as Enclosure 1 in Merrill to Bayard, No. 125, July 1, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).
85/ Ibid. See also footnote 89, below.


87/ Kuykendall, Volume III, p. 364.

88/ Merrill to Bayard, No. 135, July 30, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

89/ Sanford B. Dole explained concerning the committee bringing the resolutions to Kalakaua on June 30th that:

The committee immediately called on the King, presented him with a certified copy, and informed him that he was given twenty-four hours in which to make reply. He gave oral reply that it was not necessary to wait; that he would accede now to all the demands. The committee said to the King that the meeting had given him twenty-four hours, and the committee would not change the requirement. Moreover, the committee stated, they wished a reply in writing (Dole, *Memoirs of the Hawaiian Revolution*, p. 55).

90/ Merrill to Bayard, No. 139, August 29, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

91/ Mellen, p. 196.

92/ Joesting, p. 220.


94/ Bailey, p. 297.


96/ Joesting, p. 220.

97/ Bailey, p. 299.


100/ Tansill, p. 372.


102/ Tansill, pp. 377-78.

103/ Ibid., p. 379.

104/ Senator Daniel Inouye states that the Draft Report did not inquire into the "possible role with regard to "thwarting subsequent efforts by native Hawaiians to overturn... [the 1887] Constitution in 1889 and to revise it in 1890" (Senator Inouye's Comments, pp. 14-15). The following 7 pages were added in response to that comment.
105/ Kuykendall, Volume III, p. 401.


107/ Hawaiian Gazette, August 9, 1887; Pacific Commercial Advertiser, August 15, 1887; cited by Kuykendall, Volume III, p. 407.

108/ Ibid.


110/ Daily Bulletin, September 13, 1887; Hawaiian Gazette, September 13, and 20, 1887; Pacific Commercial Advertiser, September 12 and 19, 1887; Damon, Sanford Dole and His Hawaii, pp. 204-205; W. D. Alexander to A. C. Alexander, September 17, 1887, in private collection; Merrill to Bayard, No. 141, September 19, 1887, U.S. Department of State Archives, Dispatches, Hawaii; printed in For. Relations, 1888, p. 803; Wodehouse to Foreign Office, No. 30, political and confidential, September 27, 1887, British Public Record Office, Foreign Office 58/220; cited by Kuykendall, Volume III, p. 410.


112/ Laws, 1887, passim; legislative proceedings reported in Honolulu newspapers; cited by Kuykendall, Volume III, p. 411.

113/ Wodehouse to Foreign Office, Nos. 30 and 35, political and confidential, September 27, December 20, 1887; Daily Bulletin, November 25, 26, 1887; Hawaiian Gazette, November 8, 15, December 13, 1887; Pacific Commercial Advertiser, December 5 (letter by "Reform"); Laws, 1887, pp. 60-64; cited by Kuykendall, Volume III, p. 411.

114/ Kuykendall, Volume III, p. 411.

115/ Ibid., p. 413.


117/ Merrill to Bayard, No. 162, December 24, 1887, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

118/ Liliuokalani, Diary, December 20, 22 and 23, 1887, in State Archives of Hawaii; cited by Kuykendall, Volume III, p. 415.

119/ Kuykendall, Volume III, p. 714, note 46.

120/ Merrill to Bayard, No. 166, January 14, 1888, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 23).

121/ Kuykendall, Volume III, p. 415.
122/ Ibid. It should be noted that Kuykendall, in reprinting these passages from Liliuokalani's diary, explained that "the two W's are believed to stand for Robert N. Wilcox and Charles B. Wilson."


124/ Ibid.


126/ Macfarlane v. Damon, 8 Haw. 19 (1890).


129/ Ibid., p. 425.

130/ Ibid.

131/ Ibid.


133/ Wodehouse to Foreign Office, No. 5, political and confidential, August 2, 1889, British Public Record Office, Foreign Office 58/242; "The portion of this dispatch quoted was written on or before July 27. From a rough draft dated July 16 in [the State Archives of Hawaii], British Consulate Records, it appears that Wodehouse received his first information from the king's brother-in-law, A. S. Cleghorn" cited by Kuykendall, Volume III, p. 426.


136/ Daily Bulletin, July 31, 1889, as Enclosure No. 1 in Merrill to Blaine, No. 255, August 1, 1889, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 24); see also Kuykendall, Volume III, pp. 426-427; see also L. A. Thurston, Memoirs of the Hawaiian Revolution, pp. 192-97. Kuykendall states that this suggestion is "incompatible with other known facts except on the theory of a double cross by Wilcox or the king" (p. 427). On the other hand, the Commission received the following comment from Helena K. Wilcox Salazar, granddaughter of the Hon. Robert W. Wilcox: "...I was appalled and truly amazed to read that my grandfather, the Honorable Robert W. Wilcox, led the counter-rebellion of 1889 to restore Kalakaua to power. This is not true and gives the impression that Kalakaua had the backing of the people.
"According to grandfather, Kalakaua cared nothing about the people, and according to Historian W. D. Alexander, the people, in turn, were indifferent as to Kalakaua's fate.

"Historian R. S. Kuykendall informs us that grandfather led the counter-rebellion to 'replace Kalakaua with Liliuokalani'—after the Kalakaua-Pate scandals. Moreover, nor did grandfather lead the counter-rebellion of 1895 to restore Liliuokalani."

"As an alternate to the disastrous rule of the Kalakaua's, he told Commissioner Blount, he had sought rather to found a Republic." (See Appendix for comment.)


139/ Joesting, p. 242.


143/ Kuykendall, Volume III, p. 454, citing Record of Informal Meetings of the Cabinet Council, February 4, 1890.


145/ Kuykendall, Volume III, p. 460.

146/ Daily Bulletin, June 17, 1890; Pacific Commercial Advertiser, June 18, 1890; cited by Kuykendall, Volume III, p. 461.


149/ Journal of the Legislative Assembly, August 15, 1890. The original message is in the Legislative file in the State Archives of Hawaii; cited and qualified by Kuykendall, Volume III, p. 462.


152/ Kalakaua to Robert F. Synge, "Strictly Confidential," September 19, 1890, British Public Record Office, Foreign Office 58/254; cited by Kuykendall, Volume III, p. 463. (Kuykendall notes that the British Foreign Office wrote on Kalakaua's letter that Wodehouse's "advice was sensible enough and has been approved.")


155/ Stevens to Blaine, No. 3, September 25, 1890, U.S. Department of State Archives, Dispatches, Hawaii (also in National Archives, Microcopy T-30, Roll 25).

156/ Kuykendall, Volume III, p. 464.

157/ Ibid., p. 509.

158/ Ibid., p. 487.

159/ Ibid., p. 488.


161/ Pacific Commercial Advertiser, July 11, 1892; cited by Kuykendall, Volume III, p. 503.


164/ Kuykendall, Volume III, p. 508.


166/ Kuykendall, Volume III, p. 510.

167/ Ibid., p. 514.


169/ Kuykendall, Volume III, p. 519, citing (a) Ka Leo o Ka Lahui, November 24, 1891; (b) Ibid., October 9, 1891; (c) Pacific Commercial Advertiser, December 5, 1891.


171/ Kuykendall, Volume III, p. 523.

172/ Ibid., p. 529.

173/ Ibid., p. 526; refers to Mott Smith to Parker, December 30, 1891, State Archives of Hawaii, Treaty Documents.

174/ Kuykendall, Volume III, p. 532.
The Office of Hawaiian Affairs commented that the Commission's Draft Report "...reasons that annexation by the joint resolution method was necessary because annexation was essential" (OHA's Comments, p. 17). OHA states that by the time the annexation resolution was introduced in Congress the Spanish-American War was "virtually over" and asserts that the joint resolution was utilized "because of strong opposition in the Senate to annexation" (OHA's Comments, p. 17). Similarly, Congressman Daniel Akaka submits: "It wasn't so much expediency that required a joint resolution in Congress as the fact that many Americans and their representatives did not support the annexation of a country whose government had been established and maintained with United States military force" (Congressman Akaka's Comments, p. 11).

In fact, the Draft Report acknowledges that there was strong opposition to the annexation of Hawaii in the United States Senate (Draft Report, pp. 203-204; Final Report, pp. 302-303). Furthermore, the comments ignore the distinction between the immediate reason for the interest in annexing Hawaii that prompted the use of a joint resolution--i.e., fear that unless the United States acted immediately some other foreign power would take over Hawaii--and the underlying reasons for interest in annexing Hawaii: the commercial importance of Hawaii, a fear of control of Hawaii by the Japanese, and protection of the Pacific Coast. These underlying reasons are evident from the Congressional debate on the joint resolution.

Theories of present-day historians that American commercial interests were the principal motivating force behind annexation (T. J. Osborne) or that anti-Japanese sentiment was the major driving force behind annexation (W. H. Morgan) (pointed out in Senator Daniel Inouye's Comments, p. 11) do not alter the fact that the underlying reasons for interest in annexation cited in the Draft Report, in fact, contributed to sentiment for annexing the Hawaiian Islands.

214/ 31 Cong. Rec., p. 5772 (1898).
215/ Julien, p. 53.
216/ 31 Cong. Rec., p. 5920 (1898).
217/ Ibid., p. 6003.
218/ Ibid., p. 6141.
219/ Morgan, p. 296.
221/ Ibid., p. 5835.
222/ Ibid., p. 6005.
223/ Ibid., p. 5982.
224/ Ibid., p. 6518.
225/ Morgan, p. 297.
226/ Ibid., p. 294.
227/ Ibid., p. 295.
228/ As sources for this section, see the Treaties and Acts relating to Territories Annexed; Treaties Proposed on Texas and Hawaii. See also S. Rep. No. 681, 55th Cong., 2d Sess., pp. 19-22 (1898), and 1898 Hawaiian Annexation Papers.

229/ 31 Cong. Rec., p. 5875 (1898).

230/ Ibid. This power has been affirmed in American Insurance Company v. Canter, 26 U.S. 511, 524 (1828); Mormon Church v. United States, 136 U.S. 1, 42-43 (1890); and other cases. See also S. Rep. No. 681, 55th Cong., 2d Sess., p. 46 (1898).


234/ Oberholtzer, p. 244.

235/ 34 Stat. 119.

236/ 31 Cong. Rec., p. 5878 (1898). (List of island names and locations.)


240/ Ibid., p. 2.

241/ Ibid.


243/ 31 Cong. Rec., p. 6518 (1898). Further, opponents of Hawaiian annexation claimed that the Texas plebiscite set the precedent for a popular vote on annexation by Hawaiians. The forces in favor of Hawaii's annexation, however, argued that the Act of the Texas legislature calling the convention made no provision for a popular vote. It was simply done at the discretion of the Governor. The Texas legislature's acceptance of the terms of the resolution, prior to the popular vote, had completed the annexation.

244/ 31 Cong. Rec., pp. 5845-46 (1898).

245/ Morgan, p. 296.

246/ Some commenters criticized the Draft Report's comparison of the annexation of Hawaii and Texas. For example, comments from Congressman Daniel Akaka state that the comparison is "too pat" and only serves to "mislead and confuse the history of the era." The comparison was in fact first made in the 1898 Congressional debates, and the similarities and differences are accurately reflected in the Report.


249/ The total of six native Hawaiians is taken from a statement of Hawaii's Attorney General W. O. Smith (E. Damon, p. 296).
To answer the question on "native Hawaiian" signatures to annexation would ideally require checking the family histories of all the members of the Hawaiian Legislature and cabinet members. In lieu of this, the sources relied upon were documents cited here, the statement of the State Archivist, and an examination of names that appear to be Hawaiian, which may be how the State Archivist arrived at her conclusion that J. Kauhane was the only "native Hawaiian."

Cover pages of the "monster petition" are included in Archives annexation papers. This petition is also discussed in the Congressional debate; see 31 Cong. Rec., p. 6702 (1898).

31 Cong. Rec., pp. 5787, 5805-06 (1898); Treaty Annexation papers from National Archives.

S. Rep. No. 681, 55th Cong., 2d Sess., p. 43 (1898); 1896 Census.

Ibid., pp. 6014, 6337, 6404, 6469.

Ibid., p. 6404.

Ibid., p. 6469.

Damon, pp. 340-341.


Ibid., p. 2943.

Ibid., p. 2936.


Ibid., p. 14565.

278/ Ibid., p. 380.

279/ Ibid.


281/ Ibid., p. 4.

282/ Ibid., p. 363 (Mr. Crittenden).

283/ Cong. Globe, 29th Cong., 1st Sess., p. 88 (1845-1846) (Mr. Webster).

284/ Convention with Great Britain, August 6, 1827 (8 Stat. 360).


Existing Law, Native Hawaiians, And Compensation

In light of the history of landholding laws in Hawaii, the fall of the monarchy, and annexation as set forth in the preceding two chapters, the Commission has examined whether the native Hawaiians have any legal claim to compensation from the United States for loss of land or sovereignty. The present chapter sets forth the analysis and findings of this review. In preparing this chapter, the Commission has reviewed a number of articles and reports making the legal argument in favor of compensation. These include Melody MacKenzie's report for the Office of Hawaiian Affairs, Sovereignty and Land: Honoring the Native Hawaiian Claim, 1/ Karen Blondin's A Case For Reparations for Native Hawaiians (16 Hawaiian Bar Journal 13), and H. Rodger Betts' unpublished Report on the Hawaiian Native Claims (Second Draft, February 17, 1978). The Commission also attempted to address the views and analyses presented by a number of people at the Commission's hearings throughout Hawaii in January, 1982. In addition, the Commission has taken into account a number of comments received during the comment period on this chapter as it appeared in the Draft Report of Findings. Because of their scope, special attention was given to comments received from Senator Daniel K. Inouye, Congressman Daniel K. Akaka, the Office of Hawaiian Affairs (OHA), and Patrick Hanifin. 2/

In the following sections, the chapter first sets forth the background for the analysis, since much of it depends on technical legal concepts and terms. It then reviews whether the native Hawaiians are entitled to compensation for loss of their land under present law, and whether they are entitled to compensation for loss of their sovereignty. Finally, this chapter compares the native Hawaiians' claims to those of the Alaska Natives, addressed by Congress in the Alaska Native Claims Settlement Act. 3/

A. BACKGROUND

Over the years, a number of different native groups and organizations have sought compensation from the United States for loss of lands and loss of sovereignty. As a result, a large body of law has developed. That law is made up of both statutes passed by Congress and cases decided by courts. Much of that law has been developed because American Indians have made claims for compensation; other law has grown out of claims by Alaska Native groups. In the discussion of whether the native Hawaiians have viable claims for compensation, the analysis examines whether the existing law--statutes and cases--provides a basis for giving compensation. Without in any way suggesting that Hawaiian natives are an Indian tribe, the law developed for and about Indian tribes will be reviewed to determine whether this body of law provides a legal basis for the native Hawaiian claims. 4/

Generally, law providing that native groups may be entitled to compensation for loss of land has developed under two legal principles: first, that a native group had "aboriginal title" to lands, and those lands were taken by the United States; and second, that the native group had "recognized title" to lands--title that the United States specifically acknowledged under its laws--and those lands were taken by the United States. A native group must meet a number of technical legal requirements in order to be entitled to compensation under either principle. This chapter will analyze the facts regarding the native Hawaiian history and land law in the context of those legal requirements.
Claims for compensation for loss of sovereignty, on the other hand, have been made under several laws. This chapter will first look at the legal concept of sovereignty, then consider the native Hawaiian experience under that concept. The chapter will then examine each of the laws under which claims for loss of sovereignty have been made.

Finally, this chapter will look at whether any special trust relationship exists between the United States and the native Hawaiians that would be a basis for compensation. It will then compare the native Hawaiian claims to the Alaska Native claims.

The following sections will analyze each of these requirements to determine: whether the native Hawaiians had aboriginal title to portions of the land in Hawaii; whether the United States extinguished that title; and whether the native Hawaiians are entitled to compensation for loss of that title.

Did the Native Hawaiians Have Aboriginal Title to the Crown and Government Lands?

To establish aboriginal title to the Crown and Government lands, native Hawaiians must meet each of the tests for such title set forth above. Under present law, the native Hawaiians as a group (without determining what persons would qualify as native Hawaiians) meet some but not all parts of the test for a single landowning entity. Courts have held that, even in the absence of political cohesion, Indians having a common culture, common language, ties of kinship, economic ties, treated by the sovereign as having collective rights in the area claimed, and having common use of a claimed area, constituted a single landowning entity. The native Hawaiians were a group with a common culture, language, and ties of kinship.

Their economic ties in the nineteenth century are less apparent, since commoners were free to move from one ahu'upa'a to another, and since, during that century, many native Hawaiians left the land to work for...
foreign landowners in Hawaii or to work in other non-agricultural pursuits, so that they did not act as a group with economic ties to each other. 16/ Under the ancient land law system, it could be considered that the king owned all the land. 17/

However, even at that time the native Hawaiians did not treat all the lands as owned in common. A native Hawaiian tenant worked for a particular chief, and could be summarily ejected from the land he cultivated by that chief. In turn, the chief could be summarily removed from his land by the king. 18/ These practices underscored that ownership of the land was not by all native Hawaiians as a group.

Furthermore, the Great Mahele (or division of land) of 1848 brought to an "end once and for all the feudal system of land tenure in Hawaii, and finally and conclusively established the principle of private alodial titles." 19/ Since the intended goal of the Land Commission Board and of the Mahele was to be a total partition of undivided interests and also, a division and parcelling out of the Government and Crown lands 20/ (that is, defeudalization), 21/ any idea of communal ownership was laid to rest.

Moreover, the Kuleana Act of 1850 (and other legislation passed subsequent to the Great Mahele) allowed individual native Hawaiians to claim a fee simple interest in lands they had actually cultivated or, in the case of other native Hawaiians, to obtain fee simple title to Government lands by purchase. 22/ In addition, much land, including Government and Crown land established by the Great Mahele, was made available for purchase by foreigners. These lands, then, were not held in common by the native Hawaiians, but were owned in fee simple and gave the people vested property rights. Such ownership is not in common and is contrary to the concept of aboriginal title.

The Kuleana Act was significant in two other respects. Those natives who cultivated land had traditionally been allowed to "grow crops for their own use and to pasture animals on unoccupied lands" of the ahupua'a, one of the principal landowning units into which all land (including Government and Crown lands) was divided. 23/ The Kuleana Act abolished the right to grow crops and the right of pasturage. 24/ In addition, the Kuleana Act had the effect of establishing the principle that Government land could be sold, thereby opening the way for foreigners to purchase Government lands. By 1864, native Hawaiians had purchased over 90,000 acres of Government land and by 1893, foreigners had purchased over 600,000 acres of Government land. 25/ By 1893, 752,431 acres of Government and Crown lands had been leased to foreigners. 26/

One theory contends that the statement in the 1840 Constitution of Hawaii that the lands of Hawaii "belonged to the chiefs and people in common" 27/ establishes that the native Hawaiians had collective or common ownership of the Government and Crown lands and, in effect, proves that the native Hawaiians had aboriginal title to the Government and Crown lands. 28/ Similarly, it has been argued that the change in the land system of Hawaii under the Great Mahele, whereby the king "set apart forever to the chiefs and the people" approximately one and one-half million acres of land and retained for himself, his heirs and successors approximately one million acres 29/ (known respectively as the Government and Crown lands), establishes the collective ownership of these lands by the native Hawaiians and, therefore, effectively proves that they had aboriginal title thereto. 30/ However, even if the quoted language...
signifies that the Hawaiian Government treated the native Hawaiians as having "collective rights" in the Government and Crown lands, this treatment does not, in and of itself, establish that the native Hawaiians constituted a single landowning entity, which, in turn, is only one of the prerequisites for the existence of aboriginal title. Furthermore, even if the quoted language were an acknowledgment by the Hawaiian Government that native Hawaiians had a right to exercise some degree of control over the Government and Crown lands, this acknowledgment, in and of itself, does not prove the existence of aboriginal title to these lands. The existence of aboriginal title is a question of fact that must be established by clear and definite proof. The historical record reveals developments in individual ownership by native Hawaiians of many of these same lands between 1848 and 1893 and the ownership and/or use of many of the Government and Crown lands by non-natives by 1893 --facts that belie the arguments based on the 1840 Constitution and Great Mahele.

The first test for aboriginal title is the existence of a "single landowning entity." While the native Hawaiians, as a group, meet some of the requirements for a "single landowning entity," they do not meet all such requirements. As noted, they did not have common economic ties that united them. Not only were commoners free to move from one ahupua'a to another, but during the nineteenth century many native Hawaiians abandoned the land to work for foreign landowners in Hawaii or to work in other non-agricultural pursuits. Second, it does not appear that they made common use of the Crown and Government lands after 1848, in light of the ownership of many of these lands by individual native Hawaiians and individual non-natives, and the use of many of these lands by non-natives under leases from the Hawaiian Government. Third, even if the Hawaiian Government had treated the native Hawaiians as having "collective rights" in the Crown and Government lands prior to 1848, it appears that it did not do so after that date. Indeed, passage of the Kuleana Act (and related legislation), which opened the way to ownership of Crown and Government lands by individual native Hawaiians and individual foreigners, and the practice of leasing Government and Crown lands to foreigners indicate that after 1848 the Hawaiian Government did not view the native Hawaiians as an entity that had "collective rights" in the Crown and Government lands. In order for a group to be deemed a "single landowning entity," it must have been viewed as an entity having collective rights as of the alleged date of extinguishment of title.

One comment received by the Commission on its Draft Report states that the Hawaiian Government was the "single landowning entity" required for the existence of aboriginal title. In effect, the commenter asserts that the native Hawaiians and the Hawaiian Government are one and the same for the purpose of aboriginal title. It is clear, however, that the government of Hawaii represented all the citizens of Hawaii, not just the native Hawaiians. Additionally, it is significant that the United States dealt with the government of Hawaii as a separate sovereign, or foreign country, the same way in which it dealt with France, for example. The United States Government did not treat Hawaii as a domestic dependent nation as it did entities such as Indian tribes. Moreover, the commenter's view is not consistent with the facts. The Kuleana Act of 1850 abolished the rights of native tenants to grow crops and pasture animals on Government and Crown lands.

This statute was interpreted by the Hawaiian Supreme Court...
Court as effecting an implicit repeal of all former gathering rights as well. 40/

These facts present strong evidence that the Hawaiian Government did not represent only the native Hawaiians 41/ and was not the "single landowning entity," since enactment of this legislation had the effect of terminating the native Hawaiians' right of use and occupancy (the essence of aboriginal title) of most of the Government and Crown lands. In addition, it was provided by statute that any Hawaiians using Government land without Government authorization could be prosecuted for trespass. 42/ Yet if the Hawaiian Government had been the "single landowning entity," native Hawaiians would, of necessity, have had a right to use and occupy Government lands without any authorization, and therefore should have been specified as exempt from application of this statute. Finally, native tenants who had long occupied lands deemed to belong to the Government (that is, lands that had never been awarded to anyone by the Board of Land Commissioners) were held to have neither title to nor the right of possession of these lands, but, in effect, were only trespassers thereon. 43/ If the Hawaiian Government had been the "single landowning entity" for aboriginal title purposes, these native tenants would not have been considered trespassers. 44/

The same commenter who states that the Hawaiian Government and the native Hawaiians were one and the same entity for aboriginal title purposes, also expresses the view that the native Hawaiians were "citizens of an aboriginal nation with internal and external attributes of sovereignty." 45/ The juxtaposition of these views presents a conceptual problem. The legal fiction of aboriginal title was created to meet the need of various European sovereigns, who claimed fee title to the lands of North America (and later the United States as the successor sovereign), to acknowledge the possession of much of these lands by various Indian tribes. 46/ Thus, when an Indian tribe holds aboriginal title to certain lands this means that the tribe has a right of use and occupancy of such lands, while the sovereign (an entity separate and distinct from the members of the tribe viewed as a group or the tribal government) holds the fee title to said lands. Accordingly, if these two views are correct and the Hawaiian Government was, in fact, simultaneously both the single landowning entity and the sovereign, then such a state of facts is diametrically opposed to the concept of aboriginal title, which rests upon the existence of two separate entities (the native group that is the single landowning entity and the sovereign).

The second test for aboriginal title is that the single landowning entity had actual and exclusive use and occupancy of the specified lands (here, the Government and Crown lands) for a long time before title was extinguished. 47/ Actual and exclusive use and occupancy for a long time prior to 1893 or 1898 48/ and continuing up to 1893 or 1898--the alleged dates of extinguishment 49/--must be established by clear and definite proof. 50/ Because such a large portion of the Crown and Government lands was patented or sold to individuals (either native Hawaiians or foreigners) or leased to foreigners by 1893, actual and exclusive use for a long time up to that date cannot easily be shown. Courts require that occupancy be actual and not "merely asserted." 51/ Moreover, in making a determination as to the area that was actually and exclusively used and occupied, the courts will take into account a loss of population of the landowning entity prior to the alleged date of extinguishment of aboriginal title. 52/ Between 1853 and 1896 the number of native Hawaiians dropped from 70,036 to 31,019. 53/ Even before 1893, therefore, the trend was a
dramatic decline. Moreover, since the native Hawaiians did not have a nomadic culture, actual and exclusive use and occupancy of the extensive area of Crown and Government lands is even more difficult to establish. 54/

The final test for aboriginal title is that the use and occupancy must have continued for a long time before being extinguished. Prior to the Great Mahele, given the system of occupancy by chiefs, rather than by the people in common, 55/ it is doubtful if common use and occupancy by all native Hawaiians existed. Between the time of the Great Mahele in 1848 and 1893, much of the Government and Crown land was converted to fee simple ownership by non-natives and natives, and much of this land was used by non-natives. Thus, it does not appear that common use and occupancy of the Crown and Government lands by all native Hawaiians existed between 1848 and 1898. 56/

It cannot be established, therefore, that the native Hawaiians meet the above three tests for showing the existence of aboriginal title.

Did the United States Extinguish Whatever Aboriginal Title Existed?

The assertion was made in a comment received by the Commission that aboriginal title to the Crown and Government lands still existed in 1898 and was extinguished by the United States by means of the Joint Resolution of Annexation. 57/ This comment rests in large part on the premise that during the period between the establishment of the Provisional Government in 1893 and 1898 aboriginal title was not extinguished, "...since only voluntary abandonment of these lands by native Hawaiians would divest native Hawaiians of aboriginal title." 58/ The statement that the aboriginal title of the native Hawaiians could only be extinguished by voluntary abandonment assumes that the Hawaiian Government was the single landowning entity for purposes of holding aboriginal title. Under traditional principles of Indian law, aboriginal title can be extinguished by voluntary abandonment or by actions of the sovereign that are inconsistent with the existence of aboriginal title. 59/ If the Hawaiian Government was not the single landowning entity, then the Hawaiian Government as sovereign (that is, as an entity separate from the native Hawaiians) took actions that were inconsistent with the existence of aboriginal title and that extinguished said title. If the Hawaiian Government was the single landowning entity, then these same actions, in effect, constituted a voluntary abandonment of aboriginal title. 60/

The facts of land ownership in Hawaii underscore that even if the tests for aboriginal title had been met, such title was extinguished by actions of the Hawaiian Government before 1893 (that is, actions of the sovereign that were inconsistent with aboriginal title) and certainly before annexation, which is the first time the United States assumed sovereignty.

The Kuleana Act of 1850 terminated the right of pasturage and the right of commoners to grow crops on unoccupied lands of the ahupua'a. 61/ Other Hawaiian legislative acts had the effect of allowing foreigners to purchase Government lands. By 1893, over 600,000 acres of Government land had been sold to foreigners (non-natives) and 752,4.1 acres of Government and Crown lands had been leased to foreigners. 62/ By thus having "asserted and exerted full dominion" over Crown and Government lands, the government of Hawaii (which as sovereign had the authority to extinguish aboriginal title) had taken actions specifically inconsistent with the continued existence of aboriginal title. 63/ Legislation enacted by the
sovereign can effect an extinguishment of aboriginal title. 64/ Settlement and/or use of aboriginal title lands by non-natives that is authorized by the sovereign--here the government of Hawaii--operates to extinguish aboriginal title. 65/

In sum, termination of the native Hawaiians' right to grow crops and right to pasturage on the unoccupied lands of ahupua'a (pursuant to the Kuleana Act of 1850), the purchase of Government lands by natives and foreigners (authorized by various acts passed by the Hawaiian legislature), and the statutes authorizing foreigners to lease Crown and Government lands (together with the actual leasing of 752,431 acres of said lands by foreigners), taken together, served to effectuate an extinguishment of aboriginal title, if any had existed, to the Crown and Government lands. Therefore, if native Hawaiians had had any aboriginal title to the Crown and Government lands, that title was extinguished by the actions of the government of Hawaii before 1893.

Similarly, if the Hawaiian Government was the single landowning entity and "represented" the native Hawaiians, 66/ then these very same actions constituted a relinquishment, in effect, of the native Hawaiians' right of use and occupancy of the Government and Crown lands (that is, abandonment of aboriginal title) prior to 1893. 67/

Importantly, "aboriginal title rights extinguished prior to the inception of United States sovereignty are not compensable claims against the United States." 68/ Comments received by the Commission suggest that even if the native Hawaiians were deprived of aboriginal title in 1893 by actions of the Provisional Government (or by the establishment thereof) the United States would, nonetheless, be liable under applicable Indian law. 69/ Such liability is premised on decisions under the Indian Claims Commission Act holding the United States liable for the removal of minerals by third parties from aboriginal title lands prior to the date of extinguishment of aboriginal title. 70/ However, in all of the cited cases the aboriginal title lands in question had become part of the territory of the United States (and thus the United States had sovereignty over these lands) prior to the actions of the third parties. 71/ Any actions of the Provisional Government in 1893 (or the establishment thereof in 1893) occurred prior to the inception of the United States' sovereignty over the Hawaiian Islands. Furthermore, the historical evidence shows that aboriginal title, if any had existed, was extinguished before 1893—that is, before the Provisional Government came into existence. 72/ In light of the foregoing, any United States' participation in the fall of the Hawaiian monarchy does not constitute an extinguishment of aboriginal title for which the United States is liable.

Right of Compensation for Loss of Aboriginal Title

Even if the native Hawaiians had had aboriginal title to the Crown and Government lands, and that title had been extinguished by the United States (tests that are not met); compensation for the loss of these lands would not be available under current law. The Fifth Amendment to the United States Constitution provides that the United States cannot take land without just compensation. Aboriginal title is not a vested property right, but instead only a right of occupancy, which the sovereign may terminate at any time without payment of compensation. 73/ Therefore, courts have held that its loss does not entitle the loser to compensation under the Fifth Amendment. 74/

Extinguishment of aboriginal title is compensable under Section 2 of the Indian Claims Commission Act (25 U.S.C. § 70a). 75/ However, to be
compensated, claims under that Act had to be filed by 1951. Therefore, under present law, no authority is available under which compensation can be sought. 76/

In conclusion, the native Hawaiians do not meet the above three tests for establishing aboriginal title to lands in Hawaii, including the Crown and Government lands designated by the Great Mahele. Further, even if aboriginal title were established, it was extinguished by acts of the Hawaiian Government prior to 1898, when the United States, through annexation, became the sovereign. Therefore, the native Hawaiians are not entitled to compensation for such extinguishment by the United States under existing law. Finally, even if the United States had extinguished aboriginal title, no present law provides for compensation for that loss.

C. RECOGNIZED TITLE AND COMPENSATION

The second legal principle under which the United States may compensate for loss of land is if the United States has "recognized"--acknowledged by its laws--the title of the native group to the land. 77/ Again, specific legal requirements to establish that the United States has recognized title must be met. "Recognized" title, in federal law, occurs when Congress has granted an Indian tribe the "right to occupy and use" certain lands permanently. 78/ "Recognized" title means the grant to an Indian tribe of "rights in land which were in addition to the Indians' traditional use and occupancy rights exercised only with the permission of the sovereign..." 79/ This section of the chapter analyzes these requirements in light of native Hawaiian history.

First, recognized title must come from the United States Congress. 80/ Before 1898, the Hawaiian Islands were not part of the territory of the United States. Therefore, Congress had no jurisdiction over the native Hawaiians, unlike the Indian tribes. 81/ The United States could not, then, have granted recognized title to the Government and Crown lands prior to the time when the United States exercised sovereignty over the Hawaiian Islands.

Because only Congress can accord recognized title, the Hawaiian king's setting aside of about 1.5 million acres of Government lands to "the chiefs and the people of my Kingdom," and the approval of this action by the Hawaiian legislature by the Act of June 7, 1848, cannot be a grant of recognized title. 82/

Similarly, because Congress can grant recognized title only when it can exercise sovereignty, such title could not be established by the United States through various treaties and agreements before 1898. 83/ Therefore, an unratified treaty between the United States and the Hawaiian Kingdom negotiated in 1826, an 1849 treaty (relating to friendship, commerce, and navigation), and the 1875 Reciprocity Treaty (concerning trade) cannot constitute recognition by the United States of the title of the native Hawaiians to the Government and Crown lands. 84/ Further, an unratified treaty cannot possibly be the source of recognized title. 85/ A treaty of peace and friendship does not constitute a grant of recognized title even though it may acknowledge that the particular tribe or band is living in a certain area. 86/ Moreover, these treaties were not made with the native Hawaiians, but with the Hawaiian Government. 87/

The native Hawaiians claim that they held recognized title to the Government and Crown lands. Comments received by the Commission in support of this claim make a two-part argument. Part one consists of several assertions. First, it is asserted that the Hawaiian Government held recognized title to the Crown and Government lands because a formal title to these lands was "confirmed in the native government by the Mahele and subsequent actions." 88/
addition, it is asserted that there is no distinction to be made between the native Hawaiians and the Hawaiian Government and that they were one and the same, insofar as holding recognized title to the Crown and Government lands is concerned. Thus, it is alleged, in effect, that the Mahele operated to vest title to the Government and Crown lands in the native Hawaiians.

Part two of the recognized title argument is that the United States recognized and acknowledged the rights of the Hawaiian Government to its own lands: "...the United States by recognizing the sovereignty and domain of the Hawaiian Kingdom, also recognized the legitimacy of that government's title to its own lands."

The essential premise of the recognized title claim is that the native Hawaiians and the Hawaiian Government are the same entity, rather than separate entities. However, Hawaiian law does not support the "same entity" theory, as the following considerations illustrate. First, the Hawaiian Government was viewed as an entity distinct from any natural persons. Second, in 1851, the Hawaiian legislature passed a statute providing for the appointment of agents to "sell Government lands to the people." Specifically, the statute provided for the sale of Government lands to the "natives." If, as OHA asserts, native Hawaiians and the Hawaiian Government were one and the same entity insofar as holding title to the Crown and Government lands was concerned, then there would have been no need for this statute, since the natives would already have been owners of the Government lands—the operation of the Great Mahele. Third, native tenants who had long occupied what were deemed to be Government lands (but which had never been awarded to them or anyone else by the Board of Land Commissioners) were held to have neither title to nor the right of possession of these lands but were, in effect, mere trespassers. This holding cannot be reconciled with the theory that the Hawaiian Government and the native Hawaiians were one and the same entity, insofar as holding recognized title to the Crown and Government lands was concerned. Finally, when the owner of a kuleana (a native tenant) died without heirs, title to the land did not revert to the Government, but to the owner of the ahupua'a or ili in which the kuleana was located.

The essential premise underlying the recognized title claim (after the "same entity" theory) is that the 1840 Constitution and/or the Great Mahele of 1848 operated, in effect, to vest title to the Government and Crown lands in the native Hawaiians. The validity of this premise must be determined by reference to Hawaiian law.

The thrust of the Constitution of 1840 was that the chiefs and people had rights to land. However, as of 1845, the chiefs and people had "...only a qualified right of possession to lands. They had no titles to them." Pursuant to the Act of December 10, 1845 (which established the Board of Land Commissioners), King Kamehameha III "...relinquished his claim of ownership as sovereign to over two-thirds of the entire territory of the Kingdom, in order that the same might be awarded to the chiefs and common people by the Land Commission." Until this act was passed the title to land was in the king himself. Thus, the Act of December 10, 1845 "...paved the way for the chiefs and people to obtain title to the lands occupied by them respectively—something they theretofore did not have." Accordingly, the 1840 Constitution did not operate so as to vest title to the Government and Crown...
lands in the native Hawaiians.

Furthermore, the provision of the 1840 Constitution entitled "Exposition of the Principles on Which the Present Dynasty is Founded" (which states that all land "belonged to the chiefs and people in common") is not found in the subsequent 1852 Constitution. As a general rule, "the adoption of a new constitution repeals and supersedes all the provisions of the older [former] constitution not continued in force by the new instrument." Indeed, a provision in a constitution that is not contained in subsequent constitutions does not remain in effect. After 1852, only the 1852 Constitution was in effect. With respect to the legal impact of a new constitution, the Hawaiian Supreme Court held in 1892 that when a new constitution takes effect:

...it is a new departure in the government of the country, inasmuch as it states anew the principles upon which the government is to be administered, and rearranges the distributions and limitations of sovereign powers. What is not changed is re-affirmed. The new statement of the fundamental law takes the place of the old.

The operative effect of the Great Mahele of 1848 has been described as follows:

The Mahele did not give title. It did give the chiefs the opportunity to take their Mahele [divisions] to the Land Commission and receive awards of title thereon just as the common people had presented to the Commission their claims for titles to their kuleana. Title was derived from the awards.

That the common people were not parties to a "division" is shown by the fact that the kuleana which were awarded to them were regarded as being carved out of or subtracted from the ahupua'a and ili in which they respectively were situated.

[The Mahele has thus been characterized as the] process of rearranging and distributing the land among the claimants who applied for title to it.

There is no indication that the Great Mahele has been construed as having, in and of itself, vested any title to the Government and Crown lands in the native Hawaiians. Rather, title to the Government lands, the only common interest obtained by native Hawaiians, as a group, by virtue of the Great Mahele was a common right to present claims for particular Government lands to the Board of Land Commissioners (and later the Minister of the Interior) in order that the Board (or Minister) might make awards of lands claimed. Indeed, even after the Great Mahele, "Government" lands not awarded by the Board of Land Commissioners (or the Minister of the Interior) were considered to belong to the Government.

With regard to the Crown lands, the Great Mahele did not operate so as to vest title thereto in the native Hawaiians. Rather, title to the Crown lands was in the king. Title to these lands remained in the king until 1893 when the monarchy ceased to exist, whereupon they became Government lands. When the former Crown lands became Government lands, title to the former Crown lands became vested in the Provisional Government.

In sum, native Hawaiians, as a group, did not obtain a "formal, vested title" to the Government and Crown lands. Accordingly, the basic premises of the recognized
The crux of the second part of the recognized title argument is that the "...federal government did recognize and acknowledge the existing government of Hawaii and the rights of that government to the territory within its domain." This theory contends that the unratified treaty between the United States and the Hawaiian Kingdom negotiated in 1826, together with the 1849 and 1875 treaties noted above, effected an acknowledgment and recognition of the rights of the Hawaiian Government to lands within its domain.

The source of recognized title is the United States Congress, and Congress can grant recognized title to land only when it exercises sovereignty over said land. Prior to 1898, the Hawaiian Islands were not part of the territory of the United States and Congress did not have sovereignty over them. Accordingly, the "recognized" title theory advanced cannot be reconciled with these requirements for the existence of recognized title. Moreover, the alleged recognition and acknowledgment by the United States of the "rights" of the Hawaiian Government to the territory within its domain, is analogous to a situation where Congress, by statute, accords a native group only the right of "permissive occupation"—in effect, an "acknowledgment" that a native group occupies and uses certain lands in its possession. Yet, such an "acknowledgment" does not give rise to recognized title. Similarly, a treaty that acknowledges only that a particular native group is occupying and using certain lands does not give rise to recognized title. As noted previously, an unratified treaty cannot be the source of recognized title.

Since the Hawaiian Islands were not part of the territory of the United States prior to 1898, Congress had no sovereignty over the Hawaiian Islands and, therefore, no jurisdiction over the native Hawaiians prior to 1898. Thus, Congress could not have granted native Hawaiians recognized title to the Crown and Government lands prior to annexation. Accordingly, no grant of recognized title to the native Hawaiians, as a group, was possible by virtue of the one unratified and two ratified treaties that predated annexation.

Nor did the Joint Resolution of Annexation constitute a recognition of title for native Hawaiians. The section of the Joint Resolution relating to public lands designates as beneficiaries the "inhabitants of the Hawaiian Islands," not "native Hawaiians." This use of language is particularly important because Congress was well aware of the existence of the native Hawaiians, and looked on them as distinct from the rest of the residents of Hawaii. Congress also viewed the "native Hawaiians" as a distinct ethnic group. Finally, the legislative history of the Joint Resolution makes clear that the "inhabitants of the Hawaiian Islands" were viewed as being all 109,000 people living on the Hawaiian Islands. If Congress had meant to recognize title of the native Hawaiians in the Joint Resolution of 1898, it would, among other things, have used the term "native Hawaiians" rather than "inhabitants of the Hawaiian Islands."

The Organic Act of 1900 also did not establish recognized title of the native Hawaiians to the ceded lands. The Organic Act of 1900 provides, in part: "The laws of Hawaii relating to public lands... shall continue in force until Congress shall otherwise provide."
provision is similar to a clause in Alaska's Organic Act, which at Section 8 provides, in part:

...That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress...136/

The Supreme Court has held that this provision of the Alaska Organic Act did not indicate "any intention by Congress to grant to the Indians permanent rights in the lands of Alaska occupied by them by permission of Congress." 137/ Rather, the Alaska Organic Act was designed "merely to retain the status quo until further congressional or judicial action was taken." 138/ The Hawaiian Organic Act must be similarly considered not to grant a permanent right of use and occupancy in Crown and Government lands to native Hawaiians. Further, unlike the Alaska Act, the Hawaii Act does not refer to natives. 139/

Some comments received by the Commission assert as a sort of corollary in support of the recognized title claim that the United States has followed a consistent policy of respecting "...property rights of native people recognized under prior governments. Congress and the courts have long respected grants to native peoples under the laws of another sovereign." 140/

It is an established principle of international law that private property rights in territory ceded by one nation to another are not affected by the change of sovereignty and are entitled to protection. 141/ This rule would apply if the claimed property of native Hawaiians was considered as having been segregated from the public domain of the prior sovereign before the annexation of Hawaii. 142/ It is necessary to examine the law of the prior sovereign before the cession (that is, Hawaiian law) in order to determine whether the claimed property was regarded as having been separated from the public domain of the prior sovereign. 143/

Government lands that were not awarded by the Board of Land Commissioners (or by the Minister of the Interior) were considered to belong to the Hawaiian Government. 144/ The Crown lands became Government lands in 1893 after the monarchy ceased to exist. 145/ Lands that belonged to the Hawaiian Government were considered as comprising the "public domain." 146/ Since title to the Government lands was in the Hawaiian Government, it follows that the Government (and former Crown) lands were part of the public domain. 147/ Thus, the rule of international law invoked is not applicable to the Crown and Government lands. Even the claimed property rights of native groups are not protected by this rule in those instances where the property in question was not considered as having been separated from the public domain of the prior sovereign. 148/

Moreover, the test traditionally used to determine whether the cited rule of international law is applicable to a claimed private property right is whether said right constituted a "vested" interest under the law of the prior sovereign before the cession of territory in question. 149/ Prior to annexation, the Constitution of 1840 was not construed as operating to create a vested private interest in the Government and Crown lands. Furthermore, the Constitution of 1840 was repealed by the 1852 Constitution. 150/ Nor was the Great Mahele interpreted as granting a vested private interest in the subject lands to the native...
Accordingly, the native Hawaiians did not have a "vested" interest in the Government and Crown lands under pre-annexation Hawaiian law.

If recognized title is not established, no compensation is due under the Fifth Amendment. Even if the native Hawaiians had been accorded recognized title by some action of the United States Congress, they cannot be compensated for the loss of that title. Any actions of the United States before 1898 cannot constitute a compensable claim under the Fifth Amendment for a "taking" of the Government and Crown lands without compensation, because the United States did not have sovereignty over the Hawaiian Islands prior to 1898.

Annexation itself was not a taking under the requirements of the Fifth Amendment because it was not an appropriation of the Crown and Government lands for use by the Federal Government, pursuant to a Congressional authorization. Section 91 of the Organic Act of 1900 confirms this fact by providing that the "public property" (Crown and Government lands) ceded to the United States under the Joint Resolution of Annexation:

...shall be and remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed and cared for by it, at its own expense, until otherwise provided by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii.

Those provisions (Sections 73 and 91) did not create a mere agency on the part of the Territory to act for the Federal Government. They constitute a delegation of legislative power from Congress to the Territory. Conveyances made pursuant to the power are not conveyances of the United States of America executed by the territorial officers as agents, but they are conveyances of and by the Territory in its own right pursuant to the Acts of Congress. This follows from the fact that the Territory has complete possession and control of the public lands with the power to dispose of them.

Therefore, the native Hawaiians would not be entitled to Fifth Amendment compensation for loss of recognized title, if it were established. In sum, Congress must grant recognized title, not the government of Hawaii. Moreover, the United States could not have granted such recognized title before 1898 because it did not have sovereignty over the Hawaiian Islands. The actions it took in and after 1898--particularly annexation and passage of the Organic Act of 1900--did not create recognized title, because they did not grant the native Hawaiians the right to use and occupy the Government and Crown lands permanently. Even if recognized title were established, under the facts of the Hawaiian experience, loss of that title would not be compensable under either the Fifth Amendment to the United States Constitution or under the Indian Claims Commission Act. Under present law, therefore, the native Hawaiians have no legal right to compensation for loss of their land.
D. LOSS OF SOVEREIGNTY AND COMPENSATION

Native groups have also made claims that they should be given compensation for loss of "sovereignty." This section defines sovereignty and then considers whether the law provides compensation for its loss in the context of the facts relevant to native Hawaiians.

The Office of Hawaiian Affairs defines sovereignty as the power to control internal and external affairs and the right of self-government. 158/ The United States courts have examined the concept of sovereignty for Indian tribes and that consideration would be applicable as well to native Hawaiians:

The powers of the Indian tribes are, in general, "inherent powers of a limited sovereignty which has never been extinguished." Before the coming of Europeans, the tribes were self-governing sovereign political communities. [Cites omitted].

Indian tribes are, of course, no longer "possessed of the full attributes of sovereignty."...Their incorporation with the territory of the United States, and their acceptance of its protection, necessarily divested them of some aspects of the sovereignty which they had previously exercised...But our cases recognize that the Indian tribes have not given up their full sovereignty. We have recently said: "Indian tribes are unique aggregations possessing attributes of sovereignty over both their members and their territory." The sovereignty that the Indian tribes retain is of a unique and limited character. It exists only at the sufferance of Congress and is subject to complete defeasance. But until Congress acts, the tribes retain their existing sovereign powers. In sum, Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status...159/

The part of their sovereignty that Indian tribes have "implicitly lost by virtue of their dependent status" is the power to control their external relations with non-members of the tribe. 160/ As a result, Indian tribes are not free to alienate their land to non-Indians, to have "direct commercial or governmental relations with foreign nations," or to exercise criminal jurisdiction over non-members in tribal courts. 161/

The sovereignty retained by Indian tribes encompasses the power of tribal self-government and the power to control internal relations among the members of the tribe. 162/ Thus, Indian tribes retain their power to determine tribal membership, regulate domestic relations, promulgate rules of inheritance for tribal members, and exercise criminal jurisdiction over tribal members. 163/

For native Hawaiians, by analogy, there are claims that native Hawaiians lost all attributes of sovereignty—the power to deal with foreign nations, to control internal relations, and to govern themselves. It has been argued that the power of self-government was effectively lost with the establishment of the Provisional Government in 1893, and was totally lost when the Territorial Government was established pursuant to the Organic Act of 1900 (31 Stat. 141). 164/ Even if history had fully established these claims, which the preceding chapter does not, native Hawaiians could not be compensated for loss of sovereignty.
For native groups, including Indian tribes and native Hawaiians, sovereignty "exists only at the sufferance of Congress and is subject to complete defeasance." 165/ In short, Congress can take away sovereignty of native groups at will, once it exercises sovereignty over the group. In terms of native Hawaiians, the United States was dealing with the government of Hawaii as another sovereign until 1898. Courts will not look behind the United States' recognition of a foreign government; so before 1898, no action of Congress could be regarded as taking the sovereignty of Hawaii. 166/

Even after 1898, any effect which Congress' actions may have had on the sovereignty of native Hawaiians cannot give rise to a compensable claim. Since Congress can take away the sovereignty of native groups at will, sovereignty is not a property right subject to the Fifth Amendment, and its loss is not compensable. 167/

Moreover, a claim of compensation for loss of sovereignty is not a viable cause of action, even under the liberal provisions of the Indian Claims Commission Act (60 Stat. 1049, 25 U.S.C. § 70, et seq). The legislative history of the Indian Claims Commission Act indicates no intention on the part of Congress to create a cause of action for loss of sovereignty and the Indian Claims Commission has so held. 168/ Even if there were theoretically a viable cause of action for loss of sovereignty under the Indian Claims Commission Act, the United States did not assume a special duty to protect the sovereignty of the native Hawaiians under either the Organic Act of 1900 or the Joint Resolution of Annexation (or under the one unratified treaty and two ratified treaties with Hawaii that pre-dated Annexation), so that the requirements for such a claim would not have been met. 169/ Further, such a claim would have to have been filed by 1951. 170/ The analysis under the Fifth Amendment and the Indian Claims Commission Act is not changed by the fact that the Joint Resolution was not submitted to a plebiscite in Hawaii. Indeed, it has been held that the Joint Resolution was legal and proper. 171/

The Alaska Native Claims Settlement Act (ANCSA) also does not appear to support the claim of compensation for loss of sovereignty. ANCSA compensated the Alaska Natives for loss of aboriginal title, if any, and for the termination of all claims based on that title. 172/ Furthermore, the legislative history of ANCSA shows that Congress did not intend to extinguish claims "based upon grounds other than the loss of original Indian title land." 173/ Since Congress did not intend to extinguish claims based upon grounds other than loss of aboriginal title, the compensation paid under ANCSA was clearly not payment for any claim for loss of sovereignty by the Alaskan Natives. In sum, ANCSA did not provide for compensation for loss of sovereignty by Alaskan Natives, and, therefore, provides no analogy for compensation to native Hawaiians for loss of sovereignty.

Therefore, the native Hawaiians have no present legal entitlement to compensation for any loss of sovereignty against the United States. 174/

E. TRUST RELATIONSHIP BETWEEN THE NATIVES OF HAWAII AND THE UNITED STATES

If a special trust relationship between the Federal Government and native Hawaiians exists that is very similar to the trust relationship between the Federal Government and United States Indian tribes, 175/ failure of the United States to meet
the terms of the trust may (but does not necessarily) provide a basis for compensation. 176/ The theory has been advanced that, "It has long been recognized that a special relationship, characterized as a fiduciary relationship, exists between the Federal Government and Indian tribes," 177/ and that, "The federal-Hawaiian native relationship arises from United States' participation in the overthrow of the native government and subsequent federal ownership of the legal title to native lands." 178/

A fiduciary relationship between the Federal Government and an Indian tribe can, as a general rule, arise only from provisions of a treaty, statute, or agreement whereby the Government assumes fiduciary obligations toward the tribe. 179/ No fiduciary (trust) relationship arose from the fact that the United States Minister in Hawaii supported establishment of the Provisional Government in 1893. (Regarding this history, see preceding chapter.) The salient fact is that the Hawaiian Islands were not part of the United States in 1893, and the Federal Government exercised no sovereignty over them. 180/ The sovereignty of the Federal Government over Indian tribes arises from the fact that these tribes reside within the boundaries of the United States. 181/ In the absence of sovereignty over the Hawaiian Islands, no fiduciary relationship could have existed between the natives of Hawaii and the Federal Government in 1893, or at any time prior to annexation. 182/

The Joint Resolution of Annexation (Joint Resolution No. 55 of July 7, 1898, 30 Stat. 750) also did not give rise to a fiduciary relationship between the United States and the native Hawaiians. The Joint Resolution provided that the revenues or proceeds from the ceded land shall (with specified exceptions) "...be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes." This language does not give rise to a fiduciary relationship with the native Hawaiians because it did not specify that the revenues and proceeds of the ceded lands were to be used solely for the benefit of the "native inhabitants of the Hawaiian Islands." 183/ Whether or not this language creates a trust relationship between the United States and all Hawaiians ("inhabitants") to superintend the use of these funds is a matter beyond the scope of this Commission, which is to examine the interests of native Hawaiians.

Similarly, the Organic Act of 1900 (31 Stat. 141) did not give rise to a trust relationship with the native Hawaiians. Section 73 of the Organic Act provided, in part, that funds derived from the "sale or lease of other disposal" of the ceded lands shall be "applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation..." Again, if Congress had intended Section 73 to apply specifically to "native inhabitants," it would have so provided.

More importantly, Section 91 of the Organic Act indicates lack of any intent by Congress to establish a fiduciary relationship with the native Hawaiians. Section 91 provides that the lands ceded by the joint resolution of annexation were to:

...remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed and cared for by it, at its own expense...

Since Congress in Section 91 of the Organic Act specifically provided that the Territory of Hawaii and not the Federal Government would control and
supervise the ceded lands, no fiduciary or trust relationship between the native Hawaiians and the Federal Government exists. 184/ The fact that the title to the ceded lands was held by the United States did not give rise to a fiduciary relationship because Congress provided that the Territory of Hawaii would control and supervise these lands—not the Federal Government. 185/

Furthermore, pursuant to Section 5 of the Hawaii Admission Act (Act of March 18, 1959, 73 Stat. 4, 5), the United States granted the State of Hawaii "the United States' title to all the public lands, and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission to the Union." Since fee title to much of the ceded lands is no longer held by the Federal Government, no fiduciary relationship now exists as to the ceded lands, in any event. Some commenters on the Commission's Draft Report assert that the Hawaiian Homes Commission Act of 1921 186/ and Hawaii's Admission Act 187/ "unequivocally establish a trust relationship between Native Hawaiians and the Federal Government." 188/ Yet even assuming this assertion is correct, 189/ such specific trusts do not establish the existence of a general trust that might require compensation for the Government and Crown lands. Only a trust duty with respect to these lands that arose prior to 1893 or 1898 might require payment of compensation. A trust duty must come into existence before it can be breached. 190/ Here, the acts that supposedly constituted the breach (that is, the Federal Government's participation in the fall of the Hawaiian monarchy and annexation) are said to have simultaneously given rise to the alleged trust duty. Yet the acts of breach cannot create a trust relationship. 191/

Even if a trust relationship between the Hawaiian natives and the Federal Government were to exist with respect to the Crown and Government lands (by virtue of the Joint Resolution of Annexation and the Organic Act), it is, at most, a very limited trust relationship. The requirement that revenues or proceeds from the ceded lands were (with certain exceptions) to be used "solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes" was at most a "special trust" that "merely restricted the uses to which the proceeds of such lands [the public lands of Hawaii] could be put." 192/ Additionally, even though the proceeds or revenues from the ceded lands may have been the subject of a "special trust," and even though the Federal Government held fee title to the ceded lands, these two circumstances did not "impose upon the Government all fiduciary duties ordinarily placed by equity upon a trustee." 193/ This limited trust relationship, if any, did not encompass any fiduciary duty of the Federal Government to protect the native Hawaiians in the possession of their lands because the Federal Government never assumed any such duty. 194/

There is most likely no specified trust relationship between the United States and the native Hawaiians established by law of the United States, requiring compensation to be paid for the Crown and Government lands or for loss of sovereignty. At most there is a very limited special trust. Native Hawaiians are therefore not entitled under existing law to compensation for any breach of a trust duty toward them.

**F. COMPARISON WITH ALASKA NATIVE CLAIMS**

The legal claims of the Alaska Natives that motivated passage of the Alaska Native Claims Settlement Act
(43 U.S.C. § 1601, et seq.) differed significantly from the claims of native Hawaiians. Non-Indian settlement of the western United States followed a three-step pattern. First, the land was acquired by treaty from the sovereign entity--France, Spain, Mexico, Great Britain, or Russia--claiming title. Second, some lands in the acquired territory were set aside for Indians. Third, the public land laws, which allowed people to enter into the acquired territories and settle thereon, were extended to all federally-owned land in the acquired territory, except land that had been specifically reserved for governmental purposes, such as Indian reservations.

In Alaska, however, only the first and third steps occurred. After the United States acquired title from Russia, the public land laws were extended to Alaska without there having been any effort by the United States to define Alaska Native rights to use land or set aside land for their exclusive use. However, as Congress extended the various public land laws to Alaska, it provided that nothing in the laws should be deemed to affect Alaska Native occupancy. In general, this meant that land actually occupied by an Alaska Native or a native group or village could not be acquired by a non-native under the public land laws. However, it has generally been held that a non-native could acquire title to vacant land that was subject to native "aboriginal" occupancy, rather than actual occupancy.

When Alaska became a state, Congress authorized the State to select vast areas of federal land for its own use. The selection of land had to be approved by the Secretary of the Interior; however, he could give "tentative approval" to the State selection pending his final approval and issuance of a patent. Once the State had received "tentative approval," it could "conditionally" lease or sell the land to third parties. Another provision of the Statehood Act, however, required the State of Alaska to disclaim any interest in land that "may be held by any Indians, Eskimos, or Aleuts." Further, the Statehood Act provided that none of its provisions could be construed to "recognize, deny, enlarge, or impair any claim against the United States" [emphasis added] and that the resolution of any native land rights would be left to future legislation by Congress.

The Statehood Act thus had an irreconcilable conflict. Unlike the acts that extended the public land laws to Alaska but protected the lands natives actually occupied, the Statehood Act prohibited the State from selecting any lands that "might" be held by natives or even claimed by natives. Congress probably intended to protect lands that the natives used and occupied in an aboriginal manner from State selection, but no one was sure what those lands were or the extent of any native claim. The State did select some lands and received tentative approvals from the Secretary. The State then leased these lands to oil companies, which discovered oil on them. When oil was discovered, the native groups claimed aboriginal title to the land. The Secretary of the Interior then issued a land freeze preventing the State from receiving further tentative approvals of its selections pending resolution of the native claims. Moreover, Congress, in the Statehood Act, had reserved for itself the exclusive authority of defining native land rights through future legislation, so resolution by lawsuit was difficult. This impasse led to the enactment of the Alaska Native Claims Settlement Act which, for the first time in Alaska, defined the land rights of the natives and allowed the State to select its land from the federal lands not set aside for the natives by the Settlement Act.
In contrast, in Hawaii the land rights of the natives were determined by a series of laws from 1850 to 1898, subsequent to the Great Mahele of 1848, which established a mechanism for the acquisition of fee title. The Crown and Government lands established by the Great Mahele eventually became federal lands when Hawaii was annexed by the United States. Title to the lands was vested in the State of Hawaii by the Hawaiian Statehood Act, which does not contain a provision protecting native land rights similar to the one found in the Alaska Statehood Act.

Therefore, the reasons that impelled passage of the Alaska Native Claims Settlement Act are not present in the Hawaiian situation.

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The purpose of this chapter has been to examine the existing laws that are most likely to provide a basis for compensation to native Hawaiians for any loss of lands or loss of sovereignty. As set forth in detail here, the review shows that existing law provides no basis for such compensation. Therefore, special legislation would be required before any such payments could be made. Congress has responded in the past to native American claims once with the passage of the Indian Claims Commission Act in 1946, and again in 1971 with the Alaska Native Claims Settlement Act.
EXISTING LAW, NATIVE HAWAIIANS, AND COMPENSATION

NOTES


2/ Patrick Hanifin's comments were in the form of a detailed article that is scheduled to be published in the Hawaii Bar Journal in the Spring of 1983. The article is entitled "Hawaiian Reparations: Nothing Lost, Nothing Owed."

3/ This chapter looks at rights under present law only; it does not address whether Congress or the State Legislature should consider enacting new laws in these matters. Further, in response to comments received by the Commission, we reiterate that the chapter looks only at whether native Hawaiians have present legal rights to compensation. It does not address whether the United States' conduct in Hawaii at the end of the nineteenth century was proper, moral, or legal, or what account of it the United States should make. Those matters are left for the Conclusions and Recommendations section of the Report.

4/ Some comments received by the Commission on its Draft Report stated that the tone of this chapter is improperly adversarial. The chapter attempts to address the full range of views on the matters it covers; the approach is intended to be comprehensive rather than adversarial. Other commenters stated that comparisons of native Hawaiians to North American Indians, Eskimos, and Alaskan Natives were not appropriate. However, we have examined the experiences of and the laws applicable to these groups whose experience as native groups provides some similarities to the experience of native Hawaiians. Congressman Cecil Heftel, in his comments and other commenters recognize the use of such analogies or rely upon such analogies.


9/ Ibid.

10/ Ibid.


12/ Claims in the absence of such a law are barred by the doctrine of sovereign immunity.
In a draft alternate to this chapter, OHA comments that the native Hawaiians are "not asserting aboriginal title claims to Government and Crown lands which passed into fee simple ownership" (OHA's Comments, Alternate Chapter III, p. 7.) About 720,000 acres of Government and Crown lands passed into fee simple ownership before 1898 (see discussion, above, page 335 to 336, and Levy, Native Hawaiian Land Rights, 63 Calif. L. Rev. 848, 859 (1975)).

The requirement of a single landowning entity is discussed fully in the cases cited below in footnote 15.


Levy, p. 859.


Levy, pp. 854-855.

Some commenters objected to the use of feudal terms in referring to native Hawaiians' land ownership patterns. The terms are used here to assist those who are not native Hawaiians in understanding land ownership patterns.

Levy, pp. 855-857. The paper submitted to the Commission by the Office of Hawaiian Affairs, "Regarding the Legal Aspects," written by Melody MacKenzie and Jon Van Dyke, contends that although the Kuleana Act allowed individual native Hawaiians to obtain fee simple title to Crown or Government lands that they actually cultivated or Government lands they purchased, it did not extinguish the "people's" interest in the Crown and Government lands. See the discussion above, pages 335 to 336, and footnote 13, above. The MacKenzie/Van Dyke paper is reproduced in its entirety in the Appendix of this Report.

Daws, p. 124.

Levy, p. 857.

Ibid., p. 859.

Ibid.


H. Rodger Betts, Report on the Hawaiian Native Claims, Second Draft (1978), p. 15. One comment received by the Commission states that the 1840 Constitution affirms that the native Hawaiians had aboriginal title to the Government and Crown lands.

Chinen, The Great Mahele, pp. 25-29. Betts concedes that the lands at issue did not encompass 2,500,000 acres by 1898 (Betts, p. 15). Indeed, Congress believed that the "public lands" in Hawaii totaled only 1,740,000 acres. (H.R. Rep. No. 1355, 2nd Sess., p. 43 (1898)). MacKenzie states that the lands at issue total 1.75 million acres.
30/ Betts, pp. 15-20; MacKenzie, p 76. One commenter takes the position the Great Mahele did not extinguish aboriginal title. However, the Great Mahele was the process established when individuals could acquire fee simple ownership to Government and Crown land and thus obtain vested property interests. Such an action by the Hawaiian Government was inconsistent with the existence of aboriginal title to the Government and Crown lands, and together with other actions inconsistent with aboriginal title, operated to extinguish aboriginal title, if any had existed, prior to 1893.

31/ Nooksack Tribe v. United States, supra, 3 Ind.Cl.Comm. at 495.

32/ 3 Ind.Cl.Comm. at 494-495.


34/ See discussion in text above.

35/ Karen Blondin, A Case for Reparations for Native Hawaiians, 16 Hawaiian Bar Journal 13, p. 27; Levy, pp. 857-859. In her article, A Case for Reparations, Karen Blondin argues that the Court of Claims decision in Liliuokalani v. United States, 45 Ct. Cl. 418 (1910) makes clear that land was collectively held and used by native Hawaiians. In Liliuokalani, the Court of Claims held that the lands held as Crown lands by the Queen should be treated as other Government lands, so that the Queen's loss of the lands did not give rise to a compensable taking for her. Since the Government lands, as discussed above, are not regarded as owned collectively by the native Hawaiians as a group, the ruling in Liliuokalani does not support Blondin's argument.

Further, in Sovereignty and Land, MacKenzie argues that the 1840 Constitution created a trust relationship among the king, chiefs, and people by citing a statute that reads:

No man living on a farm whose name is recorded by his landlord, shall without cause desert the land of his landlord. Nor shall the landlord causelessly dispossess his tenant. (p. 6)

However, this statute was a mere instrument of the chiefs to keep the laborers of their land from leaving their homes for the developing cities of Honolulu and Lahaina (Levy, p. 851). It was not a statement of common use and ownership. These laws and the ones to follow were to represent a move toward the philosophy of individual ownership of land and a break from whatever common use may have existed in the traditional feudal land system.

36/ See footnote 16, above.


38/ OHA's Comments, p. 23.


40/ Levy, p. 857, note 57, citing Oni v. Meek, 2 Haw. 87 (1858).

41/ OHA's Comments, p. 23.

It is argued that aboriginal title existed as of 1893 and/or 1898; see Betts, p. 14, MacKenzie, pp. 76 and 78.


OHA comments that notwithstanding the conversion of much land to 'individual fee-simple ownership,' the Government and Crown lands were "maintained as lands held by the Hawaiian Kingdom for the chiefs and people in common" (OHA's Comments, p. 24). In addition, OHA states: "One indication of the collective rights in these lands was the specific recognition of native rights of gathering and access on Government and Crown lands" (OHA's Comments, p. 24).

The first assertion refers to OHA's contention that the argument concerning extinguishment of aboriginal title is "irrelevant" because the Mahele confirmed the title to the Crown and Government lands in the Hawaiian Government and thus, in effect, confirmed the title in the native Hawaiians. This assertion is addressed in Part C of this chapter. The second contention ignores that portion of the Kuleana Act of 1850 that terminated the rights of native...
tenants to grow crops and pasture animals on Crown and Government lands. In addition, this statute was held to have effected an implicit repeal of all former gathering rights. This statute evidences an absence of collective rights in the Government and Crown lands.

57/ OHA's Comments, p. 25.


59/ United States v. Santa Fe Pacific Railroad Co, 314 U.S. 339, 347 (1941). OHA cites Mashpee Tribe v. New Seabury Corp., 592 F.2d 575 (1st Cir. 1979) with respect to abandonment of aboriginal title. However, this case concerned "abandonment" by the claimant of its tribal status and not abandonment of aboriginal title (592 F.2d at 586-587).


61/ Levy, p. 857.

62/ One theory advanced in the comments received by the Commission is that leasing of Government and Crown lands is an example of "permissive use" of aboriginal title lands that did not effect an extinguishment of aboriginal title (see Senator Inouye's Comments, pp. 37-39).

The doctrine of "permissive use" refers to use of an Indian tribe's (or band's) aboriginal title lands by another Indian tribe or band; this use is specifically allowed by the tribe or band holding aboriginal title (Samish Tribe v. United States, 6 Ind.Cl.Comm. 159, 175 (1958); S'Klallam Tribe v. United States, 5 Ind.Cl.Comm. 680, 704 (1957)). The fact that non-native Hawaiians were allowed to use the Government and Crown lands is not evidence that the native Hawaiians held aboriginal title to these lands. Cf. Confederated Tribes of the Umatilla Indian Reservation v. United States, 14 Ind.Cl.Comm. 14, 119 (1964). "Permissive use" presumes the existence of aboriginal title (14 Ind.Cl.Comm. at 119). Furthermore, the use of Crown and Government lands was authorized by the Hawaiian Government--the sovereign--and not by the native Hawaiians.


66/ OHA's Comments, p. 23.


69/ OHA's Comments, p. 25; Senator Inouye's Comments, pp. 35-36.


71/ See e.g., United States v. Northern Paiute Nation, 203 Ct.Cl. 468, 470 (1974). Furthermore, the cases cited in the preceding footnote involve situations where there was a treaty that prospectively authorized the acts of the third parties (219 Ct.Cl. at 356-357) or where there was a "subsequent ratification and adoption" by Congress of the acts in question (203 Ct.Cl. at 474; and 183 Ct.Cl. at 340). The actions of United States Minister Stevens that contributed to the overthrow of the monarchy were obviously not authorized by any pre-1893 treaty between the United States and Hawaii, nor were they subsequently adopted by Congress. Indeed, the actions of Stevens on January 17, 1893, do not appear to have been sanctioned by the Congress or the President. The United States Government is not liable for the acts of an agent that exceed the scope of the agent's authority. See Wisconsin Central Railroad Company v. United States, 164 U.S. 190, 210 (1896); Hawkins v. United States, 96 U.S. 689, 691-692 (1877); Whiteside, et al. v. United States, 93 U.S. 247, 256-257 (1876); and Filor v. United States, 76 U.S. (9 Wall.) 45, 48-49 (1869). The paper by Melody MacKenzie and Jon Van Dyke, "Regarding the Legal Aspects," contends that the Government is responsible for the acts of an agent. However, the United States is liable only when it expressly waives sovereign immunity, and it has done so in specific circumstances and then only for authorized acts.

Nor is the decision in Lipan Apache Tribe, et al. v. United States, 36 Ind.Cl.Comm. 7 (1975) controlling. In Lipan Apache, the United States was held liable for the acts of the third parties which effected an extinguishment of aboriginal title of certain Texas Indians to lands in Texas. The acts in question occurred after Texas was admitted to the Union as a State in 1845. By the terms of admission Texas retained ownership of public lands within Texas; however, the Federal Government held jurisdiction over Indian affairs within Texas (36 Ind.Cl.Comm. at 18). On May 15, 1846, the Federal Government entered into a treaty with the plaintiff Indian tribes whereby the tribes acknowledged themselves to be 'under the protection of the United States and no other power, state or sovereignty whatever' (36 Ind.Cl.Comm. at 51). The Commission found that subsequently (i.e., in the 1850's) the United States, through its military forces, had aided Texas authorities in placing the tribes on reservations, thereby extinguishing the plaintiff tribes' aboriginal title to their Texas lands.
The Commission held that by virtue of the 1846 treaty "...the United States had assumed the role of protector of those Texas Indians who participated in that treaty. In our judgment the Federal Government did not fulfill its role as protector of the Indians" (36 Ind.Cl.Comm. at 18-79). Under the circumstances the aboriginal rights of the plaintiff tribes had been "effectively extinguished by the United States" (36 Ind.Cl.Comm. at 19).

Even assuming, arguendo, that the Provisional Government extinguished the aboriginal title, if any, of the native Hawaiians to the Crown and Government lands, it does not follow that the United States would incur any liability for the acts of the Provisional Government on the basis of the Lipan Apache decision. This is because there are crucial differences between the situation in Lipan Apache and the situation here. First, Texas had been annexed by the United States and was part of the United States before the acts of third parties in question took place. By contrast, in 1893, the Hawaiian Islands were not part of the territory of the United States. Second, after the annexation of Texas, the United States was "in charge of Indian Affairs" in Texas (36 Ind.Cl.Comm. at 18). By comparison, as of 1893 the United States had no control over the affairs of native Hawaiians; sovereignty over native peoples only arises when their lands become included within the territorial boundaries of the United States (Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, 16-18 (1835)). Most importantly, in Lipan Apache the United States had assumed a duty to protect the Texas tribes that were parties to the 1846 treaty, thereby giving rise to a "special relationship" within the meaning of Section 2, Clause (5) of the Indian Claims Commission Act (25 U.S.C. §70a). Prior to 1893 (or 1898) the United States had entered into no treaty with either the Kingdom of Hawaii or the native Hawaiians as a group whereby it assumed the duty of protecting the native Hawaiians (including any duty to protect their possession of lands that they occupied). Cf. compare with United States v. Oneida Nation of New York, 217 Ct.Cl. 45, 55-59 (1978) which held there was a "special relationship" with the Oneida Nation because in a 1784 treaty the Federal Government had promised to protect the Oneidas in the possession of the lands the Oneidas occupied as of 1784.

Senator Inouye states: "...it could be argued that the United States exercised some measure of control over the Hawaiian Islands long before annexation" (Senator Inouye's Comments, p. 37, note 17). It has been suggested that the United States might be held liable under Section 2, Clause (5) for the Indians' loss of title to lands (which had never been part of the public domain of the United States) where there is "true concert, partnership or control of the Federal Government" with regard to the specific acts of third parties which effected an extinguishment of title. Six Nations, etc. v. United States, 173 Ct.Cl. 899, 904, 907-909 (1965). However, there are no decisions holding the United States liable under Clause (5) for the acts of third parties on the grounds of "true concert, partnership or control of the Federal Government." Moreover, in Lipan Apache Tribe, et al. v. United States, 180 Ct.Cl. 487, 502 (1967) the Court noted the language from the Six Nations opinion, but stated with respect to Section 2, Clause (5): "In any event, the United States is held liable under this 'fair and honorable dealings' clause not because it has title to the property, but because, by its own acts, it has undertaken special duties which it has failed to fulfill" (180 Ct.Cl. 502). The comments have not established the existence of any special duties owed to the native Hawaiians. In addition, where a native group claims that the United States undertook certain trust
responsibilities relating to that group (see OHA's Comments, pp. 29-30), liability turns on whether a "special relationship was created" (Cf. 180 Ct.Cl. at 502). Yet the wrongs complained of (i.e., United States' participation in the fall of the monarchy and the annexation of Hawaii) (see OHA's Comments, p. 30) cannot give rise to a "special relationship" under Clause (5).


Finally, the central government under the Articles of Confederation possessed considerable jurisdiction over Indian affairs within the States. See United States v. Oneida Nation of New York, 217 Ct.Cl. 45, 62-65 (1978). By contrast, the Federal Government had no jurisdiction over native Hawaiian affairs prior to 1898.


76/ One commenter suggests that the statute of limitations is unfair since some native Hawaiians were born after 1951 and could not have filed claims earlier. However, the Indian Claims Commission Act is designed to compensate the claims of appropriate groups of individuals, not the claims of individuals. If they were qualified to file a claim under the Act, native Hawaiians did not file before August 13, 1951.

77/ MacKenzie, pp. 75-76, 83.


79/ Ibid., emphasis added.

80/ Ibid., p. 192.

81/ Sovereignty over Indian tribes comes from their presence within the territorial boundaries of the United States. Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, 16-18 (1832).

82/ See MacKenzie, pp. 76. She argues that the 1848 Act affirmed the aboriginal title in these lands "to the Hawaiian people as a collective group" and "recognized the traditional use rights of native tenants." She further contends that deeds executed by Kamehameha III and approved by the Hawaiian legislature evidenced recognized title. Ibid., p. 83.

83/ Sac and Fox Tribe v. United States, supra, 161 Ct.Cl. at 192.

84/ The theory that these acts do accord recognized title is in MacKenzie, pp. 83-85. For discussion of these treaties see preceding chapter above.


87/ See also United States v. Mowat, 582 F.2d 1194, 1206 (9th Cir. 1978), cert. denied, 439 U.S. 967 (1978), which implies that the native Hawaiians had no recognized title to the lands at issue.

The contention that the Hawaiian Government was the "single landowning entity," for aboriginal title purposes has been addressed previously (see pp. 336 to 337 above).

OHA asserts "...the title held by native Hawaiians may have been not only aboriginal in nature, but also a formal, vested title" (OHA's Comments, Alternate Chapter III, p. 12). The alleged "communal rights of native Hawaiians" to the Crown and Government lands (supposedly granted by the 1840 Constitution and confirmed by the Great Mahele) are equated with land titles conferred by foreign governments (e.g., such as titles conferred by Spanish land grants). (Senator Inouye's Comments, pp. 39-40.) Thus, Senator Inouye, too, is effectively asserting that title to the Government and Crown lands was in the native Hawaiians.

OHA's Comments, p. 26. Again, OHA states that the native Hawaiians and the Hawaiian Government are not separate entities. The following discussion in the text also responds to the views of Keith S. Ahe.

Thurston v. Bishop, 7 Haw. 421, 437-438 (1888); Harris v. Carter, 6 Haw. 195, 201 (1877); and Kenoa v. Meek, 6 Haw. 63, 65 (1872). See also Hanifin, pp. 16-18.

It should be noted that ownership of the Crown lands was in the king. In the Matter of the Estate of His Majesty Kamehameha IV, 2 Haw. 715 (1864). The Court of Claims held that the Crown lands belonged to the office of the sovereign rather than the sovereign as an individual and became Government lands when the monarchy ceased to exist in 1893. Liliuokalani v. United States, 45 Ct.Cl. 418, 426-428 (1910).

Act of July 11, 1851 (1851; Hawaii Laws 52 (2 Revised Laws (1925) at 2196)).

There were also other statutes providing for sale of Government land to the people; e.g., 1874 Session Laws, Ch. 24; 1876 Session Laws, Ch. 44 and 1878 Session Laws Ch. 5; and 1884 Session Laws, Ch. 45; cited by Hanifin, p. 16.


Hobbs, p. 41, note 17.

OHA asserts that the title to the Crown and Government lands "held by native Hawaiians may have been not only aboriginal in nature, but also a formal, vested title" (OHA's Comments, Alternate Chapter III, p. 12). In addition, OHA contends that: (1) the native Hawaiians and the Hawaiian Government were one and the same entity insofar as holding title to the subject lands is concerned; and (2) the Great Mahele or "voted so as to vest a "formal title" to said lands in the Hawaiian Government (OHA's Comments, pp. 23, 25-26). Also, Senator Inouye alleges, in effect, that the 1840 Constitution granted the native Hawaiians' title to the Crown and Government lands (Senator Inouye's comments, pp. 39-41).

Daws, p. 125, an Hobbs, p. 29. The Hawaiian Supreme Court held in 1977 that the 1840 Constitution "acknowledged that the people of Hawaii are the original owners of all Hawaiian land," State v. Zimring, 58 Haw. 106, 111 (1977). The Zimring opinion ignores the fact that the 1840 Constitution was repealed by the 1852
Constitution (see discussion in text below, page 342). Also, the opinion does not state that the 1840 Constitution operated so as to vest title to the Crown and Government lands in the native Hawaiians. To the extent that it may imply that the 1840 Constitution did vest title, such an interpretation cannot be reconciled with the language of *Thurston v. Bishop*.


103/ Hobbs, p. 41, note 17.

104/ Ibid.


107/ *Ex parte Palm*, 238 N.W. 732, 733 (S.Ct. Mich. 1931), cert. denied, 285 U.S. 547 (1932). This case rejected the argument that a provision in the first State Constitution of 1835 that was not found in any of the subsequent State Constitutions was still in force. See also In re Advisory Opinion to the Governor, 112 So. 2d. 843, 847 (S.Ct. Fla. 1959) which held that the omission of language from the State Constitution that had appeared in the State's previous Constitutions should be presumed to be an intentional omission.


109/ *Ahlo v. Smith*, 8 Haw. 420, 423 (1892), "...loss of...[a right] through promulgation of a new Constitution is by 'due process of law' of the most pronounced character" (8 Haw. at 424). It should be noted that Article 91 of the 1894 Constitution expressly abrogated "all other Constitutions" of Hawaii (Thurston, p. 235). [Emphasis added].

110/ Hobbs, p. 41, note 17, and p. 40.

111/ *Rose v. Yoshimura*, 11 Haw. 30, 32 (1897); *Kenoa v. Meek*, 6 Haw. 63, 67 (1872); and *Kanaia v. Long*, 3 Haw. 332, 334-335 (1872). In Territory v. *Gay*, 26 Haw. 382, 402 (1922), the Great Mahele was held to have itself created "no estate in lands." While this language may refer principally to individual Hawaiians, it strongly implies that the Great Mahele did not operate so as to vest title in native Hawaiians as a group. Moreover, the opinion in *State v. Zimring*, 58 Haw. 106 (1977) implies that the sole source of title, if any, was the 1840 Constitution and not the Great Mahele (58 Haw. at 111-112).

112/ *Kenoa v. Meek*, 6 Haw. 63, 66-67 (1872); and *Kanaia v. Long*, 3 Haw. 332, 334-335 (1872). See also *In re Austin*, 33 Haw. 832, 838-839 (1936); and Territory v. *Gay*, 26 Haw. 382, 402-403 (1922). In *Kenoa v. Meek*, reference is made to the right of the particular claimant "in common with all other Konohikis" as having been barred (6 Haw. at 66). Commenters did not cite any of the decisions of the Hawaiian Supreme Court (see, e.g., OHA's Comments, "Footnotes").

This common right was subject to statutes of limitations. Claims of native tenants not presented and proven by May 1, 1854, were "forever barred" (Act of May 26, 1853 [1853] Hawaii Laws 26 (2 Revised Laws (1925) at 2145); cited by Levy, p. 856. Claims of konohiki that were not presented by January 1, 1895, were
barred (Act of December 16, 1892, Session Laws, Ch. 68 (2 Revised Laws (1925) at 2151-2152)).

113/ Kahoomana v. Moehonua, 3 Haw. 635, 639 (1875); and Kenoa v. Meek, 6 Haw. 63, 67 (1872). This was true also before the Great Mahele (see Thurston v. Bishop, 7 Haw. 421, 438 (1888)).

This does not mean that title was vested in the native Hawaiians because the Hawaiian Government and native Hawaiians were not one and the same entity (see discussion above, p. 341).

114/ In the Matter of the Estate of His Majesty Kamehameha IV, 2 Haw. 715 (1864).

115/ 2 Haw. 715 (1864).

116/ Liliuokalani v. United States, 45 Ct.Cl. 418, 427-428 (1910).

117/ 45 Ct.Cl. at 427-428.

118/ See Hanifin, pp. 12-13. Article 95 of the 1894 Constitution expressly provided that the former Crown lands were Government lands (see Thurston, p. 237).

119/ OHA's Comments, Alternate Chapter III, p. 12.

120/ OHA asserts under its comments on aboriginal title that after the Mahele the Hawaiian Kingdom held title to the Government and Crown lands "for the benefit of the chiefs and people" (OHA's Comments, p. 23). OHA also alleges that the Crown and Government lands were held in trust (OHA's Comments, pp. 4-5). This theory suffers from serious defects. A trust could have first arisen only under the provisions of the 1840 Constitution (upon which OHA relies) since, as a general rule, a fiduciary relationship arises only under the provisions of a treaty, statute or agreement (e.g., United States v. Mitchell, 445 U.S. 535, 542-546 (1980)). Even assuming that the 1840 Constitution did establish a trust, the repeal of the 1840 Constitution by the 1852 Constitution terminated the trust. Moreover, Article 91 of the 1894 Constitution (Lorrin A. Thurston, The Fundamental Law of Hawaii, 235 (1904) specifically abrogated "all other [i.e., former] Constitutions" of Hawaii.

OHA states that the Great Mahele "continued" this trust concept because the lands conveyed to the Hawaiian Government were to be set "apart forever to the chiefs and people of my Kingdom" (OHA's Comments, pp. 4-5). However, this language did not apply to the Crown lands (see Levy, p. 855). Accordingly, the Great Mahele clearly established no trust with respect to the Crown lands (e.g., United States v. Mitchell, supra). OHA contends that since the Crown lands eventually became Government lands, the provisions of the Great Mahele with respect to Government lands (i.e., that they be set "apart forever to the chiefs and people of my Kingdom") automatically applied to the former Crown lands (OHA's Comments, p. 5). However, Article 95 of the 1894 Constitution (pursuant to which the former Crown lands became Government lands) specifically declared that the Crown lands were to be "...free and clear from any trust of or concerning the same..." [Emphasis supplied] (Thurston, p. 237). Although this language was primarily intended to terminate any trust in favor of Liliuokalani with respect to these lands (45 Ct.Cl. at 428-429), it is sufficiently broad so as to have barred the automatic creation of any new trust (in favor of the native Hawaiians) with respect to the Crown lands. Moreover, if OHA's interpretation of the provisions of the Great Mahele with regard to the Government lands is correct (i.e., that they automatically imposed a trust on the former Crown lands), then the provisions of Article 95 and the Act of June 7, 1848 (which adopted the
provisions of the Great Mahele) could be viewed as being inconsistent. Since the 1894 Constitution was the fundamental law of Hawaii in 1894, its provisions took precedence over inconsistent provisions of preexisting statutes (see Article 91 of the 1894 Constitution (Thurston, p. 235); Ahlo v. Smith 8 Haaw. 420, 423 (1892)).

The provisions of the Great Mahele with respect to the Government lands became effective when adopted by the Act of June 7, 1848 (Hanifin, p. 28). Even assuming, arguendo, that the language of the 1848 Act was intended to create a trust with respect to the Government lands, the language of subsequent statutes (which concerned Government lands) is not consistent with a trust theory. For example, the Act of July 11, 1851 [1851] Hawaii Laws 52 (2 Revised Laws (1925) at 2196-2197) and the Act of July 6, 1853 [1853] Hawaii Laws 55 (2 Revised Laws (1925) at 2197) concerning the sale of Government lands did not provide that proceeds from the sale of Government lands were to be paid over to the native Hawaiians or deposited to their credit in a separate account in the Hawaiian Treasury (Compare cf. Ash Sheep Company v. United States, 252 U.S. 159, 165-166 (1920); United States v. Brindle, 110 U.S. 680, 693 (1884); and Colorado River Indian Tribes, et al. v. United States, 39 Ind.Ci.Comm. 42, 48-49 (1976) invol: ‘-a cessions of tribal land to the United States in trust which provided that the land be sold for the benefit of the tribe(s) making the cession and that the sales proceeds be paid over to the tribe(s) in question and, in one instance, that there be a semi-annual accounting of the sales proceeds.) Nor did subsequent statutes contain any provisions requiring proceeds from sales of Government land to be paid over to native Hawaiians (or set aside for them in the Treasury) or requiring periodic accountings of these receipts. In sum, the language of these subsequent statutes was, in effect, not consistent with the language of the Act of June 7, 1848, to the extent that the language of the 1848 Act may have been intended to create a trust as to the Government lands (Cf. Oni v. Meek, 2 Haw. 87 94-95 (1858) holding that a statute effected an implicit repeal of a prior inconsistent statute). Accordingly, these subsequent statutes could be viewed as effecting an implicit repeal of the 1848 Act to the extent that said Act may have imposed a trust on the Government lands.

Furthermore, the failure of a series of statutes to provide that proceeds from sales of Government lands be paid over to native Hawaiians or that periodic accountings of the sales receipts be rendered tends to negate the existence of any trust duties (compare cf. Aleut Community of St. Paul Island v. United States, 202 Ct. Cl. 182, 196-198 (1973)). Failure of the Hawaiian legislature to so provide is significant in light of the fact that the Hawaiian law of trusts clearly recognized the duty of a trustee not to comingle trust funds with monies belonging to the trustee (In re Neville's Estate, 4 Haw. 289, 290-291 (1880)) and the duty of a trustee to account for receipts and profits from trust property (Jarrett v. Manini, 2 Haw. 667, 677 (1866)). In addition, the Land Law of 1895 provided that proceeds from the sale of public lands were to be set apart as a "special fund for the payment of the Bonded Indebtedness of the Government or for the purchase of other lands as provided by § 194" (Civil Laws of the Hawaiian Islands, Ch. 7, § 202 (1897)), rather than set apart for the use and benefit of the native Hawaiians or set apart to be paid over to the native Hawaiians.

If the Government and Crown lands had been held in trust, then the native Hawaiians would have held some title to these lands—namely a "beneficial" title (e.g., Colorado River Indian Tribes, et al. v. United States, 39 Ind.Ci.Comm. 42, 49
Yet neither the landmark decision in Thurston v. Bishop, 7 Haw. 421 (1888) (interpreting the 1840 Constitution) nor the other decisions discussed previously (interpreting the Great Mahele) hold that the native Hawaiians held a "beneficial" title to the Government and Crown lands. This is especially significant in light of the fact that the Hawaiian law of trusts expressly recognized the concept of "beneficial" title to land (Kanoelehua v. Cartwright, 7 Haw. 327, 329-330 (1888); cf. Montgomery v. Montgomery, 2 Haw. 563, 569 (1862)). Presumably, if the Hawaiian Supreme Court had believed that the native Hawaiians had a beneficial title, it would have so held.

Finally, native Hawaiians do not point to any suits prior to annexation alleging a violation of some fiduciary duty of the Government with respect to the Government and/or Crown lands. Yet there is no doubt that up to 1892 such a suit could have been filed in the Hawaiian Supreme Court (which had original equity jurisdiction until 1892) and, thereafter, in the First Circuit Court (In re Bishop's Estate, 11 Haw. 33 (1897)).

121/ OHA's Comments, p. 26. As noted, this argument assumes that the native Hawaiians and the Hawaiian Government are one and the same entity.


124/ Tee-Hit-Ton Indians v. United States, 348 U.S. 272, 278-279 (1955). This analogy is apt since the Hawaiian Government and native Hawaiians are alleged to be one and the same entity. This has nothing to do with the doctrine of "permissive use."

125/ 348 U.S. at 278-279. In such a situation there is an absence of a "definite intention by congressional action or authority to accord legal rights."


128/ This paragraph treats the native Hawaiians as an entity separate from the Hawaiian Government. See United States v. Mowat, 582 F.2d 1194, 1206 (9th Cir. 1978); cert. denied 439 U.S. 967 (1978) which implies that the native Hawaiians had no recognized title to the Crown and Government lands.

129/ After annexation there existed only one entity whose title to the Government and Crown lands could, in theory, have been recognized—namely, the native Hawaiians as a group.

130/ See Joint Resolution No. 55 of July 7, 1898, 30 Stat. 750, which provides, in pertinent part:

The existing laws of the United States relative to public lands shall not apply to such lands [the ceded lands] in the Hawaiian Islands; but the Congress shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same...[with certain exceptions] shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Treaties of cession do not generally establish recognized title to ceded
lands (Sioux Tribe, et al. v. United States, 205 Ct.Cl. 148, 171 (1974)).

131/ The legislative history is full of references to the native Hawaiians—"native population" (Sen. Doc. No. 214, 55th Cong., 2nd Sess. p. 8 (1898)); "native Hawaiians" (H.R. Rep. No. 1355, 55th Cong., 2nd Sess., pp. 43, 49, 56 (1898)); "native race," "aborigines," "natives" (31 Cong. Rec., pp. 5982, 6010, 6142, 6144, 6260, 6526, 6663, 6702 (1898)). [Emphasis supplied.]

132/ See H.R. Rep. No. 1355, 55th Cong., 2nd Sess. p. 49 (1898) (two paragraph discussion and definition of "native Hawaiians"); 31 Cong. Rec., p. 6189 (reference to "the Hawaiians proper," i.e., "full-blooded" and "part" Hawaiians, as one of three "important races"); and 31 Cong. Rec., p. 6573 (distinction drawn between "inhabitants of the Hawaiian Islands" and the "native Hawaiians").

133/ 31 Cong. Rec., pp. 6189, 6260-6261, 6526 (1898).

134/ Act of April 30, 1900, 31 Stat. 141 (1900).

135/ Section 73, 31 Stat. 141, 154.


138/ Ibid.

139/ Nor does Section 91 of the Organic Act of 1900 evidence any intention by Congress to grant native Hawaiians the right to use and occupy Crown and Government lands permanently.

140/ OHA's Comments, pp. 26-27. Similarly, Senator Inouye refers to the "historical treatment of land titles conferred by foreign governments to lands subsequently annexed or ceded to the United States" (Senator Inouye's Comments, p. 39).


144/ Thurston v. Bishop, 7 Haw. 421, 438 (1888); Kahoomana v. Moehonua, 3 Haw. 635, 639 (1875); and Kenoa v. Meek, 6 Haw. 63, 67 (1872).

145/ Liliuokalani v. United States, 45 Ct.Cl. 418, 426-428 (1910).

146/ Thurston v. Bishop, 7 Haw. 421, 438 (1888).

147/ State v. Zimring, 58 Haw. 106, 113 (1977). See also Senator Inouye's Comments (p. 41, note 20) which concur with this statement.

an individual native of the Philippines found to have been segregated from public lands of the prior sovereign, Spain, and held protected under the Philippine Organic Act. See also, State of New Mexico v. Aamodt, 537 F.2d 1102, 1108-1109 (10th Cir. 1976), cert. denied, 429 U.S. 1121 (1977) (Pueblo grants under Spanish and Mexican law).


150/ See discussion above, p. 342.

151/ See discussion above, p. 342.


155/ 31 Stat. at 159. [Emphasis added.]


The cited language shows that under Section 91 of the Organic Act the Territory of Hawaii was not merely an agent of the United States; therefore, such "agency" does not form the basis for a Fifth Amendment taking of the Government lands. Also, Inter-Island Steam Navigation Co. v. Territory of Hawaii, 305 U.S. 306 (1938), on which commenter relies makes reference only to Section 33 of the Organic Act, but no reference to Sections 73 or 91 of the Act.


Similarly, the native Hawaiians cannot obtain compensation under Section 2 of the Indian Claims Commission Act because such claims must have been filed by 1951.


160/ 435 U.S. at 326.


163/ 450 U.S. at 564.
164/ Of course, the United States exercised no sovereignty over the Hawaiian Islands in 1893. Additionally, the native Hawaiians were represented in the Territorial Government. See preceding chapter above.

165/ United States v. Wheeler, 435 U.S. 313, 323 (1977). OHA submits that the concept of sovereignty as it relates to Indian tribes is not applicable to the claims of the native Hawaiians, because whereas Indian tribes were "domestic dependent" nations with only powers of a limited sovereignty (OHA's Comments, Alternate Chapter III, p. 15), the native Hawaiians were "citizens of an aboriginal nation with internal and external attributes of sovereignty" (OHA's Comments, p. 28). Or. commenter notes that until 1898 Hawaii was a separate, independent sovereign. Another commenter suggests that Hawaiians have a "claim to self-determination as a sovereign people." While it is true that Indian tribes had only internal attributes of sovereignty, the salient fact remains that under traditional principles of Indian law, Indian tribes have not been allowed to recover for the loss of those attributes of sovereignty that they do possess, even under Section 2, Clause (5) of the Indian Claims Commission Act (25 U.S.C. § 70 (a)) which encompasses "moral" claims (Confederated Tribes of the Colville Reservation v. United States, 25 Ind.Cl.Comm. 99, 103 (1971)). Moreover, native Hawaiians are citizens of the United States and the State of Hawaii, their sovereigns.

166/ Such matters are regarded as a political question. See, e.g., Baker v. Carr, 369 U.S. 186, 212 (1962).


174/ OHA does not dispute this conclusion (OHA's Comments, Alternate Chapter III, p. 16) and concedes that "...no Constitutional or statutory provision requires the United States to recognize a claim for loss of sovereignty" (OHA's Comments, p. 29). However, OHA asserts, that there may be a "moral duty on the part of the United States to provide reparations or restitution" (OHA's Comments, Alternate Chapter III, p. 16).

175/ MacKenzie, p. 57.

OHA cites Duncan v. United States, 667 F.2d 36 (1981) in support of its comment that the draft report erred in stating that fiduciary relationships can arise only under a treaty, statute, or agreement. However, certiorari has been granted in the Duncan case; the decision of the Supreme Court on review is anticipated in the Spring of 1983. OHA also cites White v. Califano, 437 F. Supp. 543 (D.C.S.D. 1977), aff'd 581 F.2d 697 (8th Cir. 1978); Confederated Tribes of the Colville Reservation v. United States, 25 Ind.C1.Comm. 99, 107 (1971); and Creek Nation v. United States, 20 Ind.C1.Comm. 44, 60 (1968).


Importantly, courts regard the determination of who is the sovereign of a country as a political question left to the determination of the political departments of government. Oetjen v. General Leather Co., 246 U.S. 297, 302 (1918); see also Baker v. Carr, 369 U.S. 186, 212 (1962). Regardless of whether the Hawaiian Government was in place during the 1890's because of the United States' influence, as long as the United States did not consider itself the sovereign of Hawaii it was not the sovereign. Therefore, the views of commenters that the Hawaiian Government of 1897-1898 was illegitimate does not change the foregoing analysis. See also United States v. Mowat, 582 F.2d 1194, 1206-1207 (9th Cir. 1978), cert. denied, 439 U.S. 967 (1978), which rejected the argument that the Joint Resolution of Annexation was illegal because its use was made possible by the Provisional Government that was allegedly a revolutionary and illegal government. Similarly, the "alleged illegality of the quitclaim ceremony of 1897" (see comments of Louis Agard, p. 25 and other commenters) was in fact the Hawaiian legislature's adoption of the law approving annexation and was perfectly lawful.


181/ One commenter states that the "primary source from which a trust duty arises" is the "role of the United States and its agents in overthrowing the Hawaiian government and the subsequent acquisition of almost 1.75 million acres of native land;" a "wrongdoing" that the United States never acknowledged (OHA's Comments, p. 30). It is further contended that "once the wrong was acknowledged, a duty would arise" (OHA's Comments, p. 30). Other commenters gave similar views in more general terms.
This theory simply ignores the fact that since the Federal Government did not have sovereignty over the Hawaiian Islands prior to 1898, no fiduciary relationship could have existed with the native Hawaiians. Furthermore, acts of the Federal Government that might be deemed less than "fair and honorable" within the meaning of Section 2, Clause (5) of the Indian Claims Commission Act (the "fair and honorable dealings" clause) do not give rise to any fiduciary duty (Gila River Pima-Maricopa Indian Community, et al. v. United States, 190 Ct. Cl. 790, 800 (1970), cert. denied, 400 U.S. 819 (1970)).

183/ Cf. Aleut Community of St. Paul Island v. United States, 202 Ct.Cl. 182, 196-198 (1973). Here the Court of Claims found that a "special relationship" (under Clause (5) of Section 2 of the Indian Claims Commission Act) existed between plaintiffs and the United States by virtue of duties assumed in statutes that consistently referred to "natives" or "native inhabitants" of the Pribilof Islands.


186/ Act of July 9, 1921, 42 Stat. 108.

187/ Act of March 18, 1959, 73 Stat. 4.

188/ OHA's Comments, p. 30; Comments of Clarence Kamai.

189/ The correctness is in doubt in light of Section 5 of the Admission Act discussed in the text above.


194/ Compare with the situation in United States v. Oneida Nation of New York, 217 Ct.Cl. 45 (1978). There the Court of Claims held that there was a "special relationship" (under Clause (5) of Section 2 of the Indian Claims Commission Act) between the Federal Government and the Oneida Nation. The court held that by virtue of a 1784 treaty in which the Federal Government had promised to protect the Oneidas in the possession of the lands they occupied as of 1784, the United States had assumed a fiduciary relationship with the Oneida Nation with respect to such lands.

195/ Some commenters suggest there is a close analogy between Alaska Native claims and Hawaiian native claims.

One commenter states that the United States acquired fee title to over fifty percent of the land in Hawaii upon annexation and that, by contrast, the Federal Government obtained fee title to much less than fifty percent of the land in Alaska when it purchased Alaska in 1867. In fact, by the Treaty of Cession in 1867, the United States acquired well over 90% of the land in Alaska, and continues, to hold over 90% of Alaska land.

Review of Hawaiian Homes Commission Programs

The following pages contain information on the Hawaiian Homes Commission Programs. The main text of the chapter was prepared by the Inspector General of the U.S. Department of the Interior. ("Review of Hawaiian Homes Commission Programs," W-OS-OSS-12-82, September 1982.) The text is preceded by: first, a comment received by the Native Hawaiians Study Commission from the Federal/State Task Force on the Hawaiian Homes Commission Act; and, second, a transmittal memorandum from the Inspector General to the Secretary of the Interior. The text is followed by an appendix containing the comments of the Governor of Hawaii pertaining to the Inspector General's report. With the exception of the addition of the comment by the Federal/State Task Force (and placement of all tables at the end of the chapter), this chapter has not been changed from the way it appeared in the Draft Report of Findings of the Native Hawaiians Study Commission.

Federal/State Task Force Comment */

"This chapter is a report prepared by the Office of Inspector General, U.S. Department of the Interior. The Inspector General has independent audit and investigative authority and reports directly to the Secretary and the U.S. Congress. The Inspector General was asked to review selected aspects of the Hawaiian Homes Commission programs to be used as a basis for the Federal/State Task Force Study.


"The Federal/State Task Force was created on July 14, 1982 as a joint effort of the U.S. Department of Interior and the State of Hawaii. Its express purpose is 'to recommend to the Secretary of the U.S. Department of Interior and Governor of the State of Hawaii, ways to better effectuate the purposes of the Hawaiian Homes Commission Act (HHCA) and to accelerate the distribution of HHCA assets to beneficiaries.' The Task Force has conducted a comprehensive review of the HHCA and the programs of the Department of Hawaiian Home Lands (DHHL). Its investigations, studies, and recommendations are being forwarded to the Governor of Hawaii and the Secretary of the Interior.

"The Inspector General's report, along with the reply from the Governor of the State of Hawaii is included in its entirety; only the page numbers have been changed [and the tables placed at the end of the chapter]. It should also be noted that since the Inspector General's report was issued various problem areas have been addressed in a separate effort by the Task Force and the Department. The report of the Federal/State Task Force identifies the work accomplished, underway, and planned to meet the requirements of the Inspector General's report."
Transmittal Memorandum, Dated September 8, 1982

To: Secretary

From: Inspector General

Subject: Audit Report, "Review of Hawaiian Homes Commission Act Programs Operated by Department of Hawaiian Home Lands, State of Hawaii"

This report, in response to the request of February 1982, contains the results of our review of selected aspects of the Hawaiian Homes Commission programs operated by the Department of Hawaiian Home Lands (DHHL), State of Hawaii.

The report discusses problems concerning status of the Hawaiian Home lands, program accomplishment, financial management, applicant eligibility lists and leasing activities.

We are recommending actions to be taken by the DHHL to resolve the immediate problems or other matters discussed in the report where we believe that positive action is both necessary and feasible regardless of basic long-term program decisions. We have not generally addressed basic issues such as (1) solutions to the problems of money or other resources for carrying out Home lands program objectives, (2) whether any changes should be made in the program policies in order to achieve program objectives in an accelerated manner, or (3) the appropriate role, if any, to be played by the Federal establishment, specifically the Department of the Interior, in accomplishing the purposes of the Hawaiian Homes Commission Act, 1920, as amended.

The Governor of the State of Hawaii, in his August 4, 1982 letter commenting on the draft of this report, generally agreed with the problems addressed. However, the Governor commented that the basic and essential issue of whether the Department of the Interior has adequately executed its trust responsibilities was not addressed. The complete text of the Governor's comments are included as an appendix to this report.

We agree with the Governor's assessment and his proposal that the issues relative to the responsibilities of the Federal establishment, including the Department of the Interior, should be addressed by the recently created Federal-State Task Force on the Hawaiian Homes Commission Act. We further believe that the problems identified in the report are matters that should also be addressed by the Task Force.

Based on comments from the Secretary's Office, we understand that the Federal-State Task Force will be in existence for six months and will analyze and address each issue raised in our report.

We would be pleased to provide any additional information you or the Task Force may need. We understand that the Task Force will be using our report as input to their study and may incorporate our results in their overall Task Force report. Consequently, we are not including this special report in our normal follow-up system, but we would appreciate being apprised on the Task Force actions.

(signed) Richard Mulberry
Abbreviations and Acronyms

Act - Hawaiian Homes Commission Act, 1920, as amended, which was enacted to enable native Hawaiians (descendants of not less than one-half part blood of the races inhabiting the Hawaiian Islands previous to 1778) to recapture possession and control some of the public lands of the Territory of Hawaii as homesteads.

Commission - Hawaiian Homes Commission, composed of eight members appointed to 4-year terms by the Governor, formulates policy and exercises control over the functions of the Department of Hawaiian Home Lands. In addition to the Chairman, three commissioners are to be residents of the island of Oahu and one commissioner will be from each of the islands of Molokai, Maui, Hawaii, and Kauai. At least four of the Commissioners are required to be not less than one-fourth Hawaiian.

DHHL - Department of Hawaiian Home Lands, the State of Hawaii agency responsible for administration and operation of the Hawaiian Homes Commission Act programs.

DLNR - Department of Land and Natural Resources, the State of Hawaii agency responsible for administration of State public lands. Prior to 1966 this agency was responsible for the administration of Home lands which were not needed for homesteading purposes.

GEO's - Governor's Executive Orders.

Home lands - Hawaiian Home lands set aside by the Act for homesteading.
A. INTRODUCTION

The Office of Inspector General has reviewed selected aspects of the Hawaiian Homes Commission programs operated by the Department of Hawaiian Home Lands (DHHL), State of Hawaii. The review was requested by the Under Secretary, Department of the Interior, in February 1982 to determine if the Department of the Interior has adequately executed its trust responsibilities for programs and activities of the Hawaiian Homes Commission as provided by the Hawaiian Homes Commission Act, 1920 (Act) and the Hawaii Admission Act of 1959.

The actual role of the Department of the Interior in the affairs of the Hawaiian Homes Commission after Hawaii achieved statehood in 1959 has been very limited. The Assistant Secretary of the Interior, in a 1972 memorandum to the Director, DHHL, considered the Department of Interior's role as a "ministerial" function. Specifically, this "ministerial" role related to approval of the exchange of title to available lands for publicly or privately-owned lands of an equal value, as allowed under the Act. The Assistant Secretary commenting on the Secretary's approval role under Section 204(4) of the Act stated in the memorandum that...

Such approval by the Secretary is considered by the Department to be a ministerial, nondiscretionary act which he cannot perform until after the Governor has acted. The lack of suitable personnel representing the Department of the Interior in Hawaii to investigate the proposed land exchanges reflects the ministerial nature of the Secretary's function. Thus, Section 204(4), insofar as it requires the Secretary's approval in cases involving land exchanges, represents something of an anachronism which has carried over from the days of territorial status when Hawaii was under the jurisdiction of the Department of the Interior.

Thus, the Secretary's role since statehood appears to have been of a ministerial nature until March 17, 1980, when attorneys representing native Hawaiian individuals petitioned the Secretary of the Interior and the United States Department of Justice to take action to enforce the provisions of the Act.

Our review conducted in Hawaii from March 9, 1982 through May 13, 1982, was primarily directed to determining how well the intent and provisions of the Act have been carried out, whether all of the land provided by the Act has been properly accounted for, whether the procedures followed in leasing lands were being conducted in the best interests of the program, and whether financial accountability over the financial affairs of the DHHL is adequate. Due to time constraints, complexity of the programs, lack of financial statements, and the number of years the Act has been in existence, we did not review certain aspects of DHHL activities in the depth we originally anticipated. For example, we limited our financial audit effort because complete financial statements had not been prepared for all funds since 1972.
Alsó, we limited our review of commercial leasing of land to recent activities.

Further, as pointed out by the Governor of the State of Hawaii in his reply to a draft of this report, we did not address issues related to the specific responsibilities of the Department of Interior, its execution thereof or the policy matters that are interrelated to such responsibilities.

B. BACKGROUND

The Act was enacted to enable native Hawaiians (descendants of not less than one-half part blood of races inhabiting the Hawaiian Islands previous to 1778) to recapture possession and control of the public lands of the Territory of Hawaii as homesteads. The Act was designed to fulfill four principal objectives:

1) the Hawaiian must be placed on the land in order to insure his rehabilitation;

2) the alienation of such land, now and in the future, be made impossible;

3) accessible water in adequate amounts must be provided for all tracts; and

4) the Hawaiian must be financially aided until his farming operations are well under way.

The Act set aside approximately 200,000 acres of public lands as available lands for administration by the Hawaiian Homes Commission (Commission) for homestead purposes. The available lands were described in the Act as excluding: "(a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement." The descriptions of acreage were vague, such as, "(1) On the island of Hawaii: Kamao-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae I (ten thousand acres, more or less),...in the district of South Kohala;..."

The Act originally was intended for rural homesteading, where native Hawaiians become subsistence or commercial farmers or ranchers. However, in 1923 the United States Congress amended the Act to permit residential lots. Ever since, the demand of native Hawaiians for residential lots has far exceeded the demand for agricultural or pastoral lots.

In 1959, the Hawaii Admission Act provided that ownership of the Hawaiian Home lands (Home lands) be transferred from the United States to the State of Hawaii. The Admission Act also provided that the Home lands, as well as proceeds and income therefrom were to be held by the State in trust for native Hawaiians and administered in accordance with the Act, and that use of the Home lands for any other purpose would constitute a breach of trust for which suit may be brought by the United States. The Act, as amended, was adopted as a provision of the constitution of the State of Hawaii, and the DHHL was established to administer the Home lands under the Commission.

According to the DHHL annual report, approximately 190,000 acres were being managed by DHHL as of June 30, 1981, and were used as shown in Table 65. (All tables are at the end of the chapter.)

DHHL activities involved in the management of the Home lands include: establishment of farming and ranching programs; road maintenance; operation
of a domestic water system on Molokai; commercial leasing; development, design, and construction of residential subdivisions; and financing loans for homes, ranches, and farms. DHHL also recently began to provide economic development services to native Hawaiians. DHHL employs a staff of approximately 90 people and contracts for certain services such as the planning, design, and construction of residential subdivisions improvements, and agricultural technical expertise.

Funding for DHHL programs is provided by State of Hawaii general obligation bonds and DHHL's revenue receipts. The State of Hawaii provided approximately $6.2 million during fiscal year 1981 and DHHL's receipts totaled about $6.4 million. The five primary sources of DHHL receipts are interest income, lease rent, principal repayments, receipts from sugar cane land leases and water licenses now specifically earmarked for the Native Hawaiian Rehabilitation Fund, and miscellaneous receipts (primary rock and sand sales and pasture and water fees). Receipts for fiscal year 1981 were as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest-loan funds</td>
<td>$1,884,181</td>
</tr>
<tr>
<td>Interest-investments in</td>
<td></td>
</tr>
<tr>
<td>time certificates of deposit</td>
<td>740,260</td>
</tr>
<tr>
<td>Lease rentals</td>
<td>1,418,803</td>
</tr>
<tr>
<td>Native Hawaiian Rehabilitation</td>
<td>1,015,916</td>
</tr>
<tr>
<td>Fund</td>
<td>231,673</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1,139,090</td>
</tr>
<tr>
<td>Loan principal repayments</td>
<td></td>
</tr>
<tr>
<td>Total receipts</td>
<td>$6,429,923</td>
</tr>
</tbody>
</table>

Seven revolving funds and eight special funds have been established to account for revenues and expenditures under the Act. The funds and sources of revenues for each are shown in Table 66. In addition, DHHL is responsible for approximately 50 bond fund accounts.

DHHL's administrative and operational activities are funded by commercial leasing revenues subject to budget approval by the State legislature. As previously shown, DHHL has 92,239 acres of land under general leases, for which income of about $1.4 million was received in 1981. Thus, about 50 percent of the available land is currently used to obtain funds for DHHL administrative needs. The DHHL has a stated goal to substantially reduce the acreage of lands under general lease and make these lands available for direct use by native Hawaiians. In order to maintain sufficient income to administer the program and yet reduce acreage under general lease, the DHHL plans to focus on high revenue commercial and industrial use leases.

C. HIGHLIGHTS

1. Although land is the essential element of the Homelands program, effective accountability for the land has not been established.

   a. The DHHL does not have a complete or accurate inventory of the 203,500 acres of "available lands" as designated under the Act, nor of the 190,000 acres that DHHL now claims responsibility for. A major obstacle in establishing accountability for the lands is the absence of a definitive description of "available lands" and a complete survey of the lands. DHHL does not have the necessary resources to research and develop a comprehensive land inventory system.
b. The Attorney General (State of Hawaii) has ruled that certain DHHL lands were illegally set aside by Governor's Executive Orders. A State Court confirmed this. Progress on resolving this situation, either by exchange of lands or by receiving compensation, is moving very slowly. Except in two cases, there does not appear to be a concerted effort to resolve this problem. Although the listing of lands set aside under Governor's Executive orders was not complete, DHHL had identified approximately 13,600 acres set aside under such orders. The lands are being used by Federal, State, and county agencies for purposes such as public airports, defense installations, schools, parks, or forest and game reserves. DHHL has been working on two cases of land withdrawals involving an airport in Hilo and a flood control project. The airport case has resulted in a general lease providing for a one-time payment of $401,185 for past use and an annual rental of $481,422. The other case will apparently be resolved with a land exchange.

c. There have been seven land exchanges under provisions of the Act, all of which were approved by the (then) Secretary of the Interior. Two of the exchanges, involving 194 acres, were on an acre-for-acre basis, but we were unable to find any appraisals to support that the exchanges were on the basis of equal value as required by the Act. A third exchange of 268 acres of Home lands for about 5,078 acres of State lands was based on tax assessment values of differing periods. The Home lands were valued primarily on 1962 assessments while State lands were valued on 1966 assessments. In addition, available records did not show whether retention of mineral rights by the State was considered in establishing "equal" values.

2. The objective of enabling native Hawaiians to recapture possession and control of the land has not progressed rapidly during the 60 years of the Act's existence. Only 20 percent of the lands made available by the Act are now in the possession of or used by native Hawaiians. There are over 7,000 native Hawaiian applicants on the homestead eligibility lists and some of the applicants have been on the lists for as long as 30 years. The State of Hawaii has provided over $42 million in funds during the past 5 years in addition to the funds generated by the Commission mainly from leases and interests on lease proceeds. Prior to 1973, the amount of funds provided by the State or Territory from outside of the Commission was insignificant.
Despite this stepped-up effort, we estimate it will take over 50 years and over $600 million to satisfy the applicants on the present eligibility lists.

a. The residential homestead program accomplishments were restricted by availability of funds. The residential program is under a subdivision concept with DHHL providing site improvements, such as roads, utilities, and other facilities at no cost to the homesteader. In addition, DHHL provides financing at favorable interest rates for home construction and repairs because homesteaders are not normally able to obtain conventional financing.

b. The farm and ranch homesteading program to encourage native Hawaiians to take up farming as a means to achieve social and economic well-being has not been a success. While there are some successful ranchers and farmers, over 60 percent of the awarded farm tracts are not in full cultivation, including 42 percent that are not under any cultivation at all. It is estimated that at least 34 percent of the homestead ranch lots are subleased by the homesteaders to others for grazing. According to some native Hawaiians the sublessees include individuals who are not native Hawaiians. By 1951, 5,800 acres of the 7,619 farm acres awarded to homesteaders were subleased to pineapple companies under contracts negotiated prior to Statehood. The homesteaders, thus, were not farmers but landlords. The pineapple companies involved discontinued operation on these lands in 1975-1978 and much of the land is unused.

3. Complete financial statements for all of DHHL's funds are not being prepared. As a result, the financial data reported to the Commission and included in the annual report does not provide information necessary to assess management's performance of its trustee responsibility. A complete financial audit of all funds which include over $32 million in loan and accounts receivable and $10 million in cash as of February 28, 1982, has not been performed for periods subsequent to 1972. Also, cash management has not been effective. DHHL maintained large cash reserves in noninterest bearing accounts during a 9-month period ending February 28, 1982. For example, we estimate that an average cash balance of $1,250,000 per month for the Hawaiian Development fund was not in interest bearing investments and, based on the average rate of return, we estimate that over $100,000 in interest was not earned that would have provided additional funds for the purposes of the Act. We noted cash balances at the end of each month for three other funds averaged about $2 million for the 9-month period, and conclude that substantial amounts of additional interest could have been earned on these and other funds that were excess to needs.
4. The eligibility lists, containing over 7,000 applicants' names, need to be verified and additional procedures to remove applicants from the lists need to be considered. DHHL does not have current addresses for a large number of applicants and attempts to contact individuals have not been successful. Many applicants, when offered a homestead lease, defer their right until sometime later for various reasons. There is no limit on how many times an applicant may defer an award, yet the applicants retain their place (ranking) on the list. For example, DHHL recently (1981-1982) screened 1,000 applicants for awarding 230 lots on Oahu. Of the 1,000 applicants, 87 requested that their award be deferred, the notification letters for 371 applicants were returned undelivered, and 10 applicants were deceased. Names are removed from the list only at the request of the applicant. If a person dies, their ranking on the list is assigned to their designated qualified native Hawaiian heirs.

The DHHL has not notified applicants who filed since June 1981 whether their applications have been approved. And, DHHL has not established an accountability system to assure that all applications are accounted for or at some applications have not been lost.

5. Revocable permits have been continued when general leases would be more appropriate. The permits should be used only for temporary use of land but at least two revocable permits have continued for long periods of time.

We are recommending actions to be taken by the DHHL to resolve the immediate problems or other matters, discussed in the report and highlighted herein, where we believe that positive action is both necessary and feasible, regardless of basic long-term program decisions. We have not generally addressed basic issues such as (1) solutions to the problems of money or other resources for carrying out Homelands program objectives, (2) whether any changes should be made in the program policies in order to achieve program objectives in an accelerated manner, or (3) the appropriate role, if any, to be played by the Federal establishment, specifically the Department of the Interior, in accomplishing the purposes of the Act. However, we have suggested that consideration be given to revising the residential program policies in order to reduce the financial requirements of this program.

The Governor, State of Hawaii, provided comments on a draft of this report to the Under Secretary of the Department of the Interior. These comments are included as an appendix to this report. The Governor stated that generally the draft is accurate in its description of the problems facing the Commission and DHHL. However, the Governor stated that the basic and essential issue of whether the Department of the Interior has adequately executed its trust responsibilities was not addressed. And, therefore, the Governor proposed that the "recently created Federal State Task Force on the HHCA" cover the roles and responsibilities of each involved entity in its final and comprehensive study with detailed recommendations to resolve the problems in a cooperative manner.
We agree that issues relative to the responsibilities of the Department of the Interior were not addressed in the report and that such issues should be included in the scope of the Task Force study. We further believe that the problems identified in this report are matters that should also be addressed by the Task Force.

The Secretary's Office commented that the Federal/State Task Force will be in existence for six months and they will perform an indepth analysis of each of the issues and recommendations raised by the Inspector General.

D. FINDINGS AND RECOMMENDATIONS

1. Land Status

Although land is the essential element of the Home lands program, effective accountability for the land has not been established. The problems leading to the present situation are many, beginning with an absence of a definitive description of "available lands" designated by the Act; continuing with apparently illegal land withdrawals or diversions; and complicated by inadequate maintenance of land inventory records. As a result, DHHL does not have a complete or accurate inventory of the 203,500 acres designated under the Act, nor of the 190,000 acres for which DHHL now claims responsibility. Further, the State of Hawaii has never developed and maintained a current and comprehensive inventory of State and public lands, including Home lands, for which the State of Hawaii is the trustee. These problems, in part, have given rise to allegations of "missing" lands by native Hawaiians and organizations, and by other interested parties.

We conclude that positive and aggressive action is required to establish complete and accurate records of Home lands and to resolve issues related to land withdrawals and exchanges.

Land Inventory

DHHL land inventory records consist of a listing of parcels of land corresponding to the State of Hawaii, Department of Taxation, property tax maps to which hand-written adjustments have been made by DHHL personnel. This listing, prepared in November 1979 by a commercial data processing firm, shows parcel identification, location, acreage, use, lease data, and annual rental amounts. In addition to this land listing, known as the "blue book," DHHL also has copies of the tax maps for the areas where Home lands are located.

The DHHL blue book does not provide acre totals or summarizations. DHHL personnel manually prepare data to summarize acreage, use of land, homestead acreage, and other data for the annual report. We found errors in the blue book such as the inclusion of easements as additional acreage, omitted parcels of Home lands, and differences between the blue book and the tax maps.

The use of tax maps as a basis for DHHL land records is also questionable because the Legislative Auditor of the State of Hawaii, in a January 1979 report, criticized the Department of Land and Natural Resources (DLNR) for relying on tax maps for determining the status of State land ownership. The Legislative Auditor stated that the property tax records do not constitute an inventory of public lands nor all lands owned by the State. The Legislative Auditor reported that the records are intended for real property tax purposes and are concerned with who is to be billed for the taxes and not necessarily the true, ultimate, or reversionary owners of the land. Instead, the records may show the name of a lessee or other persons having some interest in the land.

An inventory of Home lands titled "A Land Inventory and Land Use Study..."
for the Department of Hawaiian Home Lands" was performed in 1972. The study (hereafter referred to as the Akinaka Study) was performed by Arthur Y. Akinaka, Ltd., Consulting Engineers, and James M. Dunn, former State Surveyor. The Akinaka Study included an overview of Home lands as well as identifying the obstacles to establishing accountability over the lands designated by the Act. There are some errors in the identification of acreage in the Akinaka Study, but, in our opinion, it represents the best available starting point in identifying the lands for which the Commission is responsible as a trustee. We note, however, that DHHL has not attempted to explain the differences between the land acreage as reported in the Akinaka Study and the acreage included in the blue book.

The original Act set aside approximately 203,500 acres and the United States Congress added 564 acres and withdrew 272 acres during the years 1934 through 1952. In addition, there have been seven exchanges of lands approved by the Secretary of the Interior. The exchanges resulted in a net increase of 3,903 acres and an adjusted total of 207,695 acres as shown in Table 67.

A comparison of the Home lands acreage, as adjusted above, and as summarized in the Akinaka Study and in DHHL's fiscal year 1981 annual report is shown in Table 68. This table shows that there are differences in totals and in acreage by island. While there is only a 154-acre difference between total acreages of the Akinaka Study and the 1981 Annual Report, there are more significant differences in the island acreages, i.e., Hawaii 396 acres, Kauai 722 acres, Molokai 585 acres, and Oahu 176 acres. Although there have been no approved exchanges or disposals of Home lands since 1967, there are inconsistencies in the acreages reported in the DHHL annual reports as shown below.

<table>
<thead>
<tr>
<th>Annual Report</th>
<th>HHL Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>189,724</td>
</tr>
<tr>
<td>1980</td>
<td>190,000</td>
</tr>
<tr>
<td>1977</td>
<td>190,414</td>
</tr>
<tr>
<td>1976</td>
<td>189,875</td>
</tr>
<tr>
<td>1971</td>
<td>190,920</td>
</tr>
</tbody>
</table>

An understanding of the events which led to the passage of the Act is necessary to understand some of the problems associated with the land inventory. The proposals for the lands to be included were contradictory. The major resolution to amend land laws proposed that the highly developed sugar cane lands under Territory leases, which were to expire between 1917 and 1921, were not to be included as homestead lands but were to be continued for lease to the highest bidder. This would have retained the agricultural lands in the hands of the sugar interests. The original Hawaiian rehabilitation proposal, however, would have made these lands available for homesteading. A compromise was worked out between sponsors of the rehabilitation measure and the sugar interests whereby all acreage cultivated for sugar or held under special leases were to be excluded from Home lands, but 30 percent of the revenue derived from the leasing of sugar cane lands was earmarked as income for the rehabilitation program.

This compromise resulted in the first obstacle to establishing accountability of all Home lands, designated as "available lands" under the Act. Section 203 of the Act set aside as "available lands" certain public lands, which according to the Act totaled 203,500 acres, excluding ",...(a) all lands within any forest reservations, (b) all cultivated
sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement..." DHHL and DLNR officials informed us...at they are not aware of any maps showing lands available and designated as Home lands at the time the Act was passed or at the time the State of Hawaii assumed responsibility for the lands upon Statehood. According to DHHL this lack of accurate descriptions of available land is demonstrated in Table 69.

The exclusions of the Act are also factors that make it difficult to define the Home lands acreage because of the imprecise information concerning the lands under the exclusions at the time of the Act. According to DHHL, there were approximately 9,704 acres in forest reserve at the time of the Act. According to the cognizant Deputy Attorney General there may be approximately 14,197 acres of additional forest reserve land that were designated as such after the Act. And, approximately 44 of the 14,197 acres were not included in the Akinaka Study or the DHHL land inventory records, and another 466 acres were included in the Akinaka Study but not the DHHL land inventory.

The exclusion of public lands under sugar cane cultivation, according to DHHL, accounts for a "loss" of approximately 4,000 acres in the areas of Waimanalo and Lualalei on the island of Oahu, and Anahola-Kamalomalo on the island of Kauai. The identification of lands under sugar cane cultivation at the time of the Act was not documented. The process of identifying these lands involves a detailed review of sugar cane leases that were in effect when the Act was passed. DHHL has identified 809 acres that may have been improperly excluded from Home lands in the Anahola-Kamalomalo area, partly because of their questionable identification as sugar cane lands.

Other examples of discrepancies or problems relating to the land inventory are as follows:

1. The blue book maintained by DHHL included many adjustments of acreages made by DHHL personnel and the adjustments did not contain explanations of adjustments or make reference to supporting documents.

2. The Akinaka Study did not include an area known as South Point in Kamaoa-Puueo on the island of Hawaii. According to DHHL the excluded area consists of 699 acres.

3. The Humuula area on the island of Hawaii, according to the Akinaka Study, consists of 52,764 acres of Home lands while the DHHL blue book shows 52,781 acres. Further, a question has been raised as to whether this Home lands area should only be 49,100 acres. According to a Deputy Attorney General, State of Hawaii, the Commission only selected 49,100 acres in the required time period, 1921 through 1929.

4. Lands used for roads in some cases have been included in the DHHL blue book and in other cases the road acreages were excluded. We were unable to satisfy ourselves as to the rationale of the exclusions or inclusions and were unable to determine the amount of excluded road acreage.

5. Our limited comparison of tax maps with the DHHL blue book identified two parcels of land...
totaling 456 acres as Home lands that were not included in the blue book.

6. There are Home lands which have been withdrawn from use by DHHL under various Governor's Executive Orders. As discussed in detail elsewhere in this report, the Attorney General and the courts have ruled that the Governor's Executive Order powers do not apply to Home lands; therefore, the withdrawals were not legal. The Akinaka Study and the DHHL blue book have excluded some of the acreage covered by Executive Orders. For example, 1,356 acres set aside by Executive Orders 382 on January 21, 1930 and 599 on December 22, 1933, are not included in either the Akinaka Study or the DHHL blue book. These lands in Lualualei, on the island of Oahu, are used by the United States Navy as part of radio transmitting station and an ammunition depot.

7. The Akinaka Study included 40 acres in Kealakehe and 48 acres in Milolii which represented acreage to be obtained in an exchange that was never consummated.

8. The tax maps show three parcels of land totaling approximately 148 acres of State of Hawaii lands. According to a Deputy Attorney General it appears that the parcels should be Home lands. The parcels were returned to the control of the Commissioner of Public Lands of the Territory of Hawaii to be used for the Molokai Airport under Hawaiian Homes Commission Resolution 61, October 12, 1938, and Resolution 77, May 13, 1942. The parcels were not included in the DHHL blue book inventory of public lands.

9. One parcel of Home lands is now under private ownership and no lands were received by the Commission in exchange. The land consisting of 8 acres was withdrawn under Governor's Executive Order 545 for a tree nursery and forest ranger station. Then in 1947, the Territory Board of Public Lands included the land in a larger parcel of land exchanged for private-owned land to be included in the Kohala Forest Reserve. The DHHL land records do not include the exchanged lands in the Home lands inventory.

10. The Act's use of the term "more or less" has created problems. For Home lands in an area where the acreage received by DHHL was less than the acreage provided by the Act no adjustment was made. To illustrate, in the area of Kalaupapa on the island of Molokai, DHHL received only 1,247 of the 5,000 acres "more or less" mentioned in the Act because the area contained only this amount of acreage. On the other hand, when the available acreage was more than the acreage mentioned in the Act, such as was the case in the Kawaihae I area on the island of Hawaii, DHHL did not receive the benefit of all of the acreage in excess of the Act amount. For the Kawaihae I area, DHHL was informed by the Attorney General in a July 19, 1966 memorandum that because the area of Kawaihae I
consisted of more than 10,000 acres and the Commission did not make a selection from the acreage available, the grants of public lands in the area were valid. The Act, however, provided that the Commission must make selections of land in only three areas and Kawaihae I was not one of these. Thus, public grants were made of lands in the Kawaihae I area for which DHHL may have a claim because they did not acquire the total acreage mentioned in the Act. The present Deputy Attorney General stated that the 1966 opinion would be reviewed.

There are two major reasons for DHHL not establishing a current and accurate inventory of Home lands for which it is the trustee. First, DLNR never established a current and comprehensive inventory of the State, public, and Home lands. Until 1966, DLNR administered the Home lands that were not yet homesteaded. DHHL began assuming full responsibility for all Home lands in 1965 but did not receive an accurate, current, and comprehensive inventory of the lands from DLNR. Second, due to limited financial resources and other priorities, DHHL has not expended the resources necessary to establish a complete, accurate, and comprehensive land inventory.

According to the Akinaka Study, there remain Home lands for which boundaries and areas are based on very early surveys and determinations and until such lands are accurately resurveyed, doubts will necessarily linger as to the true boundaries and acreages of the available lands. A rough estimate by DHHL is that 40 percent of these lands have not been accurately surveyed.

Land Withdrawals

There needs to be an aggressive and accelerated approach to resolve the issue of Home lands which have been withdrawn for public use. According to DHHL there are approximately 17,270 acres of Home lands that are being used by Federal, State, and county governments for public purposes. Approximately 13,600 acres of these lands have been withdrawn under Governor's Executive Orders (GEO's) issued by the Territorial and State Governors.

The State of Hawaii Attorney General has determined that the GEO powers did not extend to Home lands; therefore, the withdrawals were not in accordance with the Act. This opinion was confirmed in a court case involving Home lands withdrawn for the General Lyman Airport on the island of Hawaii. According to DHHL records, the Home lands under GEO's and their use are as follows:

<table>
<thead>
<tr>
<th>Public Service</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports</td>
<td>176</td>
</tr>
<tr>
<td>Schools</td>
<td>17</td>
</tr>
<tr>
<td>Parks</td>
<td>30</td>
</tr>
<tr>
<td>Forest/Conservation</td>
<td>767</td>
</tr>
<tr>
<td>Game Reserve</td>
<td>11,123</td>
</tr>
<tr>
<td>Public Service</td>
<td>128</td>
</tr>
<tr>
<td>Right of Way</td>
<td>4</td>
</tr>
<tr>
<td>Military</td>
<td>1,356</td>
</tr>
<tr>
<td></td>
<td>13,601</td>
</tr>
</tbody>
</table>

Although the Attorney General in 1975 issued the opinion that GEO powers were not applicable to Home lands, DHHL, because of limited resources, has not made the effort necessary to identify all lands that have been withdrawn for public use, determine the issues related to the withdrawals, and develop recommendations for the Commission to consider in determining the course of action to
Therefore, the above listing does not necessarily cover all of the acreage under GEO's.

DHHL has been pursuing action to resolve two cases of withdrawn lands because of related lawsuits. One of the cases involves a lawsuit filed by the Keaukaha-Panaewa Community Association, a group of native Hawaiians, against the Commission and other defendants. The case involves approximately 25 acres of Home lands withdrawn for a flood control project. The second lawsuit involved approximately 92 acres of Home lands withdrawn for the General Lyman Airport and was filed by the Commission.

The flood control project case resulted in a September 1, 1976 declaration and conclusion of law by the U.S. District Court for the District of Hawaii which stated that the Commission had breached their trust or fiduciary duties by: (1) allowing the use of more than 25 acres of Home lands under the land exchange provisions without first satisfying the prerequisites for an exchange, (2) issuing a license for an unlawful purpose, (3) permitting the uncompensated use of these lands, and (4) allowing the needs of the general public, as opposed to the needs of the native Hawaiians, to control decisions made concerning the project.

The Court also ruled that the transfer of these lands was unlawful, in part, because the Commission had failed to obtain the approval of the Secretary of the Interior prior to allowing use and alteration of the lands, thereby depriving native Hawaiian beneficiaries of the protection afforded by his independent review. And, it ruled that Home lands cannot be used for the benefit of persons who are not beneficiaries under the Act without first obtaining reasonable compensation for such use, when otherwise permissible, based upon sound economic and accounting principles.

The Ninth Circuit Court of Appeals reversed the District Court, not on the merits of the case, but on jurisdictional grounds, holding that only the United States has the right to enforce the State's obligation by a breach of trust suit.

The Deputy Attorney General, State of Hawaii, informed us that DHHL and DLNR are now in the process of identifying lands to be exchanged for the lands used in the flood control project and that the DLNR Board will be acting on the proposal soon. The target date to submit an exchange to the Secretary of the Interior for approval is December 1982.

The Third Circuit Court of the State of Hawaii issued on September 24, 1980, an order granting a partial summary judgment for DHHL, the plaintiff in the case involving the General Lyman Airport in Hilo, Hawaii. The Court in this case ruled that the executive order powers of the Governor in respect to the lands of the Territory or State did not, and do not now, extend to Home lands.

As a result of the court's judgment in the General Lyman Airport case, the State of Hawaii Department of Transportation and DHHL have negotiated a 30-year lease for the 91.6 acres of Home lands withdrawn under GEO's. The lease provides for a one-time payment of $401,185 for all past use of the land, and annual lease rental of $481,422 retroactive to April 1, 1975, with the rentals to be redetermined at 10-year intervals. This lease will result in a substantial increase in revenues for DHHL operations and development of Home lands.

In regard to other withdrawn land, the Commission initiated negotiations with DLNR in 1977 to exchange approximately 30,000 acres of lands which DHHL purported to be Home lands,
for State lands of equivalent value. Approximately 11,927 acres of the Home lands were lands withdrawn under GEO's. According to testimony of the (then) Chairman of the Commission, action by DLNR in responding to the exchange proposals was taking time because of other priority workload considerations. And, according to the current Chairman, this exchange proposal has been withdrawn by DHHL because it does not have a complete and comprehensive land inventory and the Commission did not want to give up land that they knew nothing about.

Home lands in the Puukapu area on the island of Hawaii were withdrawn under GEO's in 1955 and 1958 for development of reservoirs as part of the Lalamilo Irrigation System operated by the State. Although the reservoirs are on Home lands, native Hawaiian homesteaders received no benefits, until 1982, and DHHL received no compensation for use of these lands for the irrigation project even though the State receives revenue from delivery of the irrigation water.

The irrigation system was designed to serve the Lalamilo farm area consisting of 670 acres. According to the DHHL Homestead Project Manager, the Lalamilo farm area is a State of Hawaii project on State lands and the farms are leased to individuals who are not necessarily native Hawaiians. The irrigation system includes the two reservoirs situated on Home lands; the 60-million-gallon Waimea Reservoir situated on 22.7 acres under GEO 1707 issued December 1, 1955; and a 135-million-gallon lake (Puu Pulehu Reservoir) originally under GEO 1869, November 28, 1958, which was canceled on July 31, 1980. We were told that the lake receives the overflow water from the Waimea Reservoir and, at the time of our review, there was no water delivery system from the lake to any farms. A transmission pipe delivers water to the Lalamilo farms from the Waimea Reservoir and runs through Home lands under an easement covered by GEO 1707.

Until recently, homestead farms in the Puukapu area were served only by domestic water which costs more than irrigation water. According to a March 1982 study prepared by the United States Department of Agriculture, the monthly water bill for an average size truck farm using domestic water would be about $230, compared to $60 if agricultural water was used. We were told that the homesteaders were given an opportunity to be connected to the irrigation system at the time the system was put into operation. We were unable, however, to satisfy ourselves as to the reasons why the homesteaders were not connected to the system at that time.

We conclude that, unless the Commission and the State of Hawaii assign a high priority and provide the staff and resources necessary for resolving the withdrawn lands issue, it will take many years before DHHL receives compensation or lands in exchange for Home lands that have been withdrawn for public use.

Land Exchanges

There have been seven exchanges of land under the provisions of Section 204 of the Act which have been submitted to and approved by the (then) Secretary of the Interior or an authorized agent. The Act allows exchanges of land for other publicly or privately-owned lands of equal value in order to consolidate Home land holdings or to better serve the purposes of the Act. The seven approved exchanges involved 3,021 acres of Home lands for 6,924 acres of other public or private lands. The last such exchange was approved by the Secretary of the Interior on
March 16, 1967. About 19.5 percent of the land (1,348 acres) received by DHHL in these exchanges is used for homesteading purposes, and about 75 percent (5,193 acres) is under general leases and revocable permits that generate approximately $30,000 in annual revenues. One general lease covering 5,078 acres was being renegotiated and could result in a substantial increase in revenues.

The propriety of three of the seven exchanges is questionable as the provisions of the Act apparently were not complied with. Two exchanges involving 194 acres of Home lands, one exchange for 192 acres and the other involving 2 acres, were exchanged for 194 acres of public lands in 1962. The exchanges were on an acre-for-acre basis and involve lands in the vicinity of the General Lyman Airport in Hilo, Hawaii. DHHL and DLNR officials could not, at the time of our review, locate any appraisals to support that the exchanges were on an equal value basis as required by the Act. In addition, we noted that the 194 acres received by DHHL in the exchanges were located near a county dump and landfill and were not being used for homesteading purposes.

The third exchange involved a total of 268 acres of Home lands on the islands of Hawaii, Kauai, Molokai, and Oahu that had been made available to the State for various purposes. DHHL received 5,078 acres of public lands in the Piihonua area on the island of Hawaii. According to a letter dated May 17, 1966, from the Chairman of the Board of Land and Natural Resources, which outlined the basis of the exchange, the values of lands to be conveyed by DHHL were based on the tax-assessed values in the year each area was available for State use (1962 through 1966), and the value of lands to be conveyed by the State were based on the 1966 tax-assessed values. We question the equality of value when Home lands are based on assessed values before 1966 and exchanged lands are based on 1966 assessed values. In addition, the State retained the mineral rights to the State lands exchanged. There was no evidence available that DHHL had obtained independent appraisals of the land exchanged, nor was any documentation provided to show that retention of the mineral rights was considered in the tax assessment values.

**Recommendation**

We recommend that the Hawaiian Home Lands Commission take the steps necessary to establish accountability for the lands that it is charged with administering. Although the resolution of land status problems will require a commitment of resources, including money, we believe that such a commitment is necessary for the Commission to meet its trust responsibilities under the Act. We further recommend that the Commission take the steps necessary to regain control of Home lands which are now used, without compensation, for purposes not compatible with the intent of the Act.

2. Program Accomplishment

The Act's objective of enabling native Hawaiians to recapture possession and control of the land has not progressed rapidly during the 60 years of the Act's existence. According to DHHL's annual report, as of June 30, 1981, a total of 3,034 native Hawaiians have been given possession of approximately 26,062 acres. An additional 13,706 acres of community pasture have also been provided to native Hawaiians. Thus, less than 40,000 acres or about 20 percent of the lands made available by the Act are now controlled by native Hawaiians. Further, there are over 7,000 native Hawaiian applicants on the homestead eligibility list and some of these applicants have been on the lists for as long as 30 years.
Among the factors that have reportedly impeded implementation of the Act objectives are the lack of money, the nature and location of the land, and the interests and desires of native Hawaiians.

Nevertheless, progress has improved in recent years. During the past 10 years the number of homesteaders increased by 1,015. Thus, approximately 33 percent of the present homesteaders have been placed on the land during the last 10 years of the 60-year history of the Act. Further, during the past 6 years the State has provided over $42 million of State funds for planning, design, construction, and financing of development improvements and during these same 6 years 669 homesteads have been placed on the land and 373 replacement homes have been built and financed. The records indicate that prior to 1973 there was very little funding outside of DHHL generated revenues from leases, royalties, and interests.

The original intent of the Act was for native Hawaiians to become subsistent or commercial farmers and ranchers. However, less than 2 years after the passage of the Act, Congress amended the Act to permit residential lots. Since then, the demand of native Hawaiians for residential lots has far exceeded the demand for agricultural or pastoral lots. For example, 87 percent of the applicants on the June 30, 1981 eligibility lists desire residential lots. However, 64 percent of the applicants for residential lots have applied for lots on the island of Oahu, but only about one percent of the available land suitable for residences is on Oahu.

DHHL developed a 10-year general plan in 1975, that established four major goals and objectives for the 10-year period ending in 1985. A comparison of the results achieved during the first 6 years with the objectives indicates that three of the goals are not being achieved: housing for new homesteaders, allocating agricultural lands, and reducing the acreage of lands used for income purposes. (See Table 70.) During the 6-year period, over 1,000 homes were built, including the 669 homes in Table 70 and 373 replacement homes. Also, the 793 acres of increased agricultural land do not include 5,800 acres of pineapple land taken out of production during the 1975-1978 period.

A measure of program accomplishment is the number of homesteaders served and the amount of the land in the possession of native Hawaiians. According to the DHHL 1981 annual report, the number of homesteaders and the amount of acreage utilized is as follows:

<table>
<thead>
<tr>
<th>Type of Homestead</th>
<th>Number of Homesteaders</th>
<th>Number of Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,618</td>
<td>1,330</td>
</tr>
<tr>
<td>Farms</td>
<td>347</td>
<td>7,619</td>
</tr>
<tr>
<td>Ranches</td>
<td>69</td>
<td>17,113</td>
</tr>
<tr>
<td>Community pasture</td>
<td>*</td>
<td>13,706</td>
</tr>
<tr>
<td>**Total</td>
<td>3,034</td>
<td>39,768</td>
</tr>
</tbody>
</table>

* Community pastures are available for use by all the homesteaders living in the area of a community pasture.

The Chairman, DHHL, stated that in evaluating their accomplishments it should be noted that Hawaiian families tend to be large, averaging five or six members per family and, therefore, each homestead could be benefitting several Hawaiians.

Another measure of program accomplishment is obtained by a review of the eligibility lists for homesteads. There were 7,225 eligible applicants for homesteads as of March 15, 1981, summarized in Table 71. Our analysis of the lists showed that over 18 percent of the applicants had been on the eligibility lists for more than 15 years. This analysis is summarized in Table 72.
Although, as discussed elsewhere in the report, the complete validity of the eligibility lists is questionable, it is the only available means of determining the number of native Hawaiians who wish to be but have not been placed on the lands. Using an average family size of five to six members per family would mean that as many as 43,000 people are waiting to be placed on the land, recognizing, however, that not all family members meet the criteria necessary for classification as native Hawaiians. There is apparently no accurate data on the number of native Hawaiians who could be beneficiaries under the Act. There was an attempt in 1980 to identify the number of native Hawaiians by using data available in the State of Hawaii, Department of Health, Research and Statistics Office. However, because of the methods used, the result which totaled 45,827 native Hawaiians is considered to be low.

Housing Program

The housing homestead program accomplishments under the Act are, in part, restricted by the availability of funds. The major emphasis under the program is the subdivision concept under which single family residences are built on all islands, with lots ranging from about 7,500 square feet on the island of Oahu to one acre on the island of Molokai. Under this concept and the Act, DHHL contracts and pays, at an estimated cost of $30,000 per lot, for design and development of the subdivision which includes streets, curbs, sidewalks, drainage, street lights, utility access, sewer or cesspool systems, and other facilities. In addition, DHHL provides or arranges the financing, currently estimated at $40,000 per home, at favorable interest rates, for the construction of the homes because the applicants are normally unable to obtain conventional financing. For example, the financing for the 230 homes to be constructed on the island of Oahu during 1982 will be from two sources with interest rates ranging from 8 3/4 percent to 13 percent. The United States Farmers Home Loan Administration will provide $1.6 million for 40 loans and the State of Hawaii will provide $7.7 million for 190 loans.

Also, as part of the housing program, DHHL uses its available funds to maintain a home repair loan fund, again because of the homesteader's inability to obtain conventional financing. It is for note that at the time of our audit DHHL was in the process of screening and selecting 230 applicants for awards of new residential lots and homes on the island of Oahu. In this instance, DHHL is initiating a new approach by building seven model homes so that the applicants can select the model best meeting their needs. DHHL has tentatively scheduled the development of 710 additional residential lots by 1987.

Farm and Ranch Homesteading Program

The farm and ranch homesteading program, which under the Act was intended to encourage native Hawaiians to take up farming and ranching as a means to achieve social and economic well-being has not yet been very successful. While there are some successful farmers, over 60 percent of the farm tracts are not in full cultivation, including 42 percent that are not under any cultivation. Also, it is estimated that at least 34 percent of the homestead ranch acres
are subleased by the homesteaders to others, not necessarily native Hawaiians, in the form of grazing agreements. We estimate that only 16 percent of total available acreage is now under cultivation or being used as ranch land by homesteaders.

There are many reasons why the native Hawaiian farming and ranching program has not progressed rapidly. The reasons cited include: (1) the inadequate financial resources of homesteaders; (2) the lack of farming expertise; (3) the lack of a serious commitment to farming on the part of the homesteaders; (4) the failure of the Commission to enforce its own rules and regulations concerning the use and cultivation of the land, and the provision of the Act concerning subleases; (5) the priority of DHHL during the past 6 years to concentrate on the residential program; (6) the character of land provided by the Act; (7) water availability problems; and (8) the reluctance of native Hawaiians to undertake the inherent risks associated with agricultural enterprises.

DHHL has, admittedly, not concentrated its limited staff and financial resources on the development and implementation of its farming and ranching programs.

Molokai Farming Problems: The most striking example of the difficulties of implementing a successful farming program occurred on the island of Molokai. The original Act had a 5-year limitation period and allowed only lands on Molokai, and the Waimanu, Keaukaha, and Panaewa lands on the island of Hawaii to be used for the purposes of the Act. The first homesteader moved to Molokai in July 1922 and in 1924 the first residential homestead awards were made on the island of Hawaii. According to a 1975 study known as the Kanahele report, during the first 4 years diversified farming on Molokai achieved unexpected results. Alfalfa, tomatoes, corn, watermelons, sweet potatoes, and cucumbers were planted with success in the Kalamaula area. In addition to the crops, the homesteaders raised livestock of which pigs turned out to be the most profitable. By the end of the first 4 years the program became the "Molokai miracle." In the meantime, homesteaders in the Hoolehua area of Molokai began diversified dryland farming with some success. The Territorial Legislature, in 1927, found that the homestead programs on the island of Molokai and Hawaii were a success and requested the Secretary of the Interior and the United States Congress to extend the homestead program to all of the other islands. The Act was amended on March 7, 1928 to remove the 5-year limitation. The "Molokai miracle" turned into a failure by 1930 because, according to the Kanahele report, the high saline content of the irrigation water combined with evaporation had ruined the fields and there was no other adequate water source. Also, fruit flies had destroyed the watermelon crop, and cucumbers were not successfully marketed. Diversified dryland farming in the Hoolehua area continued without much success due to drought and low yield. The Commission, in 1945, concluded that diversified farming in Hoolehua would not be successful because the cost of developing water for irrigation was too high and too many homesteaders were unable to farm because of age. The Commission recommended to the Territorial Legislature that the policy of diversified farming in Hoolehua be abandoned.

According to the Kanahele report, there was one crop, pineapple, that was achieving success in the Hoolehua
area because it required less water than other crops. Contracts with a pineapple company were signed in 1926 whereby homesteaders were to supply the company with fruit at a minimum guaranteed price. The company was to also provide financing and the necessary technical assistance for cultivating and harvesting the fruit.

The Kanahele report states that the Commission and the homesteaders had, by 1945, turned to pineapple as the only viable hope for the homestead economy. Many homesteaders were employed by the pineapple companies. Pineapple was growing on 4,000 acres by 1943 and by 1951 on more than 5,800 acres, or almost all of the available homestead agricultural lots in Hoolehua. The companies which had the marketing expertise provided an income source that no other crop had provided. Net income to homesteaders in 1938 was $430,000, and some homesteaders received as much as $10,000 in a single season during the depression. Pineapple did so well that before long the homesteaders were, in effect, leasing the land and the pineapple companies were farming the homestead acres.

On October 10, 1972, one of the pineapple companies announced that because of economic considerations it was going to close its pineapple operations on Molokai at the end of 1975, and several months later the other company announced that it would substantially reduce its pineapple operations in 1977. Thus, as a result of relying on a one-crop and two-company supported economy, 3,100 acres went out of production in 1975 and another 2,700 acres in 1978. Thus, 168 homesteaders no longer had income from planters agreements, and 75 homesteaders, who also worked for the pineapple companies, had lost their jobs. Currently, most of the 5,800 acres are unused. The "Molokai miracle," which showed that the agriculture program could be successful and justified expansion of the Homestead program, dissolved into an economic disaster 50 years later.

According to representatives of the Soil and Conservation Service, U.S. Department of Agriculture, farming can be a success on Molokai, but there are many problems pertaining to homestead lands that will have to be overcome before homesteaders can achieve success. Among these are: planting of windbreaks to protect crops from Hoolehua's high winds; breaking up of the soil compacted by the roads developed by the pineapple companies; determining the effects of the pesticides used by the pineapple companies on the soil; upgrading the soil quality; obtaining assurances that there is a commitment on the part of the homesteaders to develop farms; and a redesigning of the 35-acre farm lots which are not conducive to family type farming because they are long and narrow. Other problems identified with farming on Molokai include the lack of marketing facilities and expertise and a dependable transportation system to get the products to market. DHHL hired an agricultural expert in 1981 and is now in the process of studying the problems.

In addition, DHHL has been one of the principal supporters of Maui Community College's development of a 60-acre farm project started with $2.5 million in Federal funds. The project was initially established to work with teenagers, many of whom were from homesteading families, in order to introduce them to farming. DHHL anticipates that the project will be established as an institute to provide "hands on" technical knowledge to the native Hawaiians on the island of Molokai.

DHHL is also working on a development program for farms which are not under cultivation located in the
Puukapu and Panaewa areas on the island of Hawaii.

In summary, while attempts are being made to improve the farming homestead potential, it is our conclusion that time, and a substantial increase in resources, is needed in order to develop and implement a viable farming program.

Subleasing of Ranch Land: The subleasing of ranch lots by homesteaders to other individuals, some of whom, reportedly, are not native Hawaiian, is being accomplished through the use of grazing agreements that provide for the payment of a fee for the grazing of cattle. There are at least 20 homestead ranch lots with 5,893 total acres in the Waimea area on the island of Hawaii that are subleased to other individuals.

DHHL personnel in Waimea have submitted the grazing agreements they have been able to obtain for such lots to DHHL headquarters for approval. However, we were told by the Chairman of the Commission that the agreements have not been approved because to do so would acquiesce to the use of homestead lands by non-native Hawaiians which is not compatible with the intent of Act. DHHL or the Commission have not taken action to stop this practice. According to section 208 of the Act, as amended, the homestead lessee "...shall not sublet his interest in the tract or improvements thereon."

Conclusion

Progress toward the Act's objective of placing native Hawaiians on the land has been slow during the 60 years since enactment. And, although progress has improved during recent years, the ultimate objective does not appear to be near.

Under current concepts the needs for financial resources appears to be one of the primary obstacles to rapid progress toward the end objective. For example, we estimate that over $190 million will be needed to provide fully improved lots for each of the applicants for residential lots on the current eligibility list and another $254 million of funds will be needed to provide residential construction loans to these people. Add to this the cost of improvements and loans for farm and ranch applicants and the cost of administering the program and the total costs could easily exceed $600 million. Considering that the State is currently contributing between $6 and $7 million annually and lease income is averaging about $1.4 million per year, it will require over 50 years to meet the Act's objectives for the native Hawaiians on the current eligibility lists.

Recommendation

1. In our opinion, the circumstances indicate that there is a need to consider conceptual alternatives. We, therefore, recommend, together with the other recommendations in this report, that the following alternatives be considered:

   a. Determine whether it is necessary to provide fully improved residential lots at no cost to the applicant. Alternatives to consider are reductions in the extent of improvements provided and/or a requirement that applicants pay for certain improvements.

   b. Determine if an alternative to direct loans is feasible, such as some type of guaranteed subsidized loan program using commercial funding sources.
2. In addition, we recommend that the issue of whether native Hawaiian ranchers can award grazing permits to non-native Hawaiians be resolved.

3. **Financial Management and Reporting**

   Improvements are needed in the financial management and reporting systems to provide for the maximization of revenues as well as providing DHHL with the means of making sound management decisions and for providing accurate and timely reporting on the discharge of its trust responsibilities. Our review disclosed that cash management has been ineffective, complete financial statements were not prepared, the accounting system was unauditable, and the required annual report was not based entirely on accurate and supported data.

   **Cash Management**

   DHHL has not maximized income by analyzing current cash needs and investing all cash excess to current needs into revenue-producing investments. We estimate that DHHL lost in excess of $100,000 of interest revenue for the 9 months ending February 28, 1982, from uninvested cash of just one DHHL fund and another $180,000 from three other funds.

   The Hawaii Department of Budget and Finance invests "excess" cash in time certificates of deposit when so requested by the DHHL fiscal officer. These investments are authorized by Section 225 of the Act. Section 225 also specifies the DHHL fund accounts to which the interest revenues are to be credited. The certificates of deposit can be purchased for periods as short as 30 days in the amount of $100,000 or more. During the 9 months ending February 28, 1982, the rate of return has varied on such certificates from about 10.5 percent to 16.2 percent.

   We reviewed the cash balances of the Hawaiian Home Development Fund for the 9 months ending February 28, 1982. During this period, the development fund had an average uninvested cash balance of about $1.2 million. Investments were made in only 2 out of these 9 months. In our opinion, the uninvested cash balance was greatly in excess of current operating needs, especially considering that revenues exceeded expenditures during the 9-month period. We estimate that DHHL could have generated additional revenues of over $100,000 by investing the development fund cash that was excess to immediate needs.

   We also reviewed the cash balances for the Hawaiian Home Administration Account, the Hawaiian Home General Loan Fund, and the Native Hawaiian Rehabilitation Fund. The average uninvested cash balances in these three funds totaled about $2 million for the 9 months ending February 28, 1982. If this money was fully invested, we estimate that DHHL could have generated additional revenues of about $180,000.

   We did not attempt to determine the total amount of interest for all DHHL fund accounts, nor did we determine how long this situation existed. But we believe that inadequate cash management is a major problem, since DHHL must rely largely on internally-generated monies to fund its programs.

   We believe this problem exists because aggressive cash management has not been stressed as a high priority by the Commission. We also believe that the lack of adequate financial statements as discussed below may have caused the Commission to be unaware of the situation.
Financial Statements

Complete financial statements are not prepared: therefore, the overall financial condition of DHHL is not readily apparent. Partial statements are prepared for the DHHL annual report and for the monthly Commission meetings. But these statements only contain selected financial data for certain fund accounts. The last complete financial statements that we could locate were for the fiscal year ended June 30, 1972.

Because the overall financial condition is not apparent, inappropriate management decisions may have been made. An example is the previously discussed management of DHHL's cash resources.

Complete financial statements provide a degree of visibility pertaining to the management of DHHL resources, from the perspective of both management and outside parties. And, review of financial statements by management can serve as the basis for questions concerning certain account balances or other sensitive financial matters.

One such account balance that should have raised a question was an accounts receivable balance of $365,781 in the Hawaiian Home Loan Fund, that is due from the Borrowed Money Fund. This type of interfund transaction is questionable because it is conceivable that the Borrowed Money Fund was used so the funds could be loaned at a higher rate of interest, since the Act sets the rate of interest on loans from the Hawaiian Home Loan Fund at 2.5 percent. DHHL fiscal office personnel could not provide us with information as to when or why the transaction(s) was made.

Another problem related to the financial reports and records is that they do not separately identify the expenses of the Molokai water system.

Thus, there is no assurance that water rates are adequate to recover the operating expenses of the water system.

We were informed by DHHL officials that there have not been any requests for DHHL financial statements, and that DHHL has higher priorities for its limited staff resources. However, we believe that annual financial statements, and quarterly or monthly statements, if practical, should be available, especially for a governmental organization with cash balances of about $10 million and loans/accounts receivable in excess of $32 million.

Accounting System Is Not Auditable

There has not been any financial audit of DHHL's funds and accounts conducted since the Hawaii Legislative Auditor attempted to audit the DHHL loan funds for the fiscal year ended June 30, 1978. The last audit of all DHHL funds and accounts was performed by the Hawaii Comptroller, for the 10-year period ended June 30, 1972.

The Legislative Auditor's report on the attempted audit of the fiscal year 1978 loan funds concluded that "the department's financial records are inaccurate and unverifiable," and that the records "were not in an auditable condition." Accordingly, the auditors were unable to express an opinion on the financial statements.

In our opinion, the accounting system is still in an unauditable condition. In addition, there are no financial statements (combined balance sheet, statement of revenues and expenses, and statement of changes in fund balances) prepared by DHHL upon which an opinion could be expressed.

The main deficiency in the accounting system is that key reconciliations are not performed. As noted in the Legislative audit report, there were
discrepancies between the accounting records maintained by the Hawaii Department of Accounting and General Services and the records of DHHL. In addition, there were discrepancies between DHHL's general ledger and subsidiary ledgers.

The task of performing reconciliations has been assigned to temporary DHHL personnel, and there has been a loss of continuity when positions are vacated and refilled. At the time of our audit, no reconciliations had been attempted for about 8 months.

The audit function is an important part of good financial management. It helps to provide assurance to management and interested outsiders concerning the safeguarding of assets and the reliability of financial data. Accordingly, we believe that it is important that (1) the recommendations of the Legislative Auditor be implemented, (2) the accounting system be maintained on a current basis, and (3) regular audits be performed.

Accuracy of Annual Report Data

DHHL needs to improve the management information system so that data included in DHHL's annual report is accurate and supported. The Act requires that DHHL submit an annual report to the State Legislature. This report is also widely distributed to the Hawaiian community and provides information by which the Hawaiian community can evaluate the DHHL, and so it is imperative that the data is accurate.

Most of the quantitative data in the report is extracted from various records and monthly reports, but the data has not been reconciled with the source records for some time and there are differences between the records and the annual report. Also, we noted that some of the records were not accurate or complete.

For example, the DHHL listing of homesteaders showed that there were 165 more homesteaders on June 30, 1981, than the 3,034 reported in the fiscal year 1981 annual report, and there were significant differences by island and type of homesteader (see Tables 73 and 74).

We also noted that two individuals with pastoral or agricultural lots were not included as such in the homesteader list. Due to the amount of effort it would entail, we did not attempt to reconcile the list to the annual report, or verify the list. However, we noted one major cause of the differences was that homesteaders who had 35-acre farms and 5-acre residential lots on Molokai were counted twice. Also, the problems with the varying unreconciled sources of acreage data previously discussed under "land inventory" contribute to the problems of the validity of the data in the annual report.

Recommendations

We recommend that the DHHL improve its financial management and reporting system to correct the deficiencies we noted in cash management, financial statements, the accounting system, and the annual report. Specifically, this includes:

1. The timely investment of all available monies not immediately needed for current operations.
2. The proper and timely maintenance and reconciliation of accounting records.
3. The preparation of financial statements and the independent audit thereof.
4. Verification, to the extent possible, of the accuracy of homesteader and acreage data to be included in the annual report.

4. Eligibility Lists

Our review has disclosed that certain improvements are needed in the procedures used to maintain the existing lists of eligible applicants for Home lands. But more important changes are needed to assure the currency and applicability of the lists and to remove uninterested applicants from the lists.

In order to qualify for inclusion on the lists a person must be 21 years of age and have at least a 50 percent native Hawaiian blood quantum. In addition, in order to actually receive a homestead lease, the person must be qualified to perform the conditions of the lease and be in need of financial assistance and not be delinquent in payment of any obligation to the State or its political subdivisions. One of the conditions of the lease is that the applicant is financially able to assume the indebtedness outstanding against the premises to be leased or to assume the indebtedness that must be incurred to enable the applicant to occupy the premises within one year after award of the lease.

The methods used to select applicants for awards from the eligibility lists have gone through various changes. According to the DHHL Annual Report for 1976-1977 there were no established or consistent procedures followed prior to 1963. Some awards were made by lottery, and other various procedures and criteria were used.

A priority system was established in 1963 where certain land areas were defined and eligible applicants were placed on an area list in priority ranking by the Hawaiian blood quantum of the applicant successor and the date of application. Three blood quantum priorities were established: Priority I successor to be 100 percent Hawaiian, Priority II successor to be from 50 up to 100 percent Hawaiian, and Priority III no qualified successor. The applications were ranked within the three priorities by date of application. In this system, applicants in Priorities II and III were not being awarded any land when there was an applicant in Priority I, regardless of the date of application.

A new system was established in 1972 whereby future applicants would no longer be ranked by blood quantum. Applicants on the existing lists would retain their ranking, but as of August 1972 all new applicants were ranked by date and time of application.

A problem with this method developed when new homestead areas were made available. The rules required that any applicant requesting transfer to another area list had to forego the original application date and be placed at the bottom of the list.

The present system was established in 1977 with the initiation of island-wide eligibility lists for all types of awards. The existing priorities and area lists were retained, and all of the previous applicants were also placed on the island-wide list in chronological order. New applicants are placed only on the island-wide list in chronological order. Any awards in an existing area must be selected from the old area list first. If new areas are opened, the awards are to be made from the island-wide list and the earliest applicants are considered first. Another change was that a qualified spouse or child could assume the application rank of a deceased applicant.
We noted that DHHL has not notified applicants who had filed since June 1981 whether their applications had been approved. DHHL rules and regulations provide that DHHL determine if an applicant is qualified within 30 days after all required application documents have been supplied. Thus, recent applicants did not know if their applications have been accepted and approved. Near the end of our review, DHHL began notifying applicants who have filed since June 1981.

Throughout the various ranking systems, there has not been a system of application accountability numbers whereby a single series of numbers is used and a number is assigned once to an application. As a result, there is no system to assure that all applications have been accounted for or that some applications have not been lost. A numerical log of applications showing status of applications and award would provide DHHL with a method of accounting for applications.

Applications are removed from the eligibility lists only by specific request of the applicant or by death of the applicant without qualified successor. DHHL does not have current addresses for a large number of applicants and attempts to contact the individuals have not been successful. DHHL rules and regulations require applicants to notify DHHL of any address changes and require that applicants be placed in a deferred status when there has not been a response after two attempts to contact an applicant. This means that applicants will not be considered for future awards but are not removed from the lists and their ranking is maintained.

The magnitude of the problem is illustrated by the attempt in 1978 to contact 1,318 applicants whose last known address was considered questionable. The 1,318 applicants were listed in a major newspaper on May 31, 1978, and were requested to contact DHHL and update their applications. Responses concerning 554 applicants were received and their files were updated. However, according to DHHL personnel, no action was taken to remove the remaining 764 names from the eligibility lists.

Another example is the screening of 1,000 applicants for the 230 lots to be awarded on the island of Oahu in 1982. The screening process, which began in October 1981, resulted in 371 undelivered letters apparently because the addresses were not current.

In August 1981, DHHL for the first time began classifying applicants as inactive after two unsuccessful attempts to contact the applicant. DHHL's attempt to identify all applicants without current addresses is continuing and it hopes to complete the process during 1982.

There are also a significant number of applicants who for various reasons defer their application for an award of a lot until some future date. When this happens, the applicants remain on the list and retain their positions on the list. There is no limit as to the number of times they may defer their application for lot awards, nor is there any requirement that the reasons for deferment be disclosed. Some of the reasons relate to economic matters such as location of their present jobs, while others defer with the hope that they will receive a more attractive award in the future. Of 1,000 applicants screened for the 1982 award of lots on Oahu, 87 requested deferments of their awards until some future date.

Another problem affecting the viability of the eligibility lists is demonstrated by the fact that there are 194 applicants for Papakolea and 1,755 applicants for Waimanalo, both on Oahu. There is, however, little available land in Papakolea, and not enough land to satisfy the applicants on the Waimanalo lists. According to the Chairman, DHHL, many of these applicants will not accept lots in other areas.
DHHL also has a potentially sensitive issue to resolve before future awards are made in the Waimea area on the island of Hawaii. The issue relates to the cancellation of the 1952 list for the awarding of leases in the vicinity of Waimea. The Commission, in 1952, selected 197 applicants for the award of 48 pastoral lots and 27 applicants for the award of 8 farm lots. The names selected were then drawn by lottery in order to establish the priority from which the final selection was made. The list created by the 1952 lottery was cancelled on May 14, 1956 and, at the same time, the staff of the Commission was instructed to accept new applications for Waimea homesteads.

Some of the 1952 applicants reapplied at that time (1956), and others reapplied later. Some of these latter applicants contend that they should be allowed preference over applicants who were not on the 1952 list. The basis of their contention is that they never received notification that the 1952 list had been cancelled. We noted that there were three awards to individuals in 1962 that were not on the 1952 list. DHHL personnel were reviewing the problem at the time of our review, and had not yet determined if all applicants had been properly notified.

The Legislative Auditor of the State of Hawaii, in a September 1979 audit report, also reported that the eligibility lists contained many applicants whom the DHHL had not been able to contact. The Legislative Auditor recommended that DHHL amend its rules and regulations to provide for removal from the lists those applicants who continually fail to respond. DHHL has been reluctant to make such a change, and at the present time the applicants are being placed in an inactive status rather than dropped from the lists.

Since the eligibility lists are the basis for planning of future projects and awards, we believe there should be a more concerted effort to establish a listing that represents real demand.

**Recommendations**

1. We recommend that the Hawaiian Homes Commission establish policies and procedures wherein applicants are:

   a. Dropped from the eligibility lists when reasonable efforts to verify their whereabouts and interests are unsuccessful.

   b. Assigned a lower preference priority when offers are rejected and that they be dropped from the listings after a reasonable number of rejections.

2. We further recommend that DHHL:

   a. Notify applicants as to the approval or rejection of their application within 30 days of the receipt of the applications.

   b. Establish a numerical accountability system aimed at providing assurance that all applications are properly accounted for.

5. **Leasing Activities**

Section 204 of the Act authorizes DHHL to lease to the public any lands that are not required for homesteading purposes. The revenues from these activities, which include general leases, revocable permits, licenses, easements, and rights of entry permits, were about $1.5 million.
during the year ended June 30, 1981. As a result of the tentative settlement of the Lyman Airport case, the revenues will increase to over $2 million a year. The monies from the leases are currently used for DHHL administrative and operating costs.

DHHL follows State law and regulations in its leasing activities, with one exception, requiring that the lands be leased at a public auction to the highest bidder with a minimum rental (upset rental) determined by independent appraisers. Leases are generally limited to a term of not more than 65 years.

The one exception involves a 1978 amendment to the Act which gives preferences to native Hawaiians in a general lease at the upset rental and without public auction. DHHL has not, with the exception of the Lyman airport lease, awarded any general leases since 1978, pending the establishment of rules and procedures for native Hawaiian preference leases. The rules and procedures have been completed and approved and DHHL was, at the time of our review, obtaining appraisals for future awards under these procedures.

Hawaii land statutes also provide for licenses and permits in certain cases and under certain conditions. Land licenses grant a privilege to enter Home lands for special purposes such as the removal of stone or gravel and may be granted for a period of not more than 20 years. Permits are issued for temporary occupancy of Home lands on a month-to-month basis which may continue for a period not to exceed one year from the date of issuance, with a provision that allows for the continuance of the permit on a month-to-month basis for additional one-year periods.

Prior to 1966, the general leases for Home lands were issued by DLNR. In 1965, the State legislature empowered DHHL to lease Home lands with the exception of 18 leases covering 16,500 acres still administered by DLNR, DHHL now administers all leases of Home lands. As of June 30, 1981, a total of 93,363 acres of Home lands, including the 16,500 acres noted above, were under leases, revocable permits, or licenses.

The Legislative Auditor of the State of Hawaii, in a January 1979 report, was critical of DLNR's leasing practices for lands. The Legislative Auditor reported that appraisals for establishment of upset rentals were inadequate and not properly documented; there was insufficient use of percentage leases for lands let for business purposes; there were unreasonable delays in reopening of leases and redetermining lease rentals; lands were being leased under permits for long periods of time in violation of the intent of statute; and revenues derived from public lands were not being deposited into the proper fund accounts.

Based on our limited review we found that DHHL was obtaining independent appraisals for general leases and lease rental redeterminations. DHHL lease redeterminations were scheduled at varying intervals of 5 to 20 years and generally were being initiated in a timely manner. Also, DHHL recently began obtaining independent appraisals for significant permits and using tax assessed values for other less significant permits.

We did note two instances where it appears that revocable permits have been continued when general leases would be more appropriate. Revocable permits are to be used for temporary use of land, but DHHL had at least two revocable permits that had been continued for long periods of time. For example, one permit covered the use of lands for a store and improvements on approximately two acres of land. This revocable permit, effective June 1977, has been renewed through May 1982, and we believe that
under such circumstances a general lease with lease payments based on operating revenues would be more appropriate. The other example involves a revocable permit for lands under sugar cane cultivation. The revocable permit covers 266 acres of land and contains a clause which is not compatible with the one-year period allowed under the State's statute applicable to revocable permits. The clause allows the lessee up to 25 months before surrendering the lands, so that the lessee would be assured of having a crop mature and be harvested. Thus, a general lease also appears more appropriate to this case.

DHHL personnel stated that these revocable permits were inherited from DLNR in about 1977. They stated that some of the land may be withdrawn for homesteading; therefore, DHHL will probably continue to use revocable permits. However, we did note that DHHL was in the process of obtaining an independent appraisal for the revocable permit involving the store.

Recommendation

In view of the corrective action taken by DHHL, our only recommendation involving leasing is that the two noted revocable permits be converted to general leases because of the stability they offer to the lessee, which in turn can result in increased revenue.
This appendix consists of:

- A letter dated August 4, 1982, from George R. Ariyoshi, Governor of Hawaii, to Donald Paul Hodel, (then) Undersecretary, U.S. Department of the Interior; and


A. LETTER FROM GOVERNOR GEORGE ARIYOSHI

Dear Mr. Hodel:

Thank you for your letter of July 7, 1982, and the copy of "Review of the Hawaiian Homes Commission Programs," prepared by the Office of the Inspector General, U.S. Department of the Interior. Generally, the draft is accurate in its description of the problems facing the Hawaiian Homes Commission (HHC) and the Department of Hawaiian Home Lands (DHHL). Detailed comments are enclosed for your review. A copy will also be submitted to the Office of the Inspector General, and to the Federal State Task Force on the Hawaiian Home Commission Act, which is charged with conducting a comprehensive review of all aspects of the act.

In the letter I received March 5, 1982, you stated that the purpose of the independent study was "to determine if the Department of the Interior has adequately executed its trust responsibilities" with respect to the Hawaiian Homes Commission Act (HHCA), the DHHL, and Section 5(f) of the Admission Act of 1959.

This basic and essential issue was not addressed and actually excluded from the draft report. Needless to say, I was disappointed that the very purpose of the independent study is totally omitted.

Hawaii has cooperated with your staff, based on the premise that the state and federal governments share in trust responsibilities. The exclusion of the federal role is a serious concern.

The federal government has been involved in the HHCA from its inception. The HHCA was created by Congress. The focus of the program, the emphasis on rural homesteading, and the setting aside of public lands for the HHCA were determined by the federal government.

The Territory of Hawaii, including the HHCA, was under the direct jurisdiction of the United States until statehood. The Congress and Departments of Justice and the Interior retained trust responsibilities over the HHCA through provisions in the Admission Act of 1959. These trust responsibilities remain in effect today. The federal government must not ignore its role in this matter.

The draft report includes a list of well-known problems. Hawaii continued to address these problems without diverting limited funds from direct services to native Hawaiians. Ignoring the federal government's and the level of resources required to resolve these problems is a major deficiency of the draft report.

In essence, the draft report as it exists will have a serious negative impact on the native Hawaiian beneficiary group, the program, and the general community. It will result in greater misunderstanding and a deterioration of community and legislative support which has taken 60 years to build.

The federal and state government must pursue the identification,
analysis, and resolution of these problems in a cooperative manner, with full recognition of the role and responsibility of each entity throughout the 60-year history of the HHCA. The recently-created Federal-State Task Force on the HHCA provides a timely and appropriate opportunity to achieve this. The task force has a broad mandate and is composed of federal, state, and community representatives.

I propose that the responsibility for developing a final independent study on the HHCA be transferred to this task force. In other words, the task force would continue the work of the Office of the Inspector General in developing a complete final report, comprehensive in scope, and with detailed recommendations for action.

Areas which may be examined by the task force which are not addressed in the existing draft report include recommended revisions to the HHCA, a clear definition of the purpose of the HHCA with a proper blend of powers and functions, clarification of the federal government's role and responsibilities, alternative methods of funding, and detailed recommendations to address problems.

The draft report can serve as a starting point for the task force. The Office of the Inspector General would retain its functions in terms of assisting the task force in developing a final report and in monitoring its implementation to provide periodic reports to Congress. Hawaii stands committed and prepared to provide resource persons and assistance for such an endeavor.

My administration has made significant commitments to the DHHL in terms of financial resources and overall assistance. More than $40 million in state funds have been funneled into the DHHL in the past six years. Over 1,300 homes have been constructed during this period, which nearly equals the total number of homes constructed in the previous 54 years.

The DHHL agricultural program has been improved through water development, increased loan limits and expanded loan purposes, and technical assistance. Progress is being made by homestead farmers and this trend is expected to continue. The DHHL is making negotiated general leases available to native Hawaiians to increase opportunities for business development and job creation, as well as making its land base and resources more accessible to native Hawaiians. The new DHHL economic development program will provide business assistance and small business loans to support this effort.

I believe in the Department of Interior's sincerity about making a contribution to the advancement of the native Hawaiian beneficiary group. I look forward to our joint commitment to this effort. Your comments on my proposal would be appreciated.

With warm personal regards, I remain,

Yours very truly,

(sign) George R. Ariyoshi

Enclosure
B. COMMENTS SUBMITTED BY GOVERNOR ARIYOSHI

Overall Comments

Purpose of the Hawaiian Homes Commission Act

The draft report does not discuss the Hawaiian Homes Commission Act (HHCA) itself. It does not identify areas of the Act for revision and improvement. Created by the U.S. Congress in 1921, implemented by the Territory of Hawaii under U.S. government jurisdiction for 38 years, and then by the State of Hawaii for 22 years under a compact with the U.S. Government, the HHCA has remained essentially unchanged during this entire period.

The intent and purpose of the HHCA is not clear. The concept of native Hawaiian "rehabilitation" is vague. A contemporary mix of statutory powers and functions is lacking. As a consequence, it is difficult to evaluate the performance and results of the Department of Hawaiian Home Lands (DHHL). The HHCA focuses on the land base rather than the changing needs of native Hawaiians and methods to address these needs.

Statutory Provisions

A Congressional Committee Report at the time of the HHCA's passage lists these principle objectives:

- The Hawaiian must be placed on the land to insure his rehabilitation;
- Alienation of the land must be made impossible;
- Accessible water in adequate amounts must be provided for all tracts; and
- The Hawaiian must be financially aided until his farming operations are well under way.

Experience has demonstrated that land is not the panacea for native Hawaiian advancement. Comprehensive and balanced programs are required to assure success. The HHCA does not address the social, economic, and educational needs of the beneficiary group. Adequate and sustained funding is not provided.

The non-alienation clause makes it impossible for native Hawaiian homestead lessees to secure financing without DHHL's continuous support in the form of direct loans and loan guarantees. DHHL financing is, and will continue to be, limited unless new sources and methods are identified and made available. A significant share of the equity created by the lessee cannot be released until the lessee surrenders the lease or passes away. Further, the non-alienation clause and the inability to leverage other funds create a general disincentive for land improvement. Native Hawaiian homesteaders are unable to pass on leases and improvements to non-native Hawaiian direct heirs.

The HHCA exclusion of sugar cane lands, forest reserves, and the remote location of lands results in a land base isolated from population centers, often in dry areas with poor soil conditions. Cost of developing water sources and distribution systems is prohibitive. Funds for water planning, design, and construction are not readily available.

The provision of land, water, and financing for farmers is not adequate to ensure success. Technical assistance in farm production and business management is required. Remote DHHL farming areas face transportation and marketing problems.

All references in this appendix to the "draft report" refer to the Inspector General's draft report, and not to the Draft Report of the Native Hawaiians Study Commission.
and lack a full complement of agricultural support services.

**DHHL Land Base Serves Two Purposes**

The DHHL land base is used to develop native Hawaiian homesteads and to generate revenues for administration and other costs. These conflicting purposes for the land have been a continuous source of confusion and controversy. Expanded homestead programs experienced since 1975 create additional demands for staff to provide services and maintain quality standards. Planning, design, and construction of homestead improvements are largely dependent on State funds. It has been suggested that DHHL allocate raw land without services or improvements. However, experience has shown that a balanced program of services and improvements is required. DHHL is caught in a continual bind—it cannot develop homestead improvements fast enough to use large tracts of land and it needs to use the same land base to generate revenues for expanded services.

**Federal Role Omitted**

The draft report introduction states that the purpose of the investigation was:

...to determine if the Department of the Interior has adequately executed its trust responsibilities for programs and activities of the Hawaiian Homes Commission as provided by the Hawaiian Homes Commission Act, 1920, and the Hawaii Admission Act of 1959. (page 1)

The draft report does not attempt to define federal responsibilities, nor does it include an evaluation of the performance of the federal government in its trustee capacity. This is a serious deficiency of the draft report.

The federal government has played an active role throughout the history of the HHCA. The U.S. Congress created the HHCA. The federal government had jurisdiction over its implementation when Hawaii was a Territory and retained trust responsibilities outlined in the HHCA and Admission Act that are still in effect.

The basis for interpreting the U.S. Department of the Interior (USDI) role as "ministerial" in a 1972 memorandum of DHHL is not clarified. The draft report does not discuss whether this passive role is still considered adequate or whether the federal government's trustee responsibilities are more extensive in scope and active in nature.

The draft report describes specific actions by the federal government that are questionable without recommending corrective actions. This refers to the USDI approval of HHCA land exchanges and the illegal use of 1,356 acres at Lualualei, Oahu, by the U.S. Navy.

**Alternative Funding Sources Not Explored**

The draft report contains no substantive and detailed recommendations on alternative funding sources, including federal funds, that may be channeled to DHHL. It is clear that many of the problems faced by the DHHL and documented in the draft report are related to the lack of funds for site improvements, construction, financing, programs, and operations.

DHHL has made significant strides under the present State Administration
because of a substantial infusion of State funds. DHHL's ability to continue in this positive direction has been reduced by the 1978 State Constitution limit on State spending, impact of current economic conditions on State and DHHL revenues, and inflation. The omission of the federal government's role in providing funds to DHHL is a serious concern. As far as can be determined, federal funds have never been allocated to the DHHL in the 60 year history of the HHCA.

Draft Report Findings
Misleading

Draft report findings leave the impression that the problems can be resolved simply. Recommendations in the draft report are so general as to be meaningless and not useful in terms of taking corrective action. The exact scope of work required and costs are not outlined. Many of the detailed comments that follow are intended to clarify the complex and difficult nature of these problems and needs.

The draft report in its present form is deficient and incomplete, does not fulfill its stated purpose, and will not result in the fundamental and far-reaching improvements needed. The federal government must acknowledge its proper role with respect to the HHCA and DHHL.

Detailed Comments

Land Status

1. Land Inventory

Finding: The draft report cites the lack of descriptions of "available lands" as a problem including the lack of a complete and accurate land inventory (page 13).

Comment: The land inventory problem is complex, due in part to Congressional withdrawals, land exchanges, Executive Orders, and vague descriptions in the HHCA. All of these problems were noted in the report (pp. 15-29).

Original maps used by USDI in designating "available lands" in the 1920's would be a useful reference point for development of a complete and accurate inventory. The draft report does not contain specific recommendations for USDI to pursue in this effort.

Without adequate original reference maps, background research required prior to actual surveying is exhaustive and costly. Presently, this research involves examining each parcel in terms of HHCA provisions, the ahupua'a (land division extending from mountains to the sea) within which it exists, deducting sugar and forest lands, etc., in accordance with Section 203 of the HHCA. Reliance on the validity of existing documents has been necessary. This process is lengthy and can lead to inaccuracies. Differences in acreages among various DHHL sources are, in part, accounted for in that these sources each reflect the most recent information available. There are differences due to poor descriptions in the HHCA. As lands are developed, more accurate descriptions are produced, generally on a case by case basis. As parcels are brought into use, surveyed, and developed, reports are improved and updated. Given existing staff and resources, DHHL has used this method of addressing the 60-year old problem concerning lack of an adequate land inventory.

Approximately 40% of the DHHL lands have not been surveyed. These lands generally have not been those best suited for homestead or leasing purposes. It is difficult to justify the high survey expense when specific uses for these lands are not yet identified.
2. Land Withdrawals

Finding: There needs to be an aggressive and accelerated approach to resolve the issue of home lands which have been withdrawn for public use (page 22).

Comment: A total review will be required to determine policy and procedures. The matter of airports on DHHL lands is in the process of being resolved. It is clear that airport use is not in keeping with the purposes of the HHCA.

The question of schools and parks is not so easily answered in that these uses are part of an overall community in which homesteaders reside. Another policy or approach may be required. One possible impact is that other agencies will refuse to maintain parks or school properties without clear authority to occupy the land. This raises several questions which must be given serious consideration including the soundness of a policy to move into the area of maintenance of facilities which may or may not directly benefit homesteaders. With limited resources and manpower, focusing on direct services to beneficiaries is more prudent. DHHL does not have the resources or manpower to maintain these facilities.

Other land uses such as game reserves, forests, and conservation areas may require yet another policy or approach. The extent and type of uses of these areas by native Hawaiians are not documented. It is clear that the issue of maintenance and management of these lands by other agencies may result in additional costs to DHHL. DHHL lacks sufficient resources and manpower to adequately carry out these responsibilities or functions.

It should be noted that of the 13,601 acres in Governor's Executive Orders, one of these game reserve lands encompasses 81.8 percent of the total.

Prior to proceeding with any land exchange, a clear understanding of DHHL land values must be determined in terms of resources present on the land and potentials for future land development. Land exchanges are based on a value for value exchange. It is imperative that DHHL have thorough knowledge of its own lands as well as lands which are being sought from other parties. Technical studies will be undertaken within the next two years to provide such information.

Resolution of Governor's Executive Orders is not unilateral on the part of the DHHL. If funds are involved for compensation, legislative appropriations may be required. If land exchanges are considered as a method of compensation, the Department of Land and Natural Resources and sometimes a third party are necessary to consummate an exchange.

This negotiation process requires agreement on appraisal methods, land values, and money. Resolution may involve arbitration or litigation.

Of course, USDI approval of the land exchanges will be required.

3. Past Land Exchanges

Finding: The propriety of three of the seven exchanges is questionable as the provisions of the Act (HHCA) apparently are not compiled with (page 28).

Comment: Note that USDI approved each land exchange. USDI and DHHL share responsibility in this area and must work together to resolve this matter. The draft report raised questions, but does not recommend corrective action.
4. Corrections to Draft Report Information

In the table on page 15, in the fourth column under "Congressional additions" the 402 acres listed on Molokai should be on Kauai; 0 would be the correct figure for Molokai. These changes affect the last column, "Adjusted Act Total." Kauai's total should be 22,948; Molokai's total should read 34,980.*

In the table on page 18, the correct Akinaka Study acreage for Hawaii; Kamoku-Kapulena should be 3,509 rather than 4,725 which would adjust the acreage difference from 275 to 1,491. The 4,725 acres as it reads in the draft report included 1,216 acres for a land exchange that should not have been included here.*

In addition, a last example should be included in the following manner on this table:

<table>
<thead>
<tr>
<th>Island:</th>
<th>Kauai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area:</td>
<td>Moloaa</td>
</tr>
<tr>
<td>Acre Per Act:</td>
<td>2,000</td>
</tr>
<tr>
<td>Akinaka Study Acreage:</td>
<td>316</td>
</tr>
<tr>
<td>Differences:</td>
<td>1,684</td>
</tr>
</tbody>
</table>

On page 19, number 2, "The Akinaka Study did not include..." the figure should read 699 acres, not 670 as stated.*


Program Accomplishments

1. Background

Finding: 1975 DHHL General Plan goals are not being achieved (page 31).

Comment: The DHHL General Plan is a policy document that indicates general directions to be pursued. The General Plan is further refined by Development Plans, detailed design and engineering plans, and Program Plans. Implementation is tied to several factors, including the availability of funds. The General Plan reflects the favorable economic conditions of the early 1970's. It does not reflect the 1978 State spending limit and its impact on State allocations of General Obligation Bond funds to DHHL, the impact of inflation or the reduction in the rate of revenue increases to the State and DHHL due to the sluggish economic conditions.

DHHL recognizes the need to re-examine the General Plan based on new information, projections, and recent amendments to the HHCA. Work on technical studies to support this effort is scheduled within the next two years.

At the time this audit was being conducted, five Development Plans were in process for the areas of Kawaihae and Puukapu (Hawaii), Kalamaula, (Molokai), Kula (Maui), and Nanakuli (Oahu). Development Plans identify the highest and best uses for DHHL lands, total costs, and phases of development. These documents are used to justify requests for capital improvement project funds from the State legislature, as well as for internal planning and management purposes.
The draft report estimates that $600 million will be required to satisfy the present waiting list of 7,500. This total cost is probably underestimated. It does not include the cost for planning, design, and detailed engineering. It does not include the cost for major infrastructural improvements, such as water source development, required to open up new areas for homesteading purposes. The draft report does not mention any federal role in assisting the DHHL to finance these costs. Obviously, a reliance on State funds and DHHL's ability to generate revenues from its land base are not sufficient.

2. Housing Programs

a. Finding: Determine whether it is necessary to provide fully improved residential lots to the applicant. Alternatives to consider are reductions in the extent of improvements provided and/or a requirement that applicants pay for certain improvements (page 48).

Comment: With a waiting list of 7,500 native Hawaiians, it would be a simple task to subdivide DHHL's lands and allocate these raw lands to all. This approach to solving native Hawaiian problems would be irresponsible and detrimental to the beneficiary group.

DHHL follows a deliberate practice of assuring that residential and agricultural lots and improvements meet County standards, fully cognizant of the tradeoffs involved in terms of higher costs and constraints on DHHL's ability to satisfy the waiting lists. This course of action is followed for several reasons, which the draft report did not cover:

- It allows DHHL to dedicate certain improvements to the County for repair and maintenance;
- This allows homesteaders to obtain homeowner's and other forms of insurance, health and safety services such as fire protection;
- Depending on the source of financing, certain minimum standards must be met. Loan guarantees through the Farmers Home Administration, for example, are available if DHHL meets building standards that are more restrictive than County standards.
- If DHHL had an independent source of financing, residential and agricultural leases could be awarded without meeting County standards. However, DHHL would be responsible for infrastructure maintenance and repair, providing insurance, and health and safety services. Native Hawaiians would have difficulty securing loans and services. In most cases, the native Hawaiian beneficiary would suffer.

The draft report failed to examine these issues in relation to the tradeoffs involved and the full impacts of their recommendations. It is likely that draft report recommendations will provide marginal benefits. The key concern is the need for additional funding from federal agencies.

DHHL has discussed the need for a comprehensive study of the native
Hawaiian housing market, types of housing units desired and affordable to this market, alternative methods of financing, alternative methods of reducing costs, passing certain improvement costs to the applicant (possibly on ability to pay basis), and an assessment of the impact on current methods of appraising homes at the time of surrender or death with no qualified/interested heirs. DHHL does not have sufficient funds to cover this cost at present.

b. Finding: Determine if alternatives to direct loans are feasible such as some type of guaranteed subsidized loan program using commercial funding sources (page 42).

Comment: DHHL recognizes the need to identify and pursue alternative methods of financing. DHHL currently provides direct loans and loan guarantees. Public program funds are very limited. The situation is not likely to improve. Informal discussions with commercial funding sources over the past year have not been successful. Major concerns raised are the non-alienation lease provisions and closed native Hawaiian market. It is agreed that this area must be examined further. Other alternatives may exist and need to be explored and developed. Certain options may be available to select segments of the native Hawaiian market. A complete study of sufficient scope and depth is necessary and costly.

3. Farm and Ranch Homesteading Programs

a. Finding: There are many reasons why the native Hawaiian farming and ranching program has not progressed rapidly (page 35).

Comment: The discussion of farming and ranching homesteading program in the draft report demonstrates a general lack of understanding of the dynamics of agriculture in Hawaii. Simple and incomplete indicators of success are used. Agriculture in Hawaii, primarily in the form of family-run operations, is constantly in a state of flux and is highly sensitive to market and general economic conditions. Corporate agribusiness on the mainland is highly mechanized, located on large tracts of land, enjoy the benefits of economies-of-scale, and are supported by a wide range of governmental support services including price supports.

Native Hawaiian homestead farmers and ranchers and DHHL's program are affected by many factors which are beyond direct control. There are risks involved in any business venture. The native Hawaiian lessee, of course, assumes responsibility for decisions made in the normal course of business operations.

The list of eight reasons cited on pp. 35-36 are not complete. Other factors include:

- Weather conditions such as severe flooding and drought experience over the past three years by native Hawaiian lessees in Hilo and Puukapu.

- A small local market and competition from other Hawaii farmers and ranchers, mainland and foreign operators. Panaewa farmers are experiencing a difficult marketing problem for guavas.

- The absence of economies-of-scale, high labor costs, and high per unit production costs.

- The lack of agricultural support services in certain locations such as research and experimental facilities, private credit, monitoring of disease and pest problems.
• Distribution and marketing problems such as poor air and barge service, distance to market.

The draft report is based on a rather narrow perspective. Over the 60 year history of the HHCA, farming and ranching has been a priority concern. The draft report focuses on recent events which in many ways do not reflect a long-term trend. Current economic conditions, for example, have affected native Hawaiian lessees (as well as other farmers and ranchers). Certain crops are seasonal in nature, therefore, site visitations may have been misleading. Big Island [i.e., island of Hawaii] lessees are adjusting to the impact of severe weather problems.

DHHL views the farming and ranching homestead programs as an investment in native Hawaiians who make significant contributions to the economy of Hawaii. DHHL plays a supportive and advisory role; DHHL will not dictate what to grow, when and how. Each native Hawaiian farmer and rancher makes the final decision.

DHHL has actively pursued measures which are consistent with its proper role, which will support native Hawaiian farmers and ranchers in their endeavors. Farm agents and technical assistance are provided, rules have been promulgated to clearly define applicant qualifications and farm/ranch plan requirements. Recently, DHHL sought and received authority to increase loan limits and expand purposes for loans, to allow a residence on an agricultural lot, and to provide aquaculture homestead leases. DHHL has connected Waimea farmers to the State Lalamilo Irrigation System, has encouraged lessees to transfer lots to more suitable locations, expanded the definition of agriculture to include poultry and livestock (pigs), and is investigating potentials for DHHL agricultural loan guarantees with other Federal and State sources.

These efforts have demonstrated DHHL’s commitment to agriculture. Many native Hawaiian agricultural lessees have responded positively by increasing acreage under cultivation, increasing levels of production, examining new products and markets. Many young native Hawaiians are expressing a strong commitment to agriculture. These trends are expected to continue and add to the momentum. DHHL must be prepared to respond.

b. Finding: Over 60% of the farm tract are not in full cultivation, including 42% that are not under any cultivation (page 35).

Comment: These figures reflect the number of farm leases, not the number of acres. Most leases are not under full cultivation, however, most are under some cultivation. Table [75] shows information compiled for the 1981 District Manager Reports. It is a more accurate description of the farming activity. [Table 75 appears at the end of this chapter]. DHHL is focusing more attention on the problems and needs at Hoolehua, Molokai, that impede farm production. This is discussed in another section.

4. Molokai Farm Problems

Finding: Farming can be a success on Molokai, but there are many problems pertaining to homestead lands that will have to be overcome before homesteaders can achieve success (pp. 38-40).

Comment: Other problems should be added to the eight listed, including, lack of research and experiment facilities on the island, inadequate water to supply the entire homestead farm area and high cost to link system to new source(s) of water, lack of farming expertise, and inability of some homesteaders to farm due to age
and health conditions. Major DHHL farm initiatives were outlined in a previous section. In addition, certain positive actions are taking place on Molokai:

- DHHL will initiate a farm development planning effort to compile and analyze data on land characteristics, lessee demographic profiles, infrastructure, water, and marketing and distribution problems and needs. This will form the basis for future action.

- The Molokai Electric Company will pay for cuttings of homestead biomass (e.g., trees, shrubs, grass). Early reports indicate that biomass may realize higher returns than previous pineapple agreements. Concerns that need to be examined are the long-term impact of repeated cuttings on the soil, productive use of fertile agricultural lands, and dependence on one product and one outlet.

- The DHHL technical assistance project has made significant impact on farming activity on Molokai. The project provides on-the-farm consultation, workshops, disease and tissue analysis, and variety trials. The project was recently extended for two more years.

- The new Maui Community College Molokai Farm Project which will offer college coursework, workshops, fieldtrips, and hands-on field experiences will complement the DHHL technical assistance project.

5. Subleasing of Ranch Land

Finding: The issue of whether native Hawaiian ranchers can award grazing permits to non-native Hawaiians needs to be resolved (page 42).

Comment: The subleasing of ranch land raises basic issues that relate to homestead uses whether residential, farming, ranching, or aquaculture. Is the use of DHHL lands by native Hawaiians to be considered a right or a privilege? If it is a native Hawaiian right, it is questionable whether the DHHL should place unreasonable restrictions on use of the land. The DHHL should not prevent native Hawaiians from using the land to assure his advancement, for example, by seeking third party investors. This may require that the non-alienation clause be re-examined. HHCA provisions should not hamper efforts by native Hawaiians to secure non-governmental assistance, provide workers' quarters on the land, and taking the initiative to operate in the free enterprise system. Unfortunately, there are cases where HHCA provisions have been a deterrent, rather than a positive factor, to providing native Hawaiians with individual control and responsibility over their future.

In the case of sublease ranching agreements, several factors need to be considered. Some lessees have been ranchers for many years. Due to age, these lessees are not fully productive on their own; their children are not interested in continuing the ranch. It is unreasonable to evict these lessees after many years of developing and operating full-scale ranches. Other lessees have invested heavily into ranching and have failed because of a lack of experience or the inability to leverage needed capital. It is questionable whether eviction...
from the land will lead to a positive gain for any party involved. Other solutions can be explored to support the native Hawaiians' commitment to, and interest in, ranching.

Various extenuating circumstances need to be understood before lease provisions are enforced. This may be appropriate in some cases, not in others. A flexible approach is required that offers opportunities for success and recognition of lessee commitment and initiative.

Financial Management and Reporting

1. Cash Management

Finding: DHHL has not maximized income by analyzing current cash needs and investing all cash excess to current needs into revenue producing investments (page 43).

Comment: DHHL is examining the role of other central staff agencies to determine whether external systems of control can prevent this situation from occurring. It is acknowledged that DHHL is responsible for management of its available cash. An external control system would be helpful, especially in a situation of high staff turnover.

DHHL cash investment, generally before and after the period included in the draft report, have consistently ranged between 75 and 85 percent of available cash. During the period covered in the draft report audit, DHHL experienced high staff turnover. Vacant positions existed.

Hiring and staff training has received high priority. Serious efforts have been made in this area and a proper level of investment achieved since completion of the draft report.

Cash management is also influenced by the nature of various funds involved. Certain funds are predictable in terms of income and disbursements. Others are subject to large periodic fluctuations. Estimating available cash for investment purposes can be very difficult.

2. Financial Statements

Finding: Complete financial statements are not prepared, therefore the overall financial condition of DHHL is not readily apparent. Inappropriate management decisions may have been made (page 43).

Comment: DHHL recognizes that improvements are needed in this area. Reconciliation of accounts is being pursued. DHHL will also explore the possibility of additional assistance from the State Department of Accounting and General Services (DAGS) and from the Department of Budget and Finance (DB&F). Further, consultant services may be required to determine a feasible method of initiating proper accounting systems equipment so that complete financial statements can be developed.

3. Accounting System is Not Auditable

Finding: The main deficiency in the accounting system is that key reconciliations are not performed (page 47).

Comment: An ongoing effort continues in this area. The reconciliation process may require another one and a half to two years to complete.

4. Accuracy of Annual Report Data

Finding: DHHL needs to improve the accuracy of data included in its annual report (page 48).

Comment: The annual reports reflect the most current and accurate information available. Changes will continue to be made as progress is made.

A related concern is the need for a broad-based management information system which can accommodate fiscal,
accounting, loan, applicant and lessee lists, land inventory, beneficiary demographic data, and leasing activities. The first step would include retaining a consultant's services to assess DHHL's data and analysis needs and to recommend a feasible management information system. The system is needed for daily operations, periodic reporting. Such a system would provide more timely data. As the accuracy of data input increases, the system will reflect this.

Eligibility Lists

a. Finding: DHHL has not notified applicants who filed since June 1981 as to whether their applications have been approved (page 53).
Comment: Letters of notification to each applicant not previously notified will be sent as the process of verification of native Hawaiian ancestry is completed. This process was delayed at the time of the draft report audit because DHHL applicant data base information was being transferred from one system to a word processor. DHHL is currently making positive progress in terms of resolving this problem.

b. Finding: There is no system of application accountability numbers whereby a single series of numbers is used and a number is assigned once to an application (page 53).
Comment: A new application procedure is being established which will satisfy this concern. Internal procedures need to be finalized before implementation.

c. Finding: DHHL does not have current addresses for a large number of applicants and attempts to contact the individuals have not been successful (page 53).
Comment: A key problem has been maintaining updated addresses for DHHL applicants. Rules provide that each applicant be contacted every two years. These biennium contacts and periodic area screenings help to identify applicants whose mail cannot be delivered because of a change of address.

DHHL maintains a mail return file for followup by staff. Lack of manpower has been a problem. The current plan is to conduct segmented screenings to comply with the biennium contact requirement and keep the mail return followup manageable. For example a segmented system of contacts would result in 300 mailings each month, rather than 7,500 mailings at one time every two years.

d. Finding: The Hawaiian Homes Commission should establish policies and procedures to drop applicants from the eligibility lists or penalize them after reasonable efforts to verify whereabouts and confirm interest are unsuccessful (pp. 56-57).
Comment: Interest and commitment are at a high level at the time of application. This decreases as the length of time on the waiting list increases. When leases are made available, the applicant is asked to decide interest within 30 days after waiting for several years. This is a major decision involving a large financial investment and possibly relocation. The current procedure of placing applicants on an inactive status provides DHHL with opportunities to identify the effective (i.e., interested and committed) waiting list.

This procedure was authorized in 1977, became operational in 1980, and provides for an inactive list. At the present time, DHHL has no desire to drop applicants entirely from eligibility lists.

e. Finding: Question as to whether 1952 list of Waimea ranch applicants received proper notification when the list was cancelled on May 14, 1956 (pp. 55-56).
Comment: DHHL is aware of this issue. Staff is reviewing historical data to determine a final resolution.

Leasing Activities

1. Revocable Permits

Finding: Revocable permits continued when general leases would be more appropriate (page 61).
Comment: Development Plans need to be completed before commitments are made to any general leasing activities. One of the revocable permits cited will be affected by the Kawaihae Development Plan now in process. Pending completion of this Development Plan, a general lease may be issued if the proper zoning is in place.

Plans for homestead use of the other revocable permit parcel may preclude issuing a general lease.
REVIEW OF HAWAIIAN HOMES COMMISSION PROGRAMS

TABLE 65
ACREAGE AND TYPE MANAGED BY DHHL
AS OF JUNE 30, 1981

<table>
<thead>
<tr>
<th>Homestead leases:</th>
<th>Acres</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1,330</td>
<td></td>
</tr>
<tr>
<td>Farms</td>
<td>7,619</td>
<td></td>
</tr>
<tr>
<td>Ranches</td>
<td>17,113</td>
<td>26,062</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community pastures</th>
<th>Acres</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General leases:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administered by DHHL</td>
<td>75,739</td>
<td>92,239</td>
</tr>
<tr>
<td>Administered by Dept. of Land and Natural Resources</td>
<td>16,500</td>
<td></td>
</tr>
<tr>
<td>Licenses</td>
<td>1,124</td>
<td></td>
</tr>
<tr>
<td>Revocable permits</td>
<td>15,864</td>
<td></td>
</tr>
<tr>
<td>Conservation lands</td>
<td>17,690</td>
<td></td>
</tr>
<tr>
<td>Governor's Executive Orders</td>
<td>12,245</td>
<td></td>
</tr>
<tr>
<td>Unencumbered lands</td>
<td>10,805</td>
<td></td>
</tr>
<tr>
<td>Right-of-entries</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>189,724</td>
<td></td>
</tr>
</tbody>
</table>

TABLE 66
FUNDS AND SOURCES OF REVENUES—DHHL

<table>
<thead>
<tr>
<th>Revolving funds</th>
<th>Funding source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Loan Fund ($5 million ceiling)</td>
<td>30 percent monies 1/</td>
</tr>
<tr>
<td>Additional Receipts</td>
<td></td>
</tr>
<tr>
<td>Loan Fund</td>
<td>General obligations bonds</td>
</tr>
<tr>
<td>Replacement Loan Fund</td>
<td></td>
</tr>
<tr>
<td>General Home Loan Fund</td>
<td></td>
</tr>
<tr>
<td>Repair Loan Fund</td>
<td>General obligations bonds</td>
</tr>
<tr>
<td>Farm Loan Fund</td>
<td></td>
</tr>
<tr>
<td>Operating Fund</td>
<td>Pasture, water and misc. fees and interest income</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special funds</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Fund</td>
<td>30 percent monies 1/</td>
</tr>
<tr>
<td>Development Fund</td>
<td>30 percent monies 1/</td>
</tr>
<tr>
<td>Native Hawaiian</td>
<td></td>
</tr>
<tr>
<td>Rehabilitation Fund</td>
<td>30 percent monies 1/</td>
</tr>
<tr>
<td>Loan Interest Fund 2/</td>
<td>Interest income</td>
</tr>
<tr>
<td>Administration Account</td>
<td>General lease revenues</td>
</tr>
<tr>
<td>Borrowed money</td>
<td>Hawaiian Housing Authority and The Model Cities Program</td>
</tr>
<tr>
<td>Trust Fund</td>
<td>Gifts for which no purpose is specified</td>
</tr>
<tr>
<td>Loan Guarantee Fund</td>
<td>State general revenues</td>
</tr>
</tbody>
</table>

1/ 30 percent of receipts from leasing of sugar cane lands and water licenses (State lands receipts).

2/ Repository fund established in 1979 for interest monies pending transfer to other funds.

TABLE 67
CHANGES IN LAND INVENTORY—HAWAIIAN HOME LANDS

<table>
<thead>
<tr>
<th>Island</th>
<th>Original</th>
<th>Congressional</th>
<th>Given in Exchange</th>
<th>Received in Exchange</th>
<th>Adjusted Act Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Act</td>
<td>Withdrawals</td>
<td>Additions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td>107,300</td>
<td>53</td>
<td>17</td>
<td>1,244</td>
<td>6,488</td>
</tr>
<tr>
<td>Kauai</td>
<td>22,500</td>
<td>402</td>
<td>402</td>
<td>26</td>
<td>20</td>
</tr>
<tr>
<td>Maui</td>
<td>31,000</td>
<td>12</td>
<td>12</td>
<td>61</td>
<td>31,073</td>
</tr>
<tr>
<td>Molokai</td>
<td>33,700</td>
<td>219</td>
<td>12</td>
<td>1,061</td>
<td>32,420</td>
</tr>
<tr>
<td>Oahu</td>
<td>9,000</td>
<td>133</td>
<td>133</td>
<td>690</td>
<td>355</td>
</tr>
<tr>
<td>Total</td>
<td>203,500</td>
<td>272</td>
<td>564</td>
<td>3,021</td>
<td>6,924</td>
</tr>
</tbody>
</table>
### Table 68
**Comparison of Land Inventory Figures**

<table>
<thead>
<tr>
<th>Island</th>
<th>Act as Amended by Congress 1/</th>
<th>Akinaka Study</th>
<th>Annual Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>112,508</td>
<td>110,971</td>
<td>110,575</td>
</tr>
<tr>
<td>Kauai</td>
<td>22,494</td>
<td>17,967</td>
<td>18,689</td>
</tr>
<tr>
<td>Maui</td>
<td>31,073</td>
<td>29,076</td>
<td>29,005</td>
</tr>
<tr>
<td>Molokai</td>
<td>32,822</td>
<td>26,795</td>
<td>26,210</td>
</tr>
<tr>
<td>Oahu</td>
<td>8,798</td>
<td>5,069</td>
<td>5,245</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>207,695</td>
<td>189,878</td>
<td>189,724</td>
</tr>
</tbody>
</table>

1/ Includes seven land exchanges approved by the Secretary of the Interior.

### Table 69
**Comparison of Acreage Descriptions**

<table>
<thead>
<tr>
<th>Island</th>
<th>Act</th>
<th>Akinaka Study</th>
<th>Annual Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molokai Kalapapa</td>
<td>5,000</td>
<td>1,247</td>
<td>3,753</td>
</tr>
<tr>
<td>Maui Kahikinui</td>
<td>25,000</td>
<td>22,891</td>
<td>2,109</td>
</tr>
<tr>
<td>Hawaii Hamo</td>
<td>7,350</td>
<td>7,169</td>
<td>181</td>
</tr>
<tr>
<td>Hawaii Kamoku-Kapulea</td>
<td>3,509</td>
<td>1/ 1,409</td>
<td></td>
</tr>
<tr>
<td>Hawaii Pauahi</td>
<td>750</td>
<td>555</td>
<td>195</td>
</tr>
</tbody>
</table>

1/ Excludes 1,216 acres which were obtained through an exchange.

### Table 70
**Comparison of DLHEL Objectives and Results**

<table>
<thead>
<tr>
<th>Description</th>
<th>10 Years Objective</th>
<th>6 Years Accomplishments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing for new homesteaders (houses)</td>
<td>2,600</td>
<td>669</td>
</tr>
<tr>
<td>Allocate agricultural lands to native Hawaiians (acres)</td>
<td>40,000</td>
<td>793</td>
</tr>
<tr>
<td>Reduce the acreage of lands used for income purposes (acres)</td>
<td>20,000</td>
<td>5,843</td>
</tr>
<tr>
<td>Maximize income through more effective land management</td>
<td>No set</td>
<td>31.6% Increase</td>
</tr>
</tbody>
</table>

### Table 71
**Summary of Eligible Homestead Applicants**

<table>
<thead>
<tr>
<th>Island</th>
<th>Residential</th>
<th>Agriculture</th>
<th>Ranch</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>1,104</td>
<td>375</td>
<td>247</td>
<td>1,726</td>
</tr>
<tr>
<td>Kauai</td>
<td>391</td>
<td>77</td>
<td>41</td>
<td>509</td>
</tr>
<tr>
<td>Maui</td>
<td>407</td>
<td>21</td>
<td>14</td>
<td>505</td>
</tr>
<tr>
<td>Molokai</td>
<td>277</td>
<td>114</td>
<td>20</td>
<td>411</td>
</tr>
<tr>
<td>Oahu</td>
<td>4,066</td>
<td>8</td>
<td>0</td>
<td>4,074</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,308</strong></td>
<td><strong>595</strong></td>
<td><strong>322</strong></td>
<td><strong>7,225</strong></td>
</tr>
</tbody>
</table>

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### Table 72
**Homestead Applicants by Years on Eligibility Lists**

<table>
<thead>
<tr>
<th>Years on Eligibility Lists</th>
<th>Type of Application</th>
<th>Residential</th>
<th>Farm</th>
<th>Agricultural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 or more</td>
<td></td>
<td>56</td>
<td>0</td>
<td>2</td>
<td>56</td>
</tr>
<tr>
<td>25 to 29</td>
<td></td>
<td>136</td>
<td>1</td>
<td>0</td>
<td>135</td>
</tr>
<tr>
<td>20 to 24</td>
<td></td>
<td>197</td>
<td>2</td>
<td>3</td>
<td>202</td>
</tr>
<tr>
<td>15 to 19</td>
<td></td>
<td>843</td>
<td>77</td>
<td>34</td>
<td>954</td>
</tr>
<tr>
<td>10 to 14</td>
<td></td>
<td>713</td>
<td>57</td>
<td>19</td>
<td>789</td>
</tr>
<tr>
<td>5 to 9</td>
<td></td>
<td>1,506</td>
<td>55</td>
<td>79</td>
<td>1,640</td>
</tr>
<tr>
<td>0 to 4</td>
<td></td>
<td>2,861</td>
<td>130</td>
<td>458</td>
<td>3,449</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>6,308</strong></td>
<td><strong>322</strong></td>
<td><strong>595</strong></td>
<td><strong>7,225</strong></td>
</tr>
</tbody>
</table>

### Table 73
**Comparison of DHHL Annual Report and Listing of Homesteaders, by Island**

<table>
<thead>
<tr>
<th>Island</th>
<th>1981 Annual Report</th>
<th>Listing As of 6/30/81</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>726</td>
<td>762</td>
<td>36</td>
</tr>
<tr>
<td>Molokai</td>
<td>380</td>
<td>601</td>
<td>221</td>
</tr>
<tr>
<td>Maui</td>
<td>89</td>
<td>90</td>
<td>1</td>
</tr>
<tr>
<td>Oahu</td>
<td>1,649</td>
<td>1,610</td>
<td>(39)</td>
</tr>
<tr>
<td>Kauai</td>
<td>190</td>
<td>136</td>
<td>(54)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,036</strong></td>
<td><strong>3,199</strong></td>
<td><strong>165</strong></td>
</tr>
</tbody>
</table>

### Table 74
**Comparison of DHHL Annual Report and Listing of Homesteaders, by Type**

<table>
<thead>
<tr>
<th>Type</th>
<th>1981 Annual Report</th>
<th>Listing As of 6/30/81</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,618</td>
<td>2,703</td>
<td>85</td>
</tr>
<tr>
<td>Farm</td>
<td>347</td>
<td>421</td>
<td>74</td>
</tr>
<tr>
<td>Ranch</td>
<td>69</td>
<td>75</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,034</strong></td>
<td><strong>3,199</strong></td>
<td><strong>165</strong></td>
</tr>
</tbody>
</table>

### Table 75
**DHHL Farmlands Cultivated/Cleared**

<table>
<thead>
<tr>
<th>Area</th>
<th>Total Acres</th>
<th>Acres Cultivated/Cleared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panaeva</td>
<td>641</td>
<td>407</td>
</tr>
<tr>
<td>Waimea</td>
<td>285</td>
<td>187</td>
</tr>
<tr>
<td>Hoolehua</td>
<td>6,355</td>
<td>900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,281</strong></td>
<td><strong>1,646</strong></td>
</tr>
</tbody>
</table>

---

*Note: The tables and data provided are extracts from the document for the purpose of representation.*
Federal Responses To
The Unique Needs Of Native Hawaiians

The preceding two chapters have analyzed and reviewed two suggested federal responses to the unique needs of native Hawaiians. The chapter entitled "Existing Law, Native Hawaiians, and Compensation" concludes that the response of compensation for any possible loss of land or sovereignty is not available under present law. The "Review of Hawaiian Homes Commission Programs" reviews the Hawaiian Home Lands program, including ways to ensure better administration of the program. This chapter sets forth other federal responses that are available or being undertaken.

A. IDENTIFICATION OF FEDERAL PROGRAMS FOR WHICH NATIVE HAWAIIANS MAY BE ELIGIBLE

The Federal Government sponsors a vast array of programs administered through a large number of agencies. Five federal programs specifically assist native Hawaiians. 1/ These are: Title VII of the Native Americans Program Act; 2/ Title III of the Comprehensive Employment and Training Act; 3/ the American Indian Religious Freedoms Act; 4/ the Mental Health Systems Act; 5/ and the Hawaiian Homes Commission Act of 1921. 6/

The section that follows lists a representative sample of existing federal programs that meet some of the needs of native Hawaiians that have been identified in this Report. Information on the majority of the federal programs listed on the following pages (except where otherwise noted) was obtained from the 1982 edition of the Catalog of Federal Domestic Assistance. [The next edition of the Catalog is scheduled to be released on July 1, 1983.] The Catalog is a Government-wide compendium of federal programs, projects, services, and activities that provide assistance or benefits to the American public. It contains financial and non-financial assistance programs administered by departments and establishments of the Federal Government, and is published annually by the Federal Government.

As the basic reference source of Federal programs, the primary purpose of the Catalog is to assist users in identifying the programs that meet specific objectives of the potential applicant, and to obtain general information on federal assistance programs.

The following list is not meant to be exhaustive—the Catalog itself contains hundreds of programs that may be of use to individual native Hawaiians. The list is meant to be indicative, however, of the range of Federal Government programs now available that may meet some of the needs of native Hawaiians. The numbers following the program title are the reference numbers used in the Catalog.

Education: Elementary and Secondary
Compensatory Education for the Disadvantaged; Chapter 1 Grants to Local Educational Agencies  */
Description of Grant Process: Authorization for Basic Grants are computed for States and counties by multiplying the number of children 5-17 years of age from low-income families by 40 percent of the State's average per pupil expenditure (but not less than 80 percent nor more than 120 percent of the national average). These children include: (1) children in families with incomes below the poverty level (1980 census data but

*/ Information on this program obtained from the Office of Management and Budget, February 1983.
using the definition of poverty used in compiling the 1970 census); (2) children in families receiving AFDC payments in excess of the poverty level for a non-farm family of four (updated annually); (3) neglected or delinquent children residing in institutions which are not State-operated; and (4) foster children supported with public funds. Authorizations are ratably reduced to the appropriated amount. In addition each county is guaranteed an amount which is not less than 85 percent of the amount received in the previous year.

One-half of the funds appropriated for the basic Chapter 1 program in excess of the amount appropriated for school year 1978-79 will be allocated to the States and counties on the basis of the number of children from families below 50 percent of the median national income for four-person families, as determined by the 1975 Survey of Income and Education. Within States, each local educational agency will receive an amount based on its percentage of the State's basic Chapter 1 allocation.

Definition of Eligibility: Local educational agencies (LEAs) are eligible to receive funds under this program. Individuals must be educationally disadvantaged to receive services. The LEA determines this.

Educationally-Deprived Children--State Administration
(84.012)
Office of Assistant Secretary for Elementary and Secondary Education, Department of Education.
Objectives: To provide financial assistance to State educational agencies to meet the special needs of educationally-deprived children.
Types of Assistance: Formula Grants.

Head Start */
Head Start provides comprehensive developmental services designed to improve the quality of life for children and their families. Intended primarily for preschoolers from low-income families, the program seeks to foster the development of children and to enable them to deal more effectively with both their present environment and later responsibilities in school and community life. Head Start programs emphasize cognitive and language development, socio-economic development, physical and mental health, and parent involvement, to enable each child to develop and function at his or her highest potential. At least ten percent of enrollment opportunities in each State are made available to handicapped children.

Head Start provides a variety of learning experiences that lay the framework for success in elementary school. Head Start children receive comprehensive health services, including immunizations and physical and dental exams and treatment, and hot meals to help meet daily nutritional needs. The program also emphasizes significant involvement of the children's parents in their early childhood development. Technical assistance and training activities are provided to local program staff to enhance the quality and effectiveness of the services offered. Grants to carry out Head Start are awarded to public and private non-profit agencies. Head Start's legislation includes a formula that determines basic State allocations. The two factors in the formula are the relative number of poor children and the number of recipients of Aid to Families with Dependent Children in each State as compared to all States.

*/ Information on this program obtained from Commissioner Carl Anderson, U.S. Department of Health and Human Services.
In FY 1982 five local Head Start projects were funded in Hawaii. Comprehensive child development services were provided to 11,010 children for a total of $3,190,180 Head Start dollars. Approximately 2,092 staff are employed.

Higher Education: Adult and Vocational Education

Special Services for Disadvantaged Students (84.042)
Office of Assistant Secretary for Postsecondary Education, Department of Education.
Objectives: To identify qualified low-income, first-generation college students or physically-handicapped students, who are enrolled or accepted for enrollment by institutions that are recipients of grants, and to provide supportive services for these students who are pursuing programs of postsecondary education. (Funds may be used to provide eligible project participants personal and academic counseling, career guidance, tutoring, instruction in reading, study skills, and mathematics, and to facilitate the entrance of project participants into graduate and professional programs.)
Types of Assistance: Project Grants.

Adult Education--State-Administered Program (84.002)
Office of Assistant Secretary for Vocational and Adult Education, Department of Education.
Objectives: To expand educational opportunities and to encourage the establishment of programs for adult education that will enable educationally-disadvantaged adults to acquire basic skills necessary to function in society, to complete secondary school, and to profit from employment-related training. (Special emphasis is given to programs of instruction in computational skills and in speaking, reading or writing English for those adults who are least educated and most in need of educational assistance.)
Types of Assistance: Formula Grants. (For FY 83, program proposed for funding as part of a consolidated block grant program.)

Vocational Education--Special Programs for the Disadvantaged (84.052)
Office of Assistant Secretary for Vocational and Adult Education, Department of Education.
Objectives: To provide special vocational education programs for persons who have academic, or economic, handicaps and who require special services and assistance in order to enable them to succeed in vocational educational programs.
Types of Assistance: Formula Grants. (Note: This program is proposed for funding as part of a consolidated block grant program.)

Business: Economic Development

Economic Opportunity Loans for Small Businesses (59.003)
Small Business Administration.
Objectives: To provide loans up to $100,000 with maximum maturity of 15 years, to small businesses owned by

* Native-born Hawaiians are considered minorities and are eligible for all minority programs as socially-disadvantaged. However, to receive minority assistance, they must also demonstrate that they are economically disadvantaged. The Small Business Administration has regional offices and a district office is located in Honolulu. [Information obtained from the Office of Management and Budget, February 1983.]
low-income or socially or economically disadvantaged persons.

Type of Assistance: Direct Loans; Guaranteed/Insured Loans; Advisory Services and Counseling.

Management Assistance to Small Businesses (59.005)
Small Business Administration.
Objectives: To help the prospective as well as the present small business person improve skills to manage and operate a business.
Types of Assistance: Advisory Services and Counseling; Dissemination of Technical Information; Training.

Minority Business Development--Procurement Assistance (59.006)
Small Business Administration.
Objectives: To insure participation of businesses, which are owned and controlled by disadvantaged persons, in Federal contracting and establishing small manufacturing, service and construction concerns that will become independent and self-sustaining in a normal competitive environment.
Types of Assistance: Provision of Specialized Services (Section 8(a) of Small Business Act--SBA enters into procurement contracts with other Federal Agencies and subcontracts to others the performance of contracts SBA has obtained).

Management and Technical Assistance for Disadvantaged Businessmen (Development Assistance Program (59.007))
Small Business Administration.
Objectives: To provide management and technical assistance through public or private organizations to existing or potential businesses that are economically or socially disadvantaged or that are located in areas of high concentration of unemployment or are participants in activities authorized by sections 7(i) and 8(a) of the Small Business Act.
Types of Assistance: Project Grants.

Procurement and Technical Assistance to Small Businesses (59.009)
Small Business Administration.
Objectives: To assure small business a fair share of contracts and subcontracts for Federal Government supplies and services and a fair share of property sold by the Government.
Types of Assistance: Provision for Specialized Services.

Small Business Loans (59.012)
Small Business Administration.
Objectives: To aid small businesses owned by low income individuals or located in areas of high unemployment which are unable to obtain financing in the private credit marketplace, including agricultural enterprises.
Types of Assistance: Direct Loans; Guaranteed/Insured Loans (including Immediate-Participation Loans).

Minority Business Development--Management and Technical Assistance (11.800)
Minority Business Development Agency, Department of Commerce.
Objectives: To provide management and technical assistance to minority businesses through use of professional management consulting organizations with proven methods of professional assistance; to increase the availability of capital from public and private sources for the formation and expansion of minority businesses; to increase the level of private sector purchases from minority-owned businesses; to increase the participation of minority entrepreneurs in growth sectors of the economy, including high technology industries.
Types of Assistance: Project Grants (e.g., State could get funds to provide services to minority businesses).

Administration for Native Americans, U.S. Department of Health and Human Services

The Administration for Native Americans (ANA) promotes the social and economic self-sufficiency of American Indians, Alaska Natives, and native Hawaiians by encouraging and sponsoring local strategies in economic and social development. ANA defines self-sufficiency as the level of development at which a Native American community can control and internally generate resources to provide for the needs of its members and meet its own short- and long-range social and economic goals.

ANA programs and policies foster a balanced developmental approach at the community level through three major goals: (1) to develop or strengthen tribal governments, local decision-making, and Native American leadership; (2) to encourage the development of stable, diversified local economies or economic activities that provide jobs, promote economic well-being, and reduce dependency on welfare services; and (3) to support local control and/or access to health and well-being of people and which are essential to a thriving and self-sufficient community.

ANA efforts in Hawaii for fiscal years 1982 and 1983 consist of discretionary financial assistance grants and interagency agreements.

The following grants have been awarded:

- Just over three years ago native Hawaiians on the island of Molokai were given an opportunity to retain agricultural land, provided the land was put to productive use following the phase-out of the pineapple industry on that island. To assist the native Hawaiians to retain their ancestral land the Hikiola Cooperative of Hoolehua was awarded a grant. The ANA grant assistance provided has enabled native Hawaiian products to be marketed competitively; it has improved management, supported effective inventory control of products, and adequate servicing, as well as assured the receipt of technical assistance on modern agricultural techniques. This economic development project will be self-sustaining and will be a major step for the native Hawaiians on Molokai toward social and economic self-sufficiency. Hikiola completed the third year of ANA financial assistance January 31, 1983.

- Aiu Like, Inc., has been the principal ANA Hawaiian grantee since 1976 when Hawaiian native organizations first became eligible to receive direct assistance. This statewide grantee has progressed from

*/ Information on these programs obtained from Commissioner Carl Anderson, U.S. Department of Health and Human Services.
conducting needs assessment and long-range planning to becoming a primary mechanism for social and economic development in the native Hawaiian communities. Alu Like currently administers semi-autonomous multi-service island Centers on Oahu, Molokai, Maui, Lanai, Kauai, and Hawaii. It provides technical assistance to community organizations and individuals on a broad range of social and economic endeavors.

- The Office of Hawaiian Affairs (OHA) is an independent agency of the State executive branch yet given the status of an agency in State government with the authority to work with various levels of government. The purpose of the grant to OHA is to establish community mechanisms for accessing human services, and to establish linkages between Hawaiians and servicing agencies. This human services management effort includes a centralized inventory of available agencies providing services to native Hawaiians as well as the identification of service gaps.

Employment Training

Employment and Training--Indians and Native Americans (17.234)

Employment and Training Administration, Department of Labor.

Objectives: To reduce the economic disadvantages among Indians and others of Native American descent [including native Hawaiians] and to advance the economic and social development of such people in accordance with their goals and life styles. [Funds may be utilized for employment and training programs and services, including institutional training, on-the-job training, public service employment, work experience, youth employment programs, day care, health care, job search, and relocation and transportation allowances designed to aid the beneficiary to obtain and retain employment.]

Types of Assistance: State will receive 3.3 percent of total amount of block grant for this purpose (above the block grant amount).

Housing: Homebuying/Ownership

Low to Moderate Income Housing Loans (Section 502 Rural Housing Loans) (10.410)

Farmers Home Administration, Department of Agriculture.

Objectives: To assist rural families to obtain decent, safe, and sanitary dwellings and related facilities. (Loans may be used: for construction, repair or purchase of housing; to provide necessary and adequate sewage disposal facilities; for water supply for the applicant and his family; for weatherization; to purchase or install essential equipment which upon installation become part of the real estate; and to buy a site on which to place a dwelling for applicant's own use.)

Types of Assistance: Guaranteed/Insured loans.

Interest Reduction--Homes for Lower Income Families (14.105)

Housing, Department of Housing and Urban Development.

Objectives: To make homeownership more readily available to lower income families by providing interest
reduction payments on a monthly basis to lenders on behalf of the lower income families. (HUD insures lenders against losses on mortgage loans. These loans may be used to finance the purchase of a new or substantially rehabilitated single-family dwelling or condominium unit approved prior to beginning of construction or beginning of substantial rehabilitation.)

Types of Assistance: Direct Payments for Specified Use; Guaranteed/Insured Loans.

Mortgage Insurance--Homes for Low and Moderate Income Families (14.120)
Housing, Department of Housing and Urban Development.
Objectives: To make homeownership more readily available to families displaced by urban renewal or other government actions as well as other low-income families. (HUD insures lenders against loss on mortgage loans. These loans may be used to finance the purchase of proposed or existing low-cost, one- to four-family housing or the rehabilitation of such housing.)

Types of Assistance: Guaranteed/Insured Loans.

Low Income Housing--Homeownership Opportunities for Low Income Families (14.147)
Housing, Department of Housing and Urban Development.
Objectives: To provide, through local Public Housing Agencies (PHA's), including Indian Housing Authorities, low-income families with the opportunity for owning their own homes.

Types of Assistance: Direct Payments for Specified Use; Direct Loans.

Housing: Home Improvements and Rental and Cooperative Units

Very-Low Income Housing Repair Loans and Grants (10.417)
Farmers Home Administration, Department of Agriculture.
Objectives: To give very low-income rural homeowners an opportunity to make essential repairs to their homes to make them safe and to remove health hazards to the family or the community.

Types of Assistance: Direct Loans; Project Grants.

Interest Reduction Payments--Rental and Cooperative Housing for Lower Income Families (14.103)
Housing, Department of Housing and Urban Development.
Objectives: To provide good quality rental and cooperative housing for persons of low- and moderate-income by providing interest reduction payments in order to lower their housing costs. (HUD insures lenders against losses on mortgage loans. Insured mortgages may be used to finance the construction or rehabilitation of rental or cooperative detached, semidetached, row, walk-up, or elevator-type structures.)

Types of Assistance: Direct Payments for Specified Use; Guaranteed/Insured Loans.

Mortgage Insurance--Rental Housing for Moderate Income Families (14.135)
Housing, Department of Housing and Urban Development.
Objectives: To provide good quality rental housing within the price range of low and moderate income families. (HUD insures lenders against loss on mortgages. Insured mortgages may be used to finance construction or rehabilitation of detached, semidetached, row, walk-up, or elevator-type rental housing containing 5 or more units.)

Types of Assistance: Guaranteed/Insured Loans.
Mortgage Insurance--Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate (14.13)

Housing, Department of Housing and Urban Development.

Objectives: To provide good quality rental or cooperative housing within the price range of low- and moderate-income families. (HUD insures lenders against loss on mortgages. Insured mortgages may be used to finance construction or rehabilitation of rental or cooperative detached, semidetached, row, walk-up, or elevator structures, with 5 or more units.)

Types of Assistance: Guaranteed/Insured Loans.

Rent Supplements--Rental Housing for Lower Income Families (14.149)

Housing, Department of Housing and Urban Development.

Objectives: To aid lower-income families in obtaining decent, safe, and sanitary housing in private accommodations and to promote economically mixed existing, newly constructed, and substantially and moderately rehabilitated housing.

(Provides housing assistance payments to participating private owners and Public Housing Agencies on behalf of eligible tenant to provide decent, safe, and sanitary housing for lower and very low income families at rents they can afford.)

Types of Assistance: Direct Payments for Specified Use.

Housing for the Elderly or Handicapped (14.157)

Housing, Department of Housing and Urban Development.

Objectives: To provide for rental or cooperative housing and related facilities (such as central dining) for the elderly or handicapped.

(Direct loans may be used to finance rental or cooperative detached, semidetached, row, walk-up, or elevator-type structure.)

Types of Assistance: Loans to private nonprofit corporations and consumer cooperatives.

Public Housing--Comprehensive Improvement Assistance Program (14.158)

Housing, Department of Housing and Urban Development.

Objectives: To provide annual contributions to improve the physical condition and upgrade the management and operation of existing public housing projects to assure that they continue to be available to serve low-income families.

Types of Assistance: Direct Loans; Project Grants; Direct Payments for Specified use.

Low Income Housing--Assistance Program (14.146)

Housing, Department of Housing and Urban Development.

Objectives: To remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income through an authorized Public Housing Agency.

Types of Assistance: Direct Payments for Specified Use; Direct Loans.

Rural Self-Help Housing Technical Assistance (10.420)

Farmers Home Administration, Department of Agriculture.

Objectives: To provide financial support for the promotion of a program of technical and supervisory assistance which will aid needy low-income individuals and their families in carrying out mutual self-help efforts in rural areas. (Organizations may use technical assistance funds: to hire the personnel to carry out a program of technical assistance for self-help housing in rural areas; to pay necessary and reasonable office and administrative expenses; to make essential equipment such as power tools available to families participating in self-housing
construction; and to pay fees for training self-help group members in construction techniques or for other professional services needed.)

Types of Assistance: Project Grants.

Health

Human Nutrition Information Service (10.375)

Human Nutrition Information Service (HNIS), Department of Agriculture.

Objectives: To provide information relative to research conducted by HNIS on food consumption, food composition, and nutrition education. To provide human nutrition information to government agencies with missions related to nutrition, private industry, consumers, and consumer groups.

Types of Assistance: Dissemination of Technical Information.

Health Services Research and Development--Grants (13.226)

Office of the Assistant Secretary for Health, Public Health Service, Department of Health and Human Services.

Objectives: To support research, development, demonstration and evaluation activities designed to ensure that comprehensive and systematic efforts are made to develop new options for health services delivery and health policy, to test the assumptions on which current policies and delivery practices are based, and to develop the means for monitoring the performance of the health care system. Also to support research for the development of valid and useful information to communities which are implementing Emergency Medical Service Systems. As part of its broad legislative mandate, the National Center for Health Services Research supports research studies in the following categories of concern: Health Promotion and Disease Prevention; Service Delivery for the Disadvantaged; Health Care Cost and Expenditures; Health Insurance, Health Manpower; Planning Regulation; Technology and Computer Science Applications; Quality of Care; Emergency Medical Services; Long-Term Care; and Special Studies.

Types of Assistance: Project Grants.

Special Supplemental Food Program for Women, Infants, and Children (10.557)

Food and Nutrition Service, Department of Agriculture.

Objectives: To supply supplemental nutritious foods and nutrition education as an adjunct to good health care to low income participants identified to be at nutritional risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. (Grants are made to State health or comparable agencies...in order to make supplemental foods available to pregnant, postpartum and breastfeeding women, infants, and children up to five years of age through local public or nonprofit private health or welfare agencies.)

Types of Assistance: Formula Grants.

Health Education

Nutrition Education and Training Program (10.564)

Food and Nutrition Service, Department of Agriculture.

Objectives: To encourage the dissemination of nutrition information to children participating or eligible to participate in the school lunch and related child nutrition programs. (Grants are made to State education agencies to provide for the nutritional training of educational and food service personnel, the food service management training of school food service personnel, and the conduct of nutrition education activities in schools and child care institutions.)

Types of Assistance: Formula Grants.
National Health Promotion Training Network (13.990)
Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Public Health Service, Department of Health and Human Services.

Objectives: To educate the public about environmental, occupational, societal and behavioral factors that affect health in order that individuals may make informed decisions about health-related behavior. The National Health Promotion Program is a federal focal point for the development, implementation, and coordination of programs that promote good health habits and programs that are designed to prevent disease and disability. (Assistance must be used to satisfy program needs of the National Health Promotion Activities Program, including but not limited to: reaching local human service agencies with training in conducting effective health promotion programs; identifying or developing materials for health promotion programs, such as model curricula for use by universities or community health promotion programs; adding to the scientific data base, especially to fill gaps identified in the "Objectives for the Nation" report; identifying the needs of special population groups--such as Blacks, Hispanics, Asian/Pacific Islander Americans, handicapped and elderly Americans--and finding health promotion programs to meet those special needs; and facilitating health promotion activities at the local level from a central, national base, through education and locally organized activity.) Types of Assistance: Project Grants (Cooperative Agreements).

Social Programs

Administration for Children, Youth and Families--Child Welfare Research and Demonstration (13.608)
Office of Human Development Services, Department of Health and Human Services.

Objectives: To provide financial support for research and demonstration projects in the area of child and family development and welfare. (Grants are for: (1) special research and demonstration projects in the field of child welfare that are of regional or national significance; (2) special projects for the demonstration of new methods or facilities that show promise of substantial contribution to the advancement of child welfare; and (3) projects for the demonstration of the utilization of research in the field of child welfare in order to encourage experimental and special types of welfare services.) Types of Assistance: Project Grants.

Child Abuse and Neglect Prevention and Treatment (13.628)
Office of Human Development Services, Department of Health and Human Services.

Objectives: To assist State, local, and voluntary agencies and organizations to strengthen their capacities to develop programs that will prevent, identify and treat child abuse and neglect. (Grants or contracts are for: (1) providing technical assistance to public and nonprofit private agencies and organizations; (2) demonstration programs and projects to develop and establish multi-disciplinary training programs; to establish and maintain
centers to provide a broad range of activities including parent self-help in order to prevent, identify, and treat child abuse and neglect; State grants are made to assist States in developing, strengthening and carrying out child abuse and neglect prevention and treatment programs; (3) research into the causes, prevention, and treatment of child abuse and neglect; (4) formula grants to States to strengthen State capacities to reduce the incidence of child abuse.)

Types of Assistance: Formula Grants; Project Grants.

Corrections—Research and Evaluation and Policy Formulation (16.602)
National Institute of Corrections, Department of Justice.
Objectives: To conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders. To conduct evaluation programs that study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system. (Provides assistance for upgrading correctional programs, services, and techniques at State and local levels. Services are available to the entire range of correctional agencies, including probation, parole, institutions, jails, and community programs.)

Types of Assistance: Project Grants; Provision of Specialized Services; Dissemination of Technical Information.

Alcohol, Drug Abuse, and Mental Health Administration, Scientific Communications and Public Education (13.243)
Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
Objectives: To provide the fullest possible dissemination of alcohol, drug abuse, and mental health information through a full-scale program of scientific communications and public information and education activities serving both the professional community and the general public. (No grant funds are provided. Assistance is given in response to the printed and electronic media. Types of public information materials and activities include brochures, fliers, fact sheets, pamphlets and exhibits, news releases, news features, films, television and radio productions, articles for national magazines, and daily assistance to representatives of the public media.)

Types of Assistance: Dissemination of Technical Information.

Juvenile Justice and Delinquency Prevention—Special Emphasis and Technical Assistance (16.541)
Office of Juvenile Justice and Delinquency Prevention, Department of Justice.
Objectives: To develop and implement programs that design, test, and demonstrate effective approaches, techniques, and methods for preventing and controlling juvenile delinquency through development and testing of selected approaches for reducing and controlling violent and serious youth crime; utilization of community-based alternatives to traditional forms of official justice system processing; improvement of the capability of public and private agencies to provide delinquency prevention services to youth and their families; development of new approaches and techniques for reducing school drop-outs, unwarranted suspensions, and expulsions; and through support of advocacy by groups and organizations committed to protection and improvement of the legal rights and welfare of youth. To provide technical assistance to Federal, State, and local governments, irts, public and private agencies, institutions, and individuals, in the planning, establishment, operation or
evaluation of juvenile delinquency programs; and to assist operating agencies having direct responsibilities for prevention and treatment of juvenile delinquency.

Types of Assistance: Project Grants (Contracts).

National Institute for Juvenile Justice and Delinquency Prevention (16.542)
Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

Objectives: To encourage, coordinate, and conduct research and evaluation of juvenile justice and delinquency prevention activities; to provide a clearinghouse and information center for collecting, publishing, and distributing information on juvenile delinquency; to conduct a national training program; and to establish standards for the administration of juvenile justice.

Types of Assistance: Project Grants (Contracts).

Culture

Institute of Museum Services (45.301)
National Foundation on the Arts and Humanities, Institute of Museum Services.

Objectives: To help ease the increased cost borne by museums as a result of their increasing use by the public; to encourage and assist museums in their educational and conservation roles; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage.

Types of Assistance: Direct Payments with Unrestricted Use.

Promotion of the Arts--Museums (45.012)
National Endowment for the Arts, National Foundation on the Arts and the Humanities.

Objectives: To provide grants in support of American museums' essential activities. (Grants may be used for mounting special exhibitions, utilization of collections, visiting specialists, conservation, training of museum professionals, collection maintenance, wide availability of museums, independent study for individuals, museum sabbaticals, and cataloging.)

Types of Assistance: Project Grants.

Promotion of the Arts--Challenge Grants (45.013)
National Endowment for the Arts, National Foundation on the Arts and the Humanities.

Objectives: To enable cultural organizations and institutions (only nonprofit organizations are eligible, includes local governments and State art agencies) to increase the levels of continuing support and to increase the range of contributors to the programs of such organizations or institutions; to provide administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning; to enable cultural organizations and institutions to increase audience participation and appreciation of programs sponsored by such organizations and institutions; to stimulate greater cooperation among cultural organizations and institutions especially designed to better serve the communities in which such organizations or institutions are located; and to foster greater citizen
involvement in planning the cultural development of a community.

Types of Assistance: Project Grants.

Promotion of the Arts--Folk Arts (45.015)
National Endowment for the Arts, National Foundation on the Arts and the Humanities.
Objectives: To provide grants to assist, foster, and make publicly available the diverse traditional American folk arts throughout the country. To encourage projects involving those community or family-based arts that have endured through several generations and that carry with them a sense of community aesthetic. Available for the presentation of American folk arts, including festivals and exhibits; for media documentation and dissemination of American folk arts, including local and regional programming on television, radio, sound recordings, film, and videotape; and for the development of organizations professionally involved in the support of folk arts and folk artists. (Eligibility: nonprofit organizations, including State and local governments and State art agencies; individuals who possess exceptional talent.)

Types of Assistance: Project Grants.

Promotion of the Humanities--Humanities Projects in Museums and Historical Organizations (45.125)
National Endowment for the Humanities, National Foundation on the Arts and the Humanities.
Objectives: To assist museums, historical organizations and other similar cultural institutions to implement effective and imaginative programs that use material culture to convey and interpret the humanities to the general adult, out-of-school public. (Eligibility: State and local governments and nonprofit museums, historical organizations, historic sites, zoos, plantaria, botanical gardens, and other institutions capable of implementing public programs in the humanities.)

Types of Assistance: Project Grants.

Block Grants */

The State of Hawaii is also the recipient "block grants" from the Federal Government. The block grants available to the State of Hawaii include the following:

Alcohol, Drug Abuse and Mental Health Services
- Prevention, treatment and rehabilitation program to deal with alcohol and drug abuse;
- Community treatment services for mental and emotional illness;
- Outpatient care for the chronically mentally ill.

Preventive Health
- Comprehensive public health services;
- Rodent control, fluoridation programs, hypertension, anti-smoking, services to rape victims, and rape prevention programs;

*/ Information on Block Grants obtained from Commissioner Carl Anderson, U.S. Department of Health and Human Services.
• Planning, establishing or improving emergency medical services, but not operations or equipment;

• Home health service agencies (demonstration).

Primary Care

• Community health centers that serve the medically underserved.

Community Services

(The law replaced the antipoverty programs operated under the Economic Opportunity Act by the Community Services Administration, abolished that agency, and provided for the establishment of an Office of Community Services in the Department of Health and Human Services.)

• Programs that address the causes of poverty and encourage self-sufficiency by assisting low-income people in employment, education, housing, emergency assistance, community participation, and by encouraging the involvement of the private sector in these activities.

Low-Income Energy Assistance

• Assistance to low-income households to meet the costs of home energy (heating or cooling), energy crisis intervention or low-cost weatherization.

Maternal and Child Health

• Maternal and child health services, especially for low-income people;

• Crippled children's services, Social Security Insurance for disabled children, lead-based paint programs, genetic disease screening, sudden infant death programs, hemophilia, and adolescent pregnancy.

Social Services

(The law consolidated Title XX Social Services, Day Care, and State and Local Training)

• Programs or services to help those with special needs to achieve and maintain a greater degree of economic self-sufficiency and to prevent neglect, abuse or exploitation of children and adults who are unable to protect their own interest. Services may be particularly directed to the special needs of children, older people, handicapped people, emotionally disturbed people, and those who may be addicted to alcohol or drugs;

• Community-based and home-based care to prevent unnecessary institutionalization; service to persons in institutions.

B. STUDY OF MILITARY PROPERTY REQUIREMENTS IN HAWAII

Periodically, the Department of Defense undertakes a study of military property use requirements in Hawaii. A report growing out of such a study was made in January, 1973 (the FRESH study); another report was completed in April, 1979 (MILPRO-HI Report). The purpose of these reports is to identify landholdings required to support planned military missions and force levels in Hawaii. As part of the study, the Department of Defense identifies DOD-controlled real property that can be made available for release without degradation of the Defense Department's mission. It also reviews joint military/civil use of DOD-controlled property to evaluate existing joint use and to identify...
areas of possible additional joint use. The reviews provide the opportunity for identification of land and facilities that might be made available for native Hawaiian use.

The report notes that total real estate owned by the military in Hawaii is just under 170,000 acres, or about four percent of the total 4,050,000 acres on the eight major islands of the State. Leases, licenses, and easements permit the Defense Department to have non-exclusive use (mostly for training) of about 90,000 acres of open land owned by others. There has been a net reduction of over 25,000 acres from the 1973 Program FRESH total, mostly from the decline in leased training areas. 8/

The MILPRO-HI Report identifies a number of areas available to be released, totaling over 3,000 acres. 9/ Some of these include ceded lands, which, if released, under the provisions of the P.L. 88-233 (December 23, 1963) must be returned to the State when no longer needed by the Federal Government. 10/ In addition, as part of its analysis of existing and planned land use, the report reviews joint use between the military and civilian users. 11/

To assure that any lands that the Department of Defense releases are considered for use that would meet the unique needs of native Hawaiians, the Commission will provide a copy of its Report to the Department of Defense with a request that attention be paid to those needs. In addition, to assure that similar consideration is given for use of ceded lands which, if released by the Department of Defense, are returned to the State, the Commission will make a similar request of the State. 12/

C. PRESIDENT'S FEDERAL PROPERTY REVIEW BOARD

President Reagan has established a program to review federal landholdings (other than military holdings) throughout the country in order to determine what land and buildings are no longer needed for government use and can be disposed of. The federal members of the Commission have worked with the Executive Director of the Federal Property Review Board to ask that the unique needs of the native Hawaiians be considered when property use is reviewed and when disposition is considered.

D. ESTABLISHMENT OF KALOKO/HONOKOHU NATIONAL HISTORICAL PARK

The Kaloko-Honokohau National Historic Park has specific historical and cultural significance for native Hawaiians. In 1978, Congress passed legislation authorizing the national historical park based essentially on a 1974 report by the National Park Service and a special study commission for the park (P.L. 95-625). The value of land to be acquired for the park was appraised in 1979 at $62 million. Only $25 million has been authorized for acquisition, however. To assist in acquiring land for the park, which is mostly in private ownership, in 1980 Congress passed P.L. 96-514, which authorizes the exchange of federal surplus lands for lands in Kaloko/Honokohau. The Federal Government remains committed to acquisition of the land needed to establish this park, and is continuing to undertake the work and review necessary to establish it. 13/
FEDERAL RESPONSES TO THE NEEDS
OF NATIVE HAWAIIANS

NOTES

1/ Testimony of Winona Rubin to
the Native Hawaiians Study Commission,

2/ P.L. 95-568.


4/ P.L. 95-341.


7/ Military Property Requirements
in Hawaii (MILPRO-HI), State of
Hawaii, April 1979, by the Department
of Defense. The study excludes
evaluation of Fort DeRussy and the
Island of Kahoolawe, in accordance
with Secretary of Defense guidelines,
but includes that property in total
land area evaluations. One commenter
stated that sale of Fort DeRussy would
be "an insensitive move."

8/ MILPRO-HI, Executive Summary,
p. 3.

9/ MILPRO-HI, Section F.


11/ MILPRO-HI, Section E.

12/ It has been suggested that any
surplus federal lands be placed in
trust for native Hawaiians. However,
present law requires that ceded lands
be returned to the State. Statutes
regarding federal disposal of surplus
property govern disposition of the
remaining lands and property.

13/ An analysis was made in March
1982 to assist in expediting
acquisition through purchase or
exchange.
State Of Hawaii’s Responses To Native Hawaiians’ Unique Needs

The State of Hawaii has undertaken a number of steps to meet the unique needs of native Hawaiians. These include acquisition and disposition of revenue pursuant to Section 5(f) of the Statehood Admission Act (48 U.S.C. prec. §491 (P.L. 86-3)); establishment of the Office of Hawaiian Affairs (Act 273, 1980 Legislative Session, codified at Haw. Rev. Stat. §10-13.5); and establishment of State programs specifically for native Hawaiians through other departments of the State government.

A. ACQUISITION AND DISPOSITION OF REVENUE PURSUANT TO SECTION 5(f) OF THE ADMISSION ACT

In 1959, Hawaii was admitted to the union as a state. The special status of Hawaii’s public lands was recognized and the intent to return those lands to Hawaii made clear in Hawaii’s Admission Act. These lands, formerly the Crown and Government lands, had been ceded to the United States at annexation. In an unprecedented action, the Federal Government relinquished title to most of the ceded lands held at the time of statehood.

Section 5 of the Admission Act provides the key to understanding Hawaii’s ceded lands and the State’s responsibilities in relation to those lands. Section 5(a) names the State as successor in title to lands and properties held by the territory. Section 5(b) then declares that:

...[e]xcept as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union.

Section 5(q) of the Act defines public lands and other public property as the "lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation...or that have been acquired in exchange for lands or properties so ceded.”

Specifically excepted from the section 5(b) grant were ceded lands that had been set aside for federal use pursuant to an act of Congress, executive order, presidential proclamation, or gubernatorial proclamation. Section 5(c) of the Admission Act provided that such lands should remain the property of the United States.
Section 5(d) of the Act dealt with other exempted lands. It allowed the Federal Government to set aside, within five years, any ceded lands it was using under permit, license, or permission of the territory immediately prior to statehood. Once set aside those lands would also remain the property of the United States. 7/

Section 5(e) required each federal agency in Hawaii having control of land or property retained by the Federal Government under section 5(c) or 5(d) to:

...report to the President the facts regarding its continued need for such land or property, and if the President determined that the land or property is no longer needed by the United States, it shall be conveyed (sic) to the State of Hawaii. 8/

This provision, however, set a five-year deadline for reporting and conveying lands to the State. After August 21, 1964, five years from the date on which Hawaii formally entered the Union, title to ceded lands retained by the Federal Government would vest permanently in the United States.

The final major subsection of section 5 sets forth the State's responsibilities in connection with ceded lands. Section 5(f) requires the State to hold all ceded lands returned under Sections (b) and (e), together with the proceeds from their sale or other disposition and the income therefrom:

...as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. 9/

Return of Federally Controlled Lands

At the time of statehood, 287,078.44 acres of Hawaii's public lands had been set aside for the Federal Government. Although section 5(c) of the Admission Act allowed the Federal Government to retain set-aside lands, section 5(e) established a mechanism for conveying some of those lands to the new State. State officials had high hopes for return of substantial portions of federally-held lands, but as Section 5(e)'s five-year deadline approached, only 595.41 acres had been returned. 10/

Furthermore, section 5(d) of the Admission Act allowed the Federal Government to set aside, within five years, lands it was using under lease, permit, or license immediately prior to statehood. Prior to statehood, the Federal Government had permits and licenses on 117,412.74 acres of land. Virtually all of these lands were retained under the Federal Government's control. 87,236.557 acres of land were set aside pursuant to section 5(d) while another 30,176.18 acres were leased to the Federal Government for 65 years at nominal cost. 11/ A 1969 report on Hawaii's public lands described the situation as follows:

Soon after statehood it became apparent that the Defense Department had no intention of immediately giving up control of any of this land, and that this
would quite likely be the final position of the executive branch. Faced with this prospect, Hawaii's Democratic congressional delegation pressed hard for some concessions, but was largely unsuccessful.

Serious action by the United States Government was put off until the summer of 1964, when staff members from the Bureau of the Budget went to Honolulu to "negotiate" with Governor Burns regarding this land. The position of the government was uncomplicated. The bulk of the land, 87,236 acres, was definitely to be "set aside" while the remainder of the land was to be leased to the federal government for 65 years at the nominal charge of $1.00 for each lease. These leases were in fact offered as a kind of concession, for the alternative, as the federal negotiators made clear, would be the "setting aside" of this land as well.

The State of Hawaii was clearly bargaining from a position of weakness, and was forced to agree to these terms. 12/

Some of Hawaii's political leaders objected to the five-year deadline set on the return of land that had been set aside for Federal Government use. 13/ They contended that Hawaii had a unique claim on these lands and property since they were originally given to the United States by the Republic and were held as a kind of "trust" for the people of Hawaii. As a result, on December 23, 1963, Congress passed Public Law 88-233, a reconveyancing act, effectively amending section 5(e) of the Admission Act. 14/ P.L. 88-233 abolished section 5(e)'s five-year deadline and extended, without limitation, the possibility of the Federal Government relinquishing title, without cost to the State, to section 5(c) and 5(d) ceded lands. However, all lands that had been set aside for national parks (approximately 227,972 acres) became the fee simple property of the Federal Government. Thus, under the provisions of P.L. 88-233 approximately 58,510 acres of land under the section 5(c) category and 87,236 acres under the section 5(d) category, totaling 145,746 acres, became eligible for return to the State of Hawaii at any time. Since 1964, however, less than 500 acres of land have been returned under the reconveyancing act's provisions. 15/

State Responsibilities in Relation to Ceded Lands

Section 5(f) of the Admission Act requires the State to hold the ceded lands, their proceeds, and income as a public trust for any one of five trust purposes:

(a) Support of public schools and other public educational institutions;

(b) Betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended;

(c) Development of farm and home ownership on as widespread a basis as possible;

(d) Making of public improvements; and

(e) Provision of lands for public use.

Section 5(f) also provides that the use of the ceded lands, their proceeds, and income for any purposes other than those enumerated "shall constitute a breach of trust for which suit may be brought by the United States." 16/

Since statehood, the Department of Land and Natural Resources (DLNR) has
been charged with the receipt and administration of the public land trust established by this section of the Admission Act. 17/ However, a 1979 audit of the DLNR indicated that the trust has not been administered in conformance with the Admission Act. 18/ The DLNR has failed to properly dispose of the revenue and income from the public land trust. Hawaii Revised Statutes, section 171-18, the implementation legislation for section 5(f) of the Admission Act, established a public land trust fund for the receipt of funds derived from the sale, lease, or other disposition of ceded lands. 19/ Hawaii Revised Statutes section 171-19, created a separate fund, the special land and development fund, for all proceeds from the disposition of non-ceded lands (lands which the State may have acquired by condemnation, purchase or other means). 20/ This second fund was established for the maintenance and development of all public lands. These two funds were intended to serve different purposes. Monies deposited in the public land trust fund were to come from the disposition of ceded lands and were to be expended in a manner consistent with the directions of section 5(f) of the Admission Act. Monies deposited in the special land and development fund were to come from the disposition of non-ceded lands (lands not subject to the section 5(f) trust) and were to be expended to maintain and develop all public lands.

However, since statehood, DLNR has failed to make this distinction between the two funds and instead has deposited monies from the leases of all public lands into the public land trust fund and monies from the sale of all public lands into the special land and development fund. 21/ Thus, in depositing money in the two funds, the distinction between ceded lands (lands subject to the section 5(f) trust) and non-ceded lands (lands not subject to the 5(f) trust) has been ignored; instead, monies have been deposited on the basis of a lease/sale dichotomy.

The reason given for the failure to conform to the mandate of § 5(f) of the Admission Act is even more disturbing. No inventory of public lands exists and the DLNR has been unable to distinguish between ceded and non-ceded public lands. 22/ A recent article on Hawaii's ceded lands observed that:

In fact, between statehood and 1979, no attempt had been made by the Department to compile a comprehensive inventory of the state's public lands, much less one distinguishing between its ceded and non-ceded portions. Notwithstanding the difficulty of assembling such an inventory given the deficiencies in existing records, it is still curious, in light of the requirements of the section 5(f), that such an inventory does not exist at the present time. 23/

That same article concluded that the absence of an inventory and the confusion of funds have impeded the administration of the section 5(f) public trust in several ways. 24/ First, because the DLNR cannot use the ceded/non-ceded distinction in recording receipts, there is no way of knowing the accuracy of its figures for each fund or of determining which monies belong to which fund. Since most of the income from public lands is derived from ceded lands, this failure to distinguish ceded and non-ceded lands has probably worked to the disadvantage of the public land trust fund. Secondly, the wrongful deposits may have resulted in expenditures of public trust monies for the purposes of the special land and development fund and vice versa. However, it is impossible to know the extent to which the expenditures may have been wrongfully applied until a
comprehensive inventory is completed. Likewise, until an inventory is completed, the total amount of monies available for section 5(f) trust purposes cannot be determined. Finally, because section 5(f) requires the State to hold ceded lands separately in trust, the State's failure to identify ceded lands, like a private trustee's failure to identify and segregate trust assets, constitutes an independent breach of its 5(f) obligations.

B. THE OFFICE OF HAWAIIAN AFFAIRS */

Until the 1978 Constitutional Convention, little attention had been focused on section 5(f) of the Admission Act and its trust language. At the Convention, however, members of the Hawaiian Affairs Committee sought to clarify and implement the Admission Act's trust language as it relates to native Hawaiians. As a result, three new sections were added to the Constitution.

The first section specified that the lands granted to the State by Section 5(b) of the Admission Act (with the exception of the Hawaiian Homes Commission Act's "available lands") were held by the State as a public trust for native Hawaiians and the general public. The second section established an Office of Hawaiian Affairs (OHA), to be governed by a nine-member board of trustees, which would hold title to all real or personal property set aside or conveyed to it as a trust for native Hawaiians and Hawaiians. A final section set forth the power of the board of trustees and made it clear that included within the property that OHA was to hold in trust would be a pro rata portion of the income and proceeds from the lands granted to the State by section 5(b) of the Admission Act. (An additional section defined the terms Hawaiian and native Hawaiian, but the Hawaii Supreme Court subsequently determined that this section had not been validly ratified in the 1978 general election.)

Although OHA was established to serve all [native] Hawaiians, it is clear from the OHA amendment and the relevant committee reports that the Constitutional Convention structured OHA as the trust entity to receive and administer the share of the public land trust funds designated for the betterment of the conditions of native Hawaiians [as defined] under the Admission Act. The definition of native Hawaiian in section 5(f) of the Admission Act is tied to the definition of native Hawaiian under the Hawaiian Homes Commission Act. Benefits under the Hawaiian Homes Commission Act are limited to those with fifty percent or more aboriginal blood. Thus, although the OHA amendment names two beneficiaries of the OHA trust--native Hawaiians (those with fifty percent or more aboriginal blood) and Hawaiians (those with any quantum of aboriginal blood)--OHA is restricted to utilizing its public land trust funds solely for the benefit of its native Hawaiian [50 percent blood quantum] beneficiaries. The Admission Act left to State law the allocation of the public land trust proceeds and income among the five trust purposes. While the

*/ Material for this section was taken directly from MacKenzie, Sovereignty and Land, pp. 53-56. Footnotes have been renumbered and where necessary specify earlier references, but are otherwise unchanged. Definitional clarifications to make this section consistent with the remainder of the Report have been added in brackets.
OHA constitutional provision stated that a pro rata share of the proceeds and income should be directed to OHA, the amendment did not define that pro rata share. That determination was left to the State legislature and in 1980, after lengthy discussion, OHA's pro rata share was set at twenty percent. 33/

Securing a pro rata portion of the public land trust fund for native Hawaiians [50 percent blood quantum] was a primary motive for establishing the Office of Hawaiian Affairs. Of equal importance, however, were the objectives of providing all [native] Hawaiians with the right to choose their leaders through the elective process and providing a vehicle for self-government and self-determination. The high level of voter participation in the 1980 OHA elections indicates that those objectives are supported by the [native] Hawaiian people. 34/

OHA is a unique entity combining features of both a public trust and government agency. Under Hawaii law, OHA is a separate state agency, independent of the executive branch. 35/ Its independence is assured by its primary funding mechanism (the public land trust fund), its control over internal affairs, its ability to acquire and manage property, its power to enter into contracts and leases, and the elective process by which the Board of Trustees is chosen. 36/ At the same time, OHA also acts as a trustee in administering its funds for the benefit of native Hawaiians and Hawaiians. OHA's statutory purposes 

1. Promoting the betterment of conditions of all [native] Hawaiians;

2. Serving as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to [native] Hawaiians, with the exception of the Hawaiian Homes Program;

3. Assessing the policies and practices of other agencies impacting on native Hawaiians [50 percent blood quantum] and [native] Hawaiians;

4. Conducting advocacy efforts for native Hawaiians [50 percent blood quantum] and [native] Hawaiians;

5. Applying for, receiving, and disbursing grants and donations from all sources for native Hawaiians [50 percent blood quantum] and [native] Hawaiians; and


C. OTHER STATE GOVERNMENT PROGRAMS

Other existing State programs for education, health, and other needs of the native Hawaiians, as well as other state residents, are described in Part I of this Report.
STATE OF HAWAII'S RESPONSES TO NATIVE HAWAIIAN'S UNIQUE NEEDS

NOTES

1/ Admission Act of March 18, 1959, 735 Stat. 4.


3/ Admission Act, supra, at §5(a).

4/ Ibid. at §5(b).

5/ Ibid. at §5(g).

6/ Ibid. at §5(c).

7/ Ibid. at §5(d).

8/ Ibid at §5(e).

9/ Ibid. at §5(f).


11/ Ibid. p. 75.

12/ Ibid.

13/ See discussion in Ibid., pp. 72-72.


15/ Interview with Jack Kaquni, formerly of the Land Management Division of the Hawaii Department of Land and Natural Resources.

16/ Admission Act, supra, at § 5(f).

17/ The DLNR is charged with managing all of Hawaii's public lands. See generally, HRS Chap. 171, and HRS §26-15 and note 86, infra.

18/ A Report to the Governor and the Legislature of the State of Hawaii, submitted by the Legislative Auditor of the State of Hawaii, Audit Report No. 79-1 (January 1979) [hereinafter cited as "Audit"].

19/ HRS §171-18 provides: Public land trust. All funds derived from the sale or lease or other disposition of public lands shall be appropriated by the laws of the State; provided, that all lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and returned to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 6), and all proceeds and income from the sale, lease or other disposition of lands retained by the United States under sections 5(c) and 5(d) of the Act and later conveyed to the State under section 5(e) shall be held as a public trust for the support of the public schools and other public education institutions, for the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. (L 1962, c 32, pt of §2; Supp, §103A-181).
20/ HRS §171-19 authorizes the land board to use the special land and development fund for the following purposes:

(1) To reimburse the general fund of the State for advancements heretofore or hereafter made therefrom, which are required to be reimbursed from the proceeds of sales, leases, licenses, or permits derived from public lands;

(2) For the incidental maintenance of all lands under the control and management of the board, including the repair of the improvements thereon, not to exceed $100,000 in any fiscal year;

(3) To repurchase any land, including improvements thereon, in exercise by the board of any right of repurchase specifically reserved in any patent, deed, lease, or other documents or as provided by law;

(4) For the payment of all appraisal fees; provided, that all such reimbursable fees collected by the board shall be deposited in the fund;

(5) For the payment of publication notices as required under this chapter, provided that all or a portion of the expenditures may be charged to the purchaser or lessee of public lands or any interest therein under rules and regulations adopted by the board;

(6) For the planning and construction of roads and trails along state rights-of-way not to exceed $5,000 in any fiscal year;

(7) For the payment to private land developer or developers who have contracted with the board for development of public lands under the provisions of section 171-60.

21/ Audit, pp. 32-33.

22/ Ibid. at 35.

23/ Ceded Lands, pp. 142-143.

24/ Ibid.

25/ The State has channeled the majority of the public land trust funds toward public education.

26/ State Constitution, Art. XII, §4: PUBLIC TRUST. The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public. (Add Const. Con. 1978 and election Nov. 7, 1978).

27/ Ibid., §5: OFFICE OF HAWAIIAN AFFAIRS; ESTABLISHMENT OF BOARD OF TRUSTEES. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following Islands have one representative: Oahu, Kauai, Maui, Molokai and Hawaii. The board shall elect a chairperson from its members. (Add Const. Con. 1978 and election Nov. 7, 1978).
28/ Ibid. §6. POWER OF BOARD OF TRUSTEES. The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law: to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds referred to in section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, federal or private sources and transferred to the board for native Hawaiians and Hawaiians. The board shall have the power to exercise control over the Office of Hawaiian Affairs through its executive officer, the administrator of the Office of Hawaiian Affairs, who shall be appointed by the board. (Add Const. Con. 1978 and election Nov. 7, 1978).

29/ The definitional section in the proposed amendment defined Hawaiian as "any descendant of the races inhabiting the Hawaiian Islands, previous to 1778" and native Hawaiians as "descendants of not less than one-half of the blood of races inhabiting the Hawaiian Islands previous to 1778 as defined by the Hawaiian Homes Commission Act, 1920, as amended or may be amended." 1978 Constitutional Convention Proposal No. 13, R.D.2, S.1. Kahalekai v. Doi, 60 Haw. 324, 590 P. 2d 543 (1979), held that this section was not validly ratified.


32/ Admission Act, supra at §5(f).


34/ In the 1980 election, 54,083 Hawaiians registered to vote in the OHA elections representing over 80 percent of the total estimated eligible Hawaiian voters. 78.9 percent of these registered voters cast ballots in the OHA election.


36/ Ibid. sets forth the powers of the OHA trustees.

37/ Ibid. at §10-3.
Private And Local Responses To Special Needs Of Native Hawaiians

A number of private and local organizations have worked to meet the unique needs of native Hawaiians. These include Alu Like, Inc., the Queen Liliuokalani Children's Center, the King William C. Lunalilo Trust, and the Kamehameha Schools established under the Bernice Pauahi Bishop Estate.

A. KAMEHAMEHA SCHOOLS/BERNICE PAUAHI BISHOP ESTATE

When Bernice Pauahi Bishop, the last descendant of Kamehameha I, died in 1884, the bulk of her estate of over 373,000 acres was bequeathed to a charitable trust, to be administered by five named persons whose successors were to be appointed by a majority of the justices of the State Supreme Court. 1/ Approximately 90 percent of the estate's land is leased for long terms for residential, agricultural, commercial, and industrial purposes. 2/ The purpose of the trust is to maintain two schools and to support orphans and other indigents "giving the preference to Hawaiians of pure or part aboriginal blood..." The estate has limited its activities almost exclusively to maintaining the Kamehameha School for its students, all of whom have native Hawaiian blood. 3/ Currently, 2,617 students attend School camps. 4/ The school also has an extension education division, involving over 20,000 students in 28 different activities. 5/

B. QUEEN LILIUOKALANI CHILDREN'S CENTER

Queen Liliuokalani established a trust, as amended October 11, 1911, which provided: "From and after the death of the Grantor, all the property of the trust estate, both principal and income,...shall be used by the trustees for the benefit of orphan and other destitute children...in the Hawaiian Islands, the preference to be given to the Hawaiian children of pure or part aboriginal blood." 6/

At the outset, the trust established an orphanage. In 1934, the Trustee sought to substitute care in foster homes for the outmoded orphanage. At present:

Our staff not only meet the various needs of the children left orphaned by the death of a parent, but also other children whose educational needs are not being met at school and at home, the needs of teenage mothers who are keeping their children, needs of children coming from families which are dysfunctioning and disintegrating, needs of children and families in learning their cultural heritage. These various needs are being met by three agency programs: (1) Individual and Family Services; (2) Community Development; and (3) Group Services. 7/

The Trust operates such wide-ranging projects as counseling, the Children's Center campsite and beach, and agriculture/hydroponics projects to teach life skills to children. The focus is to provide services to children of Hawaiian and part-Hawaiian blood. In 1980, the Trust expended just over $2 million and provided continuous service to 5,594 children and brief service (one to two interviews) to 5,670 children. 8/
C. LUNALILO HOME 9/

The Lunalilo Home is a custodial care facility funded by the Lunalilo Trust Estate for indigent Hawaiians whose families are unable to care for them. Referral services are provided for those applicants needing nursing care or alcoholic treatment.

Currently, there are fifty-five residents: twenty-two men and thirty-three women. There are nineteen full-Hawaiians, and the majority of the others have more than 50 percent Hawaiian ancestry. They are housed in two large wards with two or three to a room. Twenty-three of the residents are disabled, needing wheelchairs, walkers, or canes, or are blind. Each individual provides his or her own medical care payments: Department of Social Services and Housing, private, Medicare, or other.

The Home attempts to maintain an enriched Hawaiian style of life. Polynesian music and dance are probably the most participated-in activities. The residents have formed their own ensemble and make appearances around the island.

Other disabled and/or interested persons in the community are encouraged to participate in such Home programs as excursions, classes, and religious devotions. Many volunteers spend time assisting and teaching those who have interest.

D. ALU LIKE, INCORPORATED 10/

Alu Like, Inc. is a private, non-profit social change organization that works toward native Hawaiian economic and social self-sufficiency. It administers the Alu Like Native Hawaiian Projects and employment and training programs. Its primary funding sources are the United States Department of Health and Human Services and the Department of Labor;
PRIVATE AND LOCAL RESPONSES TO SPECIAL NEEDS OF NATIVE HAWAIIANS

NOTES


2/ Ibid., p. 871. Levy questions whether the investment policy of the trustees produces sufficient return to meet their fiduciary obligations.

3/ Ibid., p. 872. As of 1975, the Kamehameha Schools received 85 percent of their expenses from the Estate; the remainder came from tuition paid by students.


5/ Ibid.

6/ Information for this part of the Report is taken from the 1980 Annual Report of the Queen Liliuokalani Children's Center-Liliuokalani Trust, and a statement of the Center-Trust "History and Programs."


8/ Ibid., p. 12.

9/ Alu Like, Analysis of Needs, Part B-3. One comment received by the Commission on its Draft Report points out that Kamehameha Schools, Queen Liliuokalani Children's Center and the Lunalilo Home started with a land base, the income from which provides funding. The Lunalilo Home sold its land and is funded by an investment portfolio that is worth a smaller amount than the land that funds the other two organizations. In addition,

10/ Information for this Section is taken from an undated Alu Like report provided to the Commission.
A Hawaiian elder or kupuna.
Glossaries

- Selected Glossary of Hawaiian Words
- Glossary of Legal Terms
Selected Glossary of Hawaiian Words

ahupua'a: Land division usually extending from the uplands to the sea, so called because the boundary was marked by a heap (ahu) of stones surmounted by an image of a pig (pua'a), or because a pig or other tribute was laid on the altar as tax to the chief...

'aia: Ungodly, irreligious, wicked, careless of observing taboos; wickedness.

'ai kapu: To eat under taboo; to observe eating taboos.

'ai noa: To eat without observance of taboos.

akakil: Vision, trance; reflection, as in a mirror; to see a vision.

akamai: Smart, clever, expert; smartness, skill.

akua: God, goddess, spirit, ghost, devil, image, idol, corpse; divine, supernatural, godly...

'alana: Offering, especially a free-will offering, contrasting with a mo'oi that was prescribed by a priest; to offer...

ali'i: Chief, chiefess, king, queen, noble...

aloha: Aloha, love, affection, compassion, mercy, pity, kindness, charity; greeting, regards; sweetheart, loved one; beloved, loving; to love, show kindness, mercy, pity, charity, affection; to remember with affection; to greet, hail...

'aumakua: 1) Family or personal god;...

ea: 2) Life, breath, vapor, gas, breeze, spirit...

hā: To breathe, exhale; to breathe upon, as kava after praying and before prognosticating; breath, life...

hākaokao: 1) Decaying, as taro in the field or a few days after cooking. 2) Hole for inserting mast in a canoe.

haku ōhi'a: Image made of 'ōhi'a wood, as used in the luakini ceremonies; god of the 'ōhi'a tree.

hala: Sin, error, offense; to sin...

hālau: Long house, as for canoes or hula instruction...

hale 'aina: Restaurant, cafe, eating house; in ancient times, the eating house for women.

hale moe: Sleeping house.

hale pe'a: 1) Tent. 2) Menstrual house.

hana: Work, labor, job, duty, office; activity of any kind, action, act, deed, service, behavior; to work, labor, do, prepare; to develop as a picture; to have a love affair; to induce by sorcery...

hānai: Foster child, adopted child...

hanu: To breathe, smell, sniff; breath, respiration; the last breath of life...

haole: White person, American, Englishman, Caucasian; formerly, any foreigner.

hapa haole: Part-white...

heiau: Pre-Christian place of worship; some heiau were elaborately constructed stone platforms, others simple earth terraces.

heiau ho'ola: Heiau for treating sick.

heiau po'okanaka: Heiau where human sacrifices were offered.

hiohio: 1) To whistle softly; to blow softly; to draw in the breath as of one eating hot food. 2) Gibberish; to jabber. 3) Lure for trolling, said to be named for its whistling sound tripping over the water.

ho'ike: To show, exhibit.

ho'olono: To listen, hear, obey, obedient.

ho'opāpā: (a) To touch repeatedly; to feel, as a blind person; a contest in wit or strength; to hold such a contest; repartee...

ho'o'ulu: To grow (trans.), sprout, cause to increase, as the surf...2) Possessed by a spirit; inspired by a spirit, god, ideal, person; stirred, excited; to enter in and inspire...

'iie'iie: 1) An endemic woody, branching climber (Freycinetia arborea) growing luxuriantly in forests at altitudes of about 1,500 feet...2) A native variety of taro, with leaf blades and flowers suggesting 'iie'iie, 1; the leaves are dark and glossy, the petioles reddish with yellow-green stripes.

'ilī: ...5) Land section, next in importance to ahupua'a and usually a subdivision of an ahupua'a.

'ilī kūpono: A nearly independent 'īlī land division within an ahupua'a, paying tribute to the king and not to the chief of the ahupua'a. Transfer of the ahupua'a from one chief to another did not include the 'īlī kūpono located within its boundaries.

ilī: ...2) Young shoot; to germinate, sprout.

'īno: Wicked; immoral, sinful; sin.

ipu: The bottle gourd...Hawaiians have long used gourds as receptacles, small gourds with thin walls to hold water or food, or for rattles for dances (the ipu has a fine tone, halfway between that of niu and la'amia), larger ones with thin to thick walls to hold tapa and other articles or to serve as drums...

kahākō: Steep, sheer.

kahu akua: One who takes care of an image or god; priest.

kahuna: Priest, minister, sorcerer, expert in any profession; to act as priest or expert.

kahuna lapa'au: Medical doctor, medical practitioner. Lit., curing expert.

kaikua'ana: Older sibling or cousin of the same sex; sibling or cousin of the same sex of the senior line, whether older or younger.

kama'aina: Native-born, one born in a place, host; native plant; acquainted, familiar...
kanaka maoli: Hawaiian person.

kanawai: Law, code, rule, statute; legal (perhaps so called because many early laws pertained to water [wai] rights); to obey a law; to learn from experience...

kaokao: Syphilis. (Cf. hakaokao).

kaona: Hidden meaning in Hawaiian poetry; concealed reference, as to a person, thing, or place; words with a double meaning that might bring good or bad fortune...

kapa: Tapa, as made from wauke or mamaki bark; formerly clothes of any kind or bedclothes...

kapu: Taboo, prohibition; sacredness...

kaua: War, battle; army; to make war.

kaula: Taboo ceremony consecrating a temple; ceremonial readorning of images with feathers...

kauwā: Untouchable, outcast, pariah; a caste which lived apart and was drawn on for sacrificial victims; slave; servant...

kino: 1) Body, person, individual, self; main portion; form; fully formed, as a foetus; bodily, physical...

kinoa: Many forms taken by a supernatural body, as Pele, who could at will become a flame of fire, a young girl, or an old hag.

kino wailua: Spirit of the dead; dead person, bodily remains, corpse.

kōko: Blood; rainbow-hued...

koku: Help, assistant, helper; comforter; co-operation; to help, assist, support; to second a motion...

konohiki: Headman of an ahupua'a land division under the chief...

Kū: 11) Name of major god...

kuhina nui: Powerful officer in the days of the monarchy; the position is usually translated as "prime minister" or "premier," but according to Kuykendall, carried greater power; the kuhina nui shared executive power with the king.

kukui: Candlenut tree (Aleurites moluccana), a large tree in the spurge family bearing nuts containing white, oily kernels which were formerly used for lights and are still cooked for a relish...

kuleana: Small piece of property, as within an ahupua'a...

kupua: Demigod, especially a supernatural being possessing several forms as kama-pua'a (man, pig, fish), lae-nihi (a woman, a fish); one possessing mana; to possess kupua (magic) powers...

kupuna: Grandparent, ancestor, relative of the grandparent's generation, grandaunt, granduncle.

lauloa: Long wave or surf, as extending from one end of the beach to the other. Also called kakala.
lehua: 1) The flower of the 'ohi'a tree (Metrosideros macropus, M. collina); also the tree itself; the lehua is the flower of the island of Hawaii, famous in song and tale. Fig., a warrior, a beloved friend or relative, a sweetheart, an expert...

lei: Lei, garland, wreath, necklace of flowers, leaves, shells, ivory, feathers, or paper, given as a symbol of affection; beads; any ornament worn around the head or about the neck; to wear a lei; special song presenting a lei; crown...

lipo: 1) Deep blue-black, as of a cavern, the sea, or dense forest; dim, distant...

loa: Distance, length, height; distant, long, far; permanent...

Lono: ...2) One of the four major gods brought from Tahiti, the god of the makahiki harvest festivities and of agriculture. He is also regarded as the god of medicine. Captain Cook was believed to be the god Lono and was thus addressed...

luakini: Temple, church, cathedral, tabernacle; large heiau where ruling chiefs prayed and human sacrifices were offered.

lū'a'u: 1) Young taro tops, especially as baked with coconut cream and chicken or octopus...

luna: ...2) Foreman, boss, overseer, supervisor, officer of any sort, commissioner.

mahina: Moon, month: moonlight. Mahina loli, honeymoon...

maika'i: Good, well, fine, excellent; good-looking, handsome, beautiful, goodness, righteousness, well-being, morality; good looks, good health...

maile: A native twining shrub (Alyxia olivaeformis), with shiny fragrant leaves, used for decoration and leis. It is a member of the periwinkle family. Laka, goddess of the hula, was invoked as the goddess of the maile, which was one of five standard plants used in her altar.

ma'i-ōku'u, ho'ōku'u: Disease at time of Kamehameha I, perhaps cholera, and perhaps so called because it was dysenteric, and people were squatting ('oku'u) much at stool.

ma'i-Pāke: Leprosy, literally, Chinese disease.

maka'ainana: Commoner, populace, people in general; citizen...

Maka-'alo'ili: Name of a star. Lit., bright eye.

makahiki: ...2) Ancient festival beginning about the middle of October and lasting about four months, with sports and religious festivities and taboo on war.

ma'lo: Male's loincloth; chant in praise of a chief's loincloth...

mana: Supernatural or divine power; a powerful nation, authority...

mela: Song, chant of any kind, poem.

Menehune: Legendary race of small people who worked at night, building fish ponds, roads, temples, if the work was not finished in one night, it remained unfinished...
moepu'u: Victim slain at the secret burial of a chief, so as to reduce the number of witnesses; victim who commits suicide or has himself killed in order to show love for a dead chief, death.

moe 'uhane: Dream; to dream.

mō'ī: King, sovereign, ruler, queen; a rank of chiefs who could succeed to the government but who were of lower rank than chiefs descended from the god Kane.

moku: 2) District, island, section; forest, grove; severed portion; fragment, cut...

na'auao: Learned, intelligent, enlightened; learning, science...

namu: 1) Unintelligible muttering, gibberish; any foreign language, especially English; to speak gibberish or a foreign language...

nī'au kani: A true jew's harp, made of a thin strip of wood, about four inches long and one inch wide, with a coconut midrib (nī'au) or bamboo strip lashed lengthwise; played something like the 'oka'oke'.

no'eau: Clever, skillful, dexterous, wise, artistic.

noho: Seat, chair, stool, bench, saddle...2) To live, dwell; to be in session; to stay, tarry; to marry...

'ōhā: Taro growing from the older root, especially from the stalk called kalo; tender plant...

'ōhana: 1) Family, relative, kin group; related. 2) To gather for family prayers (short for pule 'ōhana).

'ōiwi: Native, native son...

'ōkina: Cutting off, ending, severance, separation. 2) Glottal stop.

ola: Life, health, well-being, living, livelihood, means of support, salvation; alive, living; spared, recovered; healed, to live; to spare, save, hāal, grant life...

'ōlani: 1) To toast over a fire, broil, warm in sunlight...

'ōlelo: Language, speech, word; to speak, say, tell; oral, verbatim, verbal...

'ōpū ali'i: (Same as na'au ali'i - kind, thoughtful, forgiving, possessed of aloha. Lit., chiefly heart.)

papa: Flat surface, stratum, layer, level, foundation, story of a building; class, rank, order, table; ...

pono: 1) Goodness, uprightness, morality, moral qualities, correct or proper procedures, excellence, well-being, prosperity, welfare, true condition or nature, duty; moral, fitting, proper, right, just, fair, beneficial, successful, in perfect order...

po'o kanaka: Human head, skill. Cf. heiau po'o kanaka

po'olua: Child sired by other than the husband, but accepted by both husband and sire; this acceptance increased the number of relatives of the child who gave their loyalty to him as kinsmen; thus fostered the prestige of children of chiefs; translated "adulterous" in the 1843 Bible (Mar. 8.38), but changed in later editions.
pu: 1) Large triton conch shell (Charonia tritonis); any wind instrument, as horn, trumpet, cornet... 2) Gun, pistol...

pu'uhonua: Place of refuge, asylum, place of peace and safety.

uaako: 1) A low-lying rainbow. Lit., blood rain. 2) A rain so heavy that it turns stream waters red-brown with the wash of the hillside...

'uhane: Soul, spirit, ghost; dirge or song of lamentation (rare); spiritual.

'okēkē: A variety of musical bow, fifteen inches to two feet long and about an inch and a half wide, with two or commonly three strings drawn through holes at one end. The strings were strummed. According to Roberts...the old experts made no sound with the vocal cords, but the mouth cavity acted as a resonance chamber. The resulting sound suggested speech and trained persons could understand.

uluwehi: Lush and beautiful verdure; a place where beautiful plants thrive; festively adorned.

unu: ...2) Altar, especially a crude one for fishermen or for the god Lono...

wahine: Woman, lady, wife; sister-in-law, female cousin-in-law of a man, queen in a deck of cards; womanliness, female, femininity; feminine; Mrs.; to have or obtain a wahine; to become a woman, as an adolescent...

wao: A general term for inland region, usually not precipitous and often uninhabited.

wehi: Decoration, adornment; to decorate.
Glossary Of Legal Terms

Aboriginal title: A legal concept of title derived from a native group's use and occupancy of land from time immemorial.

Adverse possession: A principle that provides a method of acquired title of property by possession for a period of time fixed by statute and under certain conditions. The possession must be actual, adverse, under claim of right, open, and notorious.

Alienation of land: Conveyance or transfer of title to property.

Allodial: Free, owned without obligation to a superior feudal owner; the opposite of feudal.

Appurtenant water rights: Water rights used with the land for its benefit. In Hawaiian water law, a present right to use the amount of water used at the time of the award of the land under traditional Hawaiian land law.

Dictum: A remark by a court that is not essential to the ruling in the case; it does not have binding effect in later cases.

Extinguish title: The cancellation of a right to land.

Fast land: Land above the river banks, not subject to frequent erosion.

Fee simple absolute title: Title that is absolute to a person and his heirs and assigns forever without limitation or condition.

Feudal, defeudalization: Feudal lands are those held from a superior on condition of providing him with services. Defeudalization is changing the system of laws to end feudal tenure in lands.

Geothermal development: Establishing a means for deriving energy from the heat of the earth's interior.

Inalienable: Not subject to alienation; the characteristics of those things that cannot be bought, sold, or transferred from one person to another. An example is certain personal rights such as liberty.

Navigable waters: Rivers and streams that afford a channel for useful commerce. Waters are "navigable waters of the United States" when they form, by themselves or by uniting with other waters, a continuous highway over which commerce is or may be carried on with other states or foreign countries in the customary ways by which such commerce is conducted by water.

Patent (land patent): The document by which a state or government grants public land to an individual.

Prescriptive water rights: Rights to use surface waters that are acquired by long-term use.

Prorogue: To suspend or end a legislative session.

Quit claim: To release or relinquish a claim in land.

Recognized title: The right to occupy certain lands permanently that the United States has specifically granted by law or statute to a native group.

Title: The means by which the owner of lands had the possession of his property. It is the union of all the elements that constitute ownership.
List Of References
List Of References★

A. BOOKS AND STUDIES


(cont'd)

★ References used by authors whose papers are included in this Final Report are marked in this "List of References" as follows:

[1] denotes references used by Richard Kekuni Blaisdell, in the "Historical and Cultural Background" section of his paper entitled "Health Section of Native Hawaiians Study Commission Report." The section of his paper appears in this Final Report as Section B. of the chapter on "Health and Social Services."

[2] denotes the references used by Larry L. Kimura in his paper entitled "Language Section of Native Hawaiians Study Commission Report." His paper appears in the Final Report as Section B. of the "Native Hawaiian Culture" chapter.

[3] denotes the references used by Rubellite K. Johnson in her paper entitled "Religion Section of Native Hawaiians Study Commission Report." Her paper appears in this Final Report as the chapter entitled "Native Hawaiian Religion."

[4] denotes the references used by William Dudley and Lt. Donna Nelson of the Naval Historical Center in Section B. of the chapter entitled "Diplomatic and Congressional History: From Monarchy to Statehood."


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United States, Ministers and Commissioners to Washington; Archives of Hawaii, Honolulu. Contains the instructions of the Hawaiian Foreign Officer under the Provisional Government to its representatives at Washington, and the despatches of the latter to the Hawaiian Foreign Minister. The contents are limited to the period of treaty negotiation during the first half of 1893.

United States, Ministers and Envoys to Washington; Archives of Hawaii, Honolulu. Contains the instructions of the Hawaiian Foreign Office under the Provisional Government and under the Republic to its representatives at Washington, and the despatches of the latter to the Hawaiian Foreign Minister. This file begins approximately at the point where the above one, Ministers and Commissioners, ends.

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A Hawaiian construction worker, in contemporary Hawaii, watches the concrete piles go up on another high rise.
Appendix

- Public Law 96-565, Title III

- Substitute Findings/Conclusions/Recommendations Section Submitted at March 3, 1983 Native Hawaiians Study Commission Meeting

- Summary of Written Comments Received by the Commission

- Written Comments Received by the Commission
SEC. 301. This title may be cited as the "Native Hawaiians Study Commission Act".

NATIVE HAWAIIANS STUDY COMMISSION

SEC. 302. There is hereby established the Native Hawaiians Study Commission (hereinafter in this title referred to as the "Commission").

(b) The Commission shall be composed of nine members appointed by the President. Not more than three of such members shall be residents of the State of Hawaii.

(c) The Chairman and Vice Chairman of the Commission shall be designated by the President at the time of appointment.

(d) Vacancies in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission and shall be filled in the same manner in which the original appointments were made.

(e) The President shall call the first meeting of the Commission not more than ninety days after the date of the enactment of this title.

(f) Five members of the Commission shall constitute a quorum, but a smaller number specified by the Commission may conduct hearings.

(g) Each member of the Commission shall receive $100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are fulltime officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may--

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS-18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.
(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

Sec. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.
(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.
(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.
(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and copies of all written comments on the draft submitted to the Commission under paragraph (c) to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the house of Representatives.
(e) The Commission shall make recommendations to the Congress based on its findings and conclusions under subsection (a) of this section.

TERMINATION OF THE COMMISSION

Sec. 304. Except as provided in subsection (b) of section 307, upon the expiration of the sixty-day period following the submission of the report required by section 303, the Commission shall cease to exist.

DEFINITIONS

Sec. 305. For the purposes of this title, the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior 1778.

SAVINGS CLAUSES

Sec. 306. No provision of this title shall be construed as--
(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Native Hawaiians to sue the United States or any of its officers; or
(2) constituting a precedent for reopening, renegotiating, or legislating any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

Sec. 307. (a) There are hereby authorized to be appropriated for fiscal years 1982 and 1983 such sums as are necessary to carry out the provisions of this title. Until October 1, 1981, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made
from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 304.

Approved December 22, 1980.
Summary Of Findings, Conclusions 
And Recommendations★

As traced in the legislative history of measures preceding the establishment of the Native Hawaiians Study Commission (NHSC), the Congress wished to be advised about:

1) whether a wrong had been committed by the United States against the Native Hawaiian people; and

2) what appropriate actions could be recommended to remedy such a wrong.

It is the major finding of this Commission, after an examination of available governmental and historical records, that such a wrong did occur. The overthrow of the Kingdom of Hawai'i, the loss of Native Hawaiian domain and dominion, and accompanying social and cultural disruption among Native Hawaiians are consequences of that wrong.

Nature of the Wrong. After a review of the documents and on-hand descriptions of the actions and events which culminated in the overthrow of the Kingdom of Hawai'i, we find that:

- the United States, and its officers in the State and Navy Departments, did incite and encourage treason against the legitimate government of the Kingdom of Hawai'i;
- American diplomatic and military authorization of support to a numerically-small band of insurgents emboldened and, ultimately, directed their actions against the legal government of Hawai'i in 1893;
- this domestic insurgence against the Queen and her government lacked popular support, did not have sufficient arms to succeed unaided, and would have failed without the acts of the United States;
- the diplomatic and military intervention of the United States in support of the insurgents constituted a breach of international law, of existing treaties of friendship and trade with the Kingdom, and was an illegal and immoral act of war against an independent nation and her people; and
- these actions by the United States compelled the Queen of Hawai'i to suspend her authority and that of her government to the United States, pending appropriate review.

RECOMMENDATION #1

Based on these findings, we recommend that:

- the Congress of the United States, by Joint Resolution, clearly acknowledge the role and actions of the United States in the overthrow of the Kingdom of Hawai'i, and indicate its commitment to grant restitution for the losses and
damages suffered by Native Hawaiians as a result of those actions.

Nature of the Losses and Damages. The Kingdom of Hawai‘i and her people had a separate and distinct cultural, legal, and Constitutional history. Although strongly influenced by Euro-American models and individuals, Native Hawaiians had devised modern institutions of government, property and social organization which reflected both an ancient past and a contemporary standing among nations.

What, then, were the nature of the losses and damages experienced by Native Hawaiians with the illegal overthrow of the Kingdom of Hawai‘i? The lands and sovereignty of the Kingdom, and the interests of Native Hawaiians represented in them, are considered first.

After an examination of traditional land tenure systems, Constitutional provisions, and related Kingdom laws, we find that:

- Native Hawaiians held common and undivided ancestral land rights and interests vested in the domain and dominion of the Kingdom;
- these ancestral land rights and interests were not diminished nor extinguished by any royal or government actions initiated by the Kingdom of Hawai‘i, but were protected and guaranteed by legal titles held by the Kingdom for all public, government, and crown lands;
- without the consent of or compensation to Native Hawaiians, these land rights and interests were assumed and subsequently ceded to the United States by a government whose existence was dependent on illegal actions by the United States;
- these land rights and interests were accepted by the United States without the consent of or compensation to Native Hawaiians, and without any disclaimer provision to protect these land rights.

Based on these findings, we advise the Congress that Native Hawaiians have compensable claims for the loss of ancestral land rights and interests vested in the domain and dominion of the Kingdom of Hawai‘i.

These compensable claims echo, but do not duplicate, similar claims by American Indians and Alaskan Natives. The strongest parallel among the claims is a call for American justice once a wrong has been acknowledged.

Native Hawaiians are Americans now, proud of the ideals and qualities of justice through law. The pride in being Native Hawaiians is strong. The overwhelming majority of Native Hawaiians do not want history to be re-written or to separate themselves from the United States. As proud Americans and Native Hawaiians, though, there is a desire and a basis for a remedy to past losses and damages.

RECOMMENDATION #2

Therefore, we recommend to the Congress that:

- the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Insular and Interior Affairs consider and determine a just and equitable resolution of compensable claims by Native Hawaiians for losses of domain and dominion;
these Committees consult and involve Native Hawaiians to the greatest extent possible in the resolution of these claims, and that any proposed restitution be subject to formal acceptance by Native Hawaiians; and

pending resolution of these claims that the Congress take the appropriate action to assure that all lands controlled by the federal government in the State of Hawai‘i maintain their current use and status, and that the archipelagic waters of Hawai‘i enjoy the same security.

Congressional consideration of restitution to Native Hawaiians for illegal American actions leading to the overthrow of the Kingdom will, in all likelihood, include an examination of existing trust relationships between the United States and Native Hawaiians. These trust relationships are distinct, albeit not separate, from the claims for compensable losses and damages.

In order to help clarify the nature of the claims, however, a review of the trust relationships is a part of the groundwork necessary for determining restitution.

The Ceded Lands Trust. The public, crown, and government lands of the Kingdom totalled approximately 1.9 million acres -- nearly half the domain of the Islands. Under the control of the Republic of Hawai‘i, 200,000 acres of these once-inalienable lands were transferred to private ownership.

At the time of American annexation of Hawai‘i, then, the ancestral lands of Native Hawaiians encompassed 1.7 million acres of Hawai‘i, much of it planted in sugar and pineapple by the terms of royal leases. These leases were undisturbed by the Republic and remained in force under the United States.

In the Joint Resolution of Annexation adopted by the Congress and passed by the Legislature of the Republic, the sovereignty and all "public, crown, or government lands" were ceded to the United States. This cession -- appropriate under international law -- was conducted without the consent of the people of Hawai‘i and without compensation to Native Hawaiians.

The terms of this transfer, their later discussion in numerous Congressional hearings on statehood for the Territory of Hawai‘i, and the eventual ratification of the Admission Act, substantiate these findings:

- the public, crown and government lands ceded to the United States were transferred as a trust to be maintained and managed for the benefit of all the "inhabitants" of Hawai‘i;
- this trust imposed fiduciary responsibilities on the United States and constrained the use, management and proceeds generated from the trust to public purposes;
- the bulk of these lands were returned in fee to the State of Hawai‘i in the Admission Act, with explicit trust impositions and the naming of two possible beneficiary classes: Native Hawaiians, as defined in the Hawaiian Homes Act, and the general public;
- the broad public purposes enunciated as consistent with the trust could be fulfilled at the discretion of the State; however, any purpose outside those named would result in a breach of trust.
From these findings, it is quite clear that the ceded lands trust was never intended nor construed to be restitution to Native Hawaiians.

The provision for Native Hawaiians, however, persuasively argues that Congress has extended a preliminary recognition of Native Hawaiian interests in those lands.

The State of Hawai‘i, further, in the State Constitution of 1978, acknowledged the beneficiary interests of Native Hawaiians and provided a pro rata share of the ceded lands revenues be set aside for the "betterment of Native Hawaiians." These funds are administered and managed by the Office of Hawaiian Affairs whose Board of Trustees are elected by all Hawaiians.

(It should be noted here, and will be discussed in detail later, that the Native Hawaiians definition of the Hawaiian Homes Act is different from that guiding this Commission.)

This trust as a federal responsibility was not extinguished by the Admission Act or its terms. All ceded lands set aside for national park purposes were declared fee and the property of the Department of the Interior. However, it was the intent of Congress that all other lands controlled by the federal government were subject to return and incorporation into the trust of the State of Hawai‘i.

This reversionary interest of the State in all non-park federal lands is now also of explicit trust interest to Native Hawaiians by the establishment of the Office of Hawaiian Affairs.

In the twenty-four years since Statehood, however, less than 600 acres of federally-controlled ceded lands have been returned.

**RECOMMENDATION #3**

Based on these findings, and the now-explicit reversionary interests of the Native Hawaiians and the State of Hawai‘i, the following recommendation is offered to the Congress:

- that the Congress establish a Joint Federal-State Ceded Lands Commission for the State of Hawai‘i, to review the present use and need for federally-controlled lands in Hawai‘i;

- that this Commission advise the Congress on the status of these lands, and have the authority to declare such lands surplus and available for return to the State of Hawai‘i; and

- that Native Hawaiians be included and consulted in the course of the Commission's review.

The Hawaiian Homes Trust. A similar Federal-State Task Force is now completing a review of the Hawaiian Homes trust. This effort was prompted by an initial report of the Civil Rights Commission indicating that a breach of trust may have occurred in the administration and management of these lands.

As constituted, this Task Force will submit its findings and recommendations to the Governor of the State of Hawai‘i and the Secretary of the Interior.

Specific Congressional concerns and possible actions, however, will not be considered by this Task Force. Thus, it is our intention, based on the mandate of this Commission and the intense interest expressed by Native Hawaiians, to address possible areas of Congressional review.

**Social Concerns.** The consequences of the overthrow of the Kingdom of Hawai‘i by the United States are not confined to historical wrong or compensable claims for lost ancestral land rights and interests.
Dispossession and defeat also have psychological, social and cultural consequences for Native Hawaiians. By all major social indices -- health, education, employment, income -- Native Hawaiians display distinct disparities with their fellow citizens.

Health Concerns. The impact of Western diseases on Native Hawaiians was historically devastating. Waves of epidemics reduced the estimated contact population of 300,000 in 1778, to 34,000 by 1893. The implications of this decimation have been considered in a variety of contexts.

Western observers, beginning in 1838, noted that unless some dramatic improvement were made in the health conditions of Native Hawaiians that the race would disappear. These initial feelings of horror and dismay over the fatal impact of Western contact gradually altered.

After the publication of Darwin's Origin of Species, Europeans and Americans began to adopt the attitudes and policies of Social Darwinism. The theory of "the survival of the fittest" was applied to nations, and validated Western expansion and imperialism as the natural working out of an inevitable progression of conquest and colonization.

Acquired immunity and inter-marriage among Native Hawaiians, however, was reversing this trend. Demographic trends now indicate that the population had reached its lowest level in the final decade of the 19th century, would stabilize for about twenty years, and then begin a dramatic recovery.

Today's Native Hawaiian population numbers an estimated 175,000 individuals, more than half of whom are less than 19 years old.

The health characteristics of this group, however, are adversely and consistently affected by mental health disorders, stress-related diseases, and an absence of culturally-sensitive health professionals.

As developed in depth within the body of this study, the following findings are offered:

- the psychological despair and sense of being a conquered people in their own homeland is a factor in the health conditions of Native Hawaiians;
- Native Hawaiians have the lowest life expectancy of any ethnic group in the State of Hawai'i: 67 years compared to a Statewide average of 74 years;
- the leading causes of death for Native Hawaiians, in order of prevalence, are heart diseases, cancers, stroke, and accidents;
- Native Hawaiians have the highest infant death rate in the State of Hawai'i: .14 per 1,000 live births compared to a statewide average of 10 per thousand;
- mental health assessments indicate that Native Hawaiians have a higher-than-expected incidence of personality disorders, mental retardation, and drug abuse than their proportion of the population; and
- suicide rates among Native Hawaiian males (statistics are unavailable for females) is the highest in the State of Hawai'i: 22.5 per 100,000 in the population, compared to a rate of 13.5 for males of all races in Hawai'i -- rates in the 20-34 year age group of Native Hawaiians was even higher.
Native Hawaiians continue to experience a form of fatal impact usually associated with the last century. Neither Hawaiian nor Western medicine has effectively halted the damage.

Educational Concerns. In the perceived needs assessments conducted by Alu Likel-Inc., and additional polling done by the University of Hawai‘i, education has consistently received top priority among Native Hawaiians as an identified need. These surveys and accompanying in-depth interviews contradict the impression often conveyed among professional educators that Native Hawaiian performance in schools is a consequence of not caring about or actively endorsing education by Hawaiian families.

A number of independent studies, particularly the extensive research published by John Gallimore, substantiate that:

- Native Hawaiian children are raised with culturally-distinctive values, behaviors, and styles; and
- that these differences, unless recognized and accommodated, are in conflict with dominant Western modes.

The Bishop Estate and Kamehameha Schools have recently completed a comprehensive Native Hawaiian Educational Assessment Project. Their report has been submitted to U.S. Secretary Bell of the Department of Education. We wish to include their report, findings and recommendations by reference.

Certain salient findings of this Commission are offered in addition:

- 30% of the school-age population of the State of Hawai‘i is Native Hawaiian;
- Native Hawaiian students have the highest rates of academic and behavioral problems in the State, the highest levels of absenteeism, and the lowest levels of performance and achievement; and
- only 4.5% of all adult Hawaiians over 25 years of age have completed college, compared to a Statewide average of 11.3%, and only 12.3% have had "some college" compared to a Statewide average of 15.6%.

Employment and Income. Directly correlated to educational achievement are employment and income statistics. Also a factor in these areas are family size and the large number of Hawaiian families with a female or single parent head-of-household:

- nearly 30% of all Native Hawaiian families fall below the poverty line;
- Native Hawaiians are disproportionately represented in blue-collar occupations, and under-represented in technical or managerial positions;
- Native Hawaiians are significantly over-represented in unemployment benefit and Aid to Families with Dependent Children programs.

RECOMMENDATION #4

Based on the findings in all of the social categories, Native Hawaiians demonstrate the same distinct disadvantages experienced by other
indigenous peoples of the United States. Congressional recognition of this unique attribute has resulted in the passage and implementation of Native American programs. Presently, Native Hawaiians are not consistently included in these efforts.

Therefore, we recommend:

- the inclusion of Native Hawaiians in all Native American programs, without prejudice;
- a concerted study by federal and state professionals to adequately assess the needs of Native Hawaiians, and to provide additional assistance from existing programs;
- the consideration of special Native Hawaiian programs at the federal level to redress these disadvantages.
The official comment period for the Draft Report of Findings of the Native Hawaiians Study Commission (published on September 23, 1982) ended on January 23, 1983. The initial deadline for comments on the Draft Report was November 23, 1982, but it was extended an additional 60 days at the request of several native Hawaiian groups and individuals. By May 1, 1983, the Native Hawaiians Study Commission had received almost 100 written comments on its Draft Report of Findings. All of these written comments are reproduced in full, as required by statute, in the next section of this Appendix. Many of the comments were used in revising the text of the Commission's Draft Report; these comments are referenced in the text where they were used. This summary specifically addresses those comments received by the Commission before February 10, 1983, that, while they were taken into account in the revision, were not specifically used or referenced in the text of the Commission's Final Report. Examples of specific comments that illustrate the points summarized here are given in the footnotes of this section.

The Commission received numerous comments from individuals and organizations requesting an extension of the Commission's original sixty-day deadline for public comments. 1/ Comments cited problems of limited access and availability. To accommodate those who wished to comment, while at the same time meeting its statutory deadline for submission of the Final Report, the Commission extended the deadline for public comment by an additional 60 days, as noted above.

In general, the Commission's Draft Report received mixed reviews. Some commenters called for a "second opinion," 2/ labelled the report a "cursory statement" that should be put on hold, 3/ or called for the report to be rewritten in its entirety. On the other hand, others thought that at least parts of the report were fairly well researched, very informative, 4/ and exhibited a satisfactory degree of competence and objectivity. 5/

One criticism that reappeared several times had to do with "bias." Some writers commented that the descriptions of Hawaiian culture and history had been written from a Western perspective and were therefore biased. 6/ Use of statistics in the report was also thought to be biased by some commenters. 7/ Others stated that because it is a politically-appointed body, the Commission may not be totally objective. 8/ Several comments also noted that the Government "responsible" for the present native Hawaiian situation could not objectively recommend a resolution. 9/ One comment 10/ suggested that to obviate this bias, the Commission should have a majority of native Hawaiian members with the remainder from the non-government sector. [It should be pointed out that Public Law 96-565 specifically states that "not more than three" of the nine commissioners may be residents of the State of Hawaii.] Still another comment 11/ suggested that a "mini non-government-member" commission be created to deal with the issue of reparations to be composed of representatives of the minority races of the United States.

Other comments dealing with the bias issue criticized the "kid-glove" treatment King Kalakaua received in the Draft Report. 12/ Many comments alluded to white racism against native Hawaiians and at least one 13/ remarked that the report should
mention more of the "good" that the white people have contributed to Hawaii.

The Commission attempted to address these charges of bias as the report was re-drafted. Considerable revisions were made in the text to reflect "both sides of the story," based on written comments received by the Commission and citing specific comments where appropriate.

The sources used in preparing the Commission's Draft Report were also criticized. Some comments criticized authors used as "sympathetic to the white side" and others criticized the limited use of primary sources of information. To address this problem, sources suggested by comments were used in revising the report when possible. In addition, a comprehensive list of references has been included in the Commission's Final Report to assist readers of the report in further study of the issues presented here.

The Commission received many comments discussing the omission of the culture and religion sections from the Draft Report. Other comments voiced concern about the protection of native Hawaiian religious rights. The Commission's Final Report does contain sections on culture and religion, written by native Hawaiian authors.

The Commission received a great number of comments discussing the historical basis for the Commission's legal findings. Many writers disputed the Draft Report's historical analysis, stating that it:

- Contained inaccuracies;
- Did not give sufficient weight to the native Hawaiian side of the story;
- Failed to emphasize the importance of the role of U.S. military force in the overthrow of the monarchy; and
- Minimized the role of U.S. Minister John Stevens.

Other comments discussed the statements and actions of President Grover Cleveland after the overthrow as a basis for U.S. Government culpability.

Writers cited the above issues and others, including present deficiencies of native Hawaiians, to justify the payment of some type of restitution or reparations to the native Hawaiian people. Some comments stated that if there is no legal right to such claims under present law, the U.S. Congress should pass legislation creating such a right.

Comments received by the Commission present a wide variety of ideas on how a program of restitution could be implemented. With regard to return of lands, the Commission received 18 newspaper cut-outs from the Hawaiian News (October 1982) asking the Commission to: "Please demand that the U.S. Congress return all of the 144,000+ acres of ceded lands (according to Public Law 88-233) to the State of Hawaii immediately!" Among the proposals received on types of restitution are that:

- There be no monetary payment, the Federal Government should purchase parcels of land in Hawaii, turn them over to the State, which would use some of the land for State parks and entrust the larger parcels to the Office of Hawaiian Affairs to be kept as wildlife sanctuaries;
- Compensation should consist of reparations in the form of return of all Crown lands, and restitution in the form of restoring the sovereignty of
the native Hawaiian people. 30/
(The Commission also received
other comments on restoring
sovereignty. 31/)

- There be no monetary payment
but that a "Hawaii Integrated
Fleet Support Industry" program
be created that would help
native Hawaiians financially by
creating new jobs. 32/

- That native Hawaiians be given
an unencumbered land base from
which revenues could be
generated for deposit in a
treasury; this treasury would
then determine priorities for
addressing native Hawaiian
deficiencies. 33/

- Using monetary reparations pay-
ments to create educational,
training, and cultural
programs. 34/

The Commission also received
comments criticizing the Federal
Government for: pursuing a policy of
genocide against native Hawaiians; 35/
using the island of Kahoolawe for
bombing target practice; 36/
occupation by the U.S. military of
land in Hawaii without paying rent; 37/
and, not exploring a possible
breach of trust against the State of
Hawaii relating to the Hawaiian Home
Lands' program and the Hawaii
Admissions Act. 38/

On the Hawaiian Home Lands program,
one writer stated that a further
discussion beyond the Inspector
General's report was necessary. 39/
Another writer disagreed with the sug-
gestion in the Draft Report (page 314)
that homestead applicants who reject
homestead sites be assigned a lower
preference priority on the list of
applicants and that they be dropped
from the listings after a reasonable
number of rejections. This writer
suggested instead that a family be
notified one year in advance of the
homestead site availability in order
to make the necessary arrangements to
move to another island or find other
employment, if necessary. 40/

Commenters also sent to the Com-
mission several articles and
publications. Among them are:

- The Sandalwood Trees; Politics
and Hope, by Louis Agard; 41/

- Hawaiian Reparations: Nothing
Lost, Nothing Owed, by Patrick
W. Hanifin; 42/

- Sovereignty and Land: Honoring
the Hawaiian Native Claim, by
Melody K. MacKenzie; 43/

- The Crown Lands of Hawaii, by
Thomas Marshall Spaulding;

- A three-part capsule history
on U.S. involvement in the
overthrow of the Hawaiian
monarchy by Wayne K. Westlake;
44/

- Three magazine articles written
in 1893 on the pros and cons of
annexation of Hawaii to the
United States; 45/

- Six papers written at the
direction of, funded and
submitted by the Office of
Hawaiian Affairs:

  --Health Section of Native
  Hawaiians Study Commission
  Report, by Richard Kekuni
  Blaisdell, M.D.; 46/

  --Religion Section of Native
  Hawaiians Study Commission
  Report, by Rubellite K.
  Johnson; 47/
---Language Section of Native Hawaiians Study Commission Report, by Larry L. Kimura; 48/

---The Demise of the Hawaiian Kingdom: Its Psycho-Cultural Impact and Moral Legacy, by Ramon Lopez-Reyes; 49/

---Regarding the Legal Aspects, by Melody MacKenzie and Jon Van Dyke; 50/ and

---An Historical Over-View of Hawaii: Pre-Contact to the Present, by Haunani-Kay Trask; 51/
NOTES

1/ See, for example, comments received from: George R. Ariyoshi, Governor of State of Hawaii; Gard Kealoha; Brooke Trotter; M. Ho'io po DeCambra; and Herbert Jay (Nahaolelua) Almeida.

2/ Comment received from Charles Trembath, p. 1.

3/ Comment received from The Rev. Abraham K. Akaka, p. 2.

4/ Comment received from Mrs. Violet Ku'ulei Ihara, p. 1.

5/ Comment received from Robert C. Schmitt, p. 3.

6/ See, for example, comments received from: Congressman Daniel K. Akaka, p. 1; Alexander H. Raymond, p. 1; and Everett Kahiliokalani "Sonny" Kinney, p. 7.

7/ Comments received from Michael Tancayo, p. 1; and Haunani-Kay Trask, et al., p. 7.

8/ See, for example, comments received from Congressman Cecil Heftel, p. 1.

9/ See, for example, comments received from Poka Laenui, p. 2.

10/ Comment received from Haunani-Kay Trask, et al., p. 2.

11/ Comment received from Michael Tancayo, p. 2.

12/ Comments received from Elmer Miller, p. 6; and Kenneth Smalley, p. 1.

13/ Comment received from Kenneth Smalley, p. 1.

14/ Comment received from Alexander H. Raymond, p. 1.

15/ See, for example, comments received from: Wayne K. Westlake, p. 1; Pauline N. King, p. 1; Congressman Daniel K. Akaka, p. 2; Violet Ku'u lei Ihara, p. 1.

16/ Suggested in comment received from Congressman Daniel K. Akaka, p. 2.

17/ See, for example, comments received from: Bill Kama, p. 1; John J. Hall, p. 1; Pualani Akaka-Kalistrum, p. 1; Marion K. Morrison, p. 1; Kawaipuna Prejean, p. 2; Kenneth C. "Keneke" Chan, p. 2; and Joseph G. Kealoha, Jr., p. 1.

18/ See, for example, comments received from Haunani-Kay Trask, et al., p. 4; and Kenneth C. "Keneke" Chan, p. 2.

19/ See, for example, comments received from Arthur B. Chun, p. 1.

20/ See, for example, comments received from Keith S. Abe, p. 1.

21/ See, for example, comments received from Clarence K. Kamai, p. 1; and Moanikeala Akaka, p. 1.

22/ See, for example, comments received from Tim Newstrom, p. 3; and John Dominis Holt, p. 1.

23/ See, for example, comments received from Moanikeala Akaka, p. 1; Arthur B. Chun, p. 3; and John Dominis Holt, p. 1.

24/ See, for example, comments received from Bill Kama, p. 2; John M. Agard, Enclosure 1, p. 1; and Kawaipuna Prejean, p. 3.
25/ Comment received from John M. Agard, Enclosure 1, p. 1.
26/ See, for example, comments received from Bill Kama, p. 2; and John Dominic Holt, p. 1.
27/ Comments received from Richard Lyman, Jr., p. 1; and Louis Agard (dated 11/22/82), p. 1.
28/ See also comments received from Val (Al Dyeing and Carpet Cleaning, Inc.); and Tim Newstrom, p. 4.
29/ Comment received from Kevin J. Lopes.
30/ Comment received from Charles Trembath, p. 2.
31/ See, for example, comments received from He Hawai'i Makou, p. 2; K. Hakakona; and Kaolelo Lambert-John Ulaleo, p. 4.
32/ See comment from Wayne Thiessen.
33/ See comment from John M. Agard, Enclosure 1, p. 2.
34/ See comment received from Georgette Kala.
35/ See comments received from: He Hawai'i Makou, p. 1; Kawaipuna Prejean, p. 3; and Everett Kahiliokalani "Sonny" Kinny, p. 6.
36/ See, for example, comment received from Mayleiday M. Van Ostrand.
37/ See comment received from Kawaipuna Prejean, p. 4.
38/ See comment received from Clarence K. Kamai.
40/ See comment received from Bill Kama, p. 3.
41/ Submitted by John M. Agard.
42/ Received from Patrick W. Hanifin.
43/ This report was received from the Office of Hawaiian Affairs before the publication of the Commission's Draft Report of Findings. Therefore, it is not reproduced in the Appendix with the other comments received by the Commission in response to its Draft Report.
44/ Received from Wayne K. Westlake.
45/ Submitted by L. L. (Bud) Henry.
46/ Part of this paper, "Historical and Cultural Background," is reproduced in its entirety in this Report, in the chapter entitled, "Health and Social Services." The entire paper appears in the Appendix.
47/ The chapter in this Report entitled "Native Hawaiian Religion," is a reproduction of this paper, in its entirety.
48/ This paper is reproduced in its entirety in the "Language" section of this Report, in the chapter entitled "Native Hawaiian Culture."
49/ This paper is referenced in the text of this Report, and appears in its entirety in the Appendix.
50/ This paper is referenced in the text of this Report, and appears in its entirety in the Appendix.
51/ This paper is referenced in the text of this Report, and appears in its entirety in the Appendix.
Written Comments Received By
Native Hawaiians Study Commission★

LIST OF COMMENTERS

Kenneth C. "Keneke" Chan
Colonel Arthur B. Chun
Charles G. Clark (Hawaii State Department of Health)
M. Ho'oiipo DeCambra
Vicki Elmer (U.S. Department of Housing and Urban Development)
K. Hakakona
John J. Hall
Patrick W. Hanifin
Cecil Heftel (Member of Congress)
Ralph L. Heidenreich
Bud Henry
John Dominis Holt
Mrs. Violet Ku'ulei Ihara
Daniel K. Inouye (U.S. Senator)
Rubellite K. Johnson (for the Office of Hawaiian Affairs)
Georgette Kala
Bill Kama
Clarence K. Kamai
Kawehi Kanui-Gill
Joseph G. Kealoha, Jr. (Office of Hawaiian Affairs)
Gard Kealoha
H. K. Bruss Keppeler and Allen W. Woodell

★★ All written comments received by the Commission appear in the following pages, in alphabetical order as listed here.
Larry L. Kimura (for the Office of Hawaiian Affairs)

Pauline N. King

Everett Kahiliokalani "Sonny" Kinney

Hideto Kono (Hawaii State Department of Planning and Economic Development)

Peʻekā Laenui (also known as Hayden F. Burgess)

Kevin J. Lopez

Ramon Lopez-Reyes (for the Office of Hawaiian Affairs)

Richard Lyman, Jr.

Melody MacKenzie (for the Office of Hawaiian Affairs)

Melody MacKenzie and Jon Van Dyke (for the Office of Hawaiian Affairs)

Mahalo Nui Loa

Mrs. Victoria Mews

Willard H. Mcguire

Elmer Miller

Marion K. Morrison

Tim Newstrom

Georgiana K. Padeken (Hawaii State Department of Hawaiian Home Lands)

George T. H. Pai

Kawaipuna Prejean

Alexander H. Raymond

Everett R. Rhoades, M.D. (U.S. Department of Health and Human Services, Indian Health Service)

Jerry L. Rogers (U.S. Department of Interior, National Park Service)

Helena K. Wilcox Salazar

Kenneth Smalley

Thomas Marshall Spaulding (article by)

Robert C. Schmitt (Hawaii State Statistician)

Franklin Y. K. Sunn (Hawaii State Department of Social Services and Housing)

Michael Tancayo

Wayne C. Thiessen

Donnis H. Thompson (Hawaii State Department of Education)

Rory Soares Toomey

Haunani-Kay Trask (November 23, 1982)

Haunani-Kay Trask (for the Office of Hawaiian Affairs)

Charles Trembath

Brooke Trotter

Koolelo Lambert-John Ulaleo

Mitsuo Uyehara

Val (Dyeing & Carpet Cleaning Inc.)

Ms. Mayleiday M. Van Ostrand

W. Kaumualii Westlake (October 10, 1982)

W. Kaumualii Westlake (November 7, 1982)

M. K. Whitford

Andrew White and Leonard Kwan, Jr.

Toni Auld Yardley
Mr. Kuu Maalii

The Congress of the Hawaiian People
56-1366 K expertise/Ala, Suite 1204
Honolulu, HI 96815

November 21, 1982

Dear Maalii:

The September 14 ADVERTISER headline read: HAWAII REPARATIONS: No Legal Rights Awarded.

I am prompted to write because historically there is basis for legal rights. I refer to King Kaumakapua III's Great Mahalo and the land trust he created for the Hawaiian Loyalists.

The Great Mahalo of 1845 divided the 4,000,000 acres of Kingdom of Hawaii land into three parts: 1/3 for the King; 1/3 for the Chiefs; and 1/3 for the commoners.

It is important to note that the King designated 50% of his share as Crown Lands for his personal and private use, and 50% as Government Lands for use and development by the Hawaiian people.

To be certain that the Government Land be used for the benefit of his people, Kaumakapua III appointed a Land Trust with 4 members: 1 Justice of the Court of Appeals, 1 Attorney General, 1 Cabinet officer, 1 member of the Board of Diggers, and 1 member of the House of Representatives. The Supreme Court and 1 lawyer

Another important point: one condition for ownership of the land by the commoners was that they claim the land through the courts for his kuleana. Of the 100,000 or eligible commoners, only 11,109 took the trouble to claim title. The record shows that courts for his kuleana, Of the 100,000 or so eligible commoners.

There were 1,000,000 acres, which is a lot of 10,000 acres, and out of a possible 1,300,000 acres. What happened to the unclaimed 1,300,000 acres? They reverted back to King Kamehameha II who set them aside as part of the Government land he had created. He said that 1,300,000 acres to the original 667,500 designated as Government Land by King Kamehameha II and put a total of 1,117,500 acres to be held in trust for the Hawaiian people.

A third point: during the reign of Kamehameha IV, an Act of January 1, 1865 made the Crown Lands non-transferable and the tenant's inheritance of said Crown Land was limited to the heir and successor of the Hawaiian crown.

Now, when the rebel Committee of Safety overthrew Queen Liliuokalani and formed the Provisional Government, it arbitrarily closed title to all lands. It made no distinction between Crown Lands and Government Lands.

Determinations

Native Hawaiians desire to achieve several points of agreement.

1. That they suffer several deficiencies as a group.
2. These deficiencies can be related to particular events, i.e. overthrow of 1893, annexation and Statehood.
3. Native Hawaiians settled the archipelago as aboriginal people and enjoy certain rights.
4. Native Hawaiians have never been compensated for any of their lands or rights.
5. Native Hawaiians wish to reassert and re-establish their original privileges.
6. The armed intervention of 1893 resulted in the suspension of native Hawaiian rights and privileges.
7. The armed intervention of 1893 must be recognized for what it was in order to begin correcting the errors committed during and subsequently.
8. As aboriginal people and by the declaration of Kamehamea I all of the lands of Hawaii were held in common.
9. Kamehamea II under the Constitution of 1840 and the creation of the Land Commission identified the tenants or common peoples land share as one third of the entire kingdom.
10. The Kuleana Act further defined the common peoples interest and a process that could be followed to acquire fee title to the land. The act only carved out a small portion of the common peoples interest by awarding 9,700 acres out of a potential total of 1.1 million acres.
11. The common peoples are entitled to the one-third share of the king's estates identified and granted under the constitutional law which declared, "Nothing whatever shall be taken from the citizens without proper compensation.".
12. The overthrow of 1893 substituted a "popular native conquest" and therefore was illegitimate.

 waikiki

Sincerely,

[Signature]

Chair, Study Commission

NATIVE HAWAIIAN STUDY COMMISSION.

Executive Director

Kaneohe, HI 96744

November 21, 1982

Dear Mr. Kuu Maalii:

The Congress of the Hawaiian People recently reviewed the "draft" copy of findings produced by the Native Hawaiian Study Commission. In all honesty, we were sincerely dissatisfied with its content (especially Chapter IV).

We submit that the Hawaiian Community leaders require sore law provide, no basis for return of loss lands and sovereignty.

Concluding statements in Chapter IV indicated that existing laws provide no basis for return of loss lands or sovereignty. If this is in fact true as stated, then we object to the "draft" copy of findings produced by the Native Hawaiian Study Commission.

It is important to note that the Governmental Land in three ways: the land trust he created for the Native Hawaiian, legal rights, and 1/3 for the benefit of his people, Liliuokalani and formed the Provisional Government, it arbitrarily closed title to all lands. It made no distinction between Crown Lands and Government Lands.

The original trustees were composed of 4 members: 1 Justice of the Court of Appeals, 1 Attorney General, 1 Cabinet officer, 1 member of the Board of Diggers, and 1 member of the House of Representatives. The Supreme Court and 1 lawyer

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A third point: during the reign of Kamehameha IV, an Act of January 1, 1865 made the Crown Lands non-transferable and the tenant's inheritance of said Crown Land was limited to the heir and successor of the Hawaiian crown.

Now, when the rebel Committee of Safety overthrew Queen Liliuokalani and formed the Provisional Government, it arbitrarily closed title to all lands. It made no distinction between Crown Lands and Government Lands.

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The ceded lands were described as "not government lands," as government lands in the United States, and Congress was to legislate special laws for these lands at some future time. The lands were not necessarily title by the United States or Hawaii.

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In some what passed from the Republic of Hawaii in the ending ceremony was the administration of the Native title by the State.

li. The Native title by the State kann be administered through a treasury. Treasury revenues are to be deposited in a treasury. The priority is to be determined by the Native Hawaiian for deposit in a treasury. The Native Hawaiian is an "unencumbered" land base.

Native Hawaiians enjoyed self-sufficiency for centuries up to 1893. They were subjugated in 1893 and remained hostage for several years thereafter and subsequently. The Native Hawaiians endeavored to regain their former self-sufficiency and alleviate their deficiencies by utilizing treasury generating revenues from their ancestral lands based on a system of prioritizing.

There is much that has been written about Hawaii, much of it detailed and well researched. This review in a brief summary of events starting at the beginning until the present. The review attempts to survey some ideas of The Norse and the Sears of the time. The scope of this review covers the period 1893 to 1985 and presents some approach for thoughts and perhaps it will be found to be desirable, which to be is a good thing. This is written for the grandchildren who may someday want to know what happened and what was taken away. What we have learned and not taken away. They are required to support a government by a few in the stigma, and to take the oath of allegiance they are held to admission or unable to vote for many years. The evidence of 1893 was not a peaceful uprising but a conspiracy against a superior number of non-Hawaiians including many Europeans, not to mention the majority of Native Hawaiians. The review is here such as illustrative could take place and then be perpetuated for so long.

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Summary

A summary of events during, and after the overthrow of 1893 follows. It is notable in some respects that the natives were not so ready to accept the loss of their land and their way of life. The insurrection of 1893 was brought about by the Hawaiian Indians as a nationalistic, and not so much a labor, movement. The Hawaiian Indians found themselves fighting for their independence, but were not so interested in labor. They were not so interested in the labor movement, but were more interested in their independence. The Hawaiian Indians fought for their independence, but were not so interested in the labor movement, but were more interested in their independence. The Hawaiian Indians fought for their independence, but were not so interested in the labor movement, but were more interested in their independence. The Hawaiian Indians fought for their independence, but were not so interested in the labor movement, but were more interested in their independence.
of common lands or any loss of self-determination. There has never been a need, then or now, to sell the homeland. This is contrary to a common misconception, as evidenced by the report of the Congressional Research Service report of 1975, which suggests that since all the lands of Hawaii were purchased, the listing of Hawaiian lands in the report does not reflect the extinguishment of the native Hawaiian from his legal and economic interest in his native homeland.

The native Hawaiian has little chance under the circumstances of continued oversight of international law and dangers of his rights to pursue a court of reformation to seek redress for injuries which have been committed against the Hawaiian people. In the past, the native Hawaiian has had little input into the nature of its sovereignty prior to the present as usual decisions are made for him and they have had little representation.

In the conversion of the native Hawaiian to Christianity, new rules of conduct were adopted. These included new rules of conduct when he came down from the house in the form of the Ten Commandments. In the church and in community, these were to direct "Thou shalt not covet." Native Hawaiians were taught.

Before the missionaries arrived in 1820, the native Hawaiians already started to revise their religious practices. The old traditions of the Hawaiian people were modernized with zeal to convert the native Hawaiians to Christianity. These practices included ventriloquism, the practice of changing the voice and body of a person to make the voice sound like that of another person. The missionaries who came to Hawaii had no such extensive training to reach such an advanced plane. The inability of the western religious sect to understand them is well known to the Hawaiian people. The ancient religious sect had methods to teach their people the ancient religious practices without the influence of Christianity. The inability of the Hawaiian religious sect to understand the missionaries is well known to the Hawaiian people.

The Hawaiian language was an oral one. Knowledge and teachings were imparted by the masters of the arts and the masters of the parents. In 1823 the missionaries, without the participation of any Hawaiians whose help was not wanted, determined the method for the Hawaiian language of five vowels and seven consonants. They arbitrarily changed certain consonants of the language and added the vowel sounds of the English language.

The Hawaiian language was an oral one. Knowledge and teachings were imparted by the masters of the arts and the masters of the parents. In 1823 the missionaries, without the participation of any Hawaiians whose help was not wanted, determined the method for the Hawaiian language of five vowels and seven consonants. They arbitrarily changed certain consonants of the language and added the vowel sounds of the English language. Christianity did not uplift the Hawaiians to a higher spiritual level. Regret and intolerance of ancient Hawaiian religion helped cause the loss of knowledge and tradition. The Hawaiians had the right to the land and its resources. Christianity did not offer the Hawaiians a reward for being trusted in fact it was quite the opposite.
The kingdom of Hawaii was a monarchy employing a feudal system of land tenure, emerging from the country's history. The country was once entirely plantation as far as could be seen from the land within a generation. This practice appeared to differ from Cook's dividing forces into land and sea. The concept of land as a commodity was introduced at this time, and it included the division of lands into sugar cane as a source of income for the natives. The mainland was divided into three parts, each subject to the rights of the island. This division was made by the king of Hawaii in 1819. The constitution of 1840 was basically a formal recording of the existing law and customs long practiced in the Hawaiian Kingdom, making the first point of the constitution of 1840 give actual political power to the common people. Progress had been rapid from an absolute monarchy employing a feudal system of land tenure, described as a native colony, to an early constitutional monarchy allowing a generation of self-government.

CONSTITUTION AND NATURE

After the growth of the constitution of 1840, Kamahemha III was before the House of Judges in April of 1849, and it was continued by the Board of Directors, petitioned to purchase lands in fee from the kingdom. Pointing out the service they performed, it is clear that they were described as lands to cultivate. Furthermore, permits were given to purchase 200 acres for the compensation sugar cane as a method of replacing their income. The protestant voters were initiated with the phrase "up for the offer, the industrialist put him to shame, and made his name from one end of the country to the other". By 1860, the first "Articles of Arrangement" sometimes referred to as a treaty, was signed between Hawaii and the United States. Therefore, the agreement was made between Hawaii and foreign companies and there were to be more than a score of these.

In 1858, ships from many nations had arrived in Hawaii. It was in 1849 that the first "Articles of Arrangement", sometimes referred to as a treaty, was signed between Hawaii and the United States. Therefore, the agreement was made between Hawaii and foreign companies and there were to be more than a score of these.

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LAHAINA (KAMAHEMHA III)

In 1839 Kamahemha III, the young son of Kamahemha II, who had died in 1825, was called to be a native Hawaiian king. In 1831, Kamahemha II died and the first constitution was given to his people, incorporating in it the earlier practices of the Hawaiian leaders and realizing the political division of 1840. The initial constitution of 1840 split the office of the king in the kingdom, and to this end had its limits to the island. Although, it was not the king's private property. It belonged to the king and was the common good. Towards this end, these of foreign birth would become Hawaiian by birth, and it is not now any person who could do so. I would be a new period of liberty and the realm of the one who had, or has the direction of the king.

In 1924, President G.P. White, Jr., said that the Hawaiian Islands were an independent state if ever there was a British protectorate over these islands as suggested by the treaty of London, which was signed at this point by the two powers' recognition of independence.

In 1944, the Land Commission completed the board of Land Commissioners to quit land titles and an effort at land reform was started. The Land Commission concluded the treaty that there were three classes of people having vested rights in the land. First, the Government, second, the landlord, and third, the tenant. As to the question of lands for the common people, it was divided by deeding the land to these three groups, one held by the King (Crook), the government, and the third, independent of each other, each group subject to the rights of the tenant. Therefore, the common people and their descendants by the fourth, or any other specific definition of the land had not been specifically divided off and given to them in the general estate.

G. P. White

On March 1, 1840 the land division would be divided as follows:

- Government lands
  - Crown lands: 5,160,000 acres
  - Crown lands: 3,469,000 acres
  - Crown lands: 1,510,000 acres

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In the division, the intent was that native people would be awarded title to the lands used and occupied by them as living evidence which is another point of contention for native land rights. A motion was made in force carried out the Kamahemha (Kamahemha II) settlement, "All of the lands belong to the chiefs and people in common." The granting of a
By the Land Commission, corporation was a successful outcome, and the native people, being the recognized property owners, would have the right to claim their property back. This was done by the Land Act of 1832, which allowed the native people to claim their property back.

In 1841, the Land Act was passed, providing that the native people should be able to claim their property back. This was done by the Land Act of 1832, which allowed the native people to claim their property back.

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LUCAS

In 1879, Pualali began his reign by suppressing the Hawaian League, in return for reciprocity. Reciprocity, the Pearl River and Pearl River were completed, both failure and severely, however, the Hawaiian government with generally more, due to strong public reaction from native Hawaiians[44]. There were delivered between these States, and American colonies, and stimulates by the extreme bitterness of Hawaiian actions. As he was to write, "The reciprocity treaty brought, giving very land, to much dissatisfaction, that there was a feeling of bitterness against these rude people who dwell in our land and that many people already started to think if it was really good.

It was in this period that General Sutter arrived in Hawaii, supposedly in a dispute as a confidential order from the Secretary of War to cause the admission of labor to Hawaii, as a legal support for the U.S. in the north Pacific.

During his reign, Kalākaua travelled world-wide seeking agreements to acquire labor force to help the sugar industry. The Hawaiian government appropriated money to solicit immigration into Hawaii to help dilute blood and reduce the plantation. The Kalōkai of Kalākaua, as well as the need of an increased volume of shipping, a railroad started, the trans-continental line begun, mail services expanded, both the American market and the native Hawaiian market. Kalākaua was able to carry out his inaugural pledge to improve and carry out his inaugural pledge to improve the life of the entire kingdom. Kalākaua wanted to make the economy and society of any territory in any way for any purpose. He encouraged native navigation, and encouraged American expansion. Hawaiian expansion can be remembered for the much criticized Palapalai construction which could now be finally approved of. Kalākaua's reports were to renew and would have ended under normal conditions. From 1878 - a year after the 1873 recession, James lived in the overseas of the Queen and her government. It can be put out of a last covered in this era that the constitution of 1878 was Kalākaua largely a figurehead and the governing power rested with the legislature.

QUEEN LILIKULANI

Queen Liliuokalani succeeded Kalākaua, her brother, at his death in 1891. The Queen gave her capital on the new land, under the supervision of Liliuokalani, who was known as a diplomat and capable administrator. She was a source of strength for the Queen and her government and was a complicated figure in Hawaiian history.

COMMITTEE OF THIRTEEN

In 1884, Liliuokalani, a missionary, organized the Hawaiian League with 400 members. It was basically a "kula" organization with an executive "Committee of Thirteen." The stated objective of the League was to seek a constitutional representation government in the Hawaiian Islands by any means necessary. The League believed Kalākaua had to be forced to yield to a new constitution and to sound out arms and ammunition for that purpose. Thurston indicated that Liliuokalani had become the military arm of the Hawaiian League.

At this point, more than 100 years after Cooks arrived they comprised about one of the white men and of political strength[45]. Liliuokalani read the demands of a race of men who had been defeated. She then proposed a new constitution might be quickly drafted even though there were no funds and no new race. Each resolution would be carried out by the legislature. Thurston would participate in the drafting of the constitution. The constitution of 1887 was a revision of the Constitution of 1884 and that of 1882 and that of 1878. The constitution was not called. The constitution of 1887 would increase the power of the native Hawaiian and strengthen in which ever and after the nation would object.

L.A. Thurston's written history, Revolution of 1887, states, "association shall constitution. It is still the same voice and a government by the people, for the people, of the people."

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any land would purchase one half of Hawaiian territory and that the autonomy of Hawaiian organization would be independent. The "Native Sons of Hawaii", an organization to preserve Hawaiian national independence and natural institutions strongly disapproved annexation.

ANNEXATION CLUB

L. A. Thurston, about January or February of 1894, formed the named "Annexation Club". It was the desire of this group to present to the United States a treaty of annexation, with the consent of the Hawaiian Government, to cede the islands to the United States. It was

in June of 1893, L. A. Thurston visited Washington, his trip partly funded by the Annexation Club. He interviewed Secretary of State Blaine and presented a treaty of annexation and his desire to carry out the treaty. Blaine responded was for Thurston to see others than himself on the matter, and recommend Thurston to be an arrival ship of a person. Thurston's account of these events are not connected by states for debate. Sooner, Thurston and the Annexation Club attempted to convey the picture that the result of Hawaii for annexation was working how the United States legislature and a member of the legislature was as far as to say he would proceed having a lasting current government and the present annexation. B. B. S. Allen, the Honolulu Schools Thurston's principle said, on the subject of annexation that by realizing autonomy Hawaii was better to gain greater commercial advantage than by打招呼 with any other country.

John A. Stevens, the American minister to Hawaii, a disciple of the annexation with L. A. Stevens reported the views of the United States in the Pacific. On March 6, 1894, he wrote to Secretary of State Blaine, asking for an expeditionary, expressed that the United States was able to proceed with annexation. He concluded there were other actions contemplated for the islands. The U.S. States was not present to the Queen by forces within the Kingdom. As early Undersecretary Theodore Roosevelt expressed, the U.S. Navy would use to engage a protectorate. Selling would be the administration of President Benjamin Harrison to use the Commander of the American Pacific Squadron to assist in annexing Hawaii.

COMMITTEE OF SAFETY

On January 14, 1895, the Queen proclaimed the legislature and announced her intent to proceed with a new constitution.

An account by L. A. Thurston relates how members of the Annexation Club were members of the legislature and a member of the legislature was as far as to say he would proceed having a lasting current government and the present annexation. B. B. S. Allen, the Honolulu Schools Thurston's principle said, on the subject of annexation that by realizing autonomy Hawaii was better to gain greater commercial advantage than by打招呼 with any other country.

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DIAGRAM 1

Diagram from Volume 1 of the Hawaiian Investigation showing the various positions of the United States troops after landing. There were three positions up five stories of the United States and where to cover the government building. A fourth position was established with Cape Foulweather after the protectorate was initiated and is shown in Diagram 2, Page 22.

DIAGRAM 2

Diagram from Volume 1 of the Hawaiian Investigation showing the various positions of the United States troops after landing. There were three positions up five stories of the United States and where to cover the government building. A fourth position was established with Cape Foulweather after the protectorate was initiated and is shown in Diagram 2, Page 22.

In cooperation with the annexation of Hawaii, it would be wise to say that they arrived at the Government building at 7:00 a.m. on the 14th, 1895.
ALLEGATIONS

At the pm., some of the events leading to this can be mentioned. The Queen was under attack personally and as a woman by her opposite in increasing stages. After the constitution of 1851, the power of the sovereign had been reduced to a nominal nil. As with Sisamade, the Queen could not affect legislation. Laws, such as the lottery and option data, were enacted by the legislature, and only needed her signature. Yet the Queen was charged with promulging these two data. She was also charged with obliterating a new constitution and supporting the constitution by force which she had agreed to uphold, creating a new order of government. It was after the Queen had, by her action, created an interregnum void in government. The charges were premature. She did not promulge a new constitution, she did not abrogate it, and there was not an interregnum, or void, in government beginning in January 14 through 17th.

PROCLAMATION

By a sequence of events, the Committee of Safety was able to take over a government building for the purpose of publicly reading a proclamation declaring the end of the national government.(20) This event was a meted and secretive affair rather than anything else, a suggested movement. The building had been previously secured to see if it was guarded. It was found to be vacated, the incumbent Provisional minister had moved their headquarters to the police station where the national troops were stationed.

Mrs. Stevens, a woman, managed to receive the proclamation hastily prepared by Thurston at about 11:00 p.m. It was not known at that time, when it was presented to be severely criticized later for its actions as chairman of the Committee of Safety. As the proclamation was presented, a line of armed soldiers were presented to protect the Committee of Safety during the reading. A few supporters arrived, showing about uncertainty. They were surprised that the U.S. troops did not attend to protect them from harm, as had been expected.

From his address, U.S. Senator Stevens supposedly granted recognition to Thurston's government at about 1:30 p.m. He set an adversary at the time, Washington the Provisional Government was set, and the Provisional Government was reinstated.

In the end, the Queen declared to the superior force of the United States, and so the Provisional Government was reinstated, the Queen was Interned at 1:30 a.m. on November 17th, 1852.

Sketch from Volume I of American Investigations to show position of the United States troops, January 14-15, 1852. This point was chosen by Mrs. Cooper to declare the Hawaiian government reinstated.
The Republic of Hawaii is a territory of the United States. The people of Hawaii have the right to self-determination and the right to choose their own form of government. The Republic of Hawaii was recognized by the United States in 1898.

The United States and the Republic of Hawaii were at war from 1898 to 1900. The war was fought over the annexation of Hawaii to the United States. The war ended with the signing of the Treaty of Washington on July 30, 1900. The treaty confirmed the annexation of Hawaii to the United States.

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SENSE OF U.S. CONGRESS

Perhaps the most important event in this review will be the President's request for legislation in the form of an amendment to the Thirty-Ninth Annual Report of the Department of the Interior. This measure is designed to establish a more positive framework for the management of federal lands and resources.

RESCUED: First, that there is no authority given the U.S. Public Health Service to enter into any agreement by which the federal government would be required to enter into an agreement which would effectively undermine the sovereignty of the Hawaiian Islands.

During the session for the consideration of the McKinley resolution, two substitute resolutions were introduced. One by Representative Hite which followed:

"RESCUED: That it is the sense of this House that the demand offered by the President of the U.S. for the abandonment of the Hawaiian Islands is not only in violation of the Constitution of the Constitution of the Hawaiian Islands, but also of the Constitution of the United States."

The second substitute resolution was also rejected by the vote: Yes, 65, No, 16.

TREASON

So it can be seen that not only did President Cleveland support the native Hawaiian government, but he also considered the U.S. House of Representatives as not having been made aware of the true nature of the situation. In this case, the American government would have the better opportunity to express their views of the overthrow. As was expected, the overthrow was not a simple act, but was supported by the legislature and the majority of native Hawaiians. The Morgen report complained that the government of the U.S. had been made aware of the overthrow, and the American government should have been notified of the same. The report stated that in the absence of any action, the American government should have been notified of the overthrow.

There are attempts to show that there was duplicity in the overthrow of the Hawaiian government. Minister Stevens frequently displayed his strong desire for annexation. When the opportunity came he would assist the process, and then deny his participation. Thurnbull would be chief factor and then deny his participation. Stevens would serve as a double agent and secure the Queen. He could plead his case (She would only yield). E. W. Stevens would serve as a double agent and secure the Queen. He could plead his case (She would only yield). E. W. Stevens would serve as a double agent and secure the Queen. He could plead his case (She would only yield). E. W. Stevens would serve as a double agent and secure the Queen. He could plead his case (She would only yield).

MORGAN REPORT

Finally, the report of Congress, another report was completed after two months of hard work. It was delivered to the House on February 28, 1894. The Morgan Report was pre-annexation and did not identify events leading up to the overthrow, despite the fact that there were ample evidences. The investigation was held largely in Washington and Morgan had the advantage of being familiar with those details, since he had been a member of the American delegation to the Hawaiian Islands in 1875. The report stated that the overthrow was not a simple act, but was supported by the legislature and the majority of native Hawaiians. The report stated that in the absence of any action, the American government should have been notified of the overthrow.

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TRANSFER OF SOVEREIGNTY

In 1893 the Republic of Hawaii carried out a ceremony described as a "Transfer of Sovereignty" of the Hawaiian nation and government. A question arises as to how this ceremony was influenced by a distinct group of people (Hawaiians), transferred by a non-passenger as a commodity? The
Republic was to receive 4 million dollars on outstanding accounts. In return, the
Republic's acreage was reduced from 6.1 million to 1.5 million, which left the
Republic with 1.093 million acres. This was a reduction of 63.6 percent, or nearly
90 percent. In other words, the United States did not buy the entire
Republic, but only a small portion of its land. The Republic was not
written off as "unrecoverable property," and in fact the land was sold at an
excess of 200 percent of its valuation in 1900. The sale helped to
create a new wave of investment in Hawaii, and the proceeds were
used to pay off the Republic's debts.

The Treaty of annexation was signed in 1900, and the Republic was
officially annexed to the United States. The Republic's government was
abolished, and the United States took control of the territory.

The annexation of Hawaii was a significant event in American
history, as it marked the beginning of American expansion into the
Pacific region. It also set a precedent for other countries to annex
foreign territories for economic gain.

The Republic of Hawaii was created in 1893, and it existed for
nearly 20 years before annexation by the United States. The
Republic was founded by American and European investors, who
hoped to establish a profitable sugar industry in Hawaii. The
Republic was a constitutional monarchy, with a parliament and a
court that had the power to make laws and declare war.

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lobalization. Causes and effects is the proper rule by which Hawaiian conditions should be measured. The term "stemming conditions." Corruption by any other name would smell as strong.

More than once during the hearings in Washington,印地安人的领地 for the planters provided testimony that the desire of the people for a change or relief was no more than the needs of the Indians, and that the desire of the people for a change or relief was no more than the needs of the planters. Further, they contended that the high prices of public and private lands were due to the inability of the people to pay for them. However, the testimony was not accepted, the statement was made that the desire of the people for change or relief was not considered. In regard to the supposed satisfaction of the people with the land law, it is pointed out that the land law in Hawaii was never passed. In 1820, 11,219 voters registered and 18,159 votes were cast in the most contentious election relative to public administration. The important land issue doubtless elected the majority against the local administration.

In the hearings, Nicholas Russell pointed out the extensive control that plantations exercised in many ways and the manner in which the little private companies used the same control to manipulate the people of the islands. They also claimed that many of the leases were owned in free and, or unvested public lands. These claims were not accepted. In regard to the supposed satisfaction of the people with the land law, it is pointed out that the land law in Hawaii was never passed. In 1820, 11,219 voters registered and 18,159 votes were cast in the most contentious election relative to public administration. The important land issue doubtless elected the majority against the local administration.

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In 1849, American businessmen called for the protection of property rights. After the Great Strike, foreign investments expanded and required more imported labor. The Rev. R. Armstrong in 1847 asserted that the white population would not permit itself to be governed by natives only and added prophylactically that Hawaii will be eventually annexed as soon as the state of Texas. In 1849 there were 12 votes in favor of annexation and 1 vote against. In 1853 there were 137 votes in favor of annexation and 38 against. This desire to annex Hawaii stated the American desire to become a part of the Hawaiian Union, and was in danger of being carried by the Hawaiian rulers since earlier times. About 1853, the Hawaiian Constitution was called to write, and a new draft in the form of a commission. The new commission was intended to give control to Porter of the property of the United States. To present a selection of the report of A. Herbott, in the bureau of Agriculture and Forestry jointly.

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So far, in addition to the state, fire, and population increase, and further increase is expected.

Lampstead, appointed governor, was the force behind the Americanization of the island. He had agreed initially to the annexation and retention of governing powers provided for large landholdings.

The total area of large private land holdings is 1,923,183 acres. It can be said that these purchased lands will be productive ones in the future.

In 1891, the Home Rule Party was formed in Hawaii just before the territory became a part of the United States. The Home Rule Party consisted of Robert Ingersoll, a former Republican, and the Americanization of the island as the Straight to the League in the United States and its constitution. It not only brought a new political party but also the Home Rule Party.

When the Land Commission was formed in 1945, an effort at land reform was started, in the declared concept that the land should descend in the hands forever.

Prince Kuhio of the Hawaiian Islands

In 1877, the son of a Royal chief, he bequeathed large land holdings to the state. In 1894, he was charged and imprisoned for the same.

Prince Kuhio was an American journalist and politician. In 1902, he was appointed to the United States Senate, and in 1903, he was appointed to the position of First Governor of Hawaii by President McKinley.

Kuhio took a trip around the world with his heir apparent to the throne. He was later appointed to the United States Senate, and in 1903, he was appointed to the position of First Governor of Hawaii by President McKinley.

The government lost 1,598,514 acres and include conservation lands not suitable for cultivation or grazing, nor are they be used due to poor terrains or incompatibility. After 1893, a definite trend can be seen in the development of large private holdings. This is the time to acquire land in the Hawaiian Islands and federally, the state of Hawaii was established in 1959.

RAPID DEVELOPMENT

The native government had evolved rapidly by normal standards and may have continued to evolve into something more for the future. It has been said that the Hawaiian government could have gone as far as we would have if it had not been for the annexation.

On one hand, while condemning the native government, those who aided it would retain it nearly intact for their own benefit, and even then, it would not have been possible.

The most important point is, if it is confirmed that in the future, a republic, a monarchy, or a state, every one of us is entitled to.

- Adverse Possession - see Exhibit "C"

U.S. Congress. Kuhio's testing was opposed by Senator Dole who had been appointed the first governor of Hawaii by President McKinley. Kuhio's attempt to acquire land in the Hawaiian Islands was unsuccessful.

Meanwhile there were disturbances made that native Hawaiians were incorporated and "C"-"R" agitation was successfully opposed the "C"-"R" agitation. This time, it was the result of the consolidation of the islands under the Kingdom of Hawaii, and the Hawaiian Islands were part of the United States. The government was now faced with the need to control the large landholdings, and to retain on a leasehold.

Diplomatic relations with the United States were established in 1896, and the Hawaiian Islands were admitted to the Union as a state in 1959. Kuhio's death was on January 19, 1910, in Honolulu, Hawaii.

In 1903, the latter was appointed to the United States Senate, and in 1905, he was appointed to the position of First Governor of Hawaii by President McKinley. Kuhio's appointment was confirmed by President Theodore Roosevelt, and he was appointed to serve as a delegate to the United States Congress.

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THE POLITICAL PARTY

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 But when the treaty was signed, it was to be governed by some other power. The decisions of the Britons would be considered.

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THE POLITICAL PARTY

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tolls served on the boards of different corporations that appeared to be competing with each other. Some representatives from the agricultural interests non-Hawaiian families who financed the operations of nearly all of the forty corporations listed on the Honolulu Star-Advertiser in 1895. Under this interlocking arrangement over the major corporations in the islands were constantly operated.

A 1901 census indicated that corporations or non-Hawaiian individuals controlled 23,703 acres, or more than a third these acres were controlled by Hawaiians. Hawaiians never owned more than 3% of the land. The aliquot of land to be lost due to this land speculation was in some cases double that of the amount of land which the landless would receive. This was normally for corporations to average 10 percent dividends on speculation in a year. In one nine-year period, the Hawaiian Commercial Sugar Company paid average dividends of 15 percent yearly. In 1893, the year of the big strike, Hawaiian Commercial paid 40 percent dividends that year to investors. At Hānaea Plantations, in 1891 a 43 percent dividend was paid in 1892 a 69 percent; 1911, 26 percent, and in 1921, 60 percent. High dividends were stability paid by other sugar producers during the period. The tax structure during the period favored owners and controllers of Hawaiians wealth. Income taxes were limited down and not graduated. Property taxes favored private owners. Taxation was borne by the general population as a whole through school, road, pol, and excise taxes. The controllers of Hawaiians wealth did not agree that much money should be in the hands of government for public use.

**RACISM**

While there were many times in the past when native Hawaiians felt the pangs of racism, for the most part racism was kept beneath the surface and repressed by the white man and his power to control and govern both men and elements. In the forming of the constitution of 1830 the legislature set the bar for Hawaiians and all others. “In the forming of the constitution of the United States to the people of the United States, the framers had not the right to discriminate against non-white people and alien. The framers had not the right to discrimination against non-white people.” It is this discrimination that is the determining factor. Hawaiian Commercial and all others like it were barred to vote for the citizenry. Hawaiian and others could not unless born in the United States.

It was in about 1863 that Sereno Eells in his attacks against them wrote that Hawaiians and Americans were the children of no less than a negro and native Hawaiians and Asians could not unless born in the United States. The same population with white men outnumbered Hawaiian. The tarring and feathering was not a legal act. The Hawaiian Constitution referred to property citizens venue and not to the local laws were overridden by the territorial laws. There were two standards in applying the law. During the recession the Helena Admiral Beringer expressed the feeling that there were laws of native Hawaiians tarring about threatening white women. Native Hawaiian tarring should not be practiced on the women of the territory. Although nothing was said of the stopping, because of the attack the military commander in Hawaii stated in the United States that the people of the Hawaiian government should be placed under a different form of government and self rule, but should be placed under a constitutional form of government. For the laws were passed, but it reflects the power the Army had over the civilian population of Hawaii. The Korean Wars were passed and there remained the interference of 1883 in the nature of the native Hawaiian government, treasury and access through the use of force.

**PATH OF STATEHOOD**

The first time the subject of statehood arose in Hawaii was in 1894 when one occasion was passed in 1894. The second occasion was passed in 1894. No proposition was passed in 1894. The third occasion was passed in 1894. In 1905 a proposition was passed to hold a plebiscite in 1905. However, World War II intervened and the question of statehood was set aside. In 1950 a Constitutional Convention was considered without congressional authorization. The Constitution was not ratified by a popular vote of 62,724 to 57,190 favoring statehood. The Hawaiian Constitution died in 1958. The Hawaiian Constitution was not ratified in the Senate. The Hawaiian Constitution was passed in 1958. Over the years, many resolutions were passed by the Territorial Legislature calling for statehood. Hawaii's delegates were widely promoted in campaigns. The issue of statehood ran in Hawaii was raised frequently as a tremendous stimulus. There were many reports of Hawaiian history and statehood occupied the minds of the people.

In June of 1858, Abner became a state. After that the momentum carried Hawaii over the last few years the United States was annexed to the United States. The people were not happy with the change. The statehood of Hawaii was not accepted by the people. The people were not happy with the change. The statehood of Hawaii was not accepted by the people. It took more than six years for the Hawaiian people to accept the idea of statehood.

**EXPLANATION IV**

(Sample of Official Ballot - Saturday, June 27, 1959)

**OFFICIAL BALLOT**

SATURDAY, JUNE 27, 1959

VOTE ON ALL THREE PROPOSITIONS

1. Shall the Hawaiian Islands be admitted into the United States?

   YES 13777
   NO 7117

2. The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved March 18, 1898, and all claims of this State to any area of land or sea outside the boundaries of this State shall hereby be irreversibly relinquished to the United States.

   YES 13830
   NO 683

3. All provisions of the Act of Congress approved March 18, 1898, prescribing rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are construed to be fully by said State and its people.

   YES 13013
   NO 757

To vote on a proposition, make an X in the square to the right of the word YES or NO.

VOTE ON ALL THREE PROPOSITIONS
In the vote on the three propositions there is no identification of the lands that claimed to the United States by the Republic of Hawaii, in the title of Hawaiian ceremony of 1877. There was no determination between the native Hawaiian right being to the United States or to the United States. There were 107 and 73 votes for the propositions 1 and 3 respectively, and in the proposition 2 the vote was 50 and 61. One of the native Hawaiian right was that it could be identified from the 1877 Hawaiian boundary of the islands of Hawaii, which is predominantly Hawaiian, showed there were 78 votes vs 76 votes favoring statehood, or a opposing statehood, or a opposing statehood. It can be reasonably expected that application will continue until the land issue is settled or a significant Hawaiian preference. That is, what was the native Hawaiian resolve from dishonorable? After this application there are the native Hawaiian right, open space and responsible homelands. The opportunity to express a preference has not been offered native Hawaiian on any occasion to change the vote as in 1877 and up to continuation or even to voice the futility for this preference as in 1877 with a large foreign population voting. In both cases it is apparent what would happen under the circumstances. In the first case of denying the Hawaiian vote approving recognition it is believed it was intended.

Queen Liliuokalani

Queen Liliuokalani on February 1, 1893 delivered to the President of the United States a letter to which the United States had replied. It was to President Harrison to request an investigation of the situation by a commission consisting of a United States senator, a United States representative, and a United States minister, or a representative of the United States. The commission was to be appointed by the United States. The letter was delivered to the President of the United States on February 15, 1893. The commission was appointed and was to report to the President of the United States on February 20, 1893.

The United States immediately recognized the Republic of Hawaii, and the United States Senate on February 20, 1893, ratified the Treaty of Washington, which provided for a perpetual sovereignty of the Hawaiian Islands. The treaty was signed on February 20, 1893, and became effective on March 1, 1893. The treaty was ratified by the United States Senate on March 2, 1893, and was signed by the President of the United States on March 3, 1893. The treaty was signed by the President of the United States on March 4, 1893.


The President of the United States on July 6, 1959 in his message to Congress on Indian self determination said in part, "Our time has come to break with the past and to work toward the goal where the Indian future is determined by Indian arts and Indian decisions."

(109)

In 1971 when the Alaskan native claims settlement was made it was an unusual approach to deal with the Alaskan Inuits. The settlement of 1971 was a compromise reached by the United States and the Alaskan Inuits. The settlement included not only monetary compensation but also a state problem of managing native areas and land. There are no all-reserve lands set aside for Alaskan Natives. Whether the Inuits can aid, or is willing to aid, native Hawaiian can only be speculated upon. Yet Inuits are based on native Hawaiian and their claim of a land, the natural possession and the natural landsettlement of the native Hawaiian.


LITIGATIONS

Among the most impressive native American litigation that could have occurred, had it not been resolved by negotiation, was the Alaskan Indian Claims. An automated streamlined litigation would have very damaging effects in that case. Essentially, Alaska had a lot of resources needing prompt development. It became an immediate problem and was to be settled quickly and generously.

In 1968 the Trust Indians of New Mexico had not added for them the Blue Lake region. The T nuts and the T nuts are entitled to about 100 per cent of the lands after the acquisition of mineral rights. The acquisition is made by the United States at the rate of $4.00 per acre or less. The T nuts have been set aside for the exclusive use and benefit of the T nuts. The T nuts are to be used only for the benefit of the T nuts. The T nuts are the exclusive use and benefit of the T nuts.

For the state of Alaska and the state of Hawaii, the Statehood Act deserves to be treated as a distinct entity. The statehood act was enacted by Congress to the state of Hawaii, and a responsibility for the protection of the rights of the Alaskan Natives was to be met by the new State of Hawaii. But Hawaii has not yet met. The Commission was empowered to determine claims.

of the people. The Statehood Act of 1959, Section 6, one of five purposes of the twenty-year battle to regain 1.5 million acres of land in the territory. The Trustees were able to set aside 10,000 acres of land in the territory. The Trustees were able to establish an extent of 1.5 million acres. The Trustees were able to set aside 10,000 acres of land in the territory.

1051

In 1800 the United States had set aside for this purpose the land of Hawaii. In 1851 the United States had set aside for this purpose the land of Hawaii. In 1851 the United States had set aside for this purpose the land of Hawaii.

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The acquisition of mineral rights was made by the United States at the rate of $4.00 per acre or less. The acquisition is made by the United States at the rate of $4.00 per acre or less. The acquisition is made by the United States at the rate of $4.00 per acre or less.

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INTERESTED parties, by exercising the first right of refusal to sell, and in so doing, had observed the intent and precedent.

REPARATIONS
Some type of monetary settlement or reparation as first suggested by President Cleveland was in order. It is because of the long denial of amounts and political freedom and more importantly for the sake of native Hawaiian needs such as lands and resources. Reparations should include the consideration of unearned exploitation and reparation of the environment and the adverse effect it has had on native people. It is the hope that this method of reparation should be the suppression of self-determination and the defense of the native Hawaiian people. A legal regime in the area is needed and relates to other native American cases of a similar nature.

OPTION
In the event native Hawaiians decline not to sell their common property, then they have the option of managing it themselves for generating revenue to be used as they desire to do. Native Hawaiians have never said they did not want to manage their own affairs, on the contrary they have been and are eager to continue to do so.

One option to address the native Hawaiian situation is something done in the past not unlike native lands. In 1874 President Grant set aside a reservation 18,000 acres of land in the California desert called Palm Springs. This land was the site of an Indian village called the Agua Caliente Indians. Nearly all of the land has been sold and what is left is a small ranch house in the desert. The Indians in the desert were finally allowed to keep or sell the land as they did earlier. In 1874, the Grant administration, the land was in the desert and was held in trust by the federal government. This land was not in the desert and was held in trust by the federal government. On their land the Agua Caliente pay no income or property taxes because that would be an "encroachment." Later, after a long court fight, it was decided that the Indians' lands were subject to state law because that the land could not be an "encroachment." Meanwhile the Indians stated they wish to cooperate with the U.S. government but prefer to manage their own affairs on their property for their purposes. Future negotiations will settle the matter.

REFUGE
The Native Hawaiian Study Commission is in its attempt to address native Hawaiian problems finds two kinds of issues.

First, there is a settlement of a land claim, identified as a vested interest. Second, it is a recognition of a vested interest and the compensation to the descendants of a native people whose own existence dealt with so little to the past. This means that the Hawaiian people have been exploited and where the native people who have also experienced discrimination and have been denied the same self-determination and the same opportunities as other native peoples. It could take the Hawaiian people generations to reach their self-determination and the same opportunities and equality and opportunity. It has been recognized that the Hawaiian people were the first to arrive in Hawaii and for native Hawaiians it is their right to control and use the land. Native Hawaiians have always had the opportunity to participate in the past in the education and democracy that has been practiced.

It can be said by estimation the state treaty today is still the same treaty created by native Hawaiian people many a century ago. The present treaty provides for the reversion of the native people of Hawaii. There is no mention of the treaty to that extent, native Hawaiians have enjoyed an existence in government were not had the opportunity to participate in the past in the education and democracy that has been practiced.

In the area of housing, a home is nearly out of reach. Land speculation is still present to drive up costs. Large areas acquired so cheaply by the government are already being made available to development to reduce open space and needy areas.

These activities lead to less opportunity, more crowding and again surplus labor to keep wages low. The same position on the minister after higher wages than in this respect.

This is all built upon an ingredient called aloha or the spirit. It is nearly inextricably bound with the feeling of aloha, often claimed by nearly all of our own, to the pride in our community. Along with the ingredient aloha, there should not be forgotten a profound self-determination that is characteristic of the year round. The two ingredients together make the atmosphere that is unique in Hawaii, in fact, is present today. Hawaii is the largest island in Hawaii with gross of three billion dollars in 1931. Tourism is promoted widely and sold to be the land of the future, and if the wages are low because of surplus labor and one cannot buy a home. If Native Hawaiians do not receive any real benefit to the tourism promotion, then the long tradition of aloha is threatened. Yet natives are needed that labor is given for wages per capita from tourism could be the base for the poor, or the percentage of the three billion dollar gross, could be the base of the major social group of people.

Native Hawaiians may elect to also have disputed their traditional lands to unreserved property as in a negotiated settlement. In a past perpetually held for alienation or distribution.
ACKNOWLEDGEMENTS

To Anne, without whom it never would have happened, and the support of Don Wright, the Alaska Federation of Nations (AFN) first president, to appreciate all that she did to help. Parts or portions of the information contained in this review was obtained from current newspaper articles. Other information came from papers not generally found in research centers. The papers are identified and available.

Parts of this booklet have been reproduced in other forms. Any oversights or errors of fact are acknowledged as those of the author and compiler.

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BEST COPY
A Letter from
King Kamehameha V

to The Bishop of Honolulu

Honolulu Palace, 21 September 1843

These lands, very sacred grounds, are under the exclusive
possession of the United States. All attempts to abridge your
possession and to dispossess your people, to use them as
private property, are in violation of the laws of the United
States and of the Constitution of the Hawaiian Islands. It
is the duty of the Bishop of Honolulu to see that these
rights are respected and maintained.

The Bishop is requested to take steps to prevent any
interference with the use of these lands and to ensure
peace and harmony among the people. He is also
requested to take measures to preserve the
integrity of the Hawaiian Islands and to
prevent any encroachments on the
lands of the Hawaiian people.

This statement is a part of the information and
disposition to the property rights of native Hawaiian,
WHEREAS the Out of Title Claims Act is
THE REASON OF PROPOSING A SETTLEMENT OF ALASKA NATIVE LAND CLAIMS.

2. No distinction was made by the Statehood Act of 1959 (25 U.S.C. 301) (sec. 4) from claiming any right or title to land to which the natives claimed right and title. In the other hand, no such distinction between the rights of natives and the rights of the State was made in the State of Hawaii (Sec. 310) to public lands in Hawaii to which the United States held title immediately prior to the Statehood Act were (with specified exceptions) granted to the State of Hawaii (Sec. 310). In special consideration of the natives was none. In short, the Statehood Act did not distinguish the right of the native Hawaiian to public lands from the right of the State to such lands.

The fact that this difference exists could, however, be not to
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Your consideration of the foregoing factors is requested. Particularly since P.L. 96-565, the Native Hawaiian Study Commission legislation appears to be the vehicle to address all the prior congressional legislation introduced to address native claims.

It is evident that general agreement is necessary on certain particulars before any meaningful progress can be made. Some determinations are necessary, like Native Hawaiians are aboriginal people with vested land interests and are not dependents. While native Hawaiians have not, or had the opportunity to negotiate away their interests, they have not benefitted by the use of their lands either.

Sincerely,

Louis Agard
Friends of Kamehameha and the Bernice Pauahi Bishop Estate

The Draft Report, consisting of some 365 pages has overlooks certain specific areas. Some of these specific areas of special concern are detailed in the following presentation.

During the month of January 1982 hearings were held on P.L. 96-565 in Hawaii and in the many hours of testimony submitted, the issue of land appears to be a primary subject. Indeed the ceded lands of Hawaii are a substantial and very visible link with the past for native Hawaiians.

In the Draft Report, Chapter I, LAND LAUDS AND LAND RELATIONSHIPS, appears to be a misunderstanding. There is the question about the entire draft having to do with the sources from which parts were drawn and suggests a conflict of interest. The misunderstanding is demonstrated on page 165, second paragraph, ref. 26 & 27 which states, "a one third portion goes to the common people, in error". The following page 166, second paragraph, ref. 29 & 30 contradicts the first statement being erroneous to recite the opposite. The principal Hawaiian claim seems to revolve around whether they were given a land interest of one third the homeland by the vested interest they possessed. In essence they were given a "final agreement", a law, or word of mouth grant, for the land. Yet apprehending the initial misunderstanding would lead to misunderstanding any more that might follow after.

1. Was Hawaii and its people a sovereign and independent nation with international relations?
   Answer: Based on the score or more of treaties arranged between foreign countries and the findings of the U.S. Congress in the reciprocity resolution of 1894 Hawaii was an independent and sovereign nation. The answer to the first question is, YRS.

2. Was there over an identification that the lands of Hawaii did in fact belong to anyone?
   Answer: Based on the "sacred shamanal statement that all of the lands belong to the chiefs and people in common", the answer is again, YRS.

3. Was there further division and identification of lands to give the commoners (tenants) an identified one third interest in all of the lands of the Kingdom by the principle adopted in 1846 by the Land Commission which act was supported by the King as a grant and also approved by the legislature?
   Answer: All of these events are also a matter of history and the answer to number three is, YRS.

4. Did U.S. troops participate in and aid in the overthrow of the legitimate government of Hawaii and thereby the subjugation of native Hawaiians for seven years from 1893 to 1900, during which time the annexation and naturalization of the majority of native Hawaiians without their participation of consent?
   Answer: All of these events are also a matter of history and the answer to number four is, YRS.
5. The result of seven years of subjugation of Hawaiians is a period when laws were enacted to allow for the wholesale acquisition of alienated Hawaiian lands, enabling fraudulent acquisition by persons of the oligarchy in the overthrow of 1893 and eventually to the ceding of 1.7 million acres of native lands in the annexation to the United States?

Answer:
The answer to number five is YES.

6. Are there any indications of a conspiracy carried out in the events of the overthrow of 1893 in Hawaii?

Answer:
There are events of record that show that certain individuals in Hawaii, who were citizens, planned to overthrow the queen. There are incidents of complicity by U.S. government officials and the state's agents of the U.S. to manipulate an incident to form a protectorate and to annex Hawaii.

7. A basic question is: who owns the ancestral lands of Hawaii? Who had an identified interest in all of the lands in Hawaii and had not conveyed that interest away by any act?

Answer:
Native Hawaiians had an interest in all of the lands of Hawaii as identified by the Land Conveyance of 1846.

By these seven foregoing questions it can be seen that when the use of force was applied in 1893 native Hawaiians were subjected and their land alienated while they were held powerless to contest their occupation and naturalization. The larger issue is the common interest in the ceded lands and how this interest can be restored.

On behalf of these concerns the following categories of relationships are considered upon. The foregoing questions may assist to identify the root cause of the many social deficiencies that native Hawaiians experience:

CURRENT
Hawaii has a bleak outlook for jobs. Many younger people leave for jobs elsewhere because jobs in Hawaii pay less and the agricultural aspect due to zoning and other conditions are not conducive to agriculture.

FUTURE
The number one industry, its operation, its profits and related costs with room or bust outlook.

PUEO WAIAMA:
Perhaps Hawaii's most fragile resource, its water and future water or conservation.

VALIDITY OF SEPARATION
A history of native Hawaiians relative to their interests being subjugated to others on a continual basis reflecting insensitivity.

WHEN THE FUTURE IS TODAY:
One comparison and solution for Hawaiians in the future to witness themselves and their children's futures.

HELLO:
The process of treaty making between Hawaii and the United States.

PREVENTION OR TREATMENT:
The effect of the above findings in the future with/without preventive measures to prevent alienation.

OF CONCLUSION:
From these seven findings and in analysis, the	

POPCULATION
Population and its impact on Hawaii, the future outlook with some alternatives for adjustments.

LAND USE:
A projection and comparison of land use in Hawaii to arrive at an estimated worth.

LOCALS:
The various areas of intersections, constitutional government and the option to restore that held in suspension.

EYECATCHER
The activities of merchandizing land, the existence of highly promotional campaigns to develop subdivisions and the effect on the community.

ECONOMY:
Economic value of Hawaii and its future health. Some conditions that may assure a viable community without overcrowding.

FOOTNOTE:
The year dates that significant events took place in Hawaii to influence its evolution.

OF CONCLUSION:
From these seven findings the affected native Hawaiian's decision they right make.

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From a solution to remove deficiencies.
of 1900 the provision that the Secretary of the Interior review sales, leases or grants of the public domain. After 1900 the ceded lands were considered the public domain. How land transactions took place after the passage of the Dole Land Act took place in 1896. Then, William Irvin, a wealthy sugar planter purchased beach front and other choice lands in Waikiki for only one dollar that had been set aside for public park purposes. Irreplaceable lands on the Waikiki shoreline were acquired by members of the Republic's government which was spawned when the American flag over Hawaii in 1893.

Prior to this subjugation native Hawaiians were mass naturalized, they were to lose in that action their political and land interests in their homeland to the advantage of those who hailed the raising of the American flag, which in effect flew only to protect those interests versus native Hawaiians.

The large land acquisitions of the past remain to sustain land development and fuel the practices of speculation that first encouraged fraud and overreaching for lands in Hawaii. Relative to this fact, about 60 years after the Hawaiian land division of 1845 about 1,800,000 acres were acquired by non-Hawaiians or their corporations and this meant that every three out of four acres belonging to private owner were thus held by non-Hawaiians. This was accomplished by false homesteading and putting up 'straw buyers' by the corporations.

After 1893 large corporations controlled 1,963,600 acres and by 1905 the Dole Land Act was passed to allocate and sell off more native Hawaiian Crown lands. After the Dole Land Act passed, its intent was clear, large land leases and awards were made involving overreaching and fraud as reported in the Hawaiian Islands, Hawaiian Investigations reports of 1903.

In the investigations one incident involved the Honolulu Sheep Station of 237,000 acres. The sale of this station gave to San Parker control of nearly one fourth of all of Hawaii's lands or 1,000,000 acres. Sales like the Sheep Station also were made possible by corporation lobbyist to ensure the failure of the U.S. Congress to require in the organic act
These factors contribute to Hawaii having the highest housing costs in the nation as outlined in a recent First Hawaiian Bank Report. Land makes a home expensive and scarcity will accomplish this. The publication report cites $184,559 as being the average single family cost of a home in Honolulu while the average of a similar home in San Francisco was $132,900 or $50,000 less.

When the cost of a home in Hawaii is measured against the average income of a native Hawaiian who has a disproportionate low group average income in the state the great disparity can be seen. A home is practically out of reach.

Why? One answer can be that in Hawaii the arrival of foreign corporations or syndicates operate in the region in profit making ventures using preferably cheap labor. Hawaii has a history of cheap labor supported by the encouragement of immigration. Today large capital investment in Hawaii from foreign sources will still speculate largely in real estate ventures as do the investors from Canada and Japan. There is no consideration of local housing needs in these undertakings, rather to cater to the more affluent who can afford a $184,000 home. The speculation in real estate has been an influence in the failure of a number of savings and loans firms recently in Honolulu which are taken over quietly by the government to avoid publicity.

On the other side of this situation there is an indicated need for some 40,000 homes at the present which will require some $2.4 billion to build. So on the human side...

sold after the seizure in the overthrow of 1893 and to operate revenues for their direction into selected channels.

In this connection of land use, it can be found that housing is inter-related with water resources. On the island of Oahu water demands are considerable; in fact so much that there are occasions where water conservation is requested or required. This means that there can be a hearing to the limits of the resource.

Also in that respect, it can be found that the staple, taro, a food of Hawaiians has been shrinking in supply due to a lack of water or its diversion. It requires millions of gallons of fresh water per day to cultivate the traditional food of native Hawaiians. This water supply has steadily been diverted to supply domestic use for subdivisions and condominium construction. Without an adequate water supply the taro is rotting as it rests in the patches. While this waste acceptable in some cases, this practice defeats the process of natural selection and control of population by availability of food. It is entirely possible that the population achieved by natives was the optimal of some 400,000 individuals at the arrival of Captain Cook. This was probably reached after centuries of existence based on the region's resources. In Hawaii the island of Oahu is overly populated based on its resources and the entire region requires large imports to sustain the populace. Being dependent on supply services raises the specter of interruptions that do occur from time to time but it is necessary to increase outside dependence even more than it is now! There are additionally garbage and sewage dis-

While the average home in Hawaii is $184,000 there are many in the lower income bracket and other single parent families that cannot afford to buy a home and single parent families have special problems finding rental housing.

The future is clear that native Hawaiians will be forced to move out of their homeland by these conditions if preventative steps are not taken to correct the trend. This fact has been recognized and already expressed by a congressman as... unfortunate but inevitable because of the desirability of living in Hawaii. But does being forced to move out of the homeland make it fair?

Since the states can estimate that some 40,000 homes will be needed, those needs are for the present and future needs can be balanced with a normal population increase. Hawaii will not be a "special place" it is an often touted to be. Native Hawaiians have not earned the plight they now suffer at the hands of the many transients who have come to exploit the region for profit and move on in the name of Progress and the American way. In that connection Hawaii needs more competitive entrants to lower the costs in areas and remove the constraints that inhibit competitive costs.

The area of financing is one that native Hawaiians can correct with their own participation.

The raising of the American flag in 1893 has in effect left native Hawaiians defenseless and unable to control their destinies and some adjustments is rational. Native Hawaiians should be equal, able to manage their ancestral lands not...
The largest natural fish pond in Hawaii was Pearl Harbor, the exclusive use of which was granted to the U.S. in the Reciprocity Treaty of 1887 as a coaling station for a period of seven years. The Treaty should have expired in 1894 or one year after the USS Boston’s marines aided in the overthrow of 1893 and might have well been a reason for their involvement. Pearl Harbor was a rich resource for fish stocks. Today the harbor is contaminated with bunker C oil not to mention ship discharges both regular and nuclear from ships and includes chemicals and some toxins. These chemicals and discharges affect healthy fish stocks including the prized anchovy (nehu). The ancient fishing rights of Pearl Harbor have been ignored and access is now limited to military personnel to fish except that the nehu maybe taken by permission when available.

The large Kapa pond in Hawaii Kai on Oahu was used to raise a favorite fish, mullet. It has been mostly filled in and dredged and no longer provides the resource it once did. The Salt Lake area is another site filled in for development to continue the destruction of natural areas used to raise fish resources.

Even the condemnation of shore line fisheries were proclaimed but never fully accomplished and satisfied before opening them up to unrestricted public use. This action only added to the overexploitation of these resource areas.

Today the once regulated and ample native Hawaiian resource is not available and another native Hawaiian staple has been taken away.

BLOOD QUANTUM

The history of blood quantum can be traced from Kamehamea I when no differentiation was made in accepting John Young (Oiwhana) and Isaac Davis (Alaka) as chiefs with native wives in the native councils. The Constitution of Kamehamea III in 1840 does not cite a blood quantum. In 1866 the stated policy of the period explained, “it will be necessary to employ a few foreigners of high character in offices of trust and responsibility in order to sustain the relations of the government with other governments.” The system of policy of this period, 1846, was to create a Hawaiian state by the fusion of native and foreign ideas and the union of native and foreign personnel to work for the common good.” Further as in the U.S. Constitution all the Hawaiian constitutions do not specifically cite a blood quantum necessary for participation. A blood quantum can be described as a condition resulting from isolation and inter-breeding for purity of blood line but which may have little reality regarding succession and participation for benefits. It is not mandatory in humans and some benefits appear in the mixing of the races.

There was no specific blood quantum in the will of the ali’i, Princess Bernice Pauahi Bishop to establish the Hawaiian Schools to service Hawaiian descendent. There is no blood quantum required for beneficiaries of the Queen Liliuhokamali Children Trust. There is no blood quantum in the native American Act designation to be eligible for benefits to native Hawaiians. It would seem the designation of a blood quantum in the Hawaiian Rehabilitation Act of 1970 and repeated in the 1978 amendment to the Hawaiian state constitution limiting conditions for benefits was an aberration. Considering the period the blood quantum was conceived, 1920 such designation was overly restrictive.

The Rehabilitation Act of 1920 by its title was a misnomer. There is no great apparent difference between the present descendants to reverse some and deny most others. Perpetuating this discriminatory practice assures no one will qualify for benefits eventually in the long term.

By a parallel example it can be seen that to continue natives to a tiny parcel of poor land by terms of the Rehabilitation Act of 1920, and many times without water to rehabilitate him is similar to placing a man in the middle of the ocean without oars to save himself. He is surrounded by water he can’t use or work and it becomes an impossibility to help himself. The foregoing example is similar to surrounding a man with good land he can’t use or work but give him a poor parcel in the middle without water to till to help himself. The passage of the Hawaiian Rehabilitation Act promptly disenfranchised the majority of Hawaiians. The businessmen planters opposed voting privileges to natives and also precluded associations and it appears that this philosophy would also now opposition to a parcel of land for a homesite in any case. The Rehabilitation Act created classes of Hawaiians and divides them which contains divisiveness. There can be no cohesiveness or general direction for natives as long as they remain divided by an arbitrary blood quantum for benefits when the universally accepted
practise is to accord benefits by succession. Strangely even succession can be jeopardised in the application of the Hawaiian Rehabilitation Act of 1920 with a blood quantum requirement. Even if a native Hawaiian sought to integrate and join the mainstream he would be humpered by the terms of the Act requiring a blood quantum to qualify. He must forego benefits to integrate. Although Prince Kuhio, delegate to the U. S. Congress and Initiator of the Rehabilitation Act encouraged integration by supporting a 1/32 blood quantum or that quantum that would permit five generations of inter-marriage with non-Hawaiians.

The Act has been cumbersome to administer and natives have suffered under it for long enough. Although the department under the Act should continue to exist, a closer relationship to the beneficiaries is desirable.

In conclusion the indications are that blood quantum are not applicable and were not used by the record in the past. It is more appropriate that the practise of succession prevail; waiving the blood quantum requirement after giving preference to those of purest blood first.

Native Hawaiians were a peaceful, happy, healthy and an organized society. It can be said native Hawaiians made the lands they discovered on arrival productive lands by the practices they developed and applied in cultivation. Their system of coastal fortifications proved to be successful to keep the land producing without acceleration of chemicals. Enough staves were produced to support a population of some 400,000 people. They learned to share as they must and had the most to offer in every tenant of their gods and their gods and such a god could both jump off a high cliff and be unharmed.
Similarly, Japanese forms of religion followed in 1875. Five of the main forms of Japanese Buddhism were established in Hawaii: Shingon, Jodo, Jodo Shin (Honganji), Zen (Soto) and Nichiren including many varieties of Shinto Worship. Lutherans were established in 1853. Seventh-day Adventists in 1881. Christian Scientists in 1902. Northern Baptists in 1930, Southern Baptists in 1940. Uniterans were established in 1883, Seventh-day Adventists in 1881. The Quakers and the first Jewish synagogue was established in 1950. The Presbyterians in 1953, and the Presbyterians in 1959. Of the main forms of Mahayana Buddhism more established in Hawaii, Shingon, Jodo, Jodo Shin (Honganji), Zen (Soto) and Nichiren had not been the armed intervention of 1893. The armed intervention of 1893 saw non-Hawaiians alienate the Crown lands without the armed intervention of 1893. The armed intervention of 1893 saw non-Hawaiians alienate the Crown lands. It is an interesting one because it demonstrates how easily the throne of Hawaii but felt about her responsibility to her native people. She left her entire estate to the founding of an educational institution to foster "good and industrious boys and girls". In the 1970's the Kamahana schools had a student body of 2,300 or 4.9% of the 50,000 native Hawaiians eligible. In the 1980's the schools have a student body of 2,000 and a part time number of 6,000 students and now maybe servicing about 3% of the eligible native Hawaiians with its present capacity and curriculum. The construction of another and separate Kamahana schools, which does a creditable job, would assist the present facility service a greater percentage of the eligible native Hawaiians.

Although it has been frequently suggested that the Bishop estate sell off its lands and put the proceeds into an investment portfolio, this has not been done and fortunately so if the Lunalilo estate example is a result. Another service that utilizes a land base is the Queen’s hospital. First opened in 1960 the hospital was established to care for indigent Hawaiians. Queen Emma left her lands in an estate to maintain the hospital. Today Queen's is Hawaii’s largest hospital for indigent Hawaiians. Queen Emma established the Kapioi Trust. The Kapioi Trust is the Queen’s hospital to care for Hawaiians also. So the Kapioi Trust left the native Hawaiian legacies as the few that survive but serve all of the residents of Hawaii. Today the Department of Hawaiian Home Lands (DHHL) is that congress established in 1920 as the Hawaiian Rehabilitation Act. The Act set aside approximately 200,000 acres to rehabilitate native Hawaiians who were obviously in need of housing and who were said at the time to present a public embarrassment wandering the city streets in poverty.

PRIVATE SECTOR

It is apparent that a land base is a necessary and important requirement to native Hawaiians judging by the existence of two that service them. These two land bases are the Kamahana schools, with about 300,000 acres left in a trust and the Lilikoi Trust, created by queen Liliuokalani's estate for children which derives its income to service orphan children from leases and rentals of lands. These two examples demonstrate a land base for native Hawaiians appears a requirement to preserve the Hawaiian future and culture. The history of the Kamahana schools is an interesting one because it demonstrates how easily the throne of Hawaii but felt about her responsibility to her native people. She left her entire estate to the founding of an educational institution to foster "good and industrious boys and girls".
Executive orders to take over lands without due process and a perennial shortage of ample budgets to carry out the mandates from Congress, not to mention at times the "loss" of parcels of land.

The program has proved difficult to manage to put it mildly. To begin with, the land was nearly all second class and only 2% of the original lands could be developed for use at nominal costs. There are onsite problems to developing the land that have been described as over restrictive and costly contributing to the lack of awards. This fact suggests that a closer look at this part of the program is necessary. To satisfy the demand and place all of the 7,000 applicants on the land would take an estimated 400 to 500 million dollars under the present format. This appears an impracticality the therefore unobtainable.

It is apparent that the actions in the private sector have been more successful to an extent in serving native Hawaiian beneficiaries than an agency of government service. This condition suggests that the function of such an agency to award lands and homes be more closely governed by those affected or the beneficiaries. Conditions further indicate that the services and efforts not be filtered down through another political process to be affected by opposing interests which exists at the present and likely contributes to the problem.

The transfer of the agency (BRRH) to another entity or agency may simplify better responses to the beneficiaries needs, although the agency itself has shown some improvement in its more recent operations. These are constraints that

CRIME AND DELINQUENCY

How was conduct regulated in old Hawaii? By the Kanaval beginning in 1600 and also the kapu system. There does not seem to be a problem of delinquency in early Hawaii. But there is one aspect for sure, that is not legal today by newer standards could be acceptable in old Hawaii under a different set of standards and therein may lie much of the difficulty.

That alienation exists today for different races in varying degrees goes without saying. Yet early recognition of such is desirable because if children (Hawaiian) do not do well in pre-school - as it can be expected that they may not do well in elementary school likewise and are prime targets of alienation.

In March of 1977 the Office of Civil Rights based in San Francisco examined disciplinary incidents in the Island public schools. Strangely it was found that of each ethnic group that the full blooded Hawaiian had the lowest disciplinary incident rate of all. This attests to the absence of delinquency problems in early Hawaii which can be attributed to their culture and basic conduct later to be affected by western influences. The part-Hawaiian in a separate group had an expulsion-suspension rate equal to those students of Chinese or Filipino ancestry. This seems to indicate that native Hawaiian children at this level do not have an acute disciplinary problem.

A later study, "Crime in Hawaii" by the Hawaii Institute for Management and Analysis in Government, conducted in September of 1980 found that early prevention may identify

state government presents that are generally too cumbersome which is reflected by the limited percentage of natives on the lands when there are a minimum of 30,000 who could by blood quantum qualify not to mention other native Hawaiians who could participate by succession criteria.

Note: The services of Alu Like Inc., are not included here principally because it is primarily a federally funded organization to assist native Hawaiian Americans.

and help pre-delinquent youngsters.

This later study found an expected that part-Hawaiian students tend to be over-represented in the alienated group due to several apparent causes such as minority homes and further that these students do poorly in school.

These studies bring us to the present and the apparent high representation of Hawaiians in penal institutions and why are they there?

As early as 1958 Thorsten Sellin, one of the nation's leading criminologists, questioned whether the real crime rate for blacks for instance, was higher than for whites. Kanaval maintained that social factors distorted the rates.

On the topics "Crime and Justice in America", professor of sociology Alphonse Pinkney found in the FBI's Uniform Crime Reports of 1975 that blacks are arrested between three to four times more frequently than whites. But the most interesting aspect of this report says something about society, when native Americans are arrested at the rate of three times that of blacks and 10 times that of whites. Such rates support the charge of oppression by the use of racism, and minority groups must conform to those very laws and social practices designed to maintain their subjection. For native Hawaiians domination really mean in 1983 with the overthrow of their legitimate government.
Further statistics of this report point out that arrest rates among racial minorities do not mean that these groups have inherently stronger criminal tendencies because crime is a function of social factors, not race. The vast majority of members of racial minorities are law-abiding citizens. The law has not only institutionalized but deprived Native Americans of their land and assets and even their lives.

One of the major forms of racial oppression is economic discrimination manifest in unemployment. Unemployment is one form of oppression contributing to arrest rates of people of color. The high arrest rates reflect the fact that legitimate means to achieve societal goals are often blocked by discrimination. Crime may therefore be seen by some as the only means available for achieving the symbols of success.

It was additionally found that people of color are generally forced to live in areas characterized by poverty, poor housing and limited outlets for recreation. These conditions give rise to criminality and other forms of non-conforming behavior.

There is a connection between race and crime that is caused by social factors. To support this the President's Commission on Law Enforcement and Administration of Justice in 1967 concluded: “The commission is of the view that if conditions of equal opportunity prevailed, the large differences now found between the color and white arrest rates would disappear.” This conclusion and other findings substantiate that Native Hawaiians must create their own society that can be traced back as a lawful and organized people to the time of Kualii, ruler of Oahu in 1600. In 1690 he decreed a kanaali law to say: "old men and women who could sleep along the highways in safety, that farmers and fishermen may welcome strangers and feed the hungry in the name of Kanaali. Interestingly conduct relative to the kanaali law persists until the present as Hawaiians will still welcome strangers by many ways to even share their limited blessings, such as whatever food they have with others."

In the late 1800's Kamehameha I was to decree the law of the unlimited Paddle. "KAHALAPU, Chief said, "To my People, Honor thy God, Respect alike the rights of man great and humble. See to it that our aged, our women, and our children lay down to sleep by the roadside, without fear or harm."

My 19th Kamehameha III had granted an Amendment of Rights to the Hawaiian people that could be equated to a bill of rights. They followed in 1840 the first constitution of Hawaii to formally record the practices and customs long enjoyed in the kingdom. Most importantly the constitution for the first time gave the common people actual political power. Further under this constitution the common people vested interest was identified and in the division of the land they were prohibited from receiving one third of all the lands of the kingdom. This is a matter of record which infers that such a gift still exists along with other recorded gifts of the same period. These previous actions indicate that the ceded lands in 1897 are the very same common lands divided out in the land division of the Nahaeis, which also means the ceded lands are the common property of the descendents of the tenants living today.

Several arguments can be raised relative to the land practices of Hawaii. Unfortunately the laws were unique to Hawaii and need not fit into practices elsewhere. This condition has also led to misunderstanding Hawaiian land practices. The Draft Report infers that the Kuleana Act terminated aboriginal title. Yet it cannot be denied that there was a provision to give to the commoners a grant of land of indeterminate size as demonstrated by the Kuleana claims and recorded. It follows that all commoners were given the same right without exception and they simply have not yet acted upon their individual claims. This new result is occurring in a holding of lands in common by the descendants. In fact the act of granting the tenants an undivided interest in all of the divisions of crown, government and chiefs lands means in effect the descendents are the owners as survivors of any of these lands identifiable and not conveyed by any prior act of a sale or deed.

A misunderstanding of the Kuleana Act in the Draft Report is contained on page 171. 5th paragraph, sec.52. Here the Draft Report cites a termination date for Kuleana claims. In actuality the Act operated long beyond the date cited and on into the Territorial era. Even up to 1909 when the commutation tax could be paid as a lieu due to the government the terms of the act were in practice. Even
after the Act had supposedly expired Kuleana grants were still made and in effect there was not a definite termination. Not only did the Acts terms exite until 1901 but beyond that as a right called the First Right of Preference to Purchase. This practice was a continuation of the Kuleana Act for those who lived on the land and could exercise the right of purchase as in the Kuleana Act.

An interesting aspect arises when it is considered that the commoners who failed to claim and divide out a parcel of land have an interest with the government in the land that were ceded. This is because if one only thing of the rev land was to be avoided back as a commutation tax but in effect the Government retains the whole parcel then the tenant has in effect overpaid his tax by two thirds and now can have an equity interest in the subject land with his government. Where can those kinds of lands be found? In the Ceded lands.

In the Kuleana Acts created an important intent, to place people on the land to cultivated area used to advance an argument. "I believe it best that at this time, the people should own lands as they do in foreign lands."

David Halo, historian, in 1846 was to say at the Kuleana Acts creation, "I believe it best that at this time, the people should own lands as they do in foreign lands.

The elimination of the tax also required the chiefs and king to hire labor instead of using commoners for labor without compensation.

That has been forgotten is that those lands conveyed particularly by chiefs and some by the crown had an unalienable interest of the tenants which they ray still claim from the remaining pool, based on succession and title relative to homesteads of the period. These claims remain in the ceded lands because when the chiefs paid their commutation tax on lands they had in effect paid the commoners interest as well by the reversion but the native has not received his portion as yet. We might choose to pursue his interest in the sale completed or in the resulting ceded lands. It is certain that by remaining on the land the native has by the terms of the adverse possession law in an open and notorious fashion earned the right to the property without the formality of the commutation tax being repeated.

After the Kuleana division of 1845 the revised constitutions of 1857, 1864 and 1887. In these constitutions a change in the commoners interest is not spelled out although lands were withdrawn in 1876, 1884, 1887 and even up to 1992 from the Kuleana lands to be used for homesteading. These lands were in the name of the queen, Liliuokalani who may have eventually designated them all for native subjects and U.S. and had not the overthrow intervened in 1893. It can be assumed that Native interest is still in force and can be claimed by the open and notorious occupancy of natives on lands they lived on but had not paid the commutation tax therefor.

The constitution of 1887 was forced upon the king and served to reduce his power and that of the voting native Hawaiian and to which Hawaiians would ever object. The proposed constitution of 1893 was to restore those lost powers and contained only ten changes to restore lawful practices.

After the overthrow saw the constitution of 1894 which contained a provision to encourage annexation. However against the wishes of the majority of Hawaiians. There followed the Cole Land Act of 1895 to alienate native Crown lands and permit the wholesale emigration of lands by the governing oligarchy. By the time 1890 had arrived much land had been questionably grabbed up and the largest redistribution was the ceding of Hawaii's million acres of ancestral land to the U.S. as an incentive to complete annexation. It is clear that from the enforced constitution of 1899 to the ceding of Hawaii, its lands, assets, treasury and sovereignty that a period of unlawfulness existed and was perpetuated by certain individuals who had arrived as immigrants. It is also clear that those individuals who gained those assets and powers so unilaterally sought to retain such a continuing basis for personal manipulation to provide for large emigrations to the U.S. and its Constitution.

Due to the lack of a mandate, the transfer of Hawaii and its lands, treasury and sovereignty the ceders of such carried out a ceremony in 1897 to accomplish such transfer as in a quiet claim. The lands and sovereignty of Hawaii were quiet claimed as the ceders could not guarantee a patent to the ancestral lands offered in the annexation to encourage the sale of Hawaii by an illegitimate government.

It can be assumed because these conditions existed the ceded lands of Hawaii were not considered to be public lands as public lands are considered in the U.S. rather that congress would legislate special laws for such lands at some future time. In effect a trust was created and has existed for some 99 years of this land and needs to be examined for continuation or appropriateness.

In 1900 the Organic Act was implemented when Hawaii became a U.S. territory. The Organic Act specifically restricts the great body of pre-existing Hawaiian statute law which was based upon the several Hawaiian Constitutions and organic laws. These laws were so reversibly well designed that they have endured as amended until the Present and influence life in Hawaii consistently as can be presently seen.

The concern in the Draft Report attempt to reinterpret the intent of the Native Hawaiian land division and words and appears to be incorrect. There is only one consideration and that is they (commoners) were provided a one third interest in all of Hawaii's lands and which the Kuleana Act attempted to do but did not accomplish. "An" accomplishing the division has not changed the declared intent and such lands are still identifiable and remain to be recognized.

As an example, the Land Commission of 1848 identified the crown tenants share as one third the chiefs one third and the King one third. Then comes complicated
further division giving the tenant an undivided interest in all three divisions of King (crown), government, and chiefs. Under the "Akahai Act" which followed right after the Land Commissions establishment a common tenant could record his kuleana claim and pay the one third commutation tax or reversion of one third the real value of the total property and then receive a royal patent. But it was not mandatory to record a valid kuleana claim and so it frequently was not done and the commutation tax not paid. The tenant further could not be dispossessed of his homestead and he remained on it up until last commutation. There was no termination as might be implied in the Draft Report. As stated earlier it was in 1909 that a system of payment was developed to accomplish payment of the commutation tax and was described as a lien due the government for such kuleana. In any case the longevity of the existence of practices regarding the kuleana Act was so demonstrated and further the title of such kuleana are recognized to the present. It follows that the common tenants interest remains to be divided out somehow for all areas are recognized to the present.

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The water practices of early Hawaiians have also been observed and preserved for continuation. The Hawaii Supreme Court has ruled that private landowners are entitled under ancient Hawaiian law to only limited use of the waters flowing through their properties and the water users in effect must be shared by traditional users.

More recently the right to gather firewood, ti leaves, hibiscus, muti nuts and medicinal herbs for certain native Hawaiian practices was endorsed as a practice of the ancient shukas as cited in a law of 1851 which limits the items and uses therein.

The question is, what is this all mean today? Is the relevancy? To an extent it should be recognized, people of Hawaii today are living under ancient practices regarding land usage. Although perhaps not fully realized the ancient laws are the basis of many present day laws.

**EDUCATION**

In the area of education much can be accomplished. Formal education began with Kamehameha III in 1840 with a compulsory educational public school system. In 1845 the schools were on a tax supported basis and by 1854 when English became the principal language in the public schools native Hawaiian had a high rate of literacy in either English or Hawaiian. Education was not supported by the controllers of Hawaii's wealth up through the period of the annexation. Education remained without support for twenty years after annexation nor was it encouraged. Rather was the perpetuation of an uneducated, docile, plantation class.

How many years after the auspicious start of 1840 a reexamination of native Hawaiian progress is necessary. How do they fare today on an average in the community? In early 1950 results of native Hawaiian school children's performances were examined. It was found that they did not score well and are near the bottom of standardized reading tests. Further that an apparent academic loss was experienced by Hawaiian students as they progressed through school to the upper grades. A question is why this pattern?

A Kamehamea Schools program, called Kamehamea Early Education Program (KEEP) has yielded some answers. Hawaiian youngsters relate more to their peers than to adults starting at an early age between 3 and 4 years. Thus they may arrive at school at age 5 without the skills of other children. Further the one third commutation tax or reversion of one third the real value of the total property and then receive a royal patent. But it was not mandatory to record a valid kuleana claim and so it frequently was not done and the commutation tax not paid. The tenant further could not be dispossessed of his homestead and he remained on it up until last commutation. There was no termination as might be implied in the Draft Report. As stated earlier it was in 1909 that a system of payment was developed to accomplish payment of the commutation tax and was described as a lien due the government for such kuleana. In any case the longevity of the existence of practices regarding the kuleana Act was so demonstrated and further the title of such kuleana are recognized to the present. It follows that the common tenants interest remains to be divided out somehow for all areas are recognized to the present.

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These traits make Hawaiian children very different from Polynesian children. In the oral tradition, these children came to school lacking an in-depth understanding of words in their picture books as a story. This condition has a telling affect on the ability of Hawaiian children and their performance on national standardized reading tests.

It is a trait of Hawaiian children to maintain close, supportive affiliation and are major caretakers of their siblings, which is a reflection of the extended Ohana and family practices of native Hawaiians and Polynesians. These traits make Hawaiian children very different from Japanese, Chinese or Caucasian children and seem to be a definite characteristic of Polynesian children, in the view of Dr. Roland Tharp as principal investigator of the KEEP project.

In this process what may be apparent is that in the U.S. there is one of the better public educational systems available. The funding for the system is reasonably adequate. Yet, Polynesian children do not fare as well on the general average. This then suggests that a special program is desirable which would require other funds, whether all society should be exposed to or have to support such a program is not clear. If it is a special program then funds for such a program would best be generated from other sources than the present. In this case the Harnowmna Schools as a private foundation uses such revenues in its program.

Prior to 1940 all labor in Hawaii was performed by native Hawaiians and in which year saw the arrival of 522 Chinese contract laborers paid 54 per month. Hawaiians had declined in number to 70,000 from Captain Cook's 400,000 in 1778 when he first arrived. By 1970 native Hawaiians dwindled to 57,000 people although sugar production climbed from 2 to 20 million pounds annually. By 1980 native Hawaiians had declined to less than 45,000 in number however, more labor was needed, so the Royal Hawaiian Agricultural Society was organized to import some 400,000 males, females and children by 1930. This import equalized the original population of early Hawaii at Captain Cook's arrival.

In 1980 there were 35,790 sugar acres on the plantations and sugar was the second largest contributor to the economy behind government spending. In 1946 the last contingent of Filipino labor arrived that was alleged to be used for strike breaking. In 1946 the sugar industry was organized by the International Longshoremen and Warehousemen's Union (ILWU) to carry out a strike and win concessions from the industry. In 1946 the industry was producing more than one million tons of sugar annually.

Furins in 1967 was overtaking sugar as the leading economic contributor and ten years later in 1977 there are only 7,000 sugar workers on the plantations although the production is still over 1 million tons annually. Conversely in the 1980's Congress allowed the Sugar Act to expire after 40 years to place a support by subsidy or quota and import duties the sugar industry.

From a position of dominance, sugar production is reduced in importance although the industry still uses most of the good agricultural land and water in Hawaii. It only employs in the 1980's between 1,500 and 2,500 people as a total population of 1 million. This condition contributes to the ability of the economy by encouraging massive imports, in the range of 90 to 90% of the necessary produce food items and what lends are available are of poorer quality or residual, and do not add to self-sufficiency. It is a contributing factor that has caused the native Hawaiian traditional food items to disappear out of reach even if available.

In 1982 national unemployment reached 10% and in Hawaii unemployment is less than 6%. But the reasons for this apparent favorable disparity may not be obvious. Low unemployment rates in Hawaii do not necessarily mean high job opportunities are available in Hawaii. Hawaii throughout its history has a record of surplus labor beginning with the first import of labor to keep wages low. From the first import of labor in 1865 a surplus of labor has influenced the labor market adversely. While employment appears high because the unemployment rate is low at 6%. The fact is that a surplus of labor is evidenced by higher prices on the mainland U.S. than in Hawaii in nearly every instance. Indications are that a given number of people are being fitted into the jobs available and that there is an excellent opportunity for work as can be imagined. The labor market in Hawaii can be described as continuous in the past.
The conditions that perpetuate surplus labor are in- 
stitutional and social, and native Hawaiians are proba-
bly the most affected by this continuation. So while tourism-
encourages sugar and now employs many, wages are very low even if 
tourists contribute 5% million to the economy and is the lead-
ing financial generator.

In April 1982 the state Labor Director cautioned, "there 
are jobs, but they are hard to fill because of low wages or 
other poor conditions," followed by the comment, "while 
we're happy that unemployment here is not as high as other 
states, it docs necessarily mean there are jobs galore." 

The existence of a poor job outlook means something 
should be planned by native Hawaiians for themselves to 
T improve their outlook. This can be accomplished by asserting 
and inventing for new employment opportunities. A sound 
land plan can attract new and clean business ventures that do 
not detract or diminish from the present employment picture, 
such as increases the total picture with new industry and 
perhaps only native Hawaiians can accomplish this with a land 
bank in their own house.

Sure to hone the cry is, return to the land. But no one 
offers to do yet the land is claimed. So farmers can be 
encouraged, not ousted because the soil is depleted. 
Another deterrent of native cultivators the delicate 
balance necessary of soil, nutrients, water and other 
variables of their not commercially could be impossible. 
Depleted the soil necessary ingredients land, that is 
drawn of natural rains and 대통령 or reserve by V.Jaks.

What can be done? The U.S. Soil Conservation Service (SCS) 
has been buying up agricultural land in the U.S. to land 
bank such lands. So many millions of acres of the best farm 
lands are lost each year to development that there is a concern 
to keep those lands in agricultural use. Hawaii frequently 
has its limited agricultural lands reason by 
political motives for urban use and there is a concern 
for these lands in Hawaii also. A rational approach is that 
many of these lands should lie fallow in conservation and 
replenish for sons future use and those living there.

TOURISM

Tourism is big business for Hawaii and along with 
military spending may form the basis or major part of the 
states economy.

Before the end of December 1982 the four millionth 
tourist arrived in Hawaii for the year to fanfare and wel-
coming ceremonies. Tourism in 1981 in Hawaii generated 
over 1 Billion dollars in revenues. It has been highly 
touted as the savior of Hawaii's economy by the admin-
istration for decades. The media will extol the virtues 
of the tasks tourism contributes to the economy. So the 
question is, what did people do before tourism and how did 
they manage to survive? One answer is in the following.

Surely it is important to remember, that many if not the 
majority of native Hawaiians enjoy a more simple lifestyle 
and therefore are considered at the poverty level in Haw-
aii society. This is the lifestyle they have selected to 
"enjoy." Rather than the accumulation of material things 
native Hawaiians are more interested in the justice of 
sharing. But native Hawaiians have been obliged to conform 
to other standards and must fend for themselves if the system.

A report of consumer attitudes in 1970 of vacationists in 
Hawaii showed that natural economy and good beaches ranked 
high with prospective firsttime and repeat visitors. News-
paper editorials extol the virtues of tourism, to bolster 
the lodging industry on the big island of Hawaii for the past 
two years. In thin connection a slogan for the big island 
has been adopted, "we can still have what we want, we'll 
still have what the tourists want, we can share and stay ourselves."
A problem is the big island has many attractions but few good beaches to attract visitors. Conversely later study in 1972 showed that encouraging more in tourism leads to further development.

In the process, eventually the tourist becomes "burned off" because the resort destination has lost its naturalness. Thus it can be visualized that slowly but inevitably there is a move toward the potential of the resort own demise. Destination areas carry with them the potential seeds of their own destruction as they allow themselves to become more commercialized and lose their qualities which originally attracted tourists. In this regard the island of Oahu is rated slightly past its maximum appeal point and the neighborhood islands are just approaching theirs. By comparison, Kauai Island has long passed it and Kauai Beach is almost at the end of the road.

But tourism is supported by the development sector who are pleased by the new construction the industry requires. Developers are substantial contributors to political campaigns and there is a strong effort to keep things rolling along as they are, the picture looks good. But is it? Is this a long term, or just a quick turnover to leave behind a disoriented society? It would appear the answer to the question based on the rapid growth of tourism from 1962 when, 31,846 tourists came to Hawaii to 1984 when 4 million tourists came shows a rapid growth in four decades. No planning has been involved in this and there, demonstrated as short term consideration by the congestion and poor layout.

Tourism also brings in a lot of new residents because a certain percentage of them are going to return here to live. Some new people have jobs in the newer businesses, some are new residents over a long period of time. In effect it can be found that tourism is actually creating unemployment, not curing it as was believed in the past. The question is what do unemployed people do to experience paradise? Do they turn to crime to solve their expectations?

A real concern is what might happen if it becomes too expensive to fly to Hawaii with rising energy costs? Or that Hawaii with the highest cost of living becomes unattractive. Forcing people to move elsewhere who now have to use food stamps in order to feed themselves. There was a large exodus of residents out of Hawaii during World War II for various reasons which indicates they were not interested in the true benefit or value of the islands. So new residents who come really care and have their roots in Hawaii? Or is Hawaii only good for its beaches and weather, all else is up for exploitation and profit. Many who move to Hawaii do so physically but not always spiritually.

In 1962 we find tourism is up with more than four million tourists in a $2 billion economy but we also have 1 million residents in Hawaii. Tourism affects population if only because tourists must be serviced. The paradox is that there is at the same time a surplus of labor contrary to unemployment statistics. While it would appear that Hawaii consistently has one of the lower unemployment rates in the nation, this is accomplished by the device of including the "volunteer" military personnel stationed in Hawaii as being a part of the work force and there can be a misconception of the true unemployment picture.

While 1982 has been the best year in tourism yet it is certain that this condition cannot go on forever. The coming year does not appear good for Hawaii's largest industry and it is attributed to the state of the economy. General malaise nationally and even the recent hurricane in a state that is being overcrowded are the beaches and access leading to inevitable confrontations. This fact suggests the land facilities are also approaching that state.

Why is this happening? One answer can be selfishness. Selfishness leads to the use and abuse of resources for immediate gain rather than preexisting them and the natural beauty that surrounds them for future generations. The point is, those unwilling to share with their contemporaries can scarcely be expected to share with any descendants. There is a behavior spectrum stretching from the ego-individual with the tendency of the affluent to be selfish. At the other end can be found the native Hawaiian in the poverty stricken concerned with justice and compassionate sharing. The expression, "the tone of America in the Depression years was set by the truly needy; today it is set by the truly greedy" has a relevant application for native Hawaiians.

Surfing was the sport of Hawaiian Kings. Today there are about 100,000 surfers or ten percent of the population. A decade ago surf competitions were for the surfing season but today more and more are staying and settling. There are symbolically more surfers than waves, behavior becomes "animal like" because of pressures and crowds. The sheer force of numbers competing for space. It becomes "us" versus "them" and we know who "us" is because we know who has lived here longer and heated words lead to physical violence. So while the tourist comes basically to Hawaii's beaches, the first area that is becoming overcrowded are the beaches and access leading to inevitable confrontations. This fact suggests the land facilities are also approaching that state.

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As frequently pointed out there are water problems. For instance in Waianae on Oahu there are some 6,000 acres of land to be irrigated and about 10% or 600 acres was in irrigation in January of 1911 for about 50 farmers and nurserymen. To carry out the entire irrigation of 6,000 acres will take between $2.3 to $6.4 million and several years to accomplish. The problems cited at Waianae are not unique and include limited water being available, service being available only three days a week, dirty water, high operating costs and high water losses in ditches and reservoirs because of a system in operation for the last 100 years.

In this kind of a problem the farm needs must compete against the development needs and it is obvious that development needs use lobbying efforts and campaign contributions to promote their cause.

An example of this competing situation is one that has surfaced in Waianae on Oahu. The Waianae farmers went to court after the Honolulu Board of Water Supply began operating wells in 1974 and pumping water from a dike system feeding Waianae Stream to transport elsewhere. The farmers claimed that the decreased water flow caused their taro to rot in the patches as a result of the diversion and reduction of water by the water board pumping. In this connection the Hawaii Supreme Court ruled that private landowners are entitled under ancient Hawaiian law to only limited use of the waters flowing through their properties.

The tragedy of much of this is evident in the rationale to build the H-3 highway. It will be 90% financed by the federal government, which is an effort to special interests although labeled a defense highway. The route could very well open up and justify more development on the windward side of the island of Oahu. Some residents there are just "hanging on". In the environmental impact statement on the project of H-3 includes testimony that drilling tunnels through the Koolau valley might disrupt the Waianae well furnishing 25% of the city of Honolulu's water. There are other arguments of the subject but most the water drilling has.

Recent years Honolulu's fresh water supply has reached very low levels, threatening an irreversible situation of mixing brackish and pure water. The possibility continues to be a dire possibility. The reduction of the fresh water lens or levels has created other problems in areas where life is dependent upon fresh water to survive. Such as the inability of the shellfish once fed by seepage of fresh water has disappeared. A low level requires fresh water to flow and diverting fresh water from natural springs destroys an ability to flow which is a necessary element. At the present time the fresh water is a threat to the survival of shellfish and fish. To divert the fresh water has destroyed their habitat.

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In the early 1970s, it was found that for the NATO allies in Europe, there were about 6,000 nuclear warheads in their arsenal to equip those forces. Meanwhile, between one third to one half of those were either dismantled or used in training exercises. As a result, the entrance to Pearl Harbor was declared and widened for large ships to enter. By 1973, Pearl Harbor was a huge port and the home of the Pacific Fleet, a massive gathering of more than 100 naval vessels. As a result, military carriers and destroyers, with their weapons and bomb loads, were now a part of the inventory in case of wartime contingency. The ultimate objective was to ensure the defense and deterrence of the U.S. territory. The rise of the station was spurred by the service as a naval base, a future of the atomic tests.

After annexation in 1898, Hawaii was used by the U.S. for use as a coaling station. The involvement of the marines does appear to have been significant. For example, in 1919, a 10,000-acre area was used for landing and training of marines. This area was later used for the 15th Army garrison, Schofield Barracks, and later for the training of marines. The lands were considered as surplus and the government would like to sell these. There is the Panamanians who receive a rental fee for doing so many others, as it customary to compensate the owners for the property for its use.

Several of the islands off of Hawaii have been designated as training areas. These are on Oahu and include the Palomino Training Area, Palomino, Lualualei Radio Station, Mauna Kea Radio Station, Hickam Air Force Base, Bellows Air Station, Fort DePussy, Fort Shafter, and portions of Kaneohe Air Station. Bellows Air Station, Fort DePussy, and Fort Shafter, which receive over 3,000 million annually. These are the Panamanians who receive a rental fee for doing so many others, as it customary to compensate the owners for the property for its use.

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This brings up the issue of surplus property which the U.S. government from time to time has tried to sell and it appears that the native Hawaiians should be considered for the disposal since they have the qualified land. The sale of the land has been considered as surplus and the government would like to sell it for $221 million. This appears to be too small.

The federal government has a unique role in acquiring the lands in the first place and the fact that there is no accountability to native Hawaiians.

Although native Hawaiians have not strongly protested as have their other Pacific islands, the U.S. government has not been as keen on selling land to the native Hawaiians. It appears that the federal government sells the land for the state of Hawaii, which has been the case.

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The nation seems to be that the federal government should have to pay rent like anyone else including to native Hawaiians for the use of their common property.

But the best reason to pay rent to Hawaiians is from Dr. Helen Caldicott, a Boston Pediatrician and president of the National Physicians for Social Responsibility who said, on October 19, 1982, "there are some 3,000 hydrogen bombs stored on your island, it's inappropirate to feel really happy living here".

To confirm this statement of concern the ultimate folly of limited atomic warfare is evident to all except the proponent. Oahu island is indefensible and any evacuation plans are image for whom could anyone go to escape, while civil defense plans are outlined for the mainland U.S. at least four days warning is necessary to evacuate large numbers. It would be a phenomenal undertaking to care for a large population with out supplies and the cost would likely be prohibitive. To compound this, a statement by Marilyn Garrow, director of the Greensboro-Dalton County Emergency Management Assistance Agency said, "for 20 years some have been misdirected and deceptive information has been distributed with regard to evacuation plans. Such planes assure a week's warning could save about 15 million the U.S. population in high risk areas. Interestingly Hawaii is one of the named "high-risk" states. But there can only 1,000,000 people be evacuated in a relatively short time. A single

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status quo sustained.

The paper on ethnocide continued to say, Darwin in his hypothesis of natural selection relied heavily on the Malthusian view that life is a "perpetual struggle for food and floor". To that extent an island society is of that reality.

There was a difference, as Malthus was writing about social conditions and societies and Darwin inferred the theory to apply in his "Descent of Man" to creation Europeans to be careful in choosing a mate, lest degeneration occur.

In the United States Darwinism provided a justification for withdrawing the Union Army as the occupying force over the defeated Confederated states after 1865. The white soldiers could remove rule over blacks.

As much, Darwinism was readily accepted by the "Manza" elite in Hawaii. The history of white and Hawaiian relations in the nineteenth century was reinterpreted by one observer in the following terms: the decay of aboriginal society, when brought into contact with an advanced social order, can...inevitably. This is the theory used to explain away what happened in Hawaii and is the justification to perpetuate the questionable redistribution of Hawaiian assets and the maintaining of the status quo.

Yet there is hope, as published on October 3, 1942 the "separation" of statistics has moved toward terminating the "free association" with the signing of a compact of "free association" with the Republic of the Marshall Islands. It was completed with the Republic of the Marshall Islands.

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In this connection a clarification rendered by professor U.S. Alexander on March 20, 1897 of the treaty follows:

"Cession of Pearl Harbor Conferences of Treaty of Reciprocity, the circumstances attending the cession of Pearl Harbor to the United States as a naval station in December 1906. Showing that Secretary Bayard at that time informed Mr. H.R. Carter, the Hawaiian Minister, that he could discern in the amendment to the treaty, which related to Pearl Harbor, no suggestion from Hawaiian sovereignty over the harbor to which it relates, nor any language importing a longer duration for the interpreted Article II (relating to the Harbor) than it is provided for in Article 1 of the Supplementary Convention."

The Supplementary Convention was ratified by the Hawaiian Government with that understanding, that the right of the United States to Pearl Harbor should end with the Treaty of Reciprocity. It follows that should the U.S. terminate that treaty, it can be assured they would enjoy no more special privileges.
There were treaties between Hawaii and the U.S. Such relations still exist apparently. If the early treaties recognized Hawaii's sovereignty and jurisdiction over its internal waters between islands that jurisdiction has not been clearly terminated. Because the jurisdiction is in question native Hawaiians may continue to exercise administration.

A first step to administration is to examine the Admission Act of 1959 which was a hasty action with large oversights. The Admission Act failed to determine the native Hawaiian interest in the ceded lands. The question follows: what did native Hawaiians get from annexation or statehood? Especially statehood denied proper study in both cases of the pertinent issues. It cannot be denied that native Hawaiians exercised jurisdiction over the waters between their islands. The question follows, what did native Hawaiians get from annexation or statehood? Especially statehood would deny the resources of land and those in the water including commerce conducted on the water between islands. It means even more consultation on the waters, these were no benefits and it can be assumed there is opposition just as there was vehement opposition to annexation. Jurisdiction between island waters would include by definition the administration of minerals in the water. Thus, if native Hawaiians propose to use mineral deposits in the past and clearly exercised jurisdiction.

As a matter of fact, any subsurface resource can be included in this jurisdiction. The U.S. has assumed the practice of retaining ownership of mineral resources in the deep. It will convey to purchasers of its (sic) property by quit claim. This assumption reinforces the native Hawaiian interest. For as the apparent successor, the ownership is being exercised but without affecting a prior settlement for this privilege.

There is some meaning for Hawaii in the signing of the Law of the Sea by 117 nations in December of 1982. The U.S. has not signed and remains outside the treaty that has taken 10 years to develop through tough negotiations. A reason for the failure to sign the treaty has been given as a concern over the deep sea bed and mining of minerals. There are in the world 116 straits ranging from 6 to 24 miles wide. The freedom of the seas, the Mare Liberum, has influenced a position on the Law of the Sea and right to navigation passage of the U.S. fleet. It appears because the archipelagic concept might interfere with the U.S. fleet operations worldwide. Hawaii is to be denied its archipelagic concept application because such a concept is not observed by the U.S. The point is, Hawaii qualified as an archipelago and has been archipelagic in every sense. There is no other benefit for native Hawaiians in any other sense or they shall be denied even further than they have. They have not negotiated away their interest in the archipelago and its resources.

Hawaii like other small Pacific nations have sought control over living marine resources including tuna. The archipelagic concept offers benefits to native Hawaiians they
dervo by inheritance.

Cooperative Services:
In 1975 more than 150,000 native Hawaiians were reported to live in Hawaii. Another estimated 20% live outside Hawaii so there is between 180,000 to 200,000 native Hawaiians in all. Some 30 to 50 thousand have moved out of Hawaii to live elsewhere and seek better opportunities. So while there is in-migration there is also a counter flow of native Hawaiians in an exodus seeking wider opportunities.

To examine the services available to native Hawaiians and a relationship of opportunities versus migration, the following institutions or organizations are enumerated.

In the private sector, some 7,000 students are partly subsidized at Waiakea Schools out of an eligibility total of 60,000 students. This indicates that nearly 12% of the total are served at Waiakea on a full time basis. In addition some 9,000 or 10% of the population of native Hawaiians is also served on a part time basis on an annual budget of about 18 million dollars.

Liliuokalani Trust to serve orphans and indigent children operates on a budget of approximately $5 million dollars a year.

Lunalilo Homes to serve aged or indigent native Hawaiians operates on a budget of approximately $2.5 million dollars a year.

The State of Hawaii government administers the Hawaiian Homestead Act of 1920 to place qualified native Hawaiians on homesteads. By 1975 some 3,000 families had been placed on homesteads. There are about 30,000 eligible families who can
qualify for homesteads. As of this writing there are about 7,000 applicants for homesteads and agricultural leases. It would take some 400 to 500 million dollars to place all of these applicants on the land and take many, many years.

The budget of the Department of Hawaiian Homes has averaged about $13.5 million per year in recent years.

Alu Like Inc. serves all Hawaiians and is a non-profit organization. Funds are mostly derived from the federal government and the budget is about $4 million annually.

The result of the statistics on the foregoing agencies can assist arriving at the amount, or cost of services, that is rendered to each native Hawaiian in the state as opposed to the entire state population for a comparison.

The compilation follows:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Budget</th>
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<tbody>
<tr>
<td>Hawaiian Homes</td>
<td>$18 million per yr</td>
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<tr>
<td>Alu Like Inc.</td>
<td>$13.5 million</td>
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<tr>
<td>Liliuokalani Trust</td>
<td>$4 million</td>
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<tr>
<td>Kanehameha Trust</td>
<td>$2.5 million</td>
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<tr>
<td>Total</td>
<td>$30 million</td>
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It appears that native Hawaiians receive in special benefits, about $515 per capita per annum. Of the number of native Hawaiians today divided by the total budget of 30 million dollars. The benefits so derived come nearly equally from private and government sources. In practice it must be realized that only the smaller percentage of beneficiaries are served and that there are other contradictions, even discrimination involved.

At a glance it can be seen that the state's total budget of $3 million dollars divided by the population works out to about $1,000 per capita for fire, police, roads, schools and services, all from taxes. There is a difference, which

is due to the planned private sector and not by taxes. Yet there is another difference, native Hawaiians share the revenues generated from their ancestral lands with the entire population but the reverse is not true. This appears discriminatory and some adjustment seems reasonable.

By conjecture the Hawaiian Homes Act of 1920 could be considered some form of reparation, it may have done one thing, it recognized that native Hawaiians had a right to lands by their interest via succession. Even if the right to succession might cease because of a blood quantum requirement.

The record reflects that by 1975 only 25,000 acres out of the original 250,000 has been parcelled out to assist rehabilitation, as the stated purpose of the Act. But it may have been a cruel joke. This is because all the better lands were under cultivation already, leaving only poor lands to cultivate, as an intent of the Act. So the intent has not been achieved and may never be, but which continues to lead to expectations and perpetuation.

In 1890 some 40,000 native Hawaiians existed. By 1970 when the rehabilitation act was implemented as estimated 50,000 natives could qualify for the act's benefits. Today there are a little more than 30,000 who can qualify under the act for benefits. The 200,000 acres set aside by the act for between 40 to 50 thousand natives insinuates about 4 to 5 acres per individual was contemplated. Or may have been the formula used in the rehabilitation acts setting aside 200,000 acres.

A recent closing of a sugar operation on the Big Island of Hawaii outlined the proposal, as a revenue measure of assigning 5 acres to each employee discharged.

The proposed 5 acres assignment equates in number assumed to be the basis in the Hawaiian Homes Rehabilitation Act of 1920. Although there is a difference. The plantations lands to employees are good cultivatable ones as opposed to the poor lands native Hawaiians are assigned. The disparity grows wider because the cultivatable or good lands are prime candidates for future development. To keep land in agriculture the one may have to purchase these lands and land banks then for future benefit and to conform to the state's "selective growth" posture. However it is accomplished, it is certain native Hawaiians will have to continue to pay.

There followed the expression that we should not endure uncontrolled and unregulated futures. We must shape our own futures and not passively accept what events the free nation forces right upon them or but rather support "selective growth" concepts.

On the other hand recent U.S. Laws prohibit rigid population controls and therein lies a paradox. A state like Hawaii was never contemplated when the union was formed.

POPULATION

Population is a factor in Hawaii and should be a concern of all. If it is not a concern for all it is a concern for native Hawaiians if only because population stretches resources and reduces opportunities.

Hawaii is figgity, more so than Hong Kong or California. Both Hong Kong and California have water problems among others and have solved their problems by acquiring water from the new territories of adjacent Communist China for Hong Kong and bassasses from Coachella valley for the city of Los Angeles by painful confrontation. Today the word in California seems to be go anywhere but the present water supply. Hawaii has no adjacent water source to tap them there is a need. Aside from that there has been large influence of refugees and such into both these regions as well as Hawaii, but in Hawaii the increase has been dramatic proportionately.

In January of 1977 the state legislature was presented of the state of the state in a gubernatorial address which pointed out that a fragile economy like Hawaii could be easily destroyed by overpopulation and massive demands on its resources. There followed the expression that we should not endure uncontrolled and unregulated futures. We must shape our own futures and not passively accept what events the free nation forces right upon them or but rather support "selective growth" concepts.

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under the constitution as a non-contiguous state with the
limited resources of an island. As the only such state
there should be an exemption by some arrangement to protect
and preserve the integrity of such an unusual island state.
There are discussions of supporting many more than the pres-
ent population; however such talk does not take into con-
sideration the fact that migrating in Hawaii to find another
job is not just a matter of picking up in a car and driving
to another region to find a job to support oneself.
The suggestion that Hawaii can support many more times its
present population is not a well thought out proposal. The
examples of island states that have experienced large pop-
ulations has demonstrated that there are unsatisfactory pro-
blems of many kinds in crowded and impoverished islands.
Fundamentally it is more humane to distribute the regions
assets more equitably in sharing on an island than to count-
ances on with a small affluent minority at the top and a
large mass in poverty striving for any sustenance
at the other end of society. Hawaii has a history of such an
arrangement, of a small affluent group at the top and im-
migrant labor supporting the entire structure. There is no
need to perpetuate the examples already acted out in the past.

It is unfortunate that the Simpson/Malone bill on im-
migration reform did not pass congress in December of 1912.
Chiefly because it appears as if there is also a national con-
cern about overwhelming immigration. There is a matter of
conscience involved, as all Americans are immigrants or their
descendants, and to bar further immigrants would appear to be
hypocritical. Yet, there is a difference for native Hawaiians
who are not immigrants but original inhabitants trying to
preserve themselves and theirs. Further in Hawaii the pro-
cess is reversed. While each group immigrated to America
enhanced it, actually the country had a greater effect
on the immigrants themselves, especially later generations.
But it could be said that the immigrants have had a greater
effect on the original Hawaii and its people to the detriment
of native Hawaiians than in the foregoing assessment and is
in Hawaii the other way around.

At this point it seems Hawaii by its elected representa-
tives may not be facing the issues with urgency. If they
are it has taken a long time to recognize the issue.
This being the case native Hawaiians should be managing their
own affairs as the original inhabitants of the land with an
interest in it.

LAND VALUES:

By way of example, the Princess Pauahi Bishop Estate of
Hawaii consists of approximately 300,000 acres of land now valued
in the neighborhood of $3 billion. Federal lands in Hawaii,
largely those acquired as ceded lands in 1842, approximate
now 600,000 acres. By the foregoing it can be calculated
the present value of aggregate land in Hawaii will have an
indicated worth of $1 billion per 100,000 acres.

There are the assumed worth of the 600,000 acres of federal
land in Hawaii acquired in the ceding of some 1.7 million
acres in 1842, is now worth approximately $4 billion. A
usual reasonable return on such a total value could be be-
tween 2 to 4% of the value of $4,000,000,000 or at 2% the
income or rent could reach $240,000,000 per annum.

Based on the native Hawaiian interest in the ceded
lands any income or portion of $240 million would be
a welcome change from the past oversight where there has been
no compensation at all. On the other hand even foreign
countries receive compensation for the use of military or
diplomatic installations. These are the Philippines ($150
million a year), Japan, Korea, Panama, Cuba, Diego Garcia and
others too numerous to mention. Some of these nations
strongly protest to the presence of nuclear weapons but
not Hawaii.

By way of comparison the Seminole Indians in a line
sued for $175 million for 1500 acres in 1907 and the Tohono
O'odham in 1957 attempted to sell land in 1907.
Hawaii to the beach for $275 million. The bundleside of the
ceded lands and their potential income on the years can be
appreciated. Not only the income is constant but also the
interest on the income would be an asset earned and not
compounded from the beginning to the present. There is no prize
for native Hawaiians to be deprived of this and the ap-
years, with society acknowledging that compensation in
the acceptable mode of dealing within the economy for ser-
vice or use of property.

The point is, if the overthrow of 1891 assumed an illi-
çegitimate government, and the eviction in 1912 that the
transfer of sovereignty and 1.7 million acres of ceded lands
was also illegitimate. It is certain the government of Hawaii
was promoted by those who were involved in the overthrow and
would go to any extents to achieve a union to further their
interests. In the effort to transfer sovereignty and the
assets of native Hawaiians it is evident the US, accepted
the transfer as trustee. The beneficiaries have been native
Hawaiians failed by the trust because native Hawaiians have been kept
ignorant and with benefits accorded to the disinterest of the overthrow
of 1891. Because this is so, the trust should be terminated. Native Hawaiians can assume the management of their
own assets and determine their own priorities.
When Thomas Jefferson in June 1776 drafted the Declaration of Independence he erected the philosophy of continental philosopher John Locke as to the ideals of individual liberty. Then during the debate on the U.S. Constitution it was fresh in the minds of the people of the new United States the knowledge that the British governments violation of civil rights. To counter-balance the strong central government of the U.S. Constitution, the Bill of Rights was perfected to maintain the rights of the people. These three documents are the legacies of the American people.

In Hawaii the constitution of 1840 could be construed as a declaration in independence as it freed the convicts from the labor tax and gave them political power by a grant from the king.

Previously in 1839 the king had granted an "Arrangement of Duties" to equate to the "Bill of Rights." Following the first constitution of 1840 new constitutions to better define the role of government. Progress had been rapid in Hawaii, as by convention, in tradition. In 1850, the Positive Slave Law was especially enacted.

There are similarities in each era of the origin of constitutional concepts for both cases in America. A shift in social thought is a difference. The principles left Hawaiians were developed from their ancient culture not so in the U.S. In 1850 to the original founding documents, the legacies of our nation exist in every state.

The interruption of this intended process has put down the native Hawaiian constitutional legacy and attempted to reinterpret the intent of land succession by redistributing it. At the same time there are legal activities that attempt to explain or justify the redistribution.

These activities should be refused to being not representative nor the will or intent of the native Hawaiian.

In Hawaii, real estate occupies a unique position. It is said that when E.F. Hutton the stock broker loaned my Ronny Auckers. But this is not the only time because when real estate is mentioned in Hawaii a cocktail party all conversation stops. Anyone who moves to Hawaii is expected to get a real estate license to help sell properties of land, homes, condominiums and time sharing. It is a mania out of control.

In 1979 the Hawaii state legislature was considering regulating time sharing sales in Hawaii. A year earlier, in 1978 time sharing operators had agreed to stop soliciting people on the streets in the tourist areas of Waikiki. There had been hundreds of consumer complaints about abuse, harassment and high-pressure tactics. By 1981 legislative action was again being contemplated to ban future time-sharing real estate sales companies operations and to stop solicitations of tourists on public beaches and side walks.

It was also in 1979 that a real estate appraisal firm was charged in a campaign fund theft: $24,000 for political contributions made to various state campaign coffers in 1976 and 1978 in the amount of $5,000. These charges explained that political contributions are a customary part of doing business with the Hawaii state government. However, it was not realized none of the money so acquired had ever gone to the legitimate campaign coffers.
The issue is, there are opposing forces at work, one to cut up and sell everything and the other is to preserve what is left and can be saved. The short answer is to turn over thriftily any acres as may be seen by the following.

An example of why housing is costly in Hawaii can be seen in the case of two developers in 1959. The developers transferred the development rights for 500 acres they acquired to a company they owned, Lakeside Development Company. Then the development rights were transferred to Hawaiian Pacific Industries, which they also owned and finally transferred to a third entity they owned, Island Construction Company. The developers in each of the three transfers were to receive profits and all taken without providing any construction at all. Meanwhile the cost of the home to the consumer would be inflated and the sales thereby inhibited because the holders of the master lease would be limited to the original low lease rent income. So while the income in the lease rent is fixed, the cost of a home increases having to profit-taking in the multiple assignments and at the same time the rentability decreases due to higher price. This practice is a part of land speculation in Hawaii.

As a result, more and more families in Hawaii found they no longer could afford to buy a house. The only people who benefited were the developers, who were promoting a high turnover in development rights to Bishop Estate land.

Why was this happen? Perhaps one answer can be the State Law 82-127 which designated urban lands and flourished the development process and benefited developers who supported the incumbent political party. The same party opposed the upset vote of the same trustees who acted on both sides of the issue as commissioner and then as trustee of the estate to grant development rights.

But there is another facet to the entire process. The process generates land loss as the home buyers in paying the high initial fees accumulates an interest in the property that has to be considered later when the fee sale is considered. While the home purchaser has paid out his money it has to be returned to the developer, but to what estate, the lease fee interest is computed the estate availability will be forced to accept less than the fees before value.

In all this process arose a developer closely associated with the political party in power rather literally into the estate. This being the case power and political management should be sought to protect the interests of the native Hawaiians in urban estates. One of the ways to protect the estate was the way the estate was handled. The estate was to be granted in tracts rather than individually; a fact which the administrators were well aware of and would be much more understandable and more likely not subject to another political power.

The developer in one of the three transfers, Island Construction Company, transferred the development rights for 500 acres they acquired to a company they owned, Lakeside Development Company. Then the development rights were transferred to Hawaiian Pacific Industries, which they also owned and finally transferred to a third entity they owned, Island Construction Company. The developers in each of the three transfers were to receive profits and all taken without providing any construction at all. Meanwhile the cost of the home to the consumer would be inflated and the sales thereby inhibited because the holders of the master lease would be limited to the original low lease rent income. So while the income in the lease rent is fixed, the cost of a home increases having to profit-taking in the multiple assignments and at the same time the rentability decreases due to higher price. This practice is a part of land speculation in Hawaii.

The annual report's a report on the matter to say, to find a large landowner, such as the Bishop Estate, in a period of great shortage in the supply of land for residential use, to find it necessary to pay such substantial amounts in the way of lease rental participation as an inducement to such a developer, is inconceivable. Not only were the trustees neglecting to protect the interests of the estate; they also seemed to be acting as partners in creating and maintaining the inflating housing situation. Instead of limiting speculation in their development rights, the trustees were content to let speculation continue unabated. As a result, more and more families in Hawaii found they no longer could afford to buy a house. The only people who benefited were the developers, who were promoting a high turnover in development rights to Bishop Estate land.

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Hawaiian lands as only an "investment." Very shortly after the life insurance company outlined plans to develop two acre farm lots at Kualoa. It seemed rather odd that after saying the land was not going to be developed, immediately thereafter a plan for such was submitted. As usual there are water and access problems for the "agricultural" subdivision.

A concern is that, according to a publication put out by the Nature Conservancy organisation, for every $1.00 expended by a developer the long term costs to the community will be $3.00 to maintain support services. So in effect the purchaser pays the initial costs of a unit purchased but the community has a long term indebtedness due to the activities of a developer. It is no wonder the community's taxes are high to keep up with expanding development.

A poor imitation of any mainland city, Honolulu has already missed its opportunity to develop an indigenous architectural style with its mainlanders' imitation of a 'city' with a 'heavy' style. Such heavy style influenced by the introduction of air conditioning and its questionable efficiency. Meanwhile the city continues to grow haphazardly putting up heavy "mainland" type buildings as possible. Land, in Hawaii, has not developed as an asset to be used and built upon wisely, rather it is a commodity intended to produce as much income as possible from the land in revenue. In view of this widely prevalent process to extract as much as possible, for as long as possible, the Hawaiian needs lands set aside to continue a reasonable existence, preferably from the closed lands.

That has come out of all of this is Honolulu is a haphazardly planned and poorly designed city. A poor imitation of any mainland city. Some neoclassic, Doric or Renaissance. This is so, Honolulu has already missed its opportunity to develop an indigenous architectural style with its mainlander imitation of a city with a 'heavy' style. Such heavy style influenced by the introduction of air conditioning and its questionable efficiency. Meanwhile the city continues to grow haphazardly putting up heavy "mainland" type buildings as possible. Land, in Hawaii, has not developed as an asset to be used and built upon wisely; rather it is a commodity intended to produce as much income as possible from the land in revenue. In view of this widely prevalent process to extract as much as possible, for as long as possible, the Hawaiian needs lands set aside to continue a reasonable existence, preferably from the closed lands.

What are the alternatives, if any? Hawaii has labor although unskilled and not affordable housing is available to the entire community at the cost of living. Yet the possibility exists for native Hawaiians to attract such businesses by offering favorable tax structures and the entire community can benefit. In some cases there is a lack of competition in Hawaii. There has been a concentration of economic power since early times and along with economic power has gone political power. One clear area that has resulted essentially the war has been banking. Native Hawaiian may assist in this area with a special status.

As far as Hawaii is concerned it is possible provided it is not to increase the population. Even the state governor as far back as January 1977 advocated "selective growth" as a future policy for Hawaii. This philosophy is used in other destinations that recruit tourists but not residents and are quite blunt about the situation.
This may be accomplished by creating a shopping mecca which can attract tourists from across the world seeking bargains. It works in practice, like in Hong Kong and could work for Hawaii. But again only with a special status that can be achieved by native Hawaiians.

In such an undertaking the native Hawaiian would appear to be the only group to offer such an attraction to encourage tourism. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains. This may be accomplished by creating a shopping center which can attract tourists from across the world seeking bargains.
RECONCILIATION

Based on the many conclusions in the areas of concern such as LAND & HOUSING, BLOOD QUANTUM, RELIGION, PRIVATE SECTOR, CRIME & DELINQUENCY, LABOR, EDUCATION, JOBS, TOURISM, FRESH WATER & LIFE, VALIDITY OF SEPARATIONS, FIGHTING THE GIDEON & TODAY, TREATIES, ARCHIPELAGO CONCEPT, POPULATION, LAND VALUES, LOCATION, REAL ESTATE; and INDUSTRY there is a pattern as to what the native Hawaiian deserves the most.

It is first, a land base and the sustaining support to operate it. The existence of successful native Hawaiian land bases to serve native Hawaiians strongly support this view. It appears that a denial of a land base has caused the many deficiencies that they suffer at present. It is obvious that native Hawaiians developed their behavior around a land base and its lack or denial is directly related to their present quandary.

There is this land base? It is in the concept of land. In this designation there is no expectation to be any dislocation and what land tenure is established should remain with those who have made purchases or investments in good faith.

That "land of a land base should it be"? It should be first, an unencumbered land base in every respect. The final status of parameters might be determined in future negotiations.

22 November 1982

Native Hawaiian Study Commission
Department of the Interior
10th & F Streets
Washington, D.C. 20520

Dear Members of the Commission:

Thank you for the many hours of work you have done in meeting with our native allied people, and in trying to define the nature of the beast. The elephant or "a big leaf saving in the wilderness" and the "elephant in a wild jungle" and the "elephant in the wilderness", the "elephant in the forest" and the "elephant in the wild". You put the elephant in the wild and said your elephant was a huge beast.

If this meeting was one of the necessary impoundment by the blind man - all with the hundred coins of trying to define the nature of the beast. You talk to a man and said, "The elephant is a huge beast" another felt the tail and said, "The elephant is a huge animal" another felt the ear and said, "The elephant is a wild animal" another felt the eye and said, "The elephant is a well animal" another felt the trunk and said, "The elephant is a huge animal" another felt the tusks and said, "The elephant is a huge animal" another felt the back and said, "The elephant is a huge animal"

All of this has been written of the beasts, but all of them have failed short of the "truth". They really never saw the elephant. Any attempt to fashion look "for the greater by the elephant" or the kind of report they had submitted would be useful to elephant... likely both; truths and evils.

Yet I am finding that any survey report of any people by anybody, however well intentioned, is open to those which would and just laws can be devised.

For instance - the belief in the impression that the elephant is a tool can write a great chapter on the back of the elephant and court up with a report that describing as part of an elephant on the whole elephant... and use the others... but all these descriptions would open the true nature and function of one part of the elephant.

For instance - the section on MINISTRY. Who is going to write that chapter? And since when is religion merely something you put under "culture"...
I. 11, uo At the nut, the N. title. fli ...herr, you hive i 41. _

1.41. Comities). Queen Lilluotslanil and the papers of course, they dp not. expressed and conclusion. made represont'thrhaoleauthori-

hensive bibliography of references must be included in the bulk of the first-hand accounts and historical analyses of lev$ were not utilised.

November 22, 1982

Paso Two

of the Ara articles published in the United States relating Osborne are essential to any complete review of Hawaiian Wait, American Opposition to Hawaiian Annexation 1893-98

And secondary references (see Thomas J. Osborne, Empire Can

JT:-X-more recent work reviewing the five-year period

Revolution'and nit Hawaiian Republic by William-nem

establishment of the Provisional Government.

events leading up to the overthrow of the Monarchy and the over 100 people who had some first-hand experience with the volumes of. informatio, including ilhterviews and letters of Henry Cab* Lodge (Massachusetts Historical Society, Cushman R. Davie (Minnesota Historical Society, St. Paul). Archives), William R. Castle (University of Hawaii Library),

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tative interpretation bf historical events .

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The report states that the overthrow of the Monarchy was "controversial" to an extent that it is difficult to believe that the United States was not responsible for the overthrow of the Monarchy. The Draft Report also attempts to lessen the importance of the events, asserting that the overthrow of the Monarchy was simply an explanation for a series of treasonous actions. The report states that King Kalikow and Celso Ono were capable of such intrigue and scheming.

The statement that Senator Stevens' role in the overthrow was "controversial" is an understatement of the truth. In fact, the Draft Report suggests that the overthrow was "controversial" to an extent that it is difficult to believe that the United States was not responsible for the overthrow of the Monarchy. The Draft Report also attempts to lessen the importance of the events, asserting that the overthrow of the Monarchy was simply an explanation for a series of treasonous actions. The report states that King Kalikow and Celso Ono were capable of such intrigue and scheming.

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Commissioners
Page Ten
November 22, 1962

range of the Boston was 1000 to 1600 yards. The range would probably have been greater but for the Boston's position in the harbor. The landing would have been under no need for defensive measures. Besides this, there was the situation of the Philadelphia, which had a seven-foot depth to the weather side, and the Rangers, which had ten-foot depth to the weather side, and the 214 guns.)

Squadron Commander at his disposal—an impressive though relatively small force of the Philadelphia (a later ship), the Monongahela (a later ship), the Boston (a later ship) equipped with twenty guns), and three wooden galleons (the Adamas, the San Antonio, and the Menindee). These ships were operating in the area between Hauula and the West Coast and could have provided assistance to the Boston if necessary.

At 9 o'clock the day prior to his recognition of the new Provisional Government, Minister Stevens ordered the landing of troops from the Boston. Stevens' order to Capt. William, Commander of the Boston, said in part:

In the event of the existing critical circumstances in Honolulu, indicating an impending legal force, I request you to land troops and ordnance from the Boston and other vessels in the harbor of Honolulu, for the purpose of maintaining order and protecting American lives and property. (House Doc. 48, 53 Congress 2 Session, page 487.)

Landed at 5 a'clock on Monday, January 15, 1893, was a company consisting of the following:

Landed in Honolulu

| 1/26 | 3 companies of blue jackets | 100 |
| 1/26 | 1 company of marines (42 men) | 12 |
| 1/26 | Music for battalion | 12 |
| 1/26 | Officers (9 naval & 1 marine) | 10 |
| **Total** | **133** |

Extra landed

| 1/27 | 2 Boston | 2 |
| 1/27 | 1 marine | 1 |
| 1/27 | Com. Ram | 2 |
| **Total** | **18** |

The protection of the persons and property of American citizens here has come to mean aid to or enforcement of the laws. The Boston's offensive battery. There had never been any indication that such a formidable force would not be used by the Boston. Thus, the statement of Dr. William Alexander on page 1987-95 is hardly pertinent. The Royalists could not have been overpowered by the superior force of the United States. The report states that "the actual flight indicates a certain cowardice on the part of the Royalists, of which I cannot agree."

In the face of this evidence of force, I would agree instead with a statement made by Blount to Secretary of State Graham, "as a class the American citizens here have been the most peaceable and orderly and the most desirous of maintaining the existing government. If they are thus to protect their property and liberty, the force is used to suppress such movements on their part, the forces of the United States are to be called in to protect their persons and property. It does seem that our Government should be concerned for lawlessness, and its good faith is open. No present indication is that the Hawaiian Government now has it, and its maintenance in this government influences, later to the same degree as it was. The protection of the persons and property of American citizens here has come to mean aid to or enforcement of the laws wherever force is used against the existing authority, it may be used by the Government and by the People. (Emphasis in the original) (Blount letter to Secretary of State Graham, December 16, 1892.)

On February 14, 1893, less than a month from the actual revolution, five deputies of the Provisional Government had signed a document with the U.S. Secretary of State John Foster in order to request that the new Provisional Government of the United States and the new Provisional Government of the Hawaiian Islands be considered an act of peaceful revolution. On February 14, 1893, the United States and the Hawaiian Islands were considered as having been established and maintained with U.S. military force. For many, the whole series of events in Hawaii was just the extension of the American conquest of Latin America which had peaked in the previous century.

A final small point should be raised regarding the role of Lorrin Thurston and the other revolutionaries. At page 298, revolutionaries for the purpose of destroying the American government. Among them were Americans when the American troops landed and yet, at other times, refused to participate in the project. The revolutionaries were either one or the other, not both. Treatment of the revolutionaries by the U.S. government changed depending upon the circumstances, such as inconsistency should be noted and not lightly excused.

The Draft Report concludes that sovereignty is not a compromisable right, citing case law developed from cases of Native American Indians. I believe such a conclusion is not necessarily correct and is overly restrictive. I would recommend a reconsideration of this particular conclusion.

Even if Indian law does not provide for claims based upon sovereignty, American diplomatic history provides precedent for compensation in the case of the American conquest of Latin America. The report states for U.S. involvement in the 1903 Panama Revolution.

The parallels between the Hawaiian situation and the Panamanian revolution of 1903 are striking, say the author. Influential newspapers and businessmen in Panama organized a conspiracy in secrecy. The conspiracy involved both the U.S. and private citizens in Panama. Reflecting the opinion of the area, the author of the report, Senator Roosevelt said, "I should be deluging if Panama were an independent state; or if it made itself so at this moment."
Samuel Parker said to Commissioner Blount, the diplomatic.

With the United States.

Mollify a disgruntled nation, Columbia.

The difference between the two revolutions was that only in one Revolution will undoubtedly reveal more similarities between the Atlantic and Pacific sides of the isthmus.

The Chronology of Mint. Relating to Panama Canal, Committee on Documents-Relating to the Panama Canal. Committee on the convention was unprecedented in our history and the U.S. agreed to pay $25,000,000 for the release of all claims. The language 1903 Panama Revolution was negotiated and the U.S. agreed to convention with Colombia recognizing U.S. wrongdoing in the revolutionary spirit already existed in Panama was the right to protect North American property (the Panama Railroad) against local disturbance on the isthmus.

Mr. Roosevelt had considered invoking the 1868 treaty before the Panama Revolution occurred. He and Hay corresponded in September about the feasibility of occupying the isthmus and finishing the canal without any further diplomacy with anybody. But such an act of naked imperialism seemed close with the presidential election of 1884 so close. The device of inspiring a revolt on the isthmus had much more finesse. The fact that a strong revolutionary spirit already existed in Panama was a happy coincidence indeed.

(The Isthmian Canal, p. 60.)

Later, when President Woodrow Wilson took office, a convention with Columbia recognizing U.S. wrongdoing in the 1903 Panama Revolution was negotiated and the U.S. agreed to pay $25,000,000 for the release of all claims. The language of the convention was unprecedented in our history and reflected the sincere desire of the U.S. to right its actions preceding the 1903 revolution. (See Background. Documents Relating to the Panama Canal, Committee on Foreign Relations, 61st Congress, First Session: "A Chronology of Events Relating to Panama Canal," Committee on Foreign Relations, 61st Congress, First Session.)

Further study of U.S. involvement in the 1903 Panama Revolution will undoubtedly reveal more similarities between the U.S. actions in Hawaii and those in Panama. The difference between the two revolutions was that only in one situation, that involving Panama, was the U.S. forced to military operations. The government and later the Republic was run by a majority of foreign nationals who often expressed the fear that the Hawaiians would ruin the stability of the new government if given the vote. Remember, President Harrison, himself in favor of annexation, had to be dissuaded from putting the question of annexation to a vote by the people in Panama. Another difference between the annexing of Hawaii and the admission of Texas lies in the debate surrounding both the events. As was pointed out earlier, the U.S. had long held a policy of expansion within its continental boundary. Such a policy was seen as a natural expansion of the nation. Thus, the admission of Texas was consistent with past U.S. policy. Annexation of Hawaii, on the other hand, was seen as a departure from this long held policy, one which preaged the imperialist posture the U.S. was to take at the turn of the century. The comparison of Hawaii and Texas too pat an explanation for wholly different situations and only serves to mislead and confuse the history of the area.

The task of the Native Hawaiian Study Commission is one I take very seriously. Historical accuracy and detail are extremely important to the task at hand. The comparison of the annexation case does not fulfill the requirements necessary to meet this end. I have attempted to point out the flaws that I have found most glaring. There are others which will become more apparent with the Commission's further study of the events culminating in the annexation of Hawaii by the United States. A full and unbiased airing of these events needs to be made. Without it, the Congressional mandate of the Commission cannot be carried out. I recommend that the Commission not ignore that mandate.

Sincerely,

DAVID R. AKAKA
Member of Congress

APPENDIX

Commissioners

Page Fourteen
November 22, 1982

United States naval units and marines had just arrived at both the Atlantic and Pacific sides of the isthmus. The U.S. consul in Panama was told and asked Washington of the very hour in which the revolution was scheduled to begin. When the Colombian government attempted to send forces to deal with the revolt, naval units first blockaded, then hampered and delayed their disembarkation at Colon, and U.S. marines were landed under orders to prevent any Colombian troops from approaching within fifty miles of Panama City. Washington justified these actions by citing the Root-Chauncy-Hallett Treaty of 1846 whereby the United States claimed the right to protect North American property (the Panama Railroad) against local disturbance on the isthmus.

The device of inspiring a revolt on the isthmus had much more finesse. The fact that a strong revolutionary spirit already existed in Panama was a happy coincidence indeed.

(The Isthmian Canal, p. 60.)
During 1891, it included the following ships, on one of two masts. At the time in which you are interested, were menteed along the breedted circular steel berbettes; 6-Inch guns were protected by shields and gone of the same tyln. and two .45-caliber fettling guns. of two ("pounder iapid-firc guns, two 3-pounders, two 1-pounders, Washington, O. C. 20515

The Honorable Daniel K. Akaka
House of Representatives
January 1891, when he was relieved by Rear Admiral George

The steel cruiser BOSTON vast 270 feet

The crew of a ship such as BOSTON included petty officers, the equivalent of American commissioned officers; these men were specialists in a particular area such as deck seamanship, gunnery, or engineering. Non-rated men were classified as seamen of voluntary assign if they had Navy or merchant-marine experience; enlisted men without nautical experience were classified as landsmen. Apprentices were young men below the normal age who were considered in training for regular commission, when they came of age, as seamen. Marines received basic military training abroad before being assigned to duty on board a ship. Training in the 1890s was a matter of shipboard instruction rather than shore-training schools, were assigned to their places in a ship, crew and "learned by doing," aided by regular drills in the various duties in operating a ship. The operations of the ships were a matter of patrol and gunnery, with shore training and evolutions of the sort we know today.

I hope that this will prove helpful in your work.

Sincerely,

John D. H. Kane, Jr.
Director of Naval History
They say history is written and distorted by the victor, and judged by the perspective and ideals given by those in power. Native Hawaiian history has been no different. History books, films, and speeches should be viewed with caution, as they often reflect the biases and agendas of the writers and creators. It is important to seek out diverse sources and perspectives to gain a deeper understanding of events and peoples. This is particularly true in the context of Hawaiian history, where the perspectives of colonizers and colonized are often at odds.

Native Hawaiian Study Commission

With the pressure of the June 1983 deadline for the final report, I would appreciate your consideration in providing the study of these areas—Religion (Synod and Morals) and Mental Health. The needs of our communities and the state of mental health and mental illness are crucial issues that require serious attention.

Agata, please advise the Native Hawaiian Study Commission regarding the draft report. I look forward to meeting the draft report in the Congress scheduled for June 1983.

Sincerely,

[Signature]

Agata, Assistant Director

Native Hawaiian Study Commission
Hilo, Hawaii 96720

November 22, 1982

The Native Hawaiian Study Commission
Department of the Interior
PO Box 1054
Hilo, Hawaii 96720

Dear Commissioners,

This is a response to the Native Hawaiian Study Commission's Draft Report of 1982. This report is the product of the National Commission on the Study of Hawaii and its efforts to address the needs of Hawaiians. The report acknowledges the challenges faced by Hawaiians and recognizes the unique culture and traditions of the Hawaiian people.

The Native Hawaiian Study Commission

The report highlights the importance of cultural preservation and the need for continued education and support for the Hawaiian community. It also addresses the need for economic development and the importance of cultural tourism as a means of generating income.

The report concludes with a commitment to the development of a new approach to the study of Hawaiian culture and history. This approach will focus on the needs of the Hawaiian community and will be developed in collaboration with Hawaiian leaders and experts.

Sincerely,

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Sincerely,

[Signature]
The policy of the US Congress that allows them to take over ownership of active groups is to be opposed, imperialistic, and inconsistent with post-colonial Pacific Island politics. There is a historical analogy, if not legal, of the Hawaiian po'o to that of Third World nations. Third World people have been demanding respect for their individual identities, cultural uniqueness, and ability to govern themselves. This has been a response to colonial and imperialistic practices of the world powers. It has responded favorably to these demands, conditional as it is to the Pacific Basin region. The Hawaiian people, on the whole, have exhibited poorly to the political processes that directly influence their lives. Many New Zealanders have supported a trust relationship to native if taken in a historical perspective. Terrestrial and social events reveal that the Hawaiian people have trusted America and have been betrayed. The benefits will be those to all of Hawaii. Respectfully yours,

H. Jay Ng (Molekai Nalu) A. Cunha

HAWAIIAN STATE CONGRESS 1983 HONOLULU, HAWAII 96813

Dear Senator: We are here to oppose the enactment of a bill that would result in a hardline, disparate, reasons to the people on neighboring islands who do not have feasible mute title. The report is replete with incidents that highlight political matters in the US. The final case of aboriginal title, "long use," is concluded. We feel that realistic and just solutions will be worked towards by defending the Hawaiian people's concerns. The benefits will be all of Hawaii.
Honorable Kealoha Kamaiui
Chairman
Native Hawaiian Study Commission
Prince Jonah Kuhio Building
Room 6-220
Honolulu, Hawaii 96813

Dear Chairman Kamaiui:

I was very pleased to learn that you have received the Commission's Final Report and that you are prepared to present it to Congress and the President in June 1983. I realize that extending the public comment date on the draft report may be necessary if the Commission's final report will not be ready by June 1983. However, I believe that the work of the Commission is of such importance that extending the comment period would be entirely justified.

I hope that you will give serious consideration to my comments and wish you the best in your endeavors.

Sincerely yours,

Chairman Kamaiui

U.S. Department of Labor

October 22, 1982

Mr. Larry Lyon-Alley
Native Hawaiian Study Commission
U.S. Department of the Interior
1815 S. C Street, NW
Room 6-220
Washington, DC 20240

Dear Mr. Lyon-Alley:

In response to your letter of October 5, 1982, I have reviewed the draft report of the final findings of the native Hawaiian Study Commission and offer no changes to the current report.

The report is very interesting to read and appears to be very thorough in its review of native Hawaiian culture, as well as the present status of the native Hawaiian people. However, the report does not include any recommendations for future action by the federal government and the native Hawaiian people.

The two-month extension which the Commission has given for public comment is totally inadequate in light of the great weight which will be given to the report.

The Hawaiian community, indeed all of the citizens of our state, need sufficient time in which to address the serious issues and questions raised in the report.

With warm personal regards, I remain,

Very truly yours,

Chairman Kamaiui

CONCEPTS OF THE HAWAIIAN BIBLE (pp. 41-42) OF THE 23 SEPTEMBER 1982

RAPID RATES OF EVOLUTION IN THE HAWAIIAN ISLANDS POPULATION

Submitted by Richard Evans, Blakeslee, R. D.

1. Birth and Death Rates, p. 45

a. In this subsection, age distributions are made in the data between two types of criteria: Hawaiian-born native Hawaiians and non-Hawaiians. The ages are divided into five categories: 0-4, 5-9, 10-14, 15-19, and 20-24.

b. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

c. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

II. Mortality Rates, p. 46

a. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

b. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

III. Causes of Death, p. 47

a. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

b. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

IV. Mortality Trends, p. 48

a. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

b. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

C. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.

D. The data sources for the Hawaiian-born native Hawaiians are from the 1940 census. The data sources for the non-Hawaiians are from the 1960 census.
The Report contains no data on the highest incidence of coronary stenosis among Hawaiians. According to Dr. C. C. Chin, the highest incidence of coronary stenosis among Hawaiians is reported by Dr. C. C. Chin, University of Hawaii School of Public Health.

The Department of Health refers to the Department of Health as having the highest mortality rate in Hawaii. The Department of Health is the Department of Health established in 1964.

The Report contains no data on the highest incidence of congenital or hereditary disorders such as the highest incidence of Down's syndrome. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.

The Report contains no data on mental illnesses separately, although some statistics have been published by the Department of Health.

The Report contains no data on causes of death. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.

The Report contains no data on suicide. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.

The Report contains no data on stroke. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.

The Report contains no data on the highest incidence of heart disease in Hawaiians. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.

The Report contains no data on the highest incidence of heart disease in Hawaiians. The Department of Health refers to the Department of Health as having the highest incidence of congenital or hereditary disorders.
Recommendations

3. Schmitt D C: Personal communication.
13. Green E: The founding of the Queen's Hospital, 1963.

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Understanding the health needs and concerns of native Hawaiians today requires modern concepts of sociobiology to critical historical events and unique cultural features.

A. Modern Concepts

The modern view of health or wellness is not freedom from disease or abnormality, because this is not consistent with reality, but rather, the ability of a person to live meaningful lives by adapting within a given, yet constantly changing, environment (1).

The main causal factors accounting for health or illness are three: heredity, "life style," and environment. While they are inter-related, it is helpful to consider their relative roles when analyzing specific health indices as presented in this report.

Heredity is determined by genes which a person inherits from his ancestors. Thus, genetic influence may be beyond the control of an already-born person. However, heredity for the pre-to-be-conceived, of course, may be readily influenced by the mating selection of parents-to-be. Life-style usually involves multiple paramarginal choices, such as nutrition; body hygiene; physical activity and rest; coping with mental stress; possible self-abuse, such as with today's tobacco-smoking, alcohol, and harmful drugs; and medical care. Environment includes climate and other natural resources; public sanitation; population density and public behavior, such as current crime, auto casualties and war; and specific diseases agents, such as bacteria and chemicals. While these environmental factors may be beyond individual control, they may be amenable to group action.

Examples of the foregoing causal factors will be cited and discussed in the following sections.

B. Historical and Cultural Background

Critical historical events and unique cultural features influencing the health and illness of native Hawaiians are conveniently considered in three periods: before contact with the non-Polynesian world; contact, beginning with Captain James Cook in 1778 in January 1778, the Hawaiians of old were generally healthy because they had adapted effectively to island environment, and they had lived in isolation from the rest of the planet for over 500 years (3).

Gene strength was evident in a flourishing population of an estimated 300,000 at the time of Captain Cook (32). They were descendants of perhaps 150-hardy, first settlers who had arrived more than 1,000 years previously from the south Pacific after braving over 2,000 miles of open sea in double-hulled canoes. Some gene weakness was possible because of the small gene pool, inbreeding, and opportunities for genetic drift (3). These genetic factors could account for congenital-heredity deformalities described below, and for the impaired immunity and peculiar susceptibility to disseminated infections which characterized and lasted many years. The natives' food was mainly taro, sweet potato, yam, breadfruit and banana with fish, and for the pa'ina (communally), only infrequently pig and dog. This high-fiber, low-fat, unrefined and limited sugar diet ample in vitamins and abundant in minerals, and now considered superior to the usual fare of modern western societies, but with an important common fault--excessive sodium (4, 5).

This is a basis for inferring that the natives of old probably also had some arterial hypertension and related disorders, as shall be discussed later.

Personal, household and public cleanliness of the early Hawaiians are well documented (22, 41), and were strictly controlled by hau (cleaned) law of the banice (priests) (4). Physical activity in work and play was vigorous and enjoyable, and yet with adequate time for sleep and rest (2). There were no crowding, no public latrines, no garbage heaps or litter, and no use of human or animal excreta as fertilizer, because of clean air, pure water and unpolluted land and sea, promulgated by the hapa, gene strength was evident in a flourishing population at the time of Captain Cook (22, 41), and was probably limited sodium diet ample in vitamins and abundant in minerals, and now considered superior to the usual fare of modern western societies, but with an important common fault--excessive sodium (4, 5).

Evidence of metastatic cancer to the bony spine has been seen in one pre-contact specimen (17), but no obvious cases of neoplasms were described in Cook's journals.

Traumas from accidents or intentional violence was probably the most common cause of death, as recorded in writings (17, 9, 31), and as observed in skeletal remains (7, 9). "Poisoning" may have been the cause to psychic effects (12) than to direct pharmaceutical toxicity because the pre-contact islands apparently had no lethally poisonous plants (12). The only type of chemical self-inflicted known in old Hawaii was "kayo death," described among some native in Cook's journals (12).

Mental illness was described in the form of two native who were "wrong in their senses" in Cook's journals (12). This single passage contrasts with frequent other references to the islanders being "sacred, friendly, hospitable, humble," "blessed with frank and cheerful disposition," and "kind and agreeable, not easily excitable" (2), which supports the view of subsequent foreigners that the natives were adapted coping with stress (1, 13).

Congenital-heredity disorders were apparent to Cook's man in a young man "born with neither foot nor hands," another "born blind," and two dwarfs (17). Four cases of club foot were found among the 117 pre-contact persons buried at Makapu (7). The described defects were probably related to inbreeding. The survival of these malformed natives beyond infancy counters the latter claims by missionaries that
infanticide was traditional and widely practiced (14). Cook's journals record the Hawaiians as being "totally unacquainted with [the Tahitian's] horrid custom of destroying their newborn infants" (21). The natives, prized physical beauty and practiced body modification of the infant and child (15). Some degree of infanticide of the severely deformed newborn may have been practiced, but there were no illegitimate births in the modern sense, and generally every child was "put (a flower) to be cherished, assuring continuity of the heritage and race" (21).

Medical Beliefs and Practices
Health and illness were another example of the all-pervading dualism of the early Hawaiians' belief system, like sky and earth, sun and moon, halo and female, mind and body, and life and death (16). Wellness was maintaining mana, quantifiable energy, that was both inherited and acquired. Proper balance of mana was promoted by harmony with oneself, with others, and with the gods and nature through continuous communication with the spiritual realm and correct thought and action (15).

The kapu (taboo), established by the kahune (priests), sanctioned by the ali'i (chiefs), and enforced by all, fostered self-discipline and responsibility in personal hygiene, health-promotion, illness-prevention, sanitation, and respect for nature, which was the domain of the gods (16, 15).

Healthy well loss of mana from dysarmony, such as from violation of a kapu, offending a good. or "ill-thinking (15, 17).

The elderly were esteemed. Death after a meaningful life was welcomed as a reuniting with one's ancestors in the eternal spiritual realm and completion of a recurring cycle of rebirth and transformation into kinolau (non-human forms) before reincarnation into other human forms (13, 15).

In the late 19th century, the first visitors departed, the natives could see from the sky and dead about them, that the "living island of death" had begun (12, 18, 19).

In 1824, an epidemic of smallpox killed perhaps 15,000 (21), and convinced Kamehameha the Great that the gods did not favor his military invasion of the island of Kaua'i (13).

Subsequent sporadic "catarrhs and fevers" took other lives, so that by 1828, the first missionaried lands, the population estimate of 150,000 was half that - 70 th of Cook's, about 40 years previously (14, 26).

In 1824, Kamehameha I! and his sister-wife Queen Kamamali'ulani died of measles in London (13).

In 1824-18 and again in 1832, epidemics of "ough (whooping) and measles killed thousands of natives (23).

In 1837, namely called "great-numbers including Pīnahana Hui, Enos, daughter of Kamehameha the Great, and mother of Kamehameha IV and V (31).

In 1841-49, epidemic of measles and pertussis and then diphtheria and influenza left over 12,000 dead (13).

In 1840, the first case of leprosy in a Hawaiian was detected (23). In 1845, because of the alarming spread of this fearsome malady, a new segregation law established a receiving leprosy hospital in Honolulu and isolation of lepers on the Molokai Peninsula of the island of Molokai (13). One out of every 25 (2,634) of native Hawaiians was affected, whereas the occurrence in non-Hawaiians was 1 in 1,310 active cases was reached at the end of the century, and over the 40 years since the start of segregation, as estimated 8,000 natives died of this affliction (12).

In 1855, 1861, 1871, and again in 1882, smallpox took over 5,000 lives, in spite of compulsory smallpox vaccination in 1855 (13). In 1857, an epidemic of cholera, typhus, influenza, and other infections, and general, systemic infection, aside from impaired immune mechanisms, as well as alcohol, poisons, and other

Medical care for the commoner was the responsibility of the patient himself, and, if necessary, an experienced ali'i (chief). Only if the illness were serious and expensive professional fees in hopes could be paid, did a ho'ola (priest-physician), rigorously trained at the ho'ola (priest-physician), rigorously trained at the heiau (ho'ola) or "place of health" (12, 18). The ali'i (chiefs) had regular access to varieties of specialty kapu (taboo) whose rituals and practices were elaborate and extensive (12, 18, 19).

The Hawaiians' autopsy observations (13), use of the clyster-enema (12, 17), and remedies and cathartics (12, 17, 18) provide evidence of beginning experimentation in the sciences and medicine not found elsewhere in Polynesia (12).

This highly-refined, holistic and preventive health system, harmoniously integrated in their social fabric, with nature about them, and their spiritual realm beyond, was never to recover from the fatal impact of western ways.

Depopulation
In January 1778, the arrival of the first foreigners, Captain Cook and his seaman, brought one disease epidemic in the form of the venereal diseases, mainly gonorrhea and syphilis, tuberculosis, leprosy, other common contagious bacterial and viral illnesses, as well as alcohol, poisons, and other
In 1854 smallpox vaccination was made compulsory, and the Hawaiian Board of Health licensed practitioners of "Hawaiian medicine" for native Hawaiians. Although the major gods had been toppled, and the kahuna hierarchy abolished, the kahuna langa remained underground. These officially disenchanted kahuna, plus experienced 'ohana elders, and the patient himself, continued to care for "Hawaiian illnesses" as of yore, but with some modifications (27).

Inadequacy of Traditional Native Medicine for Native Illnesses

In this period of culture shock, there evolved a makeshift, lurch health care system for native Hawaiians with the following characteristics:

- The kahuna and 'ohana educational system disintegrated. New social lines emerged, such as alcoholism, tuberculosis, vagrancy, prostitution, and the malnutrition of processed foods.
- Finally, there was the perception by the Hawaiians, provoked by the adoption of the "superiority" of certain western ways and material culture, compared to native "primitive" beliefs and practices. The stress was too overwhelming for many Hawaiians. Some fled, like an estimated 5,000 out-migrating Hawaiians in 1855. Others despaired inwardly, lost their will to live in a beleaguered new order which made them strangers in their homeland, as they sought the comfort of death (13).
for "a home for elderly infirm and destitute Hawaiians" which opened in Makiki in 1895 (25).

In 1874, the Legislature authorized drainage of two wetlands which were declared "unsanitary" (3, 11, 25). In 1879, the first artisan well for drinking, washing and irrigation was drilled at Honolulu by James Campbell, founder of the large, land-holding Campbell Estate (25).

In 1882, the first water filtration plant was constructed at Nu'uanu, in Honolulu (11, 95). Inspection of food and licensing of dairies began in Honolulu (3, 11, 25).

In 1884, the first local government hospital, Malulani, was opened at Waimanalo, Kailua (11). In 1886, the first plantation hospital at Makaweli, Kauai, was built by the Hawaiian Sugar Co. (25).

In 1886, the first kapu Polani Home for non-leprose children of Hawaiian women opened in the renovated house of the Queen's recently-deceased sister Princess Naniokole in Honolulu (56). This private hospital was supported by contributions. Native women were not required to stay in medical care until 1917 when non-Native women were first admitted (56).

In 1887, the Legislature authorized drainage of two wetlands which were declared "unsanitary" (3, 11, 25). In 1888, the first artisan well for drinking, washing and irrigation was drilled at Honolulu by James Campbell, founder of the large, land-holding Campbell Estate (25).

In 1889, the first local government hospital, Malulani, was opened at Waimanalo, Kailua (11). In 1890, the government of King Kalakaua was alarmed at the decline of the native Hawaiian population and the prevalence of squalor, sanitation and morbidity, that the Board of Health issued a book in the Hawaiian language on Sanitary Instructions for Hawaiians written by Walter Murray Gibson (13, 25).

In 1891, the Ho'ola Ola "Aloha Kauai Society was founded by the Army and Queen Kapalina to propagate and perpetuate the kapu Polani Home for non-leprose children of Hawaiian women (56). A home for destitute Hawaiians was established in Kauai and the first Kapalina Home for non-leprose children of Native Hawaiian women was opened near the "Aloha Hospital (33).

In 1892, the Legislature authorized drainage of two wetlands which were declared "unsanitary" (3, 11, 25). In 1893, the first local government hospital, Malulani, was opened at Waimanalo, Kailua (11). In 1894, the first plantation hospital at Makaweli, Kauai, was built by the Hawaiian Sugar Co. (25).

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In 1900, the first local government hospital, Malulani, was opened at Waimanalo, Kailua (11). In 1901, the first plantation hospital at Mokuleia, Kauai, was opened by the Hawaiian Sugar Co. (25).

In 1902, what is now Liahia Hospital opened on the mauka slope of Diamond Head in Makiki, Honolulu as the "Aloha Hospital (33).

In 1903, when 900 known cases of leprosy were identified, about 325 were Hawaiians (26). In 1904, what is now Liahia Hospital opened on the mauka slope of Diamond Head in Makiki, Honolulu as the "Aloha Hospital (33).

In 1905, when 900 known cases of leprosy were identified, about 325 were Hawaiians (26). In 1906, what is now Liahia Hospital opened on the mauka slope of Diamond Head in Makiki, Honolulu as the "Aloha Hospital (33).

In 1919, when 900 known cases of leprosy were identified, about 325 were Hawaiians (26). In 1920, what is now Liahia Hospital opened on the mauka slope of Diamond Head in Makiki, Honolulu as the "Aloha Hospital (33).

In 1921, when 900 known cases of leprosy were identified, about 325 were Hawaiians (26). In 1922, what is now Liahia Hospital opened on the mauka slope of Diamond Head in Makiki, Honolulu as the "Aloha Hospital (33).

In 1923, when 900 known cases of leprosy were identified, about 325 were Hawaiians (26). From 1900 to 1923, tuberculosis remained the number one reported cause of death, with mortality rate as high as 260 per 1,000 population. The corresponding U.S. mainland tuberculosis mortality rate was declining from 153 to 92 per 1,000, by 1927, although the tuberculosis mortality rates for all races in Hawai'i had fallen to 88 per 1,000. The rates for pure Hawaiians remained high at 265 and for part Hawaiians at 126, while the rates for whites was 77 per 1,000 (133).

In 1928-29, the poliomyelitis epidemic accounted for 68 deaths (41). This was in 1928, for the first time, heart diseases replaced infections as the leading reported "causes of death" (42). In 1929-31, tuberculosis accounted for 700 deaths (41). In 1932, the highest-ranking recorded "causes of death" was the Territorywide heart disease, cancer, and kidney failure (43).

In 1931, during the second world war, diphtheria affected 60. The following year, mumps, measles, and diphtheria affected 50 (41). In 1934-38, the top reported "causes of death" were heart disease, cancer, and stroke (41).

In 1935, in 1936, leprosy still claimed 500 active hospital cases at Kalaupapa, with 50 new cases for the year, the majority in Hawaiians (42). Not until sulfone chemotherapy in 1946 did the mortality rate drop from 153 to 2.59 per year (41, 42). In 1946, there were only 13 active cases of leprosy, but over 100 deceased and disabled Native Hawaiians, with the kidney, nerve, skin, male, oral, conjunctival, and skin disorders (42). In 1949, the 10 leprosy cases for that year were chiefly in immigrants non-Hawaiians (41, 42).

In 1929-30, acute meningitis accounted for 68 deaths (41).

In 1930-31, the death rate for Native Hawaiians was 27 per 1,000, while the rates for native Hawaiians were 10 per 1,000. In 1932, acute poliomyelitis affected 200 (41, 42). In 1933-37, M. lepromatous leprosy numbered 205 (41, 42). In 1934-38, the highest-ranking recorded "causes of death" was the Territorywide heart disease, cancer, and kidney failure (43).

In 1936, the poliomyelitis epidemic accounted for 68 deaths (41). The following year, mumps, measles, and diphtheria affected 60 (41). In 1934-38, the top reported "causes of death" were heart disease, cancer, and stroke (41).

This section continues to provide historical and cultural background for the Health Profile section which follows, focusing on points not shown or readily emphasized in the data tabulations there.

a. Population Growth

As seen in Table 4 below, in 1893, with the armed overthrow of Queen Lili'uokalani and the establishment of a self-appointed Provisional Government by the Aloha State oligarchy, the native Hawaiians were already a minority in their homeland, although the pure Hawaiians still outnumbered the part Hawaiians (26). The controlling whites were the smallest minority, exceeded by the non-Hawaiian non-Caucasian, Orientals combined (26).

b. Major Illnesses

Serious infections continued in the early post-slavery period as is evident in the following
Health and illness profile so distinctive in Hawaiians today. This food pattern /deters obesity, hypertenm infant to senior citizen, is excessive to the point of toxicity responsible for 11'. health among contemporary native Hawaiians and improvement in some health statistics ineating we are medical mire mainly guided by faddists and c alcoholleM and drug mistime; frenetic, *,ratarmee' stress, lack of characterized by self -abuse in the form of cigarette-smoking. sclerosis, diabetes, coronary heart disease, heart failure, in calories, tat, sugar and sodium, and is land their fellow non-Hawaiian Americansh (10).'

We kill each other*unintentijnally* Speeding on the firs, school of nursinp in lawal'i4

In the name of

Melan° Home for the mentally retarded and severely deformed. Statistics on the number of Hawaiian patients institutionalized there are unknown to be available in March 1963 (44). In 1925, the first maternal and child care programs were started by the Board of Health (43). In 1930, the new Territorial mental health hospital opened at Kane'ohe, O'ahu with 541 patients (42). In 1938, a Certified Children's Bureau and Office of Health Education were created in the Board of Health (42).

In 1937, a separate Bureau of Vital Statistics was established (41, 43). In 1938, the Hawaii Medical Association (HMAA), a private health insurance firm, was founded by the Territory's school teachers and social workers. HMAA is now open to all and by 1975 it had 450,000 members (11).

In 1967, the University of Hawai'i School of Medicine accepted its first class of 27 students. None was a Hawaiian. Available figures since then on current entering and post-graduating Hawaiian medical students are given in the next section (43).

C. Health Factors Transforming a People

The 150,000 native Hawaiians of modern Hawai'i, like their 300,000 Polynesian ancestors who occupied these same Wanda years ago at the time of first western contact, remain 'proof of their long cultural heritage. Why else would there be a U.S. Native Hawaiians Study Commission? They are a very different people in other respects, transformed by genetic life style, and environmental health factors brought about by Americanization.

Native Hawaiians are no longer a small pool of "pure Polynesian" DNA molecules. They now comprise a large pool of DNA heterogeneity with contributions from the Occident and the Orient. In spite of this dilution of native Hawaiian heredity factors appear to continue to play some role in the

Health and illness profile /distinctive in Hawaiians today. This food pattern /deters obesity, hypertenm infant to senior citizen, is excessive to the point of toxicity /responsible for 11'. health among contemporary native Hawaiians and improvement in some health statistics /ineating we are /medical mire mainly guided by faddists and cr alcoholleM and drug mistime; frenetic, ratarmee' stress, lack of /characterized by self -abuse in the form of cigarette-smoking. sclerosis, diabetes, coronary heart disease, heart failure, in calories, tat, sugar and sodium, and is land their fellow non-Hawaiian Americansh (10).

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2. Infant Mortality and Birth Characteristics

B. Birth and Death Rates

1. Table 2 shows that after contact in 1778, birth rates were low in the 1800s. If one considers rates of 60 or higher usual for a non-commercial, non-industrialized society (17). This evidence of low fertility could have been related to the known venereal disease, other infectious epidemics, malnutrition, social and economic disintegration, and deterioration of the native Hawaiians of that period, as described in a previous section (1, 27).

2. The death rates, as seen in Table 26, were high in Hawaiians in the 1800s, and while the highest single year of deaths was 1866, a steady rise in non-Neighboring from greater than 3% to as little as 0.5% (place of current basis, an increase from 1978 to 1980, and a rapid rise in non-Hawaiians from greater than 500 to 2.0% of the total Hawaiian population in 1980).

The causes of infant mortality include possible genetic defects, malnutrition, inadequate personal hygiene, such as overcrowd, infectious agents, venereal disease, infections, alcoholism, tobaccoism, drug abuse, specific diseases, environmental factors, such as inadequate housing, reeling, trauma, noise, stress and poverty. Any or all of these may be pertinent to the high rates among Hawaiians.

3. Variations in Birth and Death Rates

All birth and death rates, must be viewed with full awareness of the drastic changes that have occurred in the population of Hawaiians, part Hawaiians and non-Hawaiians since contact in 1778 (18). a. Native Hawaiians, who accounted for 100% of the population of 3,000,000 in 1778, became a minority of 49,764 (40,014) in 1844, within a total population of 92,578 in 1866, and declined further to less than 1,250 (9,301) in 1880.

b. Part Hawaiians constituted 1.3% (95) of the total population of 31,158 in 1855, and rose to 174,717 (170,000) of the total population of 920,000 in 1866.

c. Native Hawaiians were 9% of the population of 330,000 in 1878, comprised 36% (17,192) of the population of 51,173 in 1883, and declined further to 9% (92,000) in 1880.

D. Infant Mortality and Birth Characteristics

In 1970, the rates were highest for Hawaiians, but near average for part Hawaiians. In 1969, the rates were highest for Hawaiians, but near average for part Hawaiians (14).

TABLE 2

<table>
<thead>
<tr>
<th>Period</th>
<th>Birth Rate</th>
<th>Death Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840-1849</td>
<td>32.1</td>
<td>24.8</td>
</tr>
<tr>
<td>1850-1859</td>
<td>32.1</td>
<td>23.8</td>
</tr>
<tr>
<td>1860-1869</td>
<td>31.3</td>
<td>22.2</td>
</tr>
<tr>
<td>1870-1879</td>
<td>30.6</td>
<td>21.0</td>
</tr>
<tr>
<td>1880-1889</td>
<td>29.6</td>
<td>20.8</td>
</tr>
<tr>
<td>1890-1890*</td>
<td>28.0</td>
<td>19.8</td>
</tr>
<tr>
<td>1900-1900*</td>
<td>27.1</td>
<td>19.3</td>
</tr>
<tr>
<td>1910-1910</td>
<td>26.2</td>
<td>19.3</td>
</tr>
<tr>
<td>1920-1920</td>
<td>25.5</td>
<td>19.3</td>
</tr>
<tr>
<td>1930-1930</td>
<td>24.8</td>
<td>19.1</td>
</tr>
<tr>
<td>1940-1940</td>
<td>24.1</td>
<td>18.8</td>
</tr>
<tr>
<td>1950-1950</td>
<td>23.4</td>
<td>18.5</td>
</tr>
</tbody>
</table>

*Annual rates per 1,000 population computed at average of annual rates for period. Population base excludes armed forces after 1941. All races based on live births for de facto basis only.

3. Birth characteristics, by race of mother, in 1990, listed in Table 5, reveal higher birth rates for part Hawaiians than the average for all races, and higher than for pure Hawaiians about average percentage of low birth weight; and the highest ratio of illegitimate births (40, 53).  

<table>
<thead>
<tr>
<th>Race of</th>
<th>Total</th>
<th>4.2</th>
<th>3.2</th>
<th>1.9</th>
<th>0.9</th>
<th>0.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother</td>
<td>15,120</td>
<td>2.6</td>
<td>1.3</td>
<td>1.1</td>
<td>0.9</td>
<td>0.2</td>
</tr>
<tr>
<td>Baseline</td>
<td>4,400</td>
<td>2.0</td>
<td>1.4</td>
<td>1.1</td>
<td>1.0</td>
<td>1.3</td>
</tr>
</tbody>
</table>

4. The September 1992 draft report summary interpretations of M. Look's 1982 publication are appropriate. However, Look's paper (57):  
a. Contains only graphs, but no figures for ready comparison.  
b. Has no data on stroke—the third major "cause of death" in Hawaiians.  
c. Has no data on the high rate of suicide in young Hawaiians.  
d. Has no data on the high rate of auto deaths in Hawaiians.  
e. Look has recently volunteered to procure these data for this report (59).  

5. Meanwhile, the following figures for 1980 were obtained from the Department of Health for another publication (68).  

| Year          | Death Rate per 100,000 Population | Hawaiians vs. part Hawaiians, and all other races (68).  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>54.01</td>
<td>32.30</td>
</tr>
<tr>
<td>1920</td>
<td>55.91</td>
<td>45.22</td>
</tr>
<tr>
<td>1930</td>
<td>60.00</td>
<td>50.14</td>
</tr>
<tr>
<td>1940</td>
<td>64.02</td>
<td>60.07</td>
</tr>
<tr>
<td>1950</td>
<td>69.21</td>
<td>69.20</td>
</tr>
<tr>
<td>1960</td>
<td>74.06</td>
<td>69.40</td>
</tr>
<tr>
<td>1970</td>
<td>79.26</td>
<td>74.20</td>
</tr>
</tbody>
</table>

E. Leading Diagnosed Causes of Death  
1. Data are available in the State Department of Health from 1910 to 1982 on leading diagnosed causes of death for pure Hawaiians vs. part Hawaiians, and all other races (68).  

| Category          | Year | Death Rate per 100,000 Population | Hawaiians vs. part Hawaiians, and all other races (68).  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Heart Disease</td>
<td>1910</td>
<td>54.01</td>
<td>32.30</td>
</tr>
<tr>
<td>Stroke</td>
<td>1920</td>
<td>55.91</td>
<td>45.22</td>
</tr>
<tr>
<td>Cancer</td>
<td>1930</td>
<td>60.00</td>
<td>50.14</td>
</tr>
<tr>
<td>Lung</td>
<td>1940</td>
<td>64.02</td>
<td>60.07</td>
</tr>
<tr>
<td>Liver</td>
<td>1950</td>
<td>69.21</td>
<td>69.20</td>
</tr>
<tr>
<td>Kidney</td>
<td>1960</td>
<td>74.06</td>
<td>69.40</td>
</tr>
<tr>
<td>Other</td>
<td>1970</td>
<td>79.26</td>
<td>74.20</td>
</tr>
</tbody>
</table>


F. Cancer Incidence  
1. Age-adjusted average annual incidence per 100,000 population of various cancers in Hawaiians, by ethnic group, have been published recently (61).  

| Year          | Death Rate per 100,000 Population | Hawaiians vs. part Hawaiians, and all other races (68).  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>54.01</td>
<td>32.30</td>
</tr>
<tr>
<td>1920</td>
<td>55.91</td>
<td>45.22</td>
</tr>
<tr>
<td>1930</td>
<td>60.00</td>
<td>50.14</td>
</tr>
<tr>
<td>1940</td>
<td>64.02</td>
<td>60.07</td>
</tr>
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</tr>
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<td>69.40</td>
</tr>
<tr>
<td>1970</td>
<td>79.26</td>
<td>74.20</td>
</tr>
</tbody>
</table>

| Year          | Death Rate per 100,000 Population | Hawaiians vs. part Hawaiians, and all other races (68).  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>54.01</td>
<td>32.30</td>
</tr>
<tr>
<td>1920</td>
<td>55.91</td>
<td>45.22</td>
</tr>
<tr>
<td>1930</td>
<td>60.00</td>
<td>50.14</td>
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<td>64.02</td>
<td>60.07</td>
</tr>
<tr>
<td>1950</td>
<td>69.21</td>
<td>69.20</td>
</tr>
<tr>
<td>1960</td>
<td>74.06</td>
<td>69.40</td>
</tr>
<tr>
<td>1970</td>
<td>79.26</td>
<td>74.20</td>
</tr>
</tbody>
</table>

Cancer risk factors are discussed below in the next section (61).  

Strokes are mainly attributable to hypertension and atheroma. High blood pressure is most often associated with family history, excessive sodium intake and stress. Atherosclerosis is related to fatty foods, stress, cigarette smoking, and sedentary life style. Accidents are chiefly auto deaths, frequently associated with alcohol and or teen-age irresponsibility. Many of the foregoing factors are in part associated with low socio-economic status, inadequate health education, and despair.  

6. Life Expectancy  
1. Apparently beginning in 1910, life expectancy calculations became feasible. However, figures for pure Hawaiians vs. part Hawaiians, and data after 1970, apparently are not available.  

As shown in Table 6, throughout the period from 1910 to 1970, Hawaiians exhibited significantly shorter life expectancy than any other ethnic group in Hawai'i. This finding is consistent with the higher rates of morbidity and mortality for Hawaiians and part Hawaiians in most of the major disease categories, as detailed elsewhere in this report.  

| Year | Death Rate per 100,000 Population | Hawaiians vs. part Hawaiians, and all other races (68).  
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>54.01</td>
<td>32.30</td>
</tr>
<tr>
<td>1920</td>
<td>55.91</td>
<td>45.22</td>
</tr>
<tr>
<td>1930</td>
<td>60.00</td>
<td>50.14</td>
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<td>64.02</td>
<td>60.07</td>
</tr>
<tr>
<td>1950</td>
<td>69.21</td>
<td>69.20</td>
</tr>
<tr>
<td>1960</td>
<td>74.06</td>
<td>69.40</td>
</tr>
<tr>
<td>1970</td>
<td>79.26</td>
<td>74.20</td>
</tr>
</tbody>
</table>
Table 8: Age-adjusted average annual incidence rate per 100,000 of cancer at five, 10, and 15-year old, 1968-1972

<table>
<thead>
<tr>
<th>Cancer Site</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Throat</td>
<td>4.0</td>
<td>3.0</td>
<td>5.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Stomach</td>
<td>11.0</td>
<td>8.0</td>
<td>14.5</td>
<td>11.0</td>
</tr>
<tr>
<td>Colon</td>
<td>31.5</td>
<td>25.0</td>
<td>35.0</td>
<td>31.5</td>
</tr>
<tr>
<td>Rectum</td>
<td>3.0</td>
<td>2.0</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Breast (female)</td>
<td>118.0</td>
<td>100.0</td>
<td>118.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Bladder</td>
<td>11.0</td>
<td>8.0</td>
<td>14.5</td>
<td>11.0</td>
</tr>
<tr>
<td>Corpus uteri</td>
<td>7.5</td>
<td>5.0</td>
<td>7.5</td>
<td>5.0</td>
</tr>
<tr>
<td>Thyroid</td>
<td>20.0</td>
<td>15.0</td>
<td>20.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Skin, non-melanoma</td>
<td>10.0</td>
<td>8.0</td>
<td>10.0</td>
<td>8.0</td>
</tr>
<tr>
<td>Skin, melanoma</td>
<td>1.0</td>
<td>0.5</td>
<td>1.0</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Table 9: Changes in average annual age-adjusted cancer incidence per 100,000, 1968-1972 and 1973-1977, by sex and smoking group for selected sites

<table>
<thead>
<tr>
<th>Cancer Site</th>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Throat</td>
<td>4.0</td>
<td>3.0</td>
<td>5.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Stomach</td>
<td>11.0</td>
<td>8.0</td>
<td>14.5</td>
<td>11.0</td>
</tr>
<tr>
<td>Colon</td>
<td>31.5</td>
<td>25.0</td>
<td>35.0</td>
<td>31.5</td>
</tr>
<tr>
<td>Rectum</td>
<td>3.0</td>
<td>2.0</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Breast (female)</td>
<td>118.0</td>
<td>100.0</td>
<td>118.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Bladder</td>
<td>11.0</td>
<td>8.0</td>
<td>14.5</td>
<td>11.0</td>
</tr>
<tr>
<td>Corpus uteri</td>
<td>7.5</td>
<td>5.0</td>
<td>7.5</td>
<td>5.0</td>
</tr>
<tr>
<td>Thyroid</td>
<td>20.0</td>
<td>15.0</td>
<td>20.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Skin, non-melanoma</td>
<td>10.0</td>
<td>8.0</td>
<td>10.0</td>
<td>8.0</td>
</tr>
<tr>
<td>Skin, melanoma</td>
<td>1.0</td>
<td>0.5</td>
<td>1.0</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Table 10: Number of acute conditions per 100 persons per year by etiology, 1980

<table>
<thead>
<tr>
<th>Etiology</th>
<th>Hawaiian</th>
<th>Japanese</th>
<th>Filipino</th>
<th>Nordic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acute conditions</td>
<td>200.0</td>
<td>150.0</td>
<td>300.0</td>
<td>150.0</td>
<td>200.0</td>
</tr>
<tr>
<td>Infectious</td>
<td>15.0</td>
<td>10.0</td>
<td>20.0</td>
<td>10.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Moral</td>
<td>10.0</td>
<td>5.0</td>
<td>15.0</td>
<td>5.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Digestive</td>
<td>15.0</td>
<td>10.0</td>
<td>20.0</td>
<td>10.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Obstructive</td>
<td>5.0</td>
<td>3.0</td>
<td>7.0</td>
<td>3.0</td>
<td>5.0</td>
</tr>
<tr>
<td>Musculoskeletal</td>
<td>10.0</td>
<td>5.0</td>
<td>15.0</td>
<td>5.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Other acute</td>
<td>15.0</td>
<td>10.0</td>
<td>20.0</td>
<td>10.0</td>
<td>15.0</td>
</tr>
</tbody>
</table>

Table 11: Blood pressure by race in 1,143 male employees in Hawaii, 1966

<table>
<thead>
<tr>
<th>Race</th>
<th>Japanese</th>
<th>Filipino</th>
<th>Chinese</th>
<th>Other Hawaiian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean SBP</td>
<td>140.0</td>
<td>150.0</td>
<td>160.0</td>
<td>140.0</td>
</tr>
<tr>
<td>Mean DBP</td>
<td>90.0</td>
<td>100.0</td>
<td>110.0</td>
<td>90.0</td>
</tr>
</tbody>
</table>

Table 12: Arterial hypertension has been studied in more detail among 1,177 men employees of the City and County of Honolulu and the Hawaiian Telephone Company in 1965-1971. Table 12 shows that the highest rates of hypertension among pure and part Hawaiian, especially those who were overweight.

Table 13: Coronary heart disease was found among Hawaiians in 2,000 consecutive autopsy performed at the Queen's Hospital, Honolulu, Hawaii, in 1965. Coronary risk factors were compared in 42 Hawaiian men vs. 42 Japanese men in Hawaii and found to be higher among the Hawaiian men who had myocardial infarction. The Hawaiians had a higher over incidence, higher blood pressure, and greater frequency of diabetes (64).

Table 14: End-stage kidney disease has been reported as being more prevalent among Hawaiians in 1979 (64). Congenital/chemical disorder studies have reviewed a high frequency of club foot in Hawaiians (21). The evidence is in the preconceptional aboriginal remains from the Hawaiian Islands and the over-representation of men (37). In 1969, detailed investigation of 31 reported cases in Hawaii's disclosed incidence of 6.8 per 10,000 births for congenital anomalies, a rate 21 times that of western Caucasion and 6.1 times that of French Polynesians (66). There was no evidence of any associated intra- or extra-uterine environmental factors. The data supported a genetic hypothesis.
7. **Teenage Pregnancy**: Pregnancy rates for girls less than 16 years of age have remained highest among Hawaiian teens from 1976 through 1981 (67). Of the 416 pregnancies by these Hawaiian girls in 1981, 66% resulted in live births, 37% in abortions, and 3% as stillbirths. These figures represent a higher proportion of live births and a lower proportion of abortions compared to other ethnic groups. However, "out of wedlock" birth rates are twice as high for Hawaiian pregnant teenagers than for others, and 6% of Hawaiian teen births were "illegitimate" compared to 76% statewide.

These statistics reflect persistent traditional Hawaiian values toward eating, childbirth and the infant as described in a previous section. In pre-Cook Hawaiian society, these values were predominant in the Hawaiian community.

8. **Dental Caries**: In 1973, the relationship of eating certain foods to the occurrence of dental decay was studied in 918 eighth grade public school students, by race, in Hawaii (68). As seen in Table 12, the rates of decayed, missing or filled (DMF) teeth were highest among Hawaiian youngsters. These rates correlated with the high frequency of consuming starchy foods, sweet beverages, desserts, snacks, and candy and gum.

Data from the Mental Health Division of the State Department of Health show the Hawaiians' use of state mental health facilities to be smaller than their representation in the total state population, as shown in Table 13 (69).

9. **Psychiatric Diagnoses**: However, psychiatric diagnoses were distinctive, as seen in Table 14 (69). Hawaiians manifested more transitional and personality disorders, behavioral disorders and other personality disorders, and drug abuse than expected from their representation in the mental health population. Further, Hawaiians ranked highest for mental retardation, drug abuse, "missing data," and "diagnosis deferred.

| Table 13: DMF Rates and Frequency of Eating Selected Foods at Ninth and Tenth Grade Students, 1973 |
|---|---|---|---|---|---|---|---|
| Hawaiian | Japanese | Other | Total |
| Teeth | Hawaii | Hawaii | Hawaii | Hawaii | Hawaii | Hawaii |
| Number | 123 | 124 | 126 | 373 | 120 | 120 | 240 |
| DMF | 1.27 | 1.43 | 1.56 | 1.27 | 1.34 | 1.55 | 1.33 |
| Dental and gum | 2.29 | 2.33 | 2.60 | 2.33 | 2.60 | 2.60 | 2.60 |
| Missing | 1.36 | 1.43 | 1.46 | 1.43 | 1.46 | 1.46 | 1.46 |
| Filled | 1.60 | 1.76 | 2.00 | 1.76 | 1.83 | 2.08 | 1.83 |
| Snacks | 1.44 | 1.44 | 2.00 | 1.44 | 1.83 | 2.08 | 1.83 |
| Drugs and gum | 1.38 | 1.38 | 1.46 | 1.38 | 1.46 | 1.46 | 1.46 |
| Dental health | 1.30 | 1.38 | 1.46 | 1.38 | 1.46 | 1.46 | 1.46 |
| Heart disease | 1.58 | 1.58 | 1.60 | 1.58 | 1.60 | 1.60 | 1.60 |
| Mental retardation | 1.58 | 1.58 | 1.60 | 1.58 | 1.60 | 1.60 | 1.60 |
| Drug abuse | 1.58 | 1.58 | 1.60 | 1.58 | 1.60 | 1.60 | 1.60 |
| Alcohol and other | 1.58 | 1.58 | 1.60 | 1.58 | 1.60 | 1.60 | 1.60 |

Note: Figures pertain only to use of tobacco/Alcohol supplements, capital application of fluoride, or both. P, present in fluoride; H, not present in fluoride.

Source: Swan, et al (69)
These data suggest that while Hawaiians may be seen in mental health facilities, they may not communicate fully. Possible reasons are proposed in an Alu Like report below (11).

1. Suicide. Department of Health suicide data were studied for the 45-year period, 1908 to 1972 (103). For the most recently examined 5-year period, 1968-72, Hawaiian and part Hawaiian males had the highest age-standardized suicide rate—22.5 per 100,000 population—compared to 13.5 for males of all races. The rates were even higher in the 20-34 year age group of Hawaiian males.

These findings support the hypothesis that the despair of cultural conflict, particularly in the young male Hawaiian, continues to be not only common, but serious enough to lead to self-destruction.

2. Culturally-Sensitive Mental Health Service to Hawaiians. An Alu Like report of a mental health program in a semi-rural Hawaiian community of 415,000 in Hānai, O'ahu makes the following points (11):
   a. Native Hawaiians have unique problems because they are "indigenous people living under a non-indigenous government."
   b. Cultural conflicts between the traditional personal, family, social behavior of old Hawai'i vs. modern Nāhāko socio-economic, competitive pressures generate mental stress and emotional disorders.
   c. Western therapeutic approaches in the Hawaiian community by non-Hawaiian health professionals have not been effective for non-western Hawaiians.
   d. Recently, a culturally-sensitive service, Hale Ola o Ho'opikālea, has been established to support clients. Sensitive Nene Health Service in the University of Hawaii School of Medicine has completed a valuable health needs assessment, and started a few pilot projects on health advocacy and education; however, because of lack of sustaining funds, no new programs are planned (173).

3. Physicians Reliable data are not available on the number of Hawaiian licensed physicians in the State of Hawai'i nor from the Hawai'i Medical Association, but such information (114). Of the 22,000 licensed and practicing MD's in the state, less than 50 are believed to be Hawaiians (111).

2. University of Hawai'i School of Medicine

The only medical school in the state started its first class of medical students in 1967. It was then a two-year school. There were 25 students in that first class. None was Hawaiian (155). In 1977, recruiting of minority students began (45).

Since 1979, when the first class was graduated by the school, the pertinent statistics are as follows (45):

<table>
<thead>
<tr>
<th>Year</th>
<th>Recruited</th>
<th>Graduated</th>
<th>Still in school</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>31</td>
<td>12</td>
<td>10</td>
<td>53</td>
</tr>
<tr>
<td>1983</td>
<td>19</td>
<td>10</td>
<td>7</td>
<td>36</td>
</tr>
<tr>
<td>1984</td>
<td>19</td>
<td>7</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>1985</td>
<td>19</td>
<td>9</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>1986</td>
<td>17</td>
<td>6</td>
<td></td>
<td>23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Overall Graduates</th>
<th>Hawaiians</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>1980</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>1981</td>
<td>24</td>
<td>5</td>
</tr>
<tr>
<td>1982</td>
<td>28</td>
<td>3</td>
</tr>
<tr>
<td>1983</td>
<td>31</td>
<td>4</td>
</tr>
<tr>
<td>1984</td>
<td>34</td>
<td>5</td>
</tr>
<tr>
<td>1985</td>
<td>37</td>
<td>8</td>
</tr>
<tr>
<td>1986</td>
<td>40</td>
<td>10</td>
</tr>
</tbody>
</table>

TOTAL: 313

These figures on Hawaiian nursing students, for the years since 1975 (171). Table 20 presents figures on Hawaiian medical students.

TABLE 20 HAWAIIAN STUDENTS ENTERING THE UNIVERSITY OF HAWAI'I SCHOOL OF NURSING BY YEAR

<table>
<thead>
<tr>
<th>Year</th>
<th>Hawaiians</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>1976</td>
<td>3</td>
<td>28</td>
</tr>
<tr>
<td>1977</td>
<td>4</td>
<td>26</td>
</tr>
<tr>
<td>1978</td>
<td>4</td>
<td>24</td>
</tr>
<tr>
<td>1979</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td>1980</td>
<td>6</td>
<td>20</td>
</tr>
<tr>
<td>1981</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>1982</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>1983</td>
<td>5</td>
<td>14</td>
</tr>
</tbody>
</table>

TOTAL: 113

SOURCE: Dubin (173)

As in the medical school, Hawaiian medical students are also under-represented. Unlike in the medical school, the number and proportion of entering Hawaiian nursing students is declining.

4. Public Health Workers

The Department of Health reports the following non-hospital Hawaiian employees for 1983 (173):

<table>
<thead>
<tr>
<th>Class of Employee</th>
<th>Hawaiians</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>318</td>
<td>340</td>
</tr>
<tr>
<td>Administrative</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Staff Public Health Professionals</td>
<td>1</td>
<td>12</td>
</tr>
</tbody>
</table>

5. University of Hawai'i School of Public Health

Aware of the under-representation of Hawaiians among public health professionals, the School of Public Health began a program to recruit minority students in 1978. The following figures on that equal opportunity program were provided (171):

<table>
<thead>
<tr>
<th>Students</th>
<th>Hawaiians</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recruits</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Graduates</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Still in school</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Drop out</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Applicants for 1983</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
In all the major health professions, Hawaiians are seriously under-represented. Although efforts have been made through equal opportunity and affirmative action programs, to correct these inequities, only meager progress has been made and without steady improvement.

Education in these professions, of course, is basic in orientation. The need, as has been pointed out, is not only for more Hawaiians in these disciplines, but for Hawaiians who are culturally sensitive to their underserved people. How sensitive such new health graduates are and how motivated they are to serve in Hawaiian communities have not been assessed.

II. Summary of Health Profile

1. Birth rates were low and death rates were high for the native Hawaiians in the 1800s. These figures reflected the more than 40% decline in the indigenous population during that century from introduced infectious diseases and their socio-cultural-political-economic disintegration, with resulting malnutrition, sanitation, and disease.

In the 1930s, after U.S. annexation, the initially somewhat higher birth rates and falling death rates apply to a rapidly increasing non-Hawaiian, and lesser part Hawaiian, population undergoing western industrialization. The 1960 birth rate figure of 18.6 and death rate of 5.0 per 1,000 emerge from a mixed population practicing birth control, and with a lengthening life span.

2. Infant mortality higher rates for Hawaiians and part Hawaiians continued from the early 1900s into the 1970s, in spite of the rising part Hawaiian population. The higher rates of "illegitimate" births and teen pregnancies among Hawaiians in 1980 are evidence for persistence of traditional native practices of sexual expression and special affections for children.

3. Shorter life expectancy at age 60 for Hawaiians vs. 74.7 years for the total state population in 1970 continued a trend since the first calculations in 1910.


Thus, a pattern stemming from "indigenous people living under a non-indigenous government," cultural conflict between "traditional social values vs. modern base individual competitive pressures, and a dominant society insensitive to Hawaiian needs."

10. Alcohol and drug abuse in 1979 affected 14.7% of the state population ages 12 or older. Of these, 20% were Hawaiian or part Hawaiians.

11. Among the elderly interviewed in 1977, 75.9% of Hawaiians vs. 66.4% of non-Hawaiians reported major chronic illnesses, according to Ali Lima.

12. Medical care of Hawaiians has not been systematically investigated. Hawaiians no longer receive free medical care at institutions founded for them: Queen's Hospital, Kapiolani Hospital, and Laniloa Home. In 1977, 15.7% of Hawaiians older than age 60 had no health insurance vs. 9% of non-Hawaiians, as reported by Ali Lima.

13. Data on Hawaiian health professionals are grossly inadequate. In 1980, Hawaiian physicians were estimated to number less than 50 (0.3%) of the 2,000 licensed and practicing doctors in the state.

By 1982, the University of Hawai'i School of Medicine and graduated 30 Hawaiian MDs, 7.5% of the total of 410 graduating students since the school opened in 1967. Only one of the Hawaiian graduates in practice has found a suitable position in the Hawaiian community.

Hawaiian nurses in the state remain unidentified and uncounted. In the University of Hawai'i School of Nursing, 7.1% of the students since 1973 have been Hawaiian. None has applied for admission in 1983.

Thus, Hawaiians who attended public health schools are expected to work in their own land. Their cultural sensitivity to the plight of their fellow Hawaiians has not been reported.
III. RECOMMENDATIONS

A. Systematic collection, recording, and analysis of critical health data on Hawaiians for use in specific health benefit programs.

B. Development of health needs assessments and research for specific health programs started by Ali Ika, but now outdated by insufficient funds.

C. Greater input by the Hawaiian community in health needs assessments, planning and implementing specific health programs. This requires improved and coordinated communication systems throughout the islands.

D. Education within the Hawaiian community:
   1. Family health learning beginning in Wai'anae and preschool, rather than extensive dependence on schools.
   2. Emphasis on self-responsibility, health-promotion, and disease-prevention through:
      a. Prudent nutrition with more fiber, restricted fat, meat, and sugar.
      b. Daily vigorous, yet enjoyable and productive, physical exercise.
      c. Avoidance of tobacco, alcohol, and non-prescribed drugs.
      d. Wholesome thinking and stress-coping.
   3. Optimal use of available health-care resources.
   4. Patient-advocacy.
   5. Abstinence of excessive dependence on professionals, faddism, and commercialism.

E. Incorporation of appropriate Hawaiian values and practices into the health care system:
   1. Education of non-culturally-sensitive "Hawaiian" and non-Hawaiian health professionals.
   2. Placement in underserved Hawaiian communities.

F. Coordination with existing health agencies and institutions on specific health programs:
   1. For heart disease, hypertension, cancer, stroke, diabetes, kidney disease, infant and maternal care, tobacco promises, alcoholism, drug abuse, suicide and dental care.
   2. Investigation of "free" medical care for needy Hawaiians at Queen's and Kapi'olani Hospitals in accordance with their founding charters.
   3. Avoid unnecessary duplication.
   4. Monitor, encourage, and if necessary, press such bodies to be sensitive to Hawaiian needs.

G. Integration of health programs with those for:
   1. Economic self-sufficiency, agriculture, fishing, education, culture, recreation, housing, energy, transportation, communication, historic sites.
   2. This recognizes that health is not separate from, but an integral part of, daily, yet long-range, group as well as individual pursuit of meaningful lives in an increasingly complex society.

IV. SUMMARY

1. Prior to contact with the first foreigners, the Hawaiians were generally a healthy people, well adapted to, and reverent of, nature about them, in their pursuit of meaningful productive lives. They were remarkably free of severe contagious scourges because of their long isolation from the rest of the world, and their refined degree of personal hygiene, public sanitation and preventive measures, promoted by their psychospiritual beliefs and the ha'a. However, they did have some local infections, some of the metabolic disorders so prevalent in their descendants today, some congenital defects, and some mental illnesses, although they were extraordinarily hospitable, gracious and skillful in coping with stress.

   Their medical care was holistic, health-promoting, and disease-preventing with emphasis on self-responsibility, and continuous communication with the psychospiritual realm of their ancestors, who had become gods and other manifestations of nature, and to which the islanders owed all.

2. Contact in 1778 and thereafter brought disease. The Hawaiians have never recovered, for disease continues today. Death directly and indirectly. Rising waves of infectious epidemics, socio-political-economic disruption and spiritual despair reduced the indigenous population from 300,000 to 50,000—when the kingdom was ruled by the ha'ali'i—up to 1810. Neither native nor haole medicine could halt the devastation.

   Acceleration of Americanization, when the Hawaiians were forcibly deprived of their ruling ali'i, and their vote, in 1891, brought westerization of their health-biologic profile—and more so. That is, having adopted the prevailing U.S. lifestyle, the Hawaiians now rank first in their homeland with "hawaiian illnesses"—heart disease, hypertension, cancer, stroke, and for some, also with auto deaths, suicides, drug abuse, and "behavioral disorders.

   Dispossessed of their lands, caught in the cultural clash of traditional respect for their extended 'ohana and nature vs. pressure to survive in the competitive haole world of greed, the Hawaiians continue to despair, for they have, indeed, become not only strangers, but the conquered in their native land.

4. Correction of this painful assessment must begin at the source. Restoration of the Hawaiians' desire to pursue meaningful lives by returning to their lands and waters, to their reverence for nature and the spiritual realm of their ancestors, and to become self-responsible and self-sufficient.

   Integrating family and self-education in the health principles of their forebears—prudent proper nutrition, vigorous and enjoyable work and play, avoidance of self-abuse, and wholesome lamps of themselves, others and nature—with programs such as agriculture, fishing, historic sites, housing, transportation, energy, and culture.

   With culturally-sensitive Hawaiians and non-Hawaiians need to be trained as health professionals and to serve in underserved Hawaiian communities, to help the people themselves launch health programs for specific medical problems, such as heart disease, cancer, drug abuse, and suicide—and for pride in themselves.
Race designations on Department of Health records

The race recorded on death registration records at the Department of Health—birth, death, and marriage certificates—is based entirely upon voluntary designation and hence, cannot be considered indicative of genetic relationships.

The race of a child is determined from the race of the parents entered on the birth certificate in accordance with the following policies which are based upon the procedure used by the Bureau of the Census and more extensive conducted prior to 1970. If the race of both parents is the same, the child is coded as that race. If the race of both parents is of the same race entered in accordance with the following policies which are based upon the procedure used by the Bureau of the Census and more extensive conducted prior to 1970. If the race of both parents is the same, the child is coded as that race. If the race of one parent is to designated Asian or Black, the child is coded Negro. In all other instances, the child is coded according to the race of the father. Illigitimate births are coded according to the race of the mother.

The race of the child on the marriage certificate is whatever race the bride and groom recorded when they obtained their marriage license. The race on the death certificate is whatever race the informant gave the nearest director who prepared the death certificates.

The race of an individual included in the department’s household health survey is coded in accordance with the above criteria based on the race of the individual’s parents as designated by the respondents. Individuals whose parents are of different races are coded either Asian or Foreign Other, depending upon the racial mix.

The race of the child on the 1970 and 1960 United States death certificate was based entirely upon self-identification as a single race so that it is no longer possible to get counts of racial groups from the census. The race shown on the 1970 and 1960 death certificates is not comparable with the race designations of the Department of Health—other race statistics cited in agency.

Birth and Death Rates

The question given in the first paragraph of this section on pages 45 should be deleted since it is not logical that deaths attributed to a “foreign” high mortality rate. It should probably read “abnormal” high mortality rate.

Infant Mortality

Change dates in table 27 to 1960-1980 and add following two columns:

<table>
<thead>
<tr>
<th>Race</th>
<th>1970</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>All races</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Part-Hawaiian</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Californian</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Chinese</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Filipino</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Japanese</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Hawaiian</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>All races</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Leading Causes of Death in Hawaiian Residents

<table>
<thead>
<tr>
<th>Race</th>
<th>Cause of Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>Cancer</td>
</tr>
<tr>
<td></td>
<td>Diabetes mellitus</td>
</tr>
<tr>
<td></td>
<td>Heart disease</td>
</tr>
<tr>
<td></td>
<td>Stroke</td>
</tr>
<tr>
<td></td>
<td>Pneumonia</td>
</tr>
<tr>
<td></td>
<td>Cirrhosis of liver</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
</tbody>
</table>

Race and employment table based on race of death certificate.

Change Table 27 to:

Page 41, paragraph 1, line 5: Change 1900 to 1960.

Page 42, table 26: Change to:

<table>
<thead>
<tr>
<th>Race</th>
<th>Deaths per 1,000 live births</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>2.0</td>
</tr>
<tr>
<td>Chinese</td>
<td>2.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>2.9</td>
</tr>
<tr>
<td>Japanese</td>
<td>3.4</td>
</tr>
<tr>
<td>All races</td>
<td>2.8</td>
</tr>
</tbody>
</table>

Page 42, table 27: Change to:

<table>
<thead>
<tr>
<th>Race</th>
<th>Deaths per 1,000 live births</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>2.0</td>
</tr>
<tr>
<td>Chinese</td>
<td>2.5</td>
</tr>
<tr>
<td>Filipino</td>
<td>2.9</td>
</tr>
<tr>
<td>Japanese</td>
<td>3.4</td>
</tr>
<tr>
<td>All races</td>
<td>2.8</td>
</tr>
</tbody>
</table>

Page 50: Add new paragraph:

Leaping Causes of Death in Hawaiian residents

<table>
<thead>
<tr>
<th>Race</th>
<th>Cause of Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiian</td>
<td>Cancer</td>
</tr>
<tr>
<td></td>
<td>Diabetes mellitus</td>
</tr>
<tr>
<td></td>
<td>Heart disease</td>
</tr>
<tr>
<td></td>
<td>Stroke</td>
</tr>
<tr>
<td></td>
<td>Pneumonia</td>
</tr>
<tr>
<td></td>
<td>Cirrhosis of liver</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
</tbody>
</table>

Race and employment table based on race of death certificate.

Change Table 27 to:

Page 41, paragraph 1, line 5: Change 1900 to 1960.
KAHANAHOU
Hawaiian Foundation
P.O. Box 1639
Kailua-Kona, Hawaii
(808) 935-0404

STATE BOARD OF OFFICERS AND DIRECTORS
A Nondiscriminatory Foundation of Hawaii
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Vice President: John H. Wright

Secretary: Elizabeth D. Allison

Treasurer: Charles P. Dillingham

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Corporate Treasurer: Charles H. Kealoha

Corporate Secretary: Elizabeth D. Allison

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Hawaiian Foundation
1972-1973

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Albert A. Cooper

E. Elmer Moore

Hawaiian Foundation
1972-1973

BOARD OF DIRECTORS 1972-1973

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Vice President: John H. Wright

Secretary: Elizabeth D. Allison

Treasurer: Charles P. Dillingham

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Hawaiian kingdom on January 14, 1893. Aided and abetted by United States officials and United States Armed Forces who lowered the Hawaiian flag over a Hawaiian government building and hoisted up the United States flag, the small group of insurgent conspirators within the United States residing in Hawaii, formed a paper provisional government without the consent of the Hawaiian people or of the lawful government of Hawaii. Immediately thereafter, United States Minister Stevens extended diplomatic recognition to the provisional government though such recognition of the provisional government was not in actual control of the kingdom. Hawaii, nor in full possession of effective power, nor with consent from the Hawaiian people, and furthermore was sustained in authority solely by the Armed Forces of the United States. For your Commission to interpret and define such resolute, indefensible actions by the United States as commercial and psychological, constitutes a terrible shame and infamy against the true and full significance of illegitimate actions committed by the United States to cause the overthrow of the lawful sovereign kingdom of Hawaii.

Furthermore, having conspired and caused the downfall of the Hawaiian kingdom for the United States to solely sustain the uprising and protect the provisional government from retaliation by the lawful established government of Hawaii, constitutes further aggression against the sovereign Hawaiian Queen. One patriotic Hawaiian Police officer was shot and wounded in the execution of his official duties, staining with his blood the shameful actions of the government of the freedom loving people of the United States.

Eleven months later, on December 19, 1893, in a historic message to the Congress, the President of the United States, Grover Cleveland, after a full and impartial investigation, responded fully and accurately on the illegal actions of the United States as an act of war, committed with the participation of a diplomatic representative and the Armed Forces of the United States and without the authority of Congress ----- directly causing the lawful government of the peaceful, friendly and confiding government of Hawaii to be overthrown. "A subversive wrong and injury was thus done to the Hawaiian people, which, with due regard for our national character as well as the rights of the injured people, the United States should endeavor to repair." So compelling is the message of President Grover Cleveland, which should be read by every

("quote") - "The United States is willing to maintain itself as one of the most enlightened of nations; and it will not permit any other than a high standard of honor and morality. On that ground the United States cannot properly be put in the position of an onewhich if disposed to its international relations; any other than a high standard of honor and morality. On that ground the United States, the United States cannot fall to void its independence and its sovereignty by the same means of the name and power of the United States, the United States cannot fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

These principles apply to the present case with irresistible force when the special conditions of the Queen's surrender of her sovereignty are recalled. She surrendered not to the provisional government, but to the United States. She surrendered not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States.

Furthermore, the provisional government acquiesced in her surrender in that manner and on those terms, not only by tacit consent, but through the positive acts of some members of that government who urged her peaceable submission, not merely to avoid bloodshed, but because she could place implicit reliance upon the justice of the United States, and that the whole subject would be finally considered at Washington." (end quote)

PART TWO

On the basis of the foregoing facts, it is therefore any wonder why I forcefully condemn the preliminary report of the Commission as outrageous and a continuation of further injustices upon the Hawaiian people. Your historical findings and conclusions seemingly appear, politically motivated to deny the Hawaiian people their righteous claim to crown lands and natural resources, and reflect poorly on the moral fiber of both your commission and the present administration you represent. As to the remainder of your report, simply put - it is surplus window dressing, interesting, with some upliftment values, but the turn-off appears earlier.

PART THREE

I recommend strongly that the three Hawaiian members of the Commission separate themselves from the majority report if such unjust findings and conclusions are allowed to stand. Better to submit a minority report reflecting the Hawaiian side of the overthrow in 1893 and President Cleveland's majestic report and strong conclusions, than to be entrapped in the majority report which does little except to further erode the dignity of the Hawaiian people and bitterly reduce their worthy cause to "nothing."

Enclosure - President Cleveland's Report to Congress 1893

Arthur S. Chun
Colonel, USA (Ret'd)
Chairman, Honolulu-Saloko
Study Commission
National Park Service
Department of the Interior
P. O. Box 697
Kilauea, Kauai, Hawaii 96730

Enclosure - President Cleveland's Report to Congress 1893

Best Copy
We are unable to protect ourselves without all aid, and therefore pray for your assistance. We have thought of the various schemes we have outlined, and the most important of these is the establishment of a civil government in the United States. If this can be done, we shall have a chance to establish a civil government in the United States. If this can be done, we shall have a chance to establish a civil government in the United States. If this can be done, we shall have a chance to establish a civil government in the United States. If this can be done, we shall have a chance to establish a civil government in the United States.
yielded her authority to the provisional government, and was given a position and rank that she retained throughout her life as the United States, upon the facts presented to her and her representatives, and returns to the office she held when she yielded her authority to the provisional government of the Hawaiian Islands.

This paper was delivered to the chair of the provisional government, and was endorsed by the members of the commission who voted in favor of the resolution. The terms of the paper were read without discussion by those members who voted in favor of the resolution.

The paper was then referred to the committee on legislation and ordered to be printed for the information of the commission.

The following report was made by Mr. Clark, January 24, 1889, in the absence of the committee and by the printer:

In the name of the Hawaiian nation:

By the power and authority of the Hawaiian nation, I, Henry Wise, the Secretary of State of the Hawaiian nation, do hereby issue and publish this paper in the Hawaiian language and in English, as the official record of the commission on legislation, and do hereby appoint the following persons to be the members of the commission:

The Secretary of State of the Hawaiian nation

The Hawaiian nation

January 24, 1889.
November 10, 1982

Dear friends,

As the Native Women's Support Group, resident in a community that has an ethnic makeup of nearly 50% Native people, we feel strongly that our review of the "Draft Report of Findings," by the Native Hawaiian Study Commission will contribute significantly to strengthening the study.

We have just seen today for the first time the Draft Report Finding. The comprehensive 300-page report will definitely take sometime to review. We request that you seriously consider our comments and forward our comments to your commission.

Asthank you for the enormous task of analyzing all these facts and here we will affirm the study by our comments.

Sincerely,

[Signature]

[Address]

Women's Support Group
of the Waimea Coast
87-120 St. John's Road
Waimea, Kauai' 96796

Office of Program Planning and Evaluation
NHD Region 12
June, 1982

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1. BACKGROUND

The Hawaiian Homes Commission Act, passed by Congress in 1920 and established as part of the Hawaiian State Constitution, created the Hawaiian Homes Commission (HHC) to hold, lease, and otherwise control over 200,000 acres of land exclusively for native Hawaiians. Native Hawaiians were defined, according to this legislation, as those persons with more than one-half native Hawaiian blood.

The Department of Hawaiian Homes Lands (DHHL) also created by the Hawaiian Homes Commission Act, was given the responsibility to develop and dispose of the 200,000 acres of land set-aside for native Hawaiians. The DHHL was authorized to develop lands for residential, pastoral, and agricultural purposes.

There is no private financing available currently for any of the site development or construction costs incurred by the Department. Instead, the State government has provided these funds through various mechanisms:

a. Site development costs for house lots, agricultural lots, and industrial lots are provided through State appropriations supported through the sale of bonds totaling over $64 million over the past six years.

b. The FHLMC is responsible for capitalization of the Department's home loan program. These loans have totaled in excess of $11 million in the past four years and are guaranteed by the Department of Hawaiian Home Lands (DHHL) state government.

State-wide, over 5,000 homestead leases have been awarded to approximately 2,000 native Hawaiian families who are beneficiaries of the HHCA Act of 1920. These families are living on a residence, farm, or ranch homestead located on the 29,000 acres currently used for homestead purposes. Excluding, almost 7,000 applicants are on the DHHL’s current waiting list for rural lands. Only 60 percent of the applicants have applied for residential lands.

2. OBJECTIVE USE OF HH LANDS

Up to the present time, the Hawaiian Homes Commission has not participated in the design, planning, and construction of any residential or housing programs. To fulfill the mandate of the HHCA Act of 1920, the Department of Hawaiian Home Lands has not developed and disposed of the 200,000 acres of land set aside for native Hawaiians. The DHHL has been authorized to develop lands for residential, pastoral, and agricultural purposes.

According to HMC’s Makanakikei Office, there are a number of problems which need to be addressed before the Department of Hawaiian Home Lands can develop the land. These problems range from land and property regulations which are in conflict with the Hawaiian Homes Commission Act legislation. They may be categorized as follows:

- Civil Rights Act and HUD Direct Opportunity Regulations, which conflict with Hawaiian Homes Commission eligibility requirements and are inappropriate for application in the State of Hawaii.
- FHA Single Family Insured Program Regulations, which have been inconsistent with HHCA regulations restricting marketability and transfer of ownership to native Hawaiians exclusively.
- HUD Direct Opportunity Regulations, which require the Department to meet before a family is eligible to benefit from the Department.
- The State of Hawaii and the DHHL are working to develop and construct the Hawaiian Homes Commission Act.

III. RECOMMENDATION

- The Department of Hawaiian Home Lands should engage in significant activities to address the need for land development.
- The Department of Hawaiian Home Lands should develop and construct the Hawaiian Homes Commission Act.
- The State of Hawaii and the DHHL should develop the Hawaiian Homes Commission Act.

ERI
water and utility access and roadways. The cost of this site work is presently borne by the State government.

There is no private financing available currently for any of the site development or construction costs incurred by the Department. Instead, the State government has provided these funds through various mechanisms:

- Site development costs for homes, pastures, agricultural lots, and industrial sites are provided by State appropriations approved through the State's bond issues totaling over $50 million over the past six years.

- Loan money for capitalization of the Department's home loan fund is provided by the State government through legislation.

- Farmer's Home Administration, through its Section 502 Program, provides home loans to individual native Hawaiian homesteaders. These loans have totaled in excess of $4 million in the past five years and are guaranteed by the Department of Hawaiian Home Lands.

As of December 1959, construction of the home at the rate of 260 new homes per year. The necessity of rising the cost of construction and the State's constitutional limitations on the issuance of debt, construction has not been at the planned rate.

It should be noted, however, that the approximate cost of a home constructed on Hawaiian Homes Lands remains far below the average cost of home construction on other lands in Hawaii. According to the Department's Deputy Director, homes are being constructed on HHC lands for $3,000 per unit. Because interest rates on Department home loans to eligible native Hawaiian homesteaders are relatively low, because the total cost of home construction is essentially the same major cost of the mortgage payment, the monthly payments for a home are considerably lower than elsewhere on Hawaii.

*Interview with Reyn Jones, April 1962. The figure represents only the cost of constructing the home, not site development costs.

---

Table 2

<table>
<thead>
<tr>
<th>Land-use</th>
<th>Island</th>
<th>Oahu</th>
<th>Maui</th>
<th>Kauai</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homestead</td>
<td></td>
<td>21,026</td>
<td>6,006</td>
<td>1,212</td>
<td>28,244</td>
</tr>
<tr>
<td>General Lease</td>
<td></td>
<td>51,669</td>
<td>22,080</td>
<td>2,172</td>
<td>75,922</td>
</tr>
<tr>
<td>Community Passenger</td>
<td></td>
<td>300</td>
<td>100</td>
<td>10</td>
<td>510</td>
</tr>
<tr>
<td>Licenses</td>
<td></td>
<td>10,228</td>
<td>2,934</td>
<td>6</td>
<td>13,168</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>11,164</td>
<td>16,108</td>
<td>97</td>
<td>28,479</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>75,716</td>
<td>30,144</td>
<td>139</td>
<td>106,009</td>
</tr>
</tbody>
</table>


As the above table indicates, approximately 29,000 acres of HHC lands or 13 percent of the land is currently being used by native Hawaiian homesteaders. Of this, 17,000 acres, or 2,000 acres is currently being used for non-residential purposes. Of the HHC lands being used for homestead purposes, the vast majority of acreage is located on the "Big Island" of Hawaii. State-wide, over 3,000 homestead leases have been granted to approximately 2,700 native Hawaiian families who are beneficiaries of the HHC Act of 1920. Thirty families are beneficiaries of the homestead lease on the 29,000 acres currently used for homestead purposes. Table 1, below, shows the number of these leases by island and type of lease.

Table 3

<table>
<thead>
<tr>
<th>Island</th>
<th>Farm</th>
<th>Ranch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>594</td>
<td>88</td>
</tr>
<tr>
<td>Kent</td>
<td>187</td>
<td>3</td>
</tr>
<tr>
<td>Maui</td>
<td>417</td>
<td>5</td>
</tr>
<tr>
<td>Kauai</td>
<td>1,436</td>
<td>6</td>
</tr>
<tr>
<td>State-wide</td>
<td>2,352</td>
<td>94</td>
</tr>
</tbody>
</table>


---

C. Hawaiian Homes Commission Lands and Homestead Applicants

In order to determine how HHC lands were being used and the extent of demand for housing on these lands, the 1960 Annual Report of the Hawaiian Homes Commission (HHC) which provides land-use summaries for the Hawaiian Homestead Lands. The following table summarizes the acreage of the Hawaii islands administered by the Department of Hawaiian Home Lands.

Table 1

<table>
<thead>
<tr>
<th>Land-use</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homestead</td>
<td>29,400</td>
</tr>
<tr>
<td>General Lease</td>
<td>73,509</td>
</tr>
<tr>
<td>Community Passenger</td>
<td>1,110</td>
</tr>
<tr>
<td>Total</td>
<td>105,019</td>
</tr>
</tbody>
</table>


Table 2 shows use for the entire acreage administered by the Department by each island and in the State.

Table 4

<table>
<thead>
<tr>
<th>Island</th>
<th>Homestead Applicants by Island and Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Hawaii</td>
<td>3,000</td>
</tr>
<tr>
<td>Kent</td>
<td>677</td>
</tr>
<tr>
<td>Maui</td>
<td>263</td>
</tr>
<tr>
<td>Kauai</td>
<td>3,000</td>
</tr>
<tr>
<td>State-wide</td>
<td>6,000</td>
</tr>
</tbody>
</table>


State-wide, almost 7,000 applicants are on the HHC's current waiting list for residential lots, or each homestead. Nearly 90 percent of the applicants have applied for residential lots.

D. Issues Regarding DHA Implementation

Over the years, considerable controversy has occurred regarding the Department's management of HHC lands. This has resulted primarily from the Department's policies on the award of leases to homesteaders and other types of Hawaiian Home Lands' applicants. At the present time, court cases are pending which challenge these policies. For example, the Supreme Court of Hawaii has ruled that the HHC lands distributed immediately to all eligible native Hawaiian homestead applicants. The decision of the court challenges asserted primarily around the following factors:

---
Because the litigation may effect the OHA’s status as the administrator for the HIC, it may now have a significant impact on future federal housing programs taken on these lands as well.

A somewhat similar situation existed in the past due to the lack of a federal law to restrict acquisition to Orem of non-indigenous tenants, the progressive dilution of their legal position, experienced the gradual dispossession of their lands, and a massive increase of federal housing programs for both Indian reservations and non-reservation areas. In Hawaii, the enabling legislation which confuse native Hawaiian claims to land was the Indian Preference Statutes, as part of the Indian Reorganization Act of 1934, the Bureau of Indian Affairs reserved 150,000 acres for future use in the State. This issue will not be examined here, except as it affects HUD program delivery on Hawaiian home lands.

The Civil Rights Act of 1960 did not extend the recognition and protections afforded to certain identified minority groups to native Hawaiians. Subsequent HIA equal opportunity regulations did not include native Hawaiians within their guidelines. Native Hawaiians are defined as native Americans in the national housing and community development programs. However, their unique status has been the subject of litigation which has resulted in federal legislation which has confirmed their status as native Americans. In the Indian housing programs, HUD program regulations have been adopted which require that the Secretary of HUD maintain a list of all eligible native Hawaiian organizations. Any non-native Hawaiian organization may conflict with a broad FHA prohibition against any non-native Hawaiian organization in the conduct of a foreclosure on a foreclosed property or other mortgage relations which are in apparent conflict with the enabling legislation. This issue will not be examined here, except as it affects HUD program delivery on Hawaiian home lands.

In the event of a foreclosure on an HIC-insured leasehold mortgage, HUD would have the ultimate right to elect to take title to the leasehold property to the Secretary of HUD. The Civil Rights Act of 1960 did not extend the recognition and protections afforded to certain identified minority groups to native Hawaiians. Therefore, no HUD program has ever been used on the Hawaiian Home Lands.

This chapter will examine each of these area in greater detail, drawing on work previously done in this area by the KID Honolulu, Area Office and the Central Office in Washington, D.C.

B. Civil Rights and Equal Opportunity

Application of National Civil Rights Act legislation and HIA equal opportunity requirements in the Hawaiian Housing and Community Development Programs has been an issue of longstanding within HUD for several years. Current legislative or regulatory actions are applicable to native Hawaiians, even though the enabling legislation which confuse native Hawaiian claims to land was the Indian Preference Statutes. This issue will not be examined here, except as it affects HUD program delivery on Hawaiian home lands.

Civil Rights Act and HUD Equal Opportunity Regulations

While these problems may seem insurmountable, a number of solutions must be made. First, it must be determined whether there is or is not a broad FHA prohibition against any and all limitations on marketability of title, in the FHA Single-Family program. Therefore, if limitations of any kind or kind are in any way prohibited, certain problems may be stated in FHA prohibitions against any and all limitations on marketability of title, in the FHA Single-Family program. Therefore, if limitations of any kind or kind are in any way prohibited, certain problems may be stated in FHA prohibitions against any and all limitations on marketability of title, in the FHA Single-Family program.
C. FHA Administered Multifamily Program

The FHA regulations require an administering agency for multifamily or rent subsidy programs to be authorized by law. Quasi-agency status is not enough. The regulations required that the Department of Housing and Urban Development (HUD) authorize the administering agency. According to 24 C.F.R. 206.10(a), the enabling statute must authorize the Department of Housing and Urban Development to enter into a multifamily housing contract with the administering agency. In the case of most of the multifamily and Section 8 programs, this enabling statute is the Housing and Urban Development Act of 1968. However, in the case of the 1974 Emergency Housing Assistance Act, Section 206 of Title II of the Housing and Urban Development Act of 1968 did authorize the Department of Housing and Urban Development to enter into contracts with administering agencies, and this section has been re-enacted subsequent to the Housing and Urban Development Act of 1974. This enabling statute is 42 U.S.C. 1437f.

The enabling statute may recognize the role of private nonprofit organizations in the administration of multifamily housing programs. Section 206(c)(3) of the Housing and Urban Development Act of 1968, for instance, provides that the administering agency may employ nonprofit organizations to perform the functions of the administering agency. The administering agency may be required, however, to maintain an administrative relationship with the nonprofit organization. The administering agency may also be required to designate responsible officials of the nonprofit organization.

In the case of the Emergency Housing Assistance Act, the enabling statute provides that the administering agency may enter into contracts with nonprofit organizations to perform the functions of the administering agency. The enabling statute also provides that the administering agency may be required to designate responsible officials of the nonprofit organization.

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Native Hawaiian Study Commission
Department of the Interior Building
18th & C Sts., N.W. - Room G200
Washington, D.C. 20240

October 20, 1982

President Ronald Reagan
Washington, D.C. 20240

Mr. President:

I am very anxious to read your Final Recommendations.

Lastly, the Office of Inspector General Audit Report clearly identifies many problems of the HSN. You can cite this report in your press conference to support the Native Hawaiian Study Commission's recommendations.

I have enclosed (3) newspaper articles. This is the way to keep the public informed.

I support Native Hawaiian Rights and the right to maintain our way of life. I have enclosed (3) newspaper articles. This is the way to keep the public informed.

I hope you will consider these points and support Native Hawaiian Rights.

Yours sincerely,

John J. Nall

Testimony of Draft Report of Findings

By John J. Nall

I have enclosed (3) newspaper articles. This is the way to keep the public informed.

I hope you will consider these points and support Native Hawaiian Rights.

Yours sincerely,

John J. Nall

PS. Please send final report to the above address.

2155/LP

cc: Thomas E. Lene

President Ronald Reagan

& (3) newspaper articles from Honolulu Star Bulletin

Native Hawaiian Study Commission

November 20, 1982

I have enclosed (3) newspaper articles. This is the way to keep the public informed.

I hope you will consider these points and support Native Hawaiian Rights.

Yours sincerely,

John J. Nall

PS. Please send final report to the above address.

2155/LP

cc: Thomas E. Lene

President Ronald Reagan

& (3) newspaper articles from Honolulu Star Bulletin
October 21, 1992

The Native Hawaiian Study Commission
Department of the Interior Building
16th & C Streets, N.W., Room 422
Washington, D.C. 20240

Dear Commissioners,

In response to your request for comments on your Draft Report, I enclose a copy of an article on Hawaiian reparations which will appear in the upcoming issue of the Hawaii Bar Journal. The article primarily addresses the issue which you have reserved for your final draft: Hawaiians' moral claim to reparations. However, in considering that claim I found it necessary to consider the issues of aboriginal title and recognized title which you discuss in your Draft Report.

I hope that the enclosed article will be of some assistance to you in your deliberations.

Very truly yours,

Patrick M. Hanifin

*Ph.D., University of Hawaii at Manoa, 1977; J.D., Harvard, 1980; Associate, Goodwin, Procter & Hoar*
The Native Hawaiian Study Commission has released a draft report finding that Hawaiians have no present legal right to reparations. Its final report will consider whether Hawaiians have any moral right to reparations. This is a matter where moral rights cannot be entirely divorced from legal rights. If no one has stolen anything which you had a legal right to, then you have no moral right to reparations for theft.

The basic thesis of this article is simple. Most Hawaiians owned no land in 1893 and had no political power. No Hawaiian lost land because of the Revolution and few permanently lost power. Those who lost nothing could claim nothing for damages; those who lost something are dead. Since there is no moral right to inherit political power the losses' descendents have no moral right to reparations.

Reparations are payments made to correct past injustices. They should not be confused with payments made to help those because he is poor or get reparations because he has been wronged.


The Commission shall receive claims for a period of five years after August 17, 1984, and no claim existing before such date but not presented within such period may thereafter be submitted to any court or administrative agency for adjudication, nor will such claim thereafter be considered by the Commission.

The Office of Hawaiian Affairs (OHA) has suggested that the Hawaiians may be entitled to the present value of the former Crown lands and Government lands of the Hawaiian Monarchy, over 1.75 million acres. OHA has also argued that the Hawaiians are also entitled to substantial powers of self-governance: roughly like Indian tribes, they should form a state within a state.

The issue is whether the law should be changed to fit the opinion that Hawaiians have a moral right to reparations. If there were a legal right to reparations the

Hawaiians could have sued the U.S. government and won years ago. There would be no need for a special commission or a special act of Congress. This claim is before Congress rather than the courts because there is now no legal remedy for the alleged moral wrong.

However, even assuming that American intervention in 1893 was improper, no moral right to reparations follows. Advocates of reparations have ignored at least nine other questions which must be answered before they can prove their case:

1. What did the alleged victim have at the time of the theft?
2. Of the victim, what did he have a moral right to at the time of the theft?

The Commission shall receive claim for a period of five years after August 17, 1984, and no claim existing before such date but not presented within such period may thereafter be submitted to any court or administrative agency for adjudication, nor will such claim thereafter be considered by the Commission.

The issue is whether the law should be changed to fit the opinion that Hawaiians have a moral right to reparations. If there were a legal right to reparations the

Proponents of Hawaiian reparations assume that if they can show that American intervention in the 1893 revolution was unjust then it automatically follows that the United States government owes enormous reparations in cash, land and political power to Hawaiians. The Aboriginal Lands of Hawaiian Association (ALHA) suggests that a billion dollars cash and several billion dollars worth of land would be a fair amount. The Office of Hawaiian Affairs (OHA) has suggested that the Hawaiians may be entitled to the present value of the former Crown lands and Government lands of the Hawaiian Monarchy, over 1.75 million acres. OHA has also argued that the Hawaiians are also entitled to substantial powers of self-governance: roughly like Indian tribes, they should form a state within a state.

The issue is whether the law should be changed to fit the opinion that Hawaiians have a moral right to reparations. If there were a legal right to reparations the

If there were no legal right to reparations, nothing for damages. Those who lost nothing could claim nothing for damages; those who lost something are dead. Since there is no moral right to inherit political power the losses' descendents have no moral right to reparations.

Reparations are payments made to correct past injustices. They should not be confused with payments made to help those because he is poor or get reparations because he has been wronged.

There would be no need for a special admission or revocation for gnat. A man gets welfare because he is poor; he gets reparations because he is a native. A man gets welfare because he is poor; he gets reparations because he has borne wrongs.
American Minister Stevens ordered American marines from the U.S. to land in Honolulu, allegedly to prevent fighting which might endanger American lives or property.

The next day, the revolutionaries, without assistance from American troops, seized the government building. Queen Liliuokalani put up a brave resistance to the takeover. Minister Stevens recognized the provisional revolutionary government but did not use force or say that he would use force to support the revolution. The Queen apparently believed the presence of American troops in the city was an implied threat to use them to repel the rebels, or put her surrender of power in the form of a "surrender to the superior forces of the United States.

In 1893, America annexed Hawaii at the request of the Republic of Hawaii, a regime which came to power as a result of the successful revolution. Thus, the case for reparations can be built only on the results of the 1893 Revolution.
In 1893 the total area of the Crown Lands amounted to approximately 971,443 acres. The property interests in the Crown lands were regulated by the Act of June 7, 1840, and by the 1897 Constitution of the Kingdom of Hawaii.

Queen Liliuokalani had no control over the land itself. She had no power to maintain the Wei estate and dignity. Although she was able to spend the money as she wished, the act amounted to about $11,000 per year. The act of June 7, 1840, p. 5, reprinted in 3 H.R. (1845) at 513 at 2175; Constitution Act 441 LI0 IC1811 164. When a monarch died and their income was vested in the commissioner or in the office, not in the individual. The legislature also occasionally passed acts to give the figure of the management of the Crown lands was vested in the Commissioner as the property of the Commission as the estate of the office.

The act provided for in Article 44 (1845) at 513 at 2175, this income was vested in the Commissioner of Crown Lands to Convey a Certain Parcel of Land Belonging to the Crown lands was vested in the Commissioner as the property of the Commission as the estate of the office.

The 1817 Constitution provided that if the monarch died without issue, his successor, by right of inheritance, had only the right to receive the income from the land and not their income to her personal heir. When a monarch died and their income was vested in the commissioner or in the office, not in the individual. The legislature also occasionally passed acts to give the figure of the management of the Crown lands was vested in the Commissioner as the property of the Commission as the estate of the office.

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Thus Liliuokalani had only the right to receive the income of the Crown lands for her life. This was all she lost in 1893 when she lost the Crown. The legislature was inseparably attached.

Constitution of 1897 Article 33. 3114-30. Walker mentioned in gibson v. myer, 3 law. at 539. 1.4

Footnote continued from previous page:

Belknap's successor since she had no children she had the constitutional power to nominate an heir subject to approval by the nobles. The nobles were a group of legislators who were overwhelmingly Caucasian.

Liliuokalani appointed her niece Princess Kalanini as her heir and the nobles approved.

The 1897 Constitution provided that if a monarch died without issue and without a living appointed heir the legislature of the Kingdom was to select an heir as monarch. The legislature also occasionally passed acts with the monarch's approval empowering the Crown Land commissioners to sell certain pieces of land.

Constitution of 1897 Art. 22.

The qualifications and powers of the nobles were provided for in Articles 44-29 of the 1897 Constitution. The nobles set together in one house with the other half of the legislature, the representatives. The 1897 Legislative Session 29 of the 1897 Constitutional Act 441 LI0 IC1811 164. The Act to Authorise the Commissioners of Crown Lands to Convey a Certain Parcel of Land to the Crown Liholiho in 1817 was to the office of the Sovereign, not to the individual who wore the Crown.

Footnote continued from previous page:

Belonging to the royal Domain. July 21, 1870 p. 60. Act to Authorise the Commissioners of Crown Lands to Convey a Certain Parcel of Land Belonging to the Royal Domain. July 21, 1870. Act to Authorise the Commissioners of Crown Lands to Convey a Certain Parcel of Land to the Crown Liholiho in 1817 was to the office of the Sovereign, not to the individual who wore the Crown.
She acquired that income by being named heir to the Crown in the Constitution of 1827, a document which she herself said, "was never in any way ratified, either by the people, or by their representatives, even after violence had procured the king's signature to it." She had been named as heir to the throne under the prior, defunct constitution of 1814 by her brother, Kamehameha II. The nomination was approved only by the then-unexpected Bobbitt. The Constitution of 1824 was a result of a bloodyoup d'etat led by King Kamehameha IV after the proposals submitted to it had been rejected by an elected constitutional convention.

The Crown lands in 1823 were the last remnants of lands seized by Liliuokalani's royal predecessor Kamehameha I in oppressive warfare. People who believe that American title to the land today is foreclosed because it is founded on conquest may be hard put to explain why Liliuokalani's claim was not equally foreclosed. If Liliuokalani had no moral right to the income, then she had no moral right to compensation for its loss.

Liliuokalani lost the income from the Crown lands as a result of being deposed from the throne by the Revolution of 1893. The Government of the Republic of Hawaii took

Over the Crown lands and provided explicitly in the Constitution of the Republic that those lands were Government lands, Liliuokalani's suit against the United States to recover the lands after Hawaii had become an American territory was unsuccessful.

From assuming that the former Crown had a moral right to compensation for the loss of the Crown land income, that right died with her, Princess Liliuokalani predeceased the Crown by eighteen years. Because the income was payable only "for the use and benefit of the Native Sovereign," the only person who could claim the income from the Crown lands now is that person who has been elected by the Legislature of the Hawaiian Kingdom as sovereign. Of course, there is no such person. Consequently, today's Hawaiians have no moral claim to reparations regarding the Crown lands.

Constitution of the Republic (1884) Article 93.


H. Koa & K. F. Ho, EDWARD, CROWN PRINCESSES OF HAWAII. 197 (1967). The ex-Queen named Joseph Ruben Rubelien and Davide Pataki as her legal heirs. (She died at 102.). Since the office of Regent had become a constitutional office and also a branch of the Government in 1893 their resignation was never confirmed. See Constitution. Article 32 of the Republic Constitution. The Constitution of the Republic was never confirmed by Congress before 1893. In California the Constitution was ratified with the $1 fee to the Crown. Without their fees they never became heirs.

Only one, the United States, is a legal person separate and distinct from all natural persons.

Wills of the Estates of Kamehameha III & IV, Supplement to Hawaiian Statutes, 87-90 (1886). In the ensuing presidency of the Republic the United States took the title to the land as one to which the United States had a moral right.

See 3 DETHRONIAL 197.

When Liliuokalani was overthrown on December 29, 1893, the Constitution of 1832 and 1884 Bodies were appointed by the Provisional Government. 51Stead 177-114 (1991).

In the Matter of the Estates of Kamehameha III & IV, 102 F. 2d. 725 (9th Cir. 1938). The Court of Claims in 1949 accepted the Act of June 16, 1886. The Act of 1893 approved the Act of 1886.


The Constitution of 1832 and 1884 Bodies were appointed by the Provisional Government. 51Stead 177-114 (1991).
the 1887 Constitution the Minister of the Interior was always Caucesien. The Cabinet, in the exercise of its general executive authority, could make decisions about land use but could not lease or sell Government land. Final power and right to decide how and when Government land was to be used, sold or leased was vested in the Legislature.12

In the 1887 Constitution the Minister of the Interior was Loreto A. Thurston, leader of the An'Activist Party, and held this position for most of the duration of the 1887 Constitution. The Cabinet could sell land worth over 15,000,000. The Privy Council could sell land worth over 65,000,000 only if the Privy Council approved. Article 40 of the 1887 Constitution authorises the Privy Council to decide such matters. Article 44 of the 1817 Constitution prohibited the Privy Council from doing anything not specifically authorised by the Constitution. If the Privy Council did any action which required approval of the Privy Council it could not be done if the Privy Council did not authorise the Privy Council to do such matters. In the Matter of the Cabinet and the Constitutional Government of the State of Hawaii, 1892 Bess. 128 (authorising Minister to issue Royal Proclamations to Government lands).

17 During most of the duration of the 1887 Constitution the Minister of the Interior was Charles Spencer, id. at 461, Charles V. Mullis, id. at 552, 557, and George H. Milneo, id. at 591.

18/ The Minister’s duties were administered from the Office of the Governor and the Office of the Attorney General. The other Ministers of the Interior were Charles Spencer, id. at 461, Charles V. Mullis, id. at 552, 557, and George H. Milneo, id. at 591.

19/ In Newell this is determined by N.B. In 1693 the Government of Hawaii gave the Government of the United States.. The change of form of government in 1819 from a monarchy to a provisional government and the further change in 1844 from the provisional government to the Republic did not alter the ownership of the land by the Constitution of Hawaii. Ownership changed only in 1898 when the Government of Hawaii gave the Government lands to the Government of the United States.

10 The 1887 Constitution Articles 31, 41, 78. Selling and leasing government land was the Minister of the Interior’s job, see n. 58 supra. An act stood at the time of the revolution neither the Minister nor the Cabinet could sell land worth over 5,000,000. The Minister of the Interior could sell land worth over 9,000,000 only if the Privy Council approved. 1874 Laws c. 44 (Minister to make study of Government lands); 1882 Laws c. 37 (authorising Minister to lease Royal Proclamations to Government lands).

11 During most of the duration of the 1887 Constitution the Minister of the Interior was Loreto A. Thurston, leader of the An’Activist Party, and held this position for most of the duration of the 1887 Constitution. The Cabinet could sell land worth over 15,000,000. The Privy Council could sell land worth over 65,000,000 only if the Privy Council approved. Article 40 of the 1887 Constitution authorises the Privy Council to decide such matters. Article 44 of the 1817 Constitution prohibited the Privy Council from doing anything not specifically authorised by the Constitution. If the Privy Council did any action which required approval of the Privy Council it could not be done if the Privy Council did not authorise the Privy Council to do such matters. In the Matter of the Cabinet and the Constitutional Government of the State of Hawaii, 1892 Bess. 128 (authorising Minister to issue Royal Proclamations to Government lands).

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13 The State of Hawaii. Inheritance from the Government contrary to positive law is even more impossible than inheritance from a natural person contrary to positive law since the government is created by law (a constitution) and receives all its powers to transfer land from that law. Therefore, the Hawaiians did not inherit land from the Government of Hawaii. To refute this analysis reparations advocates would have to prove that there is a specific, universal, moral law of inheritance which, when applied to Hawaiian history, overrides a contrary of positive law and gives only the Hawaiians a moral right to Government land. Even proving that the people of a country sometimes have a right to inherit from the government is not enough. Reparations proponents must prove that the “moral law” has a racial restriction: that even though the Hawaiians were far less than half the population of Hawaii in 1898 they were somehow entitled to all of the Government land. Some have suggested that the Hawaiians had "aboriginal title" or "recognized title" to the Government and Crown lands and that these rights are inherited by...
The issue is whether Hawaiians had such a property right in 1893.

"Aboriginal title" is an American legal concept defining a set of legal relationships among the U.S. government, individual white Americans, and various Indian tribes living in the United States but living apart from white American society. Under the doctrine of "aboriginal title," the land on which an Indian tribe was living was owned in fee simple absolute by the United States government.

This fee simple ownership arose initially from discovery of the land on which an Indian tribe was living in the United States but subsequently transferred its claim to the Indian tribe has only the mercantile private right of occupancy may be terminated the 0priellege of the tribe to use the land as it sees fit. However, this privilege did not carry with it the right to dispossess the tribe of the land without being obliged by the Fifth Amendment to pay just compensation. Purchases from Indian tribes were valid even if the Indians sold literally "under the gun." This is not a property right but a right of occupancy which the sovereign grants and protects against invasion by third parties but which right of occupancy may be terminated and such lands fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians.

Consequently, even if Hawaiians had aboriginal title to the government lands under Hawaiian law in 1893 they did not have a property right and were not entitled to compensation.

"Recognised title" is similar to aboriginal title except that the government owns compensation under the Fifth Amendment for losing land held by recognised title.

"Recognition" means that Congress as sovereign has granted an Indian tribe the right to permanently use and occupy certain land. The grant is to the tribe as an entity, not to the individual Indians.

Since the U.S. Congress was not sovereign in Hawaii before 1898, it could not have granted Hawaiians recognized title. In none of the treaties between the U.S. and the Hawaiian Kingdom did the U.S. purport to grant any land in Hawaii to the Hawaiians. Nor were Hawaiians Indians.

Aboriginal title "is not a property right. But perhaps there was an equivalent doctrine in the Hawaiian law in which the Hawaiian Government had played Congress' role as sovereign and the Hawaiians played Indians. Did the Hawaiian Government recognize a "Hawaiian tribe's" title to the government lands? There was no express mention of any doctrine of recognized title in the law of the Hawaiian monarchy. This is not surprising. There was no place and no need for recognized title. The doctrine was created for and existed in a situation in which a powerful, dominant, Western society with a Western legal and political system was putting into land held by weak, primitive, non-Western tribes operating with only "customary law." The tribes existed on the margins—geographically and politically—of the dominant society. The doctrines of recognized title and aboriginal title existed to satisfy the contradictory demands.
The Government already owned the Government land; it had no need to grab it.

For the anthropological definition of a tribe see PABB, supra n. 45, at 108-109. Usually, a tribe is characterized there are still no full-time specialists such as soldiers, artists, priests, or political office-holders. The tribe possesses no strong political organization or permanent office of control. . . . 16. Compare 1 JOURDAN 7-18 (1956) D. MAU, SUGARLAND HISTORIQUE 33-73, 169-211 (1926 ed.) H. Sty, Changes in Land Tenure in Hawai. 179-190, at 7-69 (1956) NESTER'S thesaurus in University of Hawaii library, on an even more complex and hierarchically social and political organization of pre-contact Hawaii. The legal definition of a tribe is the same as the de facto definition. For a catalogue of PIMA INDIAN LAW, 264-272 (1917 reprint of 1916 ed.).

In every real property case in the first issue title to their land in its subdivision of claims. Provided it was to the King, one-third of the land was made over to the King, one-third to the chiefs and one-third to the commonalty. This same 1/3 claim to the land was made by the King's predecessor to the land Beyond the old are protected by the law of the land, and not by the law of the land. This same 1/3 claim to the land was made by the King's predecessor to the land Beyond the old are protected by the law of the land, and not by the law of the land.

The Constitution of 1852, which replaced it, had no provisions recognizing common rights to land, nor did the Constitution of 1887, which was in effect in 1893.

Even before the 1893 Constitution was adopted, the people were given a voice in the legislative process and in the adoption of the Constitution. The 1893 Constitution was the only one of the four constitutions of the Kingdom which was approved by elected representatives of the people before its adoption.

The theory that every Hawaiian title was the property law of the Kingdom which was adopted by the legislature of the Kingdom which was approved by elected representatives of the people before its adoption.

The King was giving to all the chiefs and people the larger part of my royal land, for the use and benefit of the Hawaiian people. The legislature acted on the recommendation of the King on the matter of the land. The King recommended the gift, saying that it was the land taken from the people.

If the pure form of recognized title did not exist openly, was some "ques-" form secreted in Hawaiian law? Proponents of reparations have suggested three quasi-repairs, recognitions of collective Hawaiian titles: the 1840 Constitution; King Kamehameha III's Mahalo Grant to the Government; and the legislature's acceptance of the grant.

The King's Constitution of 1840 declared that to "Kamehameha I...belonged all the land from one end of the Islands to the other." This was not his own private property. It belonged to the chief and people in common of whom Kamehameha was the head and had the management of the lands. The Constitution went on to provide that Kamehameha III had succeeded to Kamehameha I's position and prerogatives.

The 1840 Constitution is no support for extending recognized title doctrine to Hawaii. It was repealed in 1852, and by 1853 had been a dead letter for 41 years.

The Constitution of 1852 set out at THURSTON 155 and THEREOBOG, supra, which replaced and adopted the 1893 Constitution. See 1 JOURDAN 265-266 (1938) for the history of the Constitution of 1893. The 1893 Constitution was the last of the four constitutions of the Kingdom which was approved by elected representatives of the people before its adoption.
Both Bannerman III and the legislature used the phrase "chiefs and people" as legally interchangeable with "the Hawaiian Government."112/ The Hawaiian Supreme Court during the Monarchy repeatedly interpreted the King's grant and the Legislature's acceptance of it as vesting land ownership in the Government alone.113/ Statutes passed during the Monarchy confirm this view.114/

If the Hawaiians as a group had recognized title to Government land then the Government would have been required to compensate them every time it sold, leased, or used any Government land. But it did not do so and was never required by law to do so.

No nineteenth century precedent recognizes any judicially enforceable duty of the Government to act as trustee of the land for the Hawaiians. A beneficiary has a property interest in a trust because if the trustee violates his fiduciary duty the court may order the trustee to cease the violation and to pay for the damage he did.117/ But there are no reported cases during the Monarchy in which a Hawaiian successfully challenged in court a government action regarding the Government lands as a violation of the Government's supposed fiduciary duty. If a citizen disabled a use or sale of government land his only recourse was to seek relief in the courts.116/ in. and King v. Mahinu Grant.117/ See cases cited in n. 55 supra.

118/ See statutes cited in n. 55 supra.

119/ Page 7 SCOTT, THE LAW OF TRUSTS § 97-226 (3d ed. 1977); Below supra n. 33.

If the Hawaiians as a group had recognized title to the Government lands, the Government could not refuse to act in its majority of the people's interest. The majority of people in Hawaii in 1895 had sufficient political power to control the Government,118/ and was not a tribe.119/ But the Ravaileans did not have a recognized title which made them a tribe.120/ The attempt to square recognized title to the Government land under the Hawaiian doctrine with the fact that the Hawaiians were not a tribe would be sterile.121/ The doctrine of recognized title makes sense only if there is a sovereign state distinct from the tribe whose recognition the sovereign recognizes.122/ Since the Hawaiian Government was the sovereign it could not also have been the "tribe."

Ultimately, the attempt to squeeze recognized title doctrine into Hawaiian law boils down to the trivial premise that the Hawaiian Government owned the Government lands. We have already seen that the Government was a legal person separate from the individual Hawaiians, singly or collectively.113/ And we have seen that the Hawaiians did not inherit land from the Government,115/ "when you ain't got nothing you got nothing to lose.115/ since the Hawaiians had no recognized title to land in 1893 they could not have much to lose from their descendents today. The latter are not members of the same or similar race. Some tribes allowed men who married Indians to become tribesmen.


118/ Checque Nation v. Georgia, 5 Pet. (1831), 64 L. Ed. 1116 (1893).

119/ Congress v. F. D., 180 U.S. 236, 31 S. Ct. 386, 54 L. Ed. 557 (1920) (a tribe is a body of Indians of the same or similar race). Some tribes allowed men who married Indians to become tribesmen.

120/ Naturalization of foreigners was provided for in 1894 Compt. Laws §§ 228-231 as amended by 1897 Gen. L., ch. 10 and 1899 R.P. L., ch. 32. Voter qualifications are discussed below at 6. The being ethnically Hawaiian was not required. Constitution of 1887, Articles 59 and 60.
her to set. She could not remove the cabinet ministers. The cabinet ministers she chose could only be removed from office by a legislative vote of no confidence. Of the five cabinets she appointed in the last year of her reign, four were dismissed by legislative vote of no confidence and the fifth was removed by the revolution.

As was noted above, the Queen's moral claim to her position and consequently to its powers is disputable. The property qualification to be a noble was the same as that required to vote for the lower house in the Kingdom at a net value of at least $3,000.00 or having an income of at least $500.00 per year. Constitution of 1897 Articles 58 and 59. This property qualification excluded about three-quarters of those otherwise eligible to vote. Mau-Mau’s claims of Hawaiian 26-27 (1977), comparing an estimated one-third of all Hawaiians and part-Hawaians a tax of $400.00 per year. Constitution of 1897 Articles 58 and 59. This property qualification excluded about three-quarters of those otherwise eligible to vote.

About three out of four Hawaiians could not vote at all. Since they had no political power they lost no political power in the revolution of 1893 and had no claim for reparations. Of those who could vote, a further three out of four Hawaiians could vote only for Representatives but could not vote for Nobles. They were thus denied any political power or influence over half the Legislature. Only about one out of sixteen Hawaiians could vote for both Nobles and Representatives. Of course, there were no popular elections for monarch or for the cabinet ministers.

However, those Hawaiians who could vote had far more political power than was morally justified. Hawaiians who could vote for Representatives amounted to about two-thirds of the electorate for Representatives. But they were not; about 15-16% of the total adult population of the island. Those Hawaiians who could vote for Nobles amounted to about one-third of the electorate for Nobles, but only about 4.5% of the adult population.

The electoral power of those Hawaiians who could vote was no disproportionate to their numbers in the general population because the vast majority of the adult population was excluded from the ballot box by racial, sex and wealth discrimination. No woman or Oriental could vote.

They had to live in Hawaii for at least one year to vote for Representatives and three:

129/ See 1890 census statistic reported in THURIA'S HAWAIIAN NEKALU AND REPORTS: 1890, p. 210, showing 174,788 of all.

130/ See 1890 census statistic reported in THURIA'S HAWAIIAN NEKALU AND REPORTS: 1890, p. 210, showing 174,788 of all.

131/ Constitution of 1897 Articles 58 and 59. About two-thirds of the Hawaiian and part-Hawaiian population were excused because of age and/ or sex. See p. 129 supra. Some men were apparently excluded because of employment of taxes or conviction of a felony but statistics on this are not available. Women were also probably excluded because of illiteracy. The 1900 census reported that 70% of all Hawaiians and part Hawaiians were literate. THURIA'S HAWAIIAN NEKALU AND REPORTS: 1893 at 1-19. But the census figures do not show how many others eligible Hawaiian men were excused because of illiteracy. The literacy requirement was waived for men born after 1840 and for men who voted in the 1893 election.

132/ See p. 129 supra: Constitution of 1897, Articles 59, 61 and 75.

133/ See p. 129, 110 supra: Constitution of 1897, Articles 59, 61 and 75.

134/ Constitution of 1897, Articles 32 and 41.
years to vote for Moibles.[111] But foreigners could vote, unless they were not Caucasians.[112] Voters also had to have paid all their taxes and had to have registered to vote.[113] "Idiots", the "insane" and convicted felons could not vote.[111] Persons voting for Moibles had to meet the additional qualification of either owning property of at least $5,000 net value or having an income of at least $200 per year.[111] This property qualification alone cut out about $3,000 net votes or having an income of at least $100 per year. This property qualification alone cut out about three-quarters of the persons otherwise eligible.[111] There were more Oriental adults in Hawaii in 1893 than there were adult Caucasians.[112] True, most of them were aliens, but white aliens could vote; the discrimination was purely racial.[111]

Presumably everyone agrees that all adult citizens (with the exception of insane and convicted persons) had a moral right to vote and that it was immoral to deny the vote to anyone because of race, sex, or poverty.[112] Since white aliens were allowed to vote, the exclusion of non-white aliens was immoral racial discrimination. Thus the morally weak, voting strength of some Hawaiians who could vote was their number divided by the total number of adults in the Kingdom about 15-18 of the electorate. Their power over that amount was immoral. They had no moral right to reparation for its loss.

During the period of the provisional government and the Republic political power was tightly held by the revolutionary leadership.[112] However, when Hawaii became an American territory everyone who had been disenfranchised regained his vote.[112] Furthermore, the racial and property qualifications were dropped in 1920 when women got the right to vote.[112]

The literacy requirement cannot be justified by the usual argument that a person must be able to read and write the language in which business is transacted in his own business. The franchise was extended in English and Hawaiian. A man literate only in Hawaiian or Polish could vote while a man literate only in Chinese or Japanese could not.[112]

The right to vote for Nobles was further limited by the requirement to be able to intelligently cast a ballot for Nobles. This decision was affirmed by the Supreme Court of the United States in the 1883 case of Hawaiian, et al v. P.B. (1111) 139 U.S. 280. Much of the voters were Caucasians. 1120, THE BANNED REPUBLIC, 1883-1889 219. Hapa population was more Caucasian and probably richer in the average than the Hawaiians on the Neighbor Islands. The Hawaiians probably outnumbers the figures for the Republic as a whole.

Inheritance of political power is the principle of absolute monarchy, of aristocracy, and of race. It has no place in democratic American society.

Since most whites living today were deprived of any morally justified political power in 1893, no Hawaiian today has any right to any reparations for loss of that power. We have already seen that no one today has any right to reparations for loss of land. The conclusion is clear: there's no moral obligation to pay Hawaiian reparations.
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The fact that an unjustified intervention in the affairs of the Hawaiian kingdom took place is irrefutable. In fact, history, as someone noted, is written by the victors—who perhaps have no interest in being truthful, even in the interests of posterity. It is difficult for the Hawaiians to accept a pattern of rejection in the wake of successes by other groups. The situation is too important for the Hawaiians to be considered second class citizens. It is difficult for them to accept injustice as the norm. It is not the standard by which great men or great nations are measured.

It is not enough to look back a century and reach certain conclusions, not enough to probe the past with modern statistical tools, unless you also are able to evaluate the Hawaiian experience and ethics against a Hawaiian concept. One recommendation of the draft may have some uses but do not describe or define Hawaiians. To judge Hawaiians today in juxtaposition with their contemporaries in a hostile political and economic climate. The situation is too important for the Hawaiians to be considered second class citizens. It is difficult for them to accept injustice as the norm. It is not the standard by which great men or great nations are measured.

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As I pondered over the literature on my desk, an accumulation of gifts and items on the subject of Native Hawaiian claims and customs, in addition to the invaluable content of the Native Hawaiian Study Commission Report, I became aware of confusions and errors in the first draft.

It is a true statement that our work is not complete. The study of Hawaiian citizens for many years has been intensively pursued by anthropologists, ethnologists, and sociologists. Unfortunately, the evolution of Hawaiian society seems to be a complex subject in which there is a dearth of experts. Outside of a few works on the subject, there is little agreement on the various aspects of society and culture. A single work on the subject has never been published.

Superficially, it is an important subject that has been discussed by a number of experts. However, it is clear that the study of Hawaiian society and culture is not yet complete. The nascent royal student has been the subject of much debate, and the debate continues today.

For these reasons, I believe that the study of Hawaiian society and culture is not yet complete. The study of Hawaiian society and culture is a complex subject that requires the attention of experts. The study of Hawaiian society and culture is not yet complete.

A note on the subject of succession: The Crown of Kalakaua was passed to the Hawaiian people after the death of Queen Liliuokalani in 1917. This is backed by evidence, that suggests for herself and is very convincing.

It is certain that the Hawaiian people have a right to expect correct evidence, that suggests for herself and is very convincing.

Another area of note is the question of the legitimacy of the Hawaiian monarchy. The Hawaiian monarchy was established in 1782 by Kamehameha I, and was continued by his descendants. The Hawaiian monarchy was a constitutional monarchy, but it was never a parliamentary monarchy.

In conclusion, the study of Hawaiian society and culture is not yet complete. The study of Hawaiian society and culture is a complex subject that requires the attention of experts. The study of Hawaiian society and culture is not yet complete.
THE HISTORY OF HAWAIIAN ANNEXATION.
The annexation of Hawaii.

A Brief History of the Event.

In 1898, the United States acquired Hawaii from the Kingdom of Hawaii. This was a significant event in the history of the United States, as it marked the beginning of the United States' expansion into the Pacific Ocean and the acquisition of a warm-weather, tropical possession.

The annexation of Hawaii was a controversial event, as it was seen by some as a violation of Hawaiian sovereignty and as a means of expanding the United States' influence in the Pacific. However, the annexation was also seen as a means of protecting American interests in the area, as well as a means of expanding the United States' influence in the region.

The annexation of Hawaii was a result of political pressures from within the United States, as well as from foreign powers. The United States was concerned about the possibility of European powers gaining control of the region, and the annexation was seen as a means of preventing this from happening.

The annexation of Hawaii was also a result of economic pressures. The United States was interested in acquiring a warm-weather, tropical possession to which it could export its goods, and the annexation of Hawaii was seen as a means of achieving this goal.

The annexation of Hawaii was a turning point in the history of the United States, as it marked the beginning of the United States' expansion into the Pacific Ocean and the acquisition of a warm-weather, tropical possession.

In conclusion, the annexation of Hawaii was a significant event in the history of the United States, and it marked the beginning of the United States' expansion into the Pacific Ocean and the acquisition of a warm-weather, tropical possession.
JOHN motor HOLT
Jima, 17, 1983

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COMMENTS BY SENATOR DANIEL K. INOUYE ON THE DRAFT REPORT OF FINDINGS OF THE NATIVE HAWAIIANS STUDY COMMISSION

NOVEMBER 23, 1982

A. Preliiminary Statement
   B. Conclusion
   C. Summary of Arguments
   Historical Review
   Legal Analysis

PART II. Historical Review
   A. Methodology
   B. Bayanet Constitution of 1887
   C. Role of the United States Government Relative to the Annexationists
   D. Role of the United States Government in the Revolution of 1893
   E. Use of Facts
   F. International Law

PART III. Legal Analysis

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C. Role of the United States Government Relative to the Annexationists
D. Role of the United States Government in the Revolution of 1893
E. Use of Facts
F. International Law

WASHINGTON, D.C. 20540

Dear Sirs:

Enclosed is one copy of my comments on the Draft Report of Findings of the Native Hawaiians Study Commission. I ask that it be made part of the public record of the Commission.

Daniel K. Inouye
United States Senator
PART I

Pursuant to Public Law 96-565 and the September 23, Notice of The Native Hawaiian Study Commission (Commission), the following comments are submitted on the Draft Report of Findings (Report) of the Commission.

The analysis and conclusions herein expressed represent my personal assessment of the Report and are in no way intended to reflect the official position of the U.S. Senate or any of its Committees.

A. Preliminary Statement

The Report expressly states that a "full review of the history of United States relations with Hawaii is essential to an evaluation of Hawaiian native claims," and that an (impartial) "analysis of the causes of the fall of the monarchy and annexation" are "crucial to this study." (p. 188.) It also finds that "existing law provides no basis for compensation to native Hawaiians for any loss of lands or loss of sovereignty." (p. 243).

The Commission's next step is "to consider whether it should recommend that, as a matter of policy, taking all of the facts of (the) Report into account, Congress should take action on compensation here." (p. 243).

I agree that "a full review of the history" is essential, and that impartial "analysis of the causes of the fall of the monarchy and annexation are crucial."

Historical Review

(a) The Report is deficient in its historiographical methodology and provides no new insights into outstanding historical issues.

It relies almost totally on secondary sources and there is no evidence of any attempt to search several major archival sources. It fails to deal with the specific adverse conclusions in the Blount report, while according equal credibility to the Morgan report, which is highly suspect because of the way in which it was prepared and because it was not unanimous. There is little attempt to place the revolution and the annexation in a larger global diplomatic context, which in turn greatly affected events in Hawaii.

Furthermore, while it was in the interest of the Commission to preserve absolute objectivity in the preparation of the Report both in fact and in appearance, the assignment of a United States Government employee to write the history of an event in which the United States is a party of interest will inevitably raise questions about its objectivity. Finally, there are several minor errors which should be corrected.

(b) The Report fails to inquire into the possible role of the United States Government in the acceptance of the "Bayonet Constitution" of 1887, and in thwarting subsequent efforts by native Hawaiians to overturn that Constitution in 1889, and to revise it in 1890. It also fails to consider the possibility of a cause and-effect relation between that Constitution and the fall of the monarchy in 1893.

(c) The Report ignores the role of the U.S. Government in encouraging the annexationists (and therefore the rebellion) in 1892.

(d) The Report's fundamental conclusion as to why the monarchy fell begs the question. It may be that the fall of the monarchy was "primarily the result of a power struggle between supporters of the monarchy and the armed 'hakalau'" (p. 186), but for purposes of the Report, the question should be: was the role of the U.S. Government significant or decisive to the outcome?

(e) The Report's characterization of events during the crucial days in January, 1893, which
culminated in the fall of the monarchy and recognition of the Provisional Government, rests on a selective use of the facts regarding the activities of the annexationists, U.S. Minister Stevens, the U.S. Navy and Marines, and Queen Liliuokalani.

(f) The Report fails to address the international legal issues posed by revolution and the involvement of the United States in the Hawaiian Kingdom's overthrow. International law attempts to prescribe certain principles of conduct and to provide a framework for the rule of law in international relations. Since Hawaii was a sovereign nation, the United States was obliged to conduct its relations with the Royal Government in accordance with accepted legal principles of the time. An analysis indicates that the United States Minister failed to do so and thereby fatally compromised the Government of the United States.

2) Legal Analysis
(a) The Report's finding that there is no basis in existing law for native Hawaiians to claim compensation from the United States for loss of land or sovereignty is irrelevant. The task of the Commission was to ascertain

(b) Moreover, even if the question were in point, given its institutional bias, the Department of Justice was hardly the appropriate party to perform the legal analysis on the question of the Government's liability for such claims.

(c) In any event, the Report's analysis of existing law in support of its finding that there is no basis for Government liability is faulty.
January 17, 1893. I agree that Chapter II of Part II is "particularly sensitive and crucial to this study," and for that reason new, original initiatives should have been undertaken by the Commission to attempt to provide a definitive account of this period.

2) The bias of the Report is most apparent when it accords the so-called "Morgan Report" (Report of the U.S. Senate Committee on Foreign Relations Relative to Hawaiian Matters, S. Rep. 12-227, 53d. Sess. 1914) virtually equivalent historical validity as the Blount Report (House Executive Doc. No. 47, 53rd Congress, 2d Sess.). Although the draft Commission report correctly notes that the objectivity of both reports has been questioned, there are substantial differences between the methods by which the contradictory conclusions of the two reports were reached.

(a) The Morgan Committee never conducted hearings in Hawaii, unlike Commissioner James Blount who spent more than four months conducting an on-site investigation into the revolution.

(b) Commissioner Blount interviewed parties on both sides of the conflict and produced a detailed and exhaustive document. As has noted by a diplomatic historian, "... the factual background of its story of the revolution cannot easily be

United States acquired Hawaii, Samoa, Puerto Rico, the Philippines, and Guam. The report should provide a more detailed examination of the larger historical context in which the revolution and annexation occurred. For example, in the 1980's, the interest of the United States in acquiring certain economic advantages in Hawaii, whose territorial integrity had already been compromised under the Hawaii-United States Reciprocity Treaty of 1875, has been questioned. However, the Morgan Report was directed to draft an impartial report.

The active participation of United States naval forces in the events of January 17, 1893, has been questioned, but the draft report provides only marginal information relative to the political and economic motivations for the United States' interest in annexing Hawaii, whose territorial integrity had already been compromised under the Hawaii-United States Reciprocity Treaty of 1875. The active participation of United States troops in 1893, therefore, was preceded by several decades of American interest in acquiring certain strategic advantages in Hawaii. The intervention of American naval forces, which was not justified by danger to American lives or property, is comprehensible only with an understanding of contemporary national intellectual and political currents.

4) The Commission was directed to draft an impartial report. The processes of democratic government must be fair in fact and give the appearance of fairness. Because the United States Government in a party of interest with respect to the history of the revolution, Hawaiian-American relations, and the annexation issue, it was inappropriate for the Commission to assign the drafting of Part II of the Report to United States Government employees.
Without impugning the integrity or professional competence of the writers, I must emphasise that the United States Government has a direct economic and political stake in disproving the basis for a claim for Hawaiian reparations or compensation. By giving a United States Government employee the responsibility for writing the historical chapters of the Report, the Commission has created understandable doubts as to whether agents of the American Government can provide an objective and trustworthy historical assessment of this period which might contradict the interests of their employer.

Moreover, it appears that the writers failed to solicit the views of other professional historians who specialize in this period and area. Consequently, the draft represents the work of a two-person team without the substantive contribution which others could have made if they had been presented with the opportunity to review the draft. Even though the Report is now open to comment and possible revision, it is too soon to express that the procedures followed indicate an unwillingness to submit these findings to private professional critique.

5) There is a minor factual error on page 195. It was Henry B. Cooper, not H.B. Carter, who read the proclamation of the new government. Also, there is a misleading sentence on page 197, which states that a “fact-finding commission headed by Representative James Blount arrived at the Islands”, implying that there were several members on the commission which in fact consisted of only one person. On page 190, the authors mean the election of 1892, not 1893.

6) A full and fair understanding of political and legal developments in the Kingdom of Hawaii during the critical years covered by the Report must take into account the tremendous external and internal pressures exerted on the Kingdom at that time. First, it is to be remembered that the Kingdom of Hawaii was relatively new to the ways-and-wiles of the Western world. Second, it was vulnerable to the pressures of a very aggressive alien resident class, particularly the American expatriate element and to the pressures of foreign nations, notably the United States. Third, the Hawaiian Kingdom was undergoing dramatic social and political changes, as is the case with all developing nations.

All of these pressures had to have some impact on the Kingdom of Hawaii and its ability to control its own affairs. There was substantial interference, and the Kingdom had to make many adjustments. To the extent that the United States condemned, participated in or enjoyed the benefits of the coercive activities of the American expatriate group, it had and continues to have a moral, if not legal, responsibility for any injury caused the native Hawaiians as a result.

The Report fails to inquire into: (a) the possible role of the United States Government in the acceptance of the “Bayonet Constitution” of 1837, and in thwarting subsequent efforts by

native Hawaiians to overturn that Constitution, in 1889, and to
revise it in 1894; (b) and the possibility of a causal connection between the “Bayonet Constitution” and the fall of the monarchy in 1885.

While the “Bayonet Constitution” was chiefly the work of the American expatriate element, to leave it at that takes too simplistic a view of what happened, in my judgment. Especially where, as here, the question is whether the United States has a moral responsibility for any injury caused native Hawaiians as a result of the fall of the monarchy and annexation. The efforts of the United States Government to bring the Kingdom of Hawaii within its sphere of influence were manifest by a number of official acts over several years before the Constitution of 1837. In and of itself this should have been sufficient reason to inquire whether the United States had any role in gaining acceptance of that Constitution and if that Constitution precipitated or contributed to the fall of the monarchy. But there are further reasons which I believe suggest that such an inquiry should have been undertaken.

We know, for example, that King Kalakaua sought the advice of the United States Minister on July 31, 1887, when he was faced with the prospect of a revolution led by the Committee of Thirteen. In my view, it would be unreasonable and relevant to inquire whether at that meeting he also sought the aid of the United States to head off the efforts of that Committee. In any event, the United

States Minister told the ruling monarch of the Kingdom of Hawaii that he must stop meddling in the public affairs of his Kingdom. Four days later, in a final effort to preserve the monarchy, King Kalakaua called in the minister of the major powers, including the United States Minister, to tell him the country was being taken over and that “he wanted to place the Kingdom in their hands.” They refused to accept. It seems to me that the attitude of the U.S. Minister suggests the real possibility that the United States may have aided or at least tacitly encouraged the revolutionary activities of the Committee of Thirteen.

The Report expressly recognizes that the interval between the Constitution of 1837 and the installment of the Provisional Government in 1893 was marked with sporadic attempts by native Hawaiians to regain some measure of their power. But there is no attempt to assess the role, if any, of the United States in thwarting those attempts.

With respect to the attempt in 1888 to overturn the Constitution, all the Report tells us is that “the insurrection was quelled”. The Report also admits that the British missions “abandoned” King Kalakaua to discover his previous public support of efforts in the following year to revise the Constitution. The Report expressly recognizes that a United States naval squadron was in Hawaii in 1890, and its Commander, Rear Admiral George Brown, was prepared to move in the event the attempt to revise the Constitution materialized.
Clearly, there is much more to say about the role and influence of the United States during the period 1887-1893, and the Report simply fails to address this issue.

While this shortchanging may be just history, I recognize that it would not be fatal to the task of the Commission, unless the "Bayonet Constitution" itself substantially contributed to the fall of the monarchy in 1893. I believe a strong case can be made that it did. But once again, the Report is devoid of analysis or findings even though it expressly recognizes that the "Bayonet Constitution ended much of the monarchy's power and effectively brought control of the Government within the sphere of the plotters and merchants."

The Report states that "The Constitution of 1887 was a key in the changing scope of Hawaiian politics." Among other things, its provisions had the effect of placing the legislature in the hands of the Reform Party, which was made up largely of Hawaiian-born Americans and Europeans, and residents foreigners.

The Reformers also saw themselves as removing every trace of King Kalakaua's influence in the running of the Kingdom. They were, for example, a wholesale purge of the Government services, the board of geologists, and the native Hawaiian board of health were abolished; the control of the Kingdom's armed forces was taken from the royal Genealogists and given to the minister of foreign affairs; and the young Hawaiians being educated in Europe were ordered home. According to one historian, the effect of all of this was to "knock Kalakaua over and bind him hand and foot."

The Report is virtually silent on these events, and hence does not assess their significance. For purposes of the Commission's task, it is immaterial to ask if the Constitution of 1887, which made all of this possible, also contributed significantly to the fall of the monarchy in 1893? Or, is it irrelevant to ask if Queen Liliuokalani had the power her predecessor had before the Constitution of 1887, would she have been able to put down the Revolution of 1893? I think not.

C. The Report Ignores the Role of the U.S. Government in encouraging the Annexationists in 1892

Early in 1892, the Annexationist Club was formed to counteract what its members believed was a likely effort by Queen Liliuokalani to move against the Constitution of 1887. Formation of the Club was initiated by Lorrin Thurston, and included many of the American expatriates who framed the Constitution of 1887.

In the event of an attempt by Queen Liliuokalani to revise the Constitution, the Annexationist Club planned to seek annexation to the United States. Their membership and plans were kept secret because what they proposed was treason. Significantly, I believe, Lorrin Thurston believed that foreigners with a financial investment in the kingdom and permanent settlers favored annexation.

As the Committee of Safety, which brought about the fall of the monarchy was a direct outgrowth of the Annexationist Club, I believe it is relevant to ask whether the United States Government actively encouraged or otherwise condoned the treasonous plans and objectives of the Annexationist Club. As evidenced by the following excerpt from a history of Hawaii, it seems to me there is a good possibility that question could be answered in the affirmative. Yet the Report not only fails to address the significance of Lorrin Thurston's Washington meetings in 1892, it fails to mention them.

"While the common natives and the Queen and her faction were opposed.

Inasmuch as the Committee of Safety, which brought about the fall of the monarchy was a direct outgrowth of the Annexationist Club, I believe it is relevant to ask whether the United States Government actively encouraged or otherwise condoned the treasonous plans and objectives of the Annexationist Club. As evidenced by the following excerpt from a history of Hawaii, it seems to me there is a good possibility that question could be answered in the affirmative. Yet the Report not only fails to address the significance of Lorrin Thurston's Washington meetings in 1892, it fails to mention them.

"Thurston visited Washington... (to) see what the statesmen there thought about taking the Hawaiian Islands... Secretary of State James Blaine was cordial, and Secretary of the Navy Benjamin Tracy passed on to Thurston some encouraging words from President Harrison - that 'it conditions in Hawaii compel you to act as you have indicated, and you come to Washington with an annexation proposition, you will find an encouraging sympathetic administration here.'"

If nothing more, the reception Lorrin Thurston received in official Washington did nothing to discourage the annexationists. In light of the role of U.S. Minister Stevens and the U.S. Navy during the fall of the monarchy less that a year later, I do not think it unreasonable to attach even greater significance to that reception.

D. The Report Ignores the Fundamental Question: Was the Role of the United States Significant or Decisive in Bringing about the downfall of the monarchy? If it was, then it seems to me that most cases for reparations becomes significantly stronger and perhaps decisive.

The Report concludes that the fall of the monarchy was "primarily the result of a power struggle between supporters of the monarchy... and the anti-monarchie group..." (p. 181). But that determination fails to address the issue of U.S. involvement and its importance in expediting the success of the revolutionaries.

The authors of Chapter 11, Part II attempt to minimize the role of the United States Minister John Stevens and the impact of the landing of troops from the U.S.S. Boston even while simultaneously conceding that Stevens was known publicly to be strongly pro-annexationist, that he was in close communication with members of the Annexationist Club, that he requested troops to protect American property and lives in the absence of any immediate or visible physical danger, and that troops were bivouacked at a location near government buildings in apparent contradiction to their announced mission. Moreover, there can be no doubt that their presence generalized the Royal Government

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Kuykendall, Ralph S., Hawaiian Kingdom, Vols. 1-111, Honolulu, University of Hawaii Press, 1923. Hereafter referred to as Kuykendall. Kuykendall states that there can be no doubt that Stevens was dedicated annexationists and overruled to recognize the provisional government. P. 625.
and convinced its supporters that the United States supported the revolutionaries. On page 192, the authors further attempt to minimize the impact of the troops by comparing their number - 175 men plus artillery and 75 armed revolutionaries - to the Hawaiian army, whose membership was given as 500. The overt purpose of this comparison is obviously to downplay the importance of the landing.

Deliberately omitted is the fact that the Hawaiian army was scattered throughout the Kingdom and was not concentrated in Honolulu. Nor was it capable of opposing well-trained foreign forces. Furthermore, the authors' estimate of the size of the Hawaiian army is at odds with Kuykendall, who states that it consisted of only 272 men. The well-armed and trained American troops would thus have been more than adequate to overcome their potential opposition.

A review of the history of the U.S. strategic interest in the Hawaiian Islands, the interaction between the annexationists and American officials, and the occurrences immediately preceding and during the revolution leads one to less ambiguous and qualified conclusions than were reached by the authors.

First, with respect to the activities of Stevens, it was known that he was strongly pro-annexationist. Second, he had

7 Kuykendall, id., p. 405.

were known as early as Sunday, January 15th (p. 192), and the reality of the "threat" must be seriously questioned. The threat of violence was fabricated and served as a convenient excuse to solicit armed American support. The entire revolution was accomplished without a single life being lost and with only a few rounds of ammunition expended.

I believe that the historical record lends credence to the belief that the American involvement was significant, substantive, and perhaps decisive. The political turmoil created by the attempt of revolutionaries to remove their sovereignty relative to foreigners and local nobility was not marked by violence. Nevertheless, the development of a coincidence of interests by the revolutionaries and pro-annexationist American officials was the opportunity to land American troops, thereby neutralizing any effective response to the revolution by the Royal Government. One can only conclude that the United States, as represented by its agents in Honolulu, was an active participant in and a political beneficiary of the revolution which eventually resulted in Hawaii's annexation as a territory in 1898.


As I have pointed out above, the facts about American involvement are very disquieting, for it constituted more than protection of American lives and property and more than passive responses.

In 1891, Queen Liliuokalani succeeded to the throne, determined to stem the erosion of the monarchy's authority. Beginning in early 1892, she began preparing to amend the Constitution to more closely resemble the Constitution of 1846. It was her attempt to promulgate a new constitution in January, 1893, that precipitated the formation of the Committee of Safety, meetings between the revolutionaries and Stevens, and the revolution itself.

There was no danger to any lives or property and hence no justification for the landing of the forces from the U.S.S. Boston. The Report does not and cannot make a case for the landing and avoids this issue completely. The differences of opinion and the manner in which the United States had no reason or right to interfere except to protect American lives.

The manner of deployment of American troops was also of questionable legality, for it led to the natural conclusion that they were landed for reasons other than to protect American lives and property. As all historical accounts note, much of the company was bivouacked between the Palace and Government Building, away from the concentration of American property.
There were many factors which contributed to the revolution, and the economic issue was but one of them. In addition to the strategic value of Hawaii, which was espoused by Alfred Thayer Mahan, the report does not mention one of the most sensitive elements: the growing racial antagonisms. This factor is important because it is consistent with the development of the theory of "social darwinism" which had gained intellectual respectability in much of the Western world. This was the dark side of the revolution.

The history of the Hawaiian Republic is relegated to a few sentences, but it is worth examining in greater detail because it casts doubts on the noble sentiments expressed by the revolutionaries. In practice, the new republic, ruled by an oligarchy and operating under a restricted franchise, proved to be less democratic and less free than its American model.

Finally, I do not believe that Part II of Chapter II adequately relates the significance of this history to the "concerns" of native Hawaiians as stated in P.L. 96-185. An accurate historical account is important not only for its legal implications but also because it helps to explain why so many Hawaiians and part-Hawaiians became alienated from politics and life in the post-monarchy period. The destruction of the monarchy, failed restoration attempts, and the curtailment of the franchise...
I have noted that under international law Stevens was an agent of the United States Government, that recognition of the provisional government was extended in a manner contrary to contemporary American practice and inconsistent with the prevailing political situation; and that such intervention in the domestic affairs of another country was contrary to international law. The legal analysis is addressed in Part III.

On the contrary, the principal exercise of the preparers of the Report has been to examine the validity and viability of the claims of native Hawaiians under the statutory and decisional law applicable to the claims of American Indian tribes. This approach is both inappropriate and illogical. The Indian Claims Commission Act was adopted for the purpose of resolving the historic claims of American Indian tribes; the determination of claims brought under that Act considered, took into account and was influenced by the American Indian cultural, historical and political experience.

The body of law created in the determination of American Indian tribal claims was reflective of the American Indian experience. It was not necessarily reflective of the cultural and historic experience of other groups, such as the native Hawaiians, and, similarly, it could not be expected that a body of law designed to provide a forum for determination of American Indian tribal claims would be adequate to resolve the claims of a completely different ethnic group.

There can be no question as to the substantial cultural, political and historical differences between American Indian tribes generally and the native Hawaiians. For one thing, the native Hawaiians were much further along in political development, having, at the critical times covered by the Report, all the rudiments of modern political society, e.g., a written constitution, elected representatives, codes of laws, courts, etc. Unlike American Indian tribes, the Kingdom of Hawaii was recognized as an independent nation by most of the leading Western nations. The Supreme Court has observed that, before annexation, "Hawaii had existed independent from the rest of the world and sovereign as far back as history and local tradition reaches." United States v. Fullard-Leo, 331 U.S. 216, 261 (1948).

In that same case, the Court also significantly observed: "We are not dealing with an explorer's claim of title to land of a savage tribe or that of a discoverer of a hitherto unknown islet." Id. at 260.

These differences alone are so substantial, indeed fundamental, that it should have been immediately obvious that the legislative solution and the decisional principles adopted for American Indian tribal claims could not be adopted in toto, without modification, for dealing with the claims.
of native Hawaiians. These precedents could certainly have served as a legitimate starting point, but they should not have limited the scope of Commission consideration.

The preparers of the Report devoted much of their energy and effort to demonstrating that the claims of the native Hawaiians did not meet all of the prerequisites of the "aboriginal title" and "recognized title" concepts developed for determination of American Indian claims. And they focused more on the rationale underlying these concepts, rather than technical niceties, they would have perceived that these concepts reflected a common-sense approach to resolving the particular claims under consideration and that the decisional concepts were in large part molded and influenced by the historic and cultural experience of the claimants. There is no common-law concept or doctrine of "aboriginal title". Instead, this concept was specifically developed to deal with the unique claims of American Indian tribes.

There is no compelling reason in law, logic or policy to require that the claims of the native Hawaiians, a wholly different group with wholly different historic and cultural experiences, be

not predisposed to concluding affirmatively on the existence of liability on the part of the federal government or to discussing the most likely rationales for appending liability on the government. Again, without seeking to cast any aspersions on the integrity of the Department of Justice personnel, I feel that the Commission should have entrusted this sensitive task to more independent (and perhaps more imaginative) source. Asking the Department of Justice to prepare this analysis is akin to requesting the legal department of American Telephone and Telegraph to provide an objective analysis of the merits of telecommunications divestiture legislation.

1) The Report's analysis of existing law in support of its finding that there is no basis for Government liability is faulty.

Throughout the Report, it is maintained that there can be no liability unless the United States itself acted to cause the extinguishment of aboriginal title. i.e., if aboriginal title was extinguished by the Provisional Government, the United States has no liability. This assertion ignores several cases decided under the Indian Claims Commission Act which have held the United States liable where it condoned and ratified acts of others resulting in a taking of Indian lands. For example, in United States v. Fort Sill Apache Tribe, 333 F.2d 331 (Ct. Cl. 1963), the court held that the United States can be liable for the acts of third parties if these acts "can be imputed to the United States and are deemed in contemplation of law to be the acts of the United States." 14 at 334. The court noted that it had been held that acts would be imputed to the United States, thus constituting a constitutional taking, when (a) the United States military protected the third-party trespassers, and (b) United States law recognized or retroactively validated the title of the trespassers. 14. See also Tonapah Band of Western Shoshone Indians v. United States, 583 F.2d 994 (Ct. Cl. 1979), cert. denied, 444 U.S. 975 (1979); United States v. Northern Paiute Nation, 593 F.2d 700 (Ct. Cl. 1979); United States v. Northern Paiute Nation, 490 F.2d 954 (Ct. Cl. 1974), the court explained that the retroactive validation of the title of third-party trespassers by the United States had the same legal effect as if it had formally
authorised the trespass:

For purposes of the instant claim, the miner's acts cannot now be regarded in torts of third parties. By subsequent ratification and adoption they are held acts of the United States. The Report, pp. 106-97, can be read to have ratified the acts of the revolutionaries and adopted them as its own. The preparers of the Report also make much of the fact that significant amounts of Crown lands and Government lands were leased to foreigners.

Indeed, it could be argued that the United States exercised some measure of control over the Hawaiian islands long before annexation. In the controversial Monroe Report (H. Rep. No. 237, 35th Cong., 2d Sess. (1854)), it was acknowledged that "Hawaii has been all this time under a virtual sovereignty over the country," 18. But as long as the preparations for the Report are based thereon, they are incorrect.

Contending that somehow this fact reflects a defences of the title of native Hawaiians or a defect therein. This view is incorrect for several reasons. First, the lease itself is a formal acknowledgement by the lessor of the superior title of the lessor. Given this circumstance, it is difficult to understand how the leasing of Crown and Government lands can defeat the claims of native Hawaiians. If, as I shall note below, these lands were held and administered in trust for all native Hawaiians, the leasing thereof was nothing more than an incident of ownership, an ownership which was acknowledged by the lessee.

Secondly, under the Indian Claims Commission Act, there is an analogous doctrine sanctioning the permissive use of aboriginal lands by another group, without loss of aboriginal title. This concept is known as the doctrine of permissive use; it provides that where one dominant tribe permits another tribe to use its lands with the express understanding that the user is a guest, such permissive use does not affect the dominant tribe's aboriginal title.

The communal rights of native Hawaiians thereby given then by the Constitution of the Kingdom of Hawaii and subsequent legislation are of no less dignity than the Spanish land grants recognized in the Percheman case or the many other foreign grants which the United States has recognized in ceded or annexed territories. Concomitantly, they are no more susceptible to divestiture without compensation. It seems to me that the best claim of the native Hawaiians is to the Crown and Government lands which were ceded to the United States upon annexation. Without getting into all the complications of the Hawaiian land tenure system, it seems clear that, prior to the arrival of Westerners, the system was largely feudal in nature, with "title" flowing from the King and
THEME OF DUALISM

As the divine being becomes a non-entity, the world of beings becomes a non-entity, and the world of non-being becomes a non-entity. The earth is a non-entity, and the sky is a non-entity. The sun and the moon are non-entities. The stars are non-entities. The clouds are non-entities. The air is a non-entity. The water is a non-entity. The fire is a non-entity. The wind is a non-entity. The lightning is a non-entity. The thunder is a non-entity. The rain is a non-entity. The snow is a non-entity. The hail is a non-entity. The snowflakes are non-entities. The ice is a non-entity. The frost is a non-entity. The mist is a non-entity. The fog is a non-entity. The dew is a non-entity. The dewdrop is a non-entity. The raindrop is a non-entity. The snowflake is a non-entity. The ice crystal is a non-entity. The water droplet is a non-entity. The cloud is a non-entity. The sky is a non-entity. The universe is a non-entity.

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DUALISM AS A UNIVERSAL THEME

The duality of the universe is not a concept that is easily grasped, for it involves the idea of two distinct and opposed elements that coexist in balance. In Eastern philosophy, this concept is often represented by the yin-yang symbol, which shows how opposing forces can complement each other. In Western philosophy, the duality of the universe is often represented by the dualism of good and evil, or the dualism of mind and body.

In the context of the universe as a whole, the dualism of the universe can be seen in the duality of light and dark, of day and night, of life and death. These dualities are not simply opposites, but are interconnected, forming a single whole. In this way, the duality of the universe is a reminder that everything in the universe is interconnected, and that nothing exists in isolation.

In the context of human existence, the duality of the universe can be seen in the duality of the mind and body, of the conscious and the subconscious, of the rational and the irrational. These dualities are not simply opposites, but are interconnected, forming a single whole. In this way, the duality of the universe is a reminder that the mind and body are not separate entities, but are interconnected, forming a single whole.

In the context of the human experience, the duality of the universe can be seen in the duality of the past and the future, of the known and the unknown, of the finite and the infinite. These dualities are not simply opposites, but are interconnected, forming a single whole. In this way, the duality of the universe is a reminder that the past and the future are not separate entities, but are interconnected, forming a single whole.

In the context of the human identity, the duality of the universe can be seen in the duality of the individual and the collective, of the personal and the universal, of the internal and the external. These dualities are not simply opposites, but are interconnected, forming a single whole. In this way, the duality of the universe is a reminder that the individual and the collective are not separate entities, but are interconnected, forming a single whole.

In the context of the human behavior, the duality of the universe can be seen in the duality of the good and the evil, of the constructive and the destructive, of the beneficial and the harmful. These dualities are not simply opposites, but are interconnected, forming a single whole. In this way, the duality of the universe is a reminder that the good and the evil are not separate entities, but are interconnected, forming a single whole.
In this Issue:

Hawaiian Coastal Zone News

WAI‘ANAE COASTAL
BEING RESTORED

As William Haleulani, Waianae

Sustainable restoration and
monitoring of Wai‘anae is
essential to the success
of this community.

Letters to the Editor

Hawaiian Coastal Zone

Hawai‘i’s coastal environment
is vital to the island’s culture,
history, and economic well-being.

学历的幸福

威纳内海岸

作为威廉·哈利兰尼，威纳内

可持续的恢复和监测
威纳内是这个社区

信件

RELIGION AND CEREMONY

OBJECTIVE

Develop, advocate, and support a greater understanding of traditional Hawaiian religious practices, ceremonies, and protocols.

Among the most visible aspects of Hawaiian culture are its traditional religious practices, ceremonies, and protocols in both public and private functions. Flights of the American Indian Religious Freedom Act of 1978 tend to affirm the right of Native Hawaiians to freely exercise their religious practices. It is now important to establish a center of ideas having religious significance.

Implementing Action

Founders and advocates of Hawaiian culture, religious practices, ceremonies, and protocols need to be encouraged and enhanced through proper planning.

Ahau 'Umi Heiau

A Native Hawaiian Astronomical and Directional Register

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Hawaii Academy of Science

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Department of Geography

Hawaii Academy of Science

BACKGROUND

In recent years, an interest has developed in identifying ancient astronomical and directional registers in the Hawaiian Islands. Although many of these registers have been reported from Hawaii, none has been positively identified in the organized field of cultural geography. However, according to historical accounts, the ancient Hawaiians, as recorded in the Pacific Ocean islanders, were able to map the sky for various purposes. They developed a system of celestial navigation that allowed them to determine direction, distance, and time. This ability was based on the apparent movement of the stars and planets, particularly the sun, moon, and Polaris, which served as key reference points.

Ahau 'Umi Heiau is located on the island of Oahu, near the city of Honolulu. It is believed to have been a significant center of religious and ceremonial activities in ancient times. The site consists of several mounds and structures aligned in a complex, geometric pattern. These alignments are thought to have been used for observing the sky, particularly for astronomical purposes. The site is also believed to have served as a meeting place for religious ceremonies, with important gatherings and rituals taking place there.

Ahau 'Umi Heiau was used by the ancient Hawaiians to conduct ceremonies and observe celestial events. The site's significance lies in its role as a cultural and spiritual center, providing insight into the religious beliefs and practices of the ancient Hawaiians. The study of such sites is crucial for understanding the rich cultural heritage of the Hawaiian Islands and for preserving this knowledge for future generations.
A feature in some Hawaiian fisheries is a distinct ratio between the length and breadth of the fish. We found that Ahi Umi had a width of 17.4 meters and a length of 22.6 meters, which give a ratio of a right-angled triangle that matches with the proportions of the Pythagorean triangle (Omar 11 and 9). On this base, we propose a theoretical representation of Ahi Umi (Omar 12.1. Herein, we describe the distance between the extremity point of the fish's tail and the middle point, defined as the "team," which is related to the maximum length of the fish's body. It is an important point in the design of the main structure, supporting the belief that one extremity point is the main point for the fish's weight. If we see the body of the fish as a circle, we would find that the straight line joining the extremity points on this circle would be the "path of the spade," representing 180 days of the Pleistocene epoch (Omar 12.2).

We further discovered that the length of the "path of the spade" matches the diagonal length of the fish's body. The main body of the Pythagorean triangle is represented as a circle on the ground. If we draw a circle centered on the ground, we would find that the straight line joining the extremity points on this circle would be the "path of the spade," representing 180 days of the Pleistocene epoch (Omar 12.2).

The relationship between the radius from the circle's center to the main extremity point and the circle's diameter is a result of the circle's length and breadth.
The Native Hawaiians Study Commission reports alarming statistics about the educational status of the Hawaiian population. A summary of the report states that in 1970:

1. A significant percentage of native Hawaiian children enrolled in school.
2. Many native Hawaiian students did not finish as many years of school as other ethnic groups.
3. Fewer native Hawaiian over 25 completed 4 or more years of college.

This poor educational record of native Hawaiians suggests a need for:

1. Identification and recognition of academically talented students, craftsmen, and tradesmen and performance artists.
2. Development of educational programs to stimulate and challenge these special talents and abilities.
3. Encouragement of students to be productive individuals whose achievements reflect group and self-identity with their Hawaiian cultural heritage.

The program proposes to use reparations money to establish an educational trust fund to meet the special needs of children who demonstrate unique talents and abilities: the academically talented, craftsmen and tradesmen, and performance artists.

The program's proposals are submitted in response to the needs of the Native Hawaiian population as defined by the Commission's report.

The proposals outline possible program ideas that could be funded through the following means:

- To identify students with potential creative ability in the performing arts.
- To provide training opportunities for the development of performance skills.
- To recognize individuals' achievement in the performance arts.
- To conduct a systematic talent search for creative, motivated students in the performing arts.
- To provide scholarship grants for private, specialized lessons.
- To identify students with exceptional scholastic ability.
- To develop apprenticeships.
- To provide training opportunities for the development of vocational skills.
- To recognize individual achievement.
- To provide job placement services.
- To invite qualified students to participate in local, regional, and national festivals, research papers, special projects, etc.
- To develop a systematic search for skilled, motivated students in skilled-oriented educational programs.
- To provide mentor training with qualified master craftsmen and tradesmen.
- To participate with BTC in upgrading a vocational training school.

Thank you for the opportunity to respond to the report of The Native Hawaiian Study Commission.

Haloa.
1. There is the largest concentration of native Hawaiians. These community centers would be located in geographical areas and functional structures that would make the native Hawaiian population accessible.

2. To recognize achievement (prizes, money, gifts, scholarships, etc.)

3. To utilise community mental health facilities and group counseling facilities for individual and/or group counseling.

4. To provide community mental health facilities for individual and/or group counseling.

5. To encourage community service projects.

6. To provide leadership training opportunities for native Hawaiian youth.

7. To organize youth clubs in every community and/or establish them at all age levels: elementary, intermediate, and high school.

8. To schedule regular classes for individual achievement.

9. To provide diagnostic screening of developmental programs for individuals needs.


11. To provide supervised care for school-aged children after the regular school day program.

12. To schedule regular classes for individual achievement.

13. To organize a lending library of educational games, toys, and instructional materials.

14. To arrange a database.

15. To organize and coordinate community events for individual assessment and development.

16. To schedule regular classes for individual achievement.

17. To provide diagnostic screening of children's learning potential and development.


19. To schedule regular classes for individual achievement.

20. To schedule informational meetings for individual achievement.

21. To organise community mental health facilities and group counseling facilities for individual and/or group counseling.

22. To encourage community service projects.

23. To provide leadership training opportunities for native Hawaiian youth.

24. To organize youth clubs in every community and/or establish them at all age levels: elementary, intermediate, and high school.

25. To schedule regular classes for individual achievement.

26. To provide diagnostic screening of developmental programs for individuals needs.

27. To encourage “Kupuna” in teaching skills for children.

28. To provide supervised care for school-aged children after the regular school day program.

29. To schedule regular classes for individual achievement.

30. To organise community mental health facilities and group counseling facilities for individual and/or group counseling.

31. To encourage community service projects.

32. To provide leadership training opportunities for native Hawaiian youth.

33. To organize youth clubs in every community and/or establish them at all age levels: elementary, intermediate, and high school.

34. To schedule regular classes for individual achievement.
The VHF Center, a modestly funded Hispanic American community center, had begun its operations, but the extent of its success had yet to be determined. The center had been established as a means to provide a center for Hispanic Americans in the area. It was located in a small building near the center of town, which had been donated by a local business. The center was intended to serve as a meeting place for the Hispanic community, providing a space for social and cultural activities. It also aimed to provide services such as job training, adult education, and community outreach.

The center's mission was to promote the development of the Hispanic community through various activities. It aimed to create opportunities for Hispanic Americans to engage in cultural and social activities, as well as to provide access to education and employment opportunities. The center sought to foster a sense of community among Hispanic Americans and to promote their cultural heritage.

However, the center faced several challenges. One of the main issues was the lack of funding. The center relied on donations and grants to support its operations. Additionally, the center struggled with limited resources, which made it difficult to offer a wide range of services.

Despite these challenges, the center made a significant impact on the Hispanic community. It provided a space for community members to come together, share their experiences, and support one another. The center also worked to educate the broader community about Hispanic culture and history, helping to bridge cultural gaps.

In conclusion, the VHF Center was a vital resource for the Hispanic community in the area. It provided a safe space for community members to gather, learn, and grow. While it faced several challenges, the center continued to strive towards its mission of promoting the development and empowerment of Hispanic Americans.
people is a Wheted in the recent draft report of doesegon-appointed Native of Haslet. Melly, the Tribunal fated the !kited States of Maim guilty of asserted claim to sovereignty by tie attending maims, Helm/big the nation to indigenous peoples, Including the islard of kaho'olase.

national corperatirms and the American ailltary.

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Stater' cotility In the overthrow of the taraiian matatehy in 1893, and policy band native preetta.

Protect taliorlosr 'Mann, the Sovereignty for Ilwal'i Coittess, and Aloha Davis, California.

During the weeks of September, 1978, a determination of 18 people from the American Samoa commission represented the American Samoa in the United States of America in opposition to the United States government's assertion of control over the United States of America's Samoa. The United States government has announced that it will not take action to assert control over the Territory of American Samoa. The United States government has announced that it will not take action to assert control over the Territory of American Samoa.

During the following six weeks, individual swobers of our delegation met with members of the American Samoa commission and members of the American Samoa legislature. The reports enifir findings that !Ural Ions hove concerns of Native Hawaiians deserve wore

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Dear Chairman Kaalahau,

I am writing to express my concern regarding the draft report of the Native Hawaiian Study Commission. As a member of the commission, I believe it is imperative that the draft report be revised and clarified in light of the comments and suggestions provided by various stakeholders.

The draft report contains several inaccuracies and omissions that could severely impact the recommendations of the commission. For instance, the report fails to acknowledge the significant contributions of Native Hawaiians to the state's economy and culture. It also overlooks the historical trauma and cultural displacement that have affected our community.

I urge you to consider these concerns and take immediate action to ensure that the final report accurately reflects the voices and experiences of Native Hawaiians. As a member of the commission, I am committed to ensuring that our community's needs and perspectives are adequately represented.

Sincerely,

[Signature]

Chairperson of Native Hawaiian Study Commission
VI. Strengthening Business

History has shown that the economic fate, social status, and cultural integrity of the Hawaiian people have moved in direct proportion to the strength of the Hawaiian language. This is not a unique case. Throughout the world, people who have become prosperous are those who have maintained their languages. Japan shows today the world giant has a history similar to that of Hawaii's - long isolation within state-line districts, national identity oriented society, contact with conqueror cultures by sea, a strong sense of Western power politics in the nineteenth century, and an adaptive ability in the use of alternating languages features within a native framework. To unite Hawaii's various groups has never resembled the schools, government, and businesses to be run by experts not a part of the Japanese speaking community. Close to home, in the Pacific, the few remaining direct people have used a powerful force in their own nation and in their own relationships with the Hawaiian people as a whole through a movement to increase language development in the traditional area and in Western areas as well. Language again helps us to understand how our island state operates against a background of a Japanese history in Japan and computer technology as well. Within the United States itself, the strongest Indian and Native group has been those that maintain their entire language as primary languages of communication in traditional and modern areas, e.g., the Navajo and the Iroquois Language. The most important case of language use playing a role in strengthening a people is the case of Hawaiian as a modern language through the efforts of the people of Hawaii.

Although for some people reading this section in may seem a novel idea to seriously strengthen Hawaiian as a language of daily use, too much is not at all novel in the context of the world outside Hawaii. It is not far enough for a language to be used in an area in large parts of the world. In the Pacific, the French colony of Tahiti has a Tahitian language planning academy and has made a move back towards Tahitian in schools. In the British Isles, Welsh is promoted officially and there is even an all Welsh university. Different peoples who have the language of the tiny Palestinian population as well as many other indigenous language groups, Indians, and Blacks, such as in the case of the Zulu, have not been revitalized in recent years. New York Island, under the relatively 5 poor nation of Chile has revitalized the indigenous language as a means of instruction because of the indigenous people.

It is sometimes difficult for Americans to understand the importance of the Hawaiian language situation because most of Hawaii is owned by Americans and immigrants voluntarily gave up their language and culture in order to join society. Hawaii's a different case. The largest ethnic group in the nation is the Native Hawaiians. The other ethnic groups to the right are communities of immigrants who did not voluntarily make a new home but lost their language and culture in immigration to Canada or Japan. The Hawaiian people have a particular unique situation with the United States. Hawaiian cultural life on many levels is now a part of American cultural life. Hawaiian language is a part of American heritage as much as the French language in the United States, the Spanish language in the United States, and the German language in the United States, and so on. Hawaiian language is a part of American cultural life on many levels.

The United States was in the 19th century, a country of immigrants, which has a large number of immigrants who have a strong desire to retain their culture. The Hawaiian language is a part of the American cultural heritage. This is one of the reasons why the language is not only a part of American cultural life, but is also an important part of the American language in the United States.

Although for some people reading this section in may seem a novel idea to seriously strengthen Hawaiian as a language of daily use, too much is not at all novel in the context of the world outside Hawaii. It is not far enough for a language to be used in an area in large parts of the world. In the Pacific, the French colony of Tahiti has a Tahitian language planning academy and has made a move back towards Tahitian in schools. In the British Isles, Welsh is promoted officially and there is even an all Welsh university. Different peoples who have the language of the tiny Palestinian population as well as many other indigenous language groups, Indians, and Blacks, such as in the case of the Zulu, have not been revitalized in recent years. New York Island, under the relatively 5 poor nation of Chile has revitalized the indigenous language as a means of instruction because of the indigenous people.
Table 1. Some Law Relevant to the Hawaiian Language from the Title of The Reports of the Hawaiian Language Board of Inquiry

<table>
<thead>
<tr>
<th>Section</th>
<th>Act of Legislature 1907</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The Hawaiian language shall be taught and used in the public schools.</td>
</tr>
<tr>
<td>3</td>
<td>The Hawaiian language shall be the official language of the State.</td>
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Table 2. Contended

<table>
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<tr>
<th>Section</th>
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<td>4</td>
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</tr>
</tbody>
</table>

Perhaps the most outstanding feature resulting from the administrative attitudes toward the Hawaiian language and culture is the "bilingual" and "monolingual" programs that have been established in various parts of Hawaii. These programs are based on the principle that students should be taught in their native language from the earliest possible age. However, the Department of Education has been criticized for not providing adequate support for these programs, and for not involving the community in the development and implementation of language policies. The Department of Education has also been accused of not providing adequate resources for language programs, and of not adequately monitoring the progress of students. The current administration has been working to address these concerns, and to improve the effectiveness of language programs. However, there is still much work to be done to ensure that Hawaiian language and culture are given the respect and support they deserve.
Perhaps the most telling feature of current Hawaiian language and culture programs is how they have been applied with the tiny population of native Hawaiian speaking children amounting to 16,000. These children are not served by any program mindful of the learning of language. But even as the extensive elementary program has been offered to them when they are the ones who would start the next generation learning another language, that has been forbidden by law for the past ten years. An elementary program in the Hawaiian language which has been proposed for many years, and which is in classes designed to be more than completely English. Even Hawaiian students attending the Hawaiian schools have been taught in English. The Hawaiian language classes where they have been taught have been reading, writing, and spelling of their native language for the first time. If administrators were really serious about the Hawaiian language, the first priority should be to strengthen the native speaker community.

The feature common to all situations in which language is used to strengthen a people, that is the use of the language as a primary means of communication (as is customary in all traditional areas, Hawaiian will never be able to help the people if there is no recognition of its primary place in the people's modern lives. In order for the language to be useful in today's world, modern vocabulary has to be collected, standardized, and disseminated. Academically challenging texts written from a contemporary local Hawaiian standpoint must be written. The existing Hawaiian language media (printed and radio) need to be expanded. Reporting needs to be given a role as a Hawaiian language medium.

Moreover, in any serious strengthening of the Hawaiian language in a central language planning body, such as noted in other areas, in the Pacific Halubie (Indonesia, the Philippines, Malaysia, etc.). To be effective, this body must practice what it preaches in contrast to most present programs, that is, all members of this body shall be fluent in Hawaiian and use it exclusively in all meetings and records in the group as in the policies in other language planning bodies. Its purpose should be to collate the spoken and written Hawaiian language from all sources and to disburse and disseminate the language, be a source of new vocabulary relating to the modern and future world, and be a source for Hawaiian medium materials relevant to Hawaiian life and needs. It is a primary role for Hawaiian people to determine the future of the Hawaiian language.

The establishment of a Hawaiian language planning body, Hawaiian medium school, and Hawaiian language day care centers would start a revolution in the false sense of Hawaiian and its associated culture of being acceptable as a primary culture for the world of today and tomorrow. Hawaiian medium education revitalizing the language is certainly the only means by which native Hawaiian can have any meaningful life in terms of traditional culture. Hawaiian medium education revitalizes the language. The concerted effort that such an undertaking would involve would certainly reinforce Hawaiian values of group activity and would have a lot of people join in preparing the renewal of the traditional language. The theory proposed here is not new. Ten years ago that replacing English with Hawaiian would benefit the Hawaiian has gotten a little stale and before negative case positive per remainees have been made. A native language

In Hawaiian, the language will not live and thrive.

VII. Legal Aspects

The next step is to find out for the Hawaiian language in a discussion of legal aspects of contemporary language programs. First, there is the complex case of dueling legislatures dealing with the Hawaiian language which has been under threat. There may be grants for suits challenging deliberate compliance with the laws. Second, there may be grants for suits in cases where laws protecting the Hawaiian language have been violated, but in such a fashion as to controvert the intended purpose of the laws. This is the matter of the law, the threat of a professedawaiian policy to restore the Hawaiian language to its past glory. The third fundamental need in revitalizing Hawaiian is to reintroduce the language into the native Hawaiian family who are being lost. It is a problem of preserving pre-colonial Hawaiian. It is a problem of replacing Hawaiian as a primary language. The Hawaiian language is a primary language. In the case of the Hawaiian language, Hawaiian as a primary language is a right, not a privilege.

The Hawaiian language is a right, not a privilege.
within the period previous to 1993, it is appropriate that some comment on repetitions be made here. The vast majority of documents written by Hawaiians relating to the overthrow of the Hawaiian Kingdom and the American Assimilation are written in Hawaiian. The few Hawaiians born citizens of the Hawaiian Kingdom living today are Hawaiian speakers, as are the slightly larger group born during the Republic before annexation. The current opinion that one gets by reading these documents and speaking with these people is that they believe them and still believe that the Hawaiian Kingdom should be restored in full sovereignty. The overall opinion is that to receive money or any other form of compensation does not return for that sovereignty of their country is unacceptable. From their voting patterns confirm this interpretation with the election of the non-revolutionary Robert Wilcox of the Mana Hihi Party to the First election Eight Territory and even the rejection of education by Hillman in 1979. He cannot, therefore, in good conscience, state that Hawaiian speakers, before or even these living today, want anything other than return of their country's sovereignty. Although this may seem reduced, some Americans probably will find the same way, "... that a country being taken over by some other nation, this is to state that there is an interest in cooperation on the action. There are many comparatively similar terms of composition against the Hawaiian people that will be disputed by playing upon them, or the consequences may be the same as his war.

For Hawaiians we consider themselves native in the great privilege of American citizenship, a privilege for which others have given their lives. To accept money as confirmation of this citizenship could be as unforgivable for a person who has truly valued his citizenship as receiving money for his Hawaiian action in for a person so loyal to the Hawaiian language.

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Be certain where one's legislative lie is. It is clear that the United States government in claiming itself to be the rightful sovereign power over Hawaii from 1900 to 1995, is accepting sole responsibility for that which is indigenous to Hawaii. This state of responsibility requires that the status of those indigenous to Hawaii be periodically reviewed to see if the case now and decisions to make about past, present, and future directions. It is the opinion of the writers of this language report that the past and present directions largely take heed and have a negative impact on the language, people, and culture of Hawaii. It is also the opinion of the writers of the language report that a change in direction can only be achieved by recognizing and supporting the validity of Hawaiian as a first and dominant language for Hawaiians and the purists of that goal.

This report has been worked with the sincere sense that a reverential language policy in Hawaii can be initiated with federal government help. We submitted and were awarded three major proposals as having the most merit and the best chance of success: the establishment of a Hawaiian language faculty in the university of Hawaii; the establishment of an initial Hawaiian media school, and 3, the establishment of Hawaiian language immersion day care centers/programs. We believe that these three programs can be run simultaneously and that they will strengthen and each other. Besides these three main goals proposals, we believe that the federal government can and should fund assistance to other means that will help the Hawaiian people retain control of their own language which is as important in its broader implications. It is our contention that strengthening Hawaiian is the only way that any meaningful maintenance of traditional Hawaiian aesthetic can occur. We also believe that strengthening Hawaiian can serve as a means to increase the Hawaiian consolidated government. We believe it is time for Hawaii to initiate the Hawaiian consolidated government. We believe it is time for Hawaii to initiate the Hawaiian consolidated government. We believe it is time for Hawaii to initiate the Hawaiian consolidated government. We believe it is time for Hawaii to initiate the Hawaiian consolidated government.
It is located in the Kahihi Church. You can see this on the map.

On Friday, we held prayer services every Friday. We held prayer services at the meeting house.

Ma hope o Ewel, I'm a member of the family. I also have children. My oldest daughter is already two years old. I had her when I was sixteen years old. At that time, I used to take my daughter to the meeting house. I would hold her in my arms and attend the services. I was a young mother, and I would bring my daughter to the church and attend the services.

At the meeting house, there were some people from Kalihi. We would sit together and hold our children.

In the old days, there was a church music. We would sing songs and pray. We would also hold our children in our arms and attend the services.

Ma hope o Ewel, I'm a member of the family. I also have children. My oldest daughter is already two years old. I had her when I was sixteen years old. At that time, I used to take my daughter to the meeting house. I would hold her in my arms and attend the services. I was a young mother, and I would bring my daughter to the church and attend the services.

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Albert Like; Albert Like (Al.)

End of Item 2
A Visit by Queen Lili'uokalani

Mary Melo

Larry Kimura (LS) - Hiki no lā 'oe ke wahine o Ile ilili mai a. Can you give a brief account about the
pilimoni ke hale hapa 'ane'o ke Ali'i 'Okahuna?

Queen's (Lili'uokalani) visit?

Mary Melo (MM) - Aše, Hiki no lā 'oe. E ho'okama wau. Ka hō'ona nāu Yes. I can. I will begin. I was about
māhāki i kei maana ma kahi o 'o 'okāmuia māhāki
twelve years old then and because
A, no ka kea, 'o George Cox... Oscar Cox, e kāle mai, Oscar George Cox... Oscar Cox, pardon me, Oscar Cox
Con o kei kei shari, ke shari mua o Hawaii nei. A, was the shari, Hawaii's first shari. Well,
no ka mea 'o ka mea nā nana i kei hea hone. Ho'okama
he was the one who organized this activity of
'o no hana hulina. Ho'okama 'o lea hulina. O nā
hulina, it is a method of fishing involving many people. In brief,
Thursday requires that the fish be collected to an area by scaring
them with leaves attached to fishhooks and factomie of rope where-
upon long net is used to encircle the fish and the fish is
hauled up right to shore.
Pua e pua hele i kealii 'Ale o Kaimakai, ma, ke alii mai, ma
Well all the people went, not to Malina but further.
Mau o. o kei maana mai i kaile mai o Kā'a'oe nā 'ō. Ho'okama
over. It was as you come to 'Ealii and those places.
'o ia. Ke ho'okama e kāle, mai lilo ke po'e he halo.
He organized the event. When he called to the people, so
He mau wea po'o hele a. A hana 'ia. Ha mau nā oko leh
many would go. So many census were launched. And thus the
māhāki i kei hea hone. A la 'ale ki hea hone. A hana 'ia. Ma ma na o ko leh
kei hea hone. A hana 'ia. Ma ma na o ko leh
fish were done. However, before this occurred, we younger
Ho'oku'u kei la i kea mana o kaalii. A ka hana o ka pa'ohāi
children would prepare the ropes. We put the ti leaves into
our backs...

End of Item 4
End of Item 5

End of Item 3

End of Item 6

We do not value
The sure of money from the government
We are satisfied with rocks
The extraordinary food of the land
We stand behind Lili'uokalani
Until justice for the nation is obtained
The people who love their land
November 5, 1982

The Native Hawaiians Study Commission
Department of the Interior Building
19th and C Streets, NW, Room 4130
Washington, D.C. 20240

Dear Sirs:

RE: DRAFT REPORT OF COMMISSION

In regard to the draft report of the Native Hawaiians Study Commission, please note that as the Hawaiian Historian at the University of Hawaii-Manoa, I have read the draft report carefully and find it deficient in several respects. Particularly in the essays on history, culture, land and federal-state relations, I find that the information provided is limited, the dependence on secondary sources un scholarly and the conclusions questionable.

Sincerely yours,

Pauline K. King
Associate Professor

P.S. To the Hon. Kuamo‘o'1

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Deprived. They were not getting (to this day) an objective perspective of the Native-Hawaiian-Caucasian history. What they were getting was a history comparable to my writing's history of the American Civil War. Much of what was in print about Hawaiian history was either distorted, defamed or simply overlooked. In the reparations report there has again been a deliberate distortion of Hawaiian history. It reflects the use of "half-history" or the recounting of historical events with "horse-like blinkers" which prevented the historian from looking at those situations that influenced the course of history. For instance, the people who came as settlers to Hawaii, the early settlers, had come from a very recent tradition or history of religion among themselves. Their behaviors sprang out of the Great Hostility and barbarism in a religiously embattled Europe. The "reformation" was accompanied by extreme violence and cruelty. Violence was not strange to the Hawaiian. The difference was to be seen in the nature of the violence and what motivated that violence.

The distortion of Hawaiian history has also worked very badly against the Hawaiian people themselves. It had given them a sense of shame in their heritages with generations of children exposed to the distorted material. They had no feeling of self-identity or anything but shame for their background or for their own people. These distortions had also worked on the non-Hawaiian people to keep them ignorant and misinformed about the Hawaiians and they were not encouraged to gain more information. It created stereotypes thinking which probably has been the biggest cause, in my opinion, in limiting the Hawaiian's ability to gain a fair share of Hawaii's social and economic benefits. Any settler constituents having those feelings about the Hawaiians could bring their influence and feelings to bear on their representatives in business or government, further extending social denial to the Hawaiians.

Throughout my early education and my years at the Kamehameha Schools practically no historical impact was made on me except for some idealized version of the Hawaiian. History was the obviousness of the Christian element that must be understood in the study of Caucasian relationships with the Hawaiians. The religious were, the rise of new economic systems and nation-states in Europe, fell into a syndrome that made the white settlers in Hawaii behave as they did when in contact with aboriginal peoples as the Hawaiians who were thought to be inferior. The aboriginal peoples were the way of progress, like a mountain standing in the way of a super highway. It had to be made less obstructive. Hawaiians like other aboriginals were not considered or presented in realistic terms as humans. To start similarity to other aboriginals throughout the world (some taken literally) they were really imperialistic fodder in the "age of expansion." Christian attitudes that arose out of a background of Christian history had an important impact on relations with the Hawaiians. It is not reflected in the reparations report.

Native people were often referred to as savages. Savages does not point necessarily to violence in the Hawaiian contact situation. Generally, references to savagery were made...
mostly in the context of observing native land ownership and land-use concepts. Hawaiians were savages or primitive because they did not need to practice the private ownership of land in the western sense.

There is a similarity of American colonial programs when compared with the practices of other world colonial/imperialistic powers. Colonizers operate by settling colonists on the land who then fight to keep that land, acting as a buffer, as a policing agent for the colonizing power. They stand ready to assume positions of immense power after they manipulate political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates political take-overs under the pretense of personal disenfranchisement by the native government. The myth manipulates politicaltake-overs under the pretense of personal disenfranchisement by the native government.

In looking at other areas of colonization in the Pacific (New Zealand, Australia) and elsewhere, the same pattern emerges. It includes taking of the land by force or religious coercion, removal of the economic base and culture, intimidation of the native people with imported power and the imposition of a bureaucratic structure which keeps the native people in a constant dependent relationship with the colonizers.

In New Zealand with the Maori, I saw in their museum the same type of photographs of stern-faced early Christian settlers/colonizers as I had seen in Hawaiian museums and had remembered seeing in books that dealt with American Indian history. I had the feeling that, as if by signal, they had all left Boston at about the same time, moved across the Americas and into the Pacific, taking over the native lands, labor and cultural artifacts in the name of Christianity. Today, most of the lands and businesses in Hawaii are owned by a few wealthy businessmen and landowners who can trace their ancestry to the early Christians.

The thrust of American economic development which came to dominate North Americans and Pacific movement, concerned land—a conscious policy of taking land from the native people, colonizing the people into a state of dependency, placing settlers on the land to defend their self-interests and, finally, to drive away or kill the native people. In the case of the native Hawaiians, the importation of contagious "white man's" diseases for which Hawaiians had little or no immunity nearly decimated the entire population. In this century, the movement has shifted to removing the settlers themselves from the land so that large corporations or wealthy individuals and the United States government will control most of land directly.

Early American political leaders realized they had to destroy the native culture in order to get the land and its resources. Colonizers in Hawaii had no need for Hawaiian labor when they had decided very early to import cheap labor from the Orient or indentured labor from Europe. Why then?

wanted, most of all, was the Hawaiian land. They saw that the strength of native resistance was the land base and the collective bond that, the natives still resist. Genocide, cultural and physical, became the primary policy of American colonizers as they moved from the Americans into the Pacific. There is no need to account, here, the status of the current Hawaiian population in comparison to when the first settlers arrived. But if one were to assume the "blind" posture then there would be a complete absence of an assessment dealing with the factors that contributed to the genocide of the Hawaiian people. Such an absence is against the best interests of the Hawaiians as seen in the preliminary reparations report.

As I have grown older and more knowledgeable about my culture, the Hawaiian culture, I have come to have a deeper appreciation of the richness of the Hawaiian culture. This experience has enabled me to see more clearly the way in which United States/European frontiers have purposely altered native cultures in various periods of history. It also enables me to examine and define ways in which native populations can begin to re-identify with their cultural heritage. We are now entering a time of cultural rebirth in which the Hawaiians need to unite and turn again to native heritage as a source of inspiration.

In a review of native/settler relations I have come to believe that the cultural identity and even the physical survival of a native people is very closely associated with possession of their 'landed heritage.' It may be said that to the extent that a native Hawaiian society maintains physical possession of their land to that extent they survive as a cultural entity. They have an identification to the past that is linked to the land. American Indians and the Hawaiians who have been dispossessed have an enormous difficulty in maintaining their cultural tradition although they have tried valiantly and still do so. Ironically, in a growing movement away from the real materialism of the present American culture, many settler descendants are themselves trying to adopt aboriginal culture concepts very clearly tied to the land. Hawaiian survival was connected to the physical sustenance from plants, wildlife, the streams and ponds and the sea. The natural source of food was not to be destroyed. It was to be respected. The protection of the environment was part of the native religious. American attitudes of self-reliance and self-government are closely associated with the colonization of Hawaii. They have combined, in many ways, to a white-racist interpretation or distortion of historical "happenings" to Hawaiians in an effort, as in the reparations report, to justify the colonizers actions. The central theme rationalized that Hawaiians were unable to handle their own affairs and it was necessary for the United States to subvert the Hawaiian government as a means of saving the Hawaiians from themselves. In truth, (the Americans) as pioneers and through their representatives in the Congress, have historically held the idea that it was their manifest destiny to occupy not only the continent but the Hawaiian Islands (among other Pacific terri-
subjective about the historical significance of the overthrow from the Hawaiian perspective. Most non-Hawaiians are totally unaware that the United States government had historically contributed to the conquest of a powerful, sovereign nation. The U.S. has tried, instead, to justify and rationalize what had happened, giving a false history of the overthrow. However, there were too many contributing factors from various branches of government, many that had committed an illegal act when it participated in the overthrow of the Hawaiian monarchy.

My second position is that the United States government, historically, did in fact enter into agreements with other Americans in Hawaii to plan and lay out the structure of the conquest to its final conclusion. Also, my third position is that during the time of the United States government's entry into the conquest of Hawaii they were working to impose a conscious policy. American settlers, the "frontiers" people were continuously moving across the continent. And what in fact had happened is that the aboriginal Hawaiian was clearly settled and established, within a sovereign context, but the white settlers wanted this land and, in so doing, arranged a situation to which the United States government provided the security forces for their taking of the land.

My last position is that the United States, as a participant in the takeover process, and as a promoter of human rights throughout the world, must voluntarily agree to make just restitution to the Hawaiian people and that the Hawaiian people through their representative organization be given the opportunity to determine the manner in which such restitution shall be made. Mahalo a eui laa.
The text appears to be a letter from a person named Kino to the members of the Native Hawaiian Study Commission, expressing concern about the theft of a Hawaiian land lease and the potential effect on the community and the Hawaiian people. The letter discusses the importance of preserving Hawaiian culture and history, and the need for support from the government and the community to protect Hawaiian lands and traditions.

The letter is written in a formal tone and includes a request for action from the government and the community to address the issue of land theft and to support Hawaiian culture and history. The writer emphasizes the importance of preserving Hawaiian culture and the need for support from the government and the community to protect Hawaiian lands and traditions.

The letter is signed by Kino, who is also known as Hayden F. Burgess.

The text includes a note at the bottom of the page that reads: "Sincerely, Hayden F. Burgess".
...We must obtain from the Government the very thing that was taken from us—land! Washington could purchase parcels of land and turn them over to our State. Some of the parcels would be used as State Parks, and the larger parcels would be entrusted to the Office of Hawaiian Affairs and kept as wildlife sanctuaries.

Some people could argue that a State Park would not be retribution given directly to Hawaiians. This is true, but the park would be available for use by all Hawaiians—male and female as well as Hawaiians.

My second proposal of placing the management of wildlife sanctuaries into the hands of DHIA would enable all Hawaiians to manage these properties in any major decisions concerning the properties could be put to public vote. Revenue for improvement, maintenance, and studies could be obtained through charging for camping/steel drives and from contributions from the public.

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The preparation of this paper has been sponsored by the Office of Hawaiian Affairs. The thrust of this paper has been to examine the office of Hawaiian Affairs' observations that:

...the injuries suffered by the Hawaiian people as a result of the overthrow of the monarchy and subsequent domination were great; and,

...in addition to losing land, Hawaiian natives also lost sovereignty and dominion over the islands. Obviously, this was a loss of incalculable value. Also land, the loss of sovereignty cannot be replaced by money. It is a collective psychic damage which manifests itself negatively in the loss of self-esteem and identity as a people and in the degradation of traditional practices and culture. (Office of Hawaiian Affairs, Towards Reaparations/Restitution, p. 18.)

The contents of this paper, however, express the opinions of the author and do not necessarily infer endorsement by the Office of Hawaiian Affairs.
INTRODUCTION

When Captain Cook arrived in the Hawaiian Islands, he found an indigenous people with their particular form of culture. In subsequent years, the penetration of Western influence directly altered the indigenous Hawaiian culture. Of special interest to this is not, yet, the impact of Western culture on Hawaiian culture but, more specifically, the focus is on the psycho-cultural impact which the overthrow of the Hawaiian Kingdom in 1893 had on Native Hawaiians.

An examination of the impact will be based on six broad questions:
1. How can the results of the contact between the United States and Hawaiian cultures be understood conceptually?
2. What conceptual model can assist in analyzing the behaviors of Native Hawaiians which are attributable to the demise of the Hawaiian Kingdom?
3. What was the psycho-cultural impact of the demise of the Hawaiian Kingdom?
4. To what degree did this impact traumatic?
5. Does the nature of the psycho-cultural impact associated with the demise of the Hawaiian Kingdom bespeak a moral legacy?
6. If a moral legacy exists, how does it relate to the issue of restitution to Native Hawaiians?

The first two questions are conceptual; they focus on models to facilitate the study of United States influence on Hawaiian culture and to assess behaviors which were the consequences of the demise of the Hawaiian Kingdom.

The third and fourth questions bring attention to actual psycho-cultural dynamics that can be traced to the demise of the Hawaiian Kingdom. The methodology here is topical rather than definitive which would be beyond the scope of this brief paper.

The fifth and sixth questions link an ethical dimension to the scope of this study and, therefore, extend it beyond academia to the threshold of policy formulation.

This study reflects a psycho-cultural orientation. Taken together, the six questions permit a psycho-cultural examination of the demise of the Hawaiian Kingdom as well as a commentary on the moral legacy associated with the overthrow of the Kingdom and annexation by the United States.

It is not the intent of this paper to analyze the socio-cultural history of Hawaiians since the overthrow of the monarchy. Neither is it the intent to vindicate Hawaiian culture. It is fully recognized that had the Hawaiian Kingdom survived, Western culture would have continued to alter the 'Hawaianness' of the Native Hawaiian. A basic premise of this paper, however, is that the loss of sovereignty set in train repercussions that might likely would not have occurred in the same manner had the Kingdom survived.

A major difficulty of analyzing Hawaiian culture after annexation is the confusion regarding the definition of 'Native Hawaiian.' Who, for the most part, have become a mixture of Hawaiians with European-American (Haoel), Japanese, Chinese, and Filipinos. This blending of peoples (and the different cultures that they represent) in itself altered Hawaiian culture. While that influence is not the focus of this study, its reality is recognized and has assisted in concentrating on cultural issues that are not basically attributable to this blending of peoples.

Psycho-Cultural Preface

Each grouping of people possesses a distinctive culture. Hawaiian culture evolved from the traditions, values, and thought patterns which the first immigrants brought to the Islands and from the way in which these cultural elements were adjusted to the geographic character of the islands. Hawaiian culture, as any other culture, is the integrated sum of behavioral traits learned and shared by members of society. Hawaiian people invented Hawaiian culture and it may be considered a heritage transmitted to each new generation.

Cultural norms provide the basis for a group and individual behavior. In general, conformity is rewarded. For most individuals, culture contains the main springs for establishing an identity. Culture by itself is not identity. Rather, culture holds the substance on which is fashioned a personal identity. An identity crisis occurs when the individual loses contact with the historical continuity of his culture and perceives himself apart from the "personal summa" which culture sustains.

Contact Culture

The concept of "contact culture" offers a framework for understanding what occurs when an outside culture contacts an indigenous one. Contact culture appears when a donor culture, mainly through missionary and trading activities, thoroughly infiltrates the core of the host culture. Here the means for such infiltration based on military or political activities, than the product is more correctly labeled "conquest culture." In either mode—contact or conquest—the recipient of the donor's culture sparsly first strip down or reduce the contents of its own cultural elements in order to absorb new ones (for example, a language giving way to the donor's language). What becomes grafted from the donor's culture blends into the fabric of the indigenous cultural base. After awhile, the contact culture becomes the extant culture.
A contact culture is not a transplanted culture but is a "colonial culture," the context of which is not grafted on to any existing culture. Rather, the host or indigenous culture becomes the incoming culture through what George Foster calls "formal" and "informal" processes. Formal refers to the role that government administrators, trading companies, and explorers play in the territory. Informal refers to the unplanned mechanisms whereby the personal habits of immigrants, their food, superstitions, music, hopes, etc., are selected and maintained in the new territory.

A contact culture took root in Hawaii by the 1830s; its contents included a Christian form of religion and incorporating the English language, Western dress, architecture, and weaponry were adopted, as well as educational, health, and judicial practices. After the Great Mahele of 1848, Western land practices were, to some extent, incorporated. A subtle example of how contact culture took root in Hawaii is found in a law of 1859, which required that a Christian name be taken in addition to the Hawaiian one.

After annexation, contact culture became dysfunctional and a transplanted United States culture took root. However, for one reason or another, most Native Hawaiians did not participate in it. Those who did not adjust became cultural outsiders. Native Hawaiians, in losing their content culture—no matter the reason or manner, most Native Hawaiians did not participate in the transplanted culture, became "conquered" people.

**Cultural Trauma**

The focus of this paper is to assess the cultural impact of the overthrow of the Hawaiian monarchy. The concept of cultural trauma presents a theoretical basis with which to accomplish this assessment. Cultural trauma results when events overwhelm the value system of the existing culture so that it no longer is able to provide meaning and direction.

The process by which an indigenous culture becomes a contact culture may be traumatic. For example, the inhabitants of the Aztec capital after the Spanish conquest undoubtedly experienced cultural trauma, the working through of which formed Nadir's subsequent contact/conquest culture. However, the indigenous inhabitants in the remote corners of Mexico did not experience a cultural trauma although, too, a contact culture emerged (albeit slower and less dramatic). Isolated indigenous societies cannot escape the full brunt of the donor's trauma. For this reason, it may be correct to conclude that the Hawaiian indigenous culture suffered trauma from exposure to Western political policies, economic practices, and cultural values. The contact culture which emerged, therefore, represents a coping strategy to adjust to the cultural trauma. Notwithstanding the validity of a cultural trauma prior to the overthrow of the monarchy and annexation by the United States, this paper primarily examines the cultural trauma associated with these events. Clearly, the trauma beneath the surface of the nineteenth-century contact culture cannot be totally separated from the trauma of the overthrow. The following discussion recognizes the traumatic nature of the contact culture, although its analysis is not within the purview of this paper. Rather, the existence of a contact culture is utilized as a backdrop in order to assess the psycho-cultural impact of the demise of the Hawaiian Kingdom.

Recently, attention has been given to the post trauma syndrome experienced by Vietnam veterans. Rape victims also experience a form of post trauma syndrome. Trauma occurs when the usual coping mechanisms no longer function. When a situation over-reaches the usual coping mechanisms, a person experiences an increase in anxiety, feels helpless, and develops an array of uncomfortable symptoms. In the case of rape trauma, the victim generally experiences a"reactive" phase which is characterized by a successful implementation of coping mechanisms that result in a decrease of symptoms and a gradual resumption of normal functioning. The gradual resumption of normal functioning does not infer that the trauma has been resolved. Most likely it has not, thus the name "post trauma syndrome." Beneath the facade of "normal functioning," the trauma is still, in need of resolution. The symptoms of this syndrome may include feelings of hopelessness, a generalized lowering of self-worth, and repressed rage.

Humanity has the flexibility to endure and persist with the necessities of living. The rape victim seeks to maintain this perspective even though the trauma is overwhelming. The feminist movement recognizes that successful working through of the post rape trauma syndrome requires not only denial attention to the victim, but also bringing attention to society's view of rape. The movement's contribution has been in raising the level of consciousness toward rape and the reality of post rape trauma syndrome. Likewise, minority movements (Black, Indians, Chicanos) on the one hand, have enabled their members to openly express anger and dissatisfaction with civil rights practices of the dominant culture and, in the other hand, raised the consciousness of the dominant Anglo community to the trauma violation of civil rights causes.

Without this increase in the level of consciousness whether pertaining to veterans, rape, or civil rights trauma cannot be truly worked through. If their situation is not understood, victims, individually or collectively, suffer alone, enrolling within, remaining mistrustful of the dominant society and exhibiting little sense of self-worth. In this context, there is need to raise the level of consciousness regarding the post cultural trauma syndrome of Native Hawaiians.

**Concluding Statement**

It is beyond the scope of this paper to fully outline the dynamics of contact culture or cultural trauma. At the same time, the experience of Hawaiians provides an example upon which some tentative conclusions can be made. First, an indigenous culture adjusted to a situation where missionary or mercantile pressures were traumatic in themselves by developing a contact culture. Second, contact culture, as any other culture, enables a society to preserve an identity even though "it remains unstable. It is likely that members reflect a sense of cultural inferiority via a sense of superiority to their donor's culture. Third, cultural trauma may occur by way of added experiences if they finally overwhelm the coping mechanisms of the prevailing culture. At this point it is injected that the intensity of the added experiences, as well as the duration of the recalled injuries and patterns of prejudice of the donor's culture, define the severity of the post trauma syndrome. Fourth, indigenous people in the grip of a post cultural trauma syndrome must work through the trauma in order to re-establish a cultural base upon which to fashion viable identities. And fifth, working through the cultural trauma is highly dependent on the level of consciousness which the dominant society attains regarding the trauma and its role in the development of that trauma.
PART II
CULTURAL IMPACT

This section provides a topical glimpse of the psycho-cultural impact Native Hawaiians experienced after the overthrow and demise of the Hawaiian Kingdom. The immediate result, loss of status, continues to plague Native Hawaiians to the present day. A loss of pride in culture subsequently occurred. Loss of cultural pride was repressed during the development of a contact culture, but at the time of the overthrow, it was manifest in widespread and transitory. In this period, the loss of language and its ability to give special expression to cultural nuances became almost total. However, the loss of land which Native Hawaiians believed was a foundation of their identity, triggered what may be called a cultural identity crisis. From these losses and perhaps in response to this crisis, there emerged an outsider's culture, which, for all practical purposes, further eroded many Hawaiian cultural roots. Collectively these six experiences are the concept of a Hawaiian cultural trauma. In addition, the recent emergence of a tri-cultural process (Hawaiian-Anglo-Japanese) has made the difficulty of working through this trauma more arduous.

Loss of Status

Regardless of the overwhelming impact of Western culture and the progressive occamation of the Hawaiian people during the nineteenth century, Native Hawaiians still had their monarchy in place. After the overthrow of their monarchy and during the ensuing wait for the justice of the United States to restore the monarchy, it became extremely difficult to find pride in the indigenous culture already weakened by cultural imports introduced by the Anglo people. The overthrow, the contact culture, which evolved from missionary and trading influences, increasingly took the guise of a composite culture, where once the Hawaiian language had a place of pride and Hawaiian traditions honored, the overthrow and annexation decisively changed circumstances and the remaining fabric of the indigenous culture was rent apart. With the political changes that transpired, a few haoles took up the room at the top. Oriental tradesmen and craftsmen, with other immigrants and less prosperous haoles, quickly filled up the empty spaces. Most of the Hawaiians were left at the bottom. To the present, Native Hawaiians have never regained a satisfactory political or economic position.

Prior to the overthrow, Native Hawaiians enjoyed a social status higher than Asiatic immigrants. After annexation, the situation changed drastically. For example, a Scottish blacksmith, earmarked $4.94 a day, and a Hawaiian received $2.26 a day, but the Japanese blacksmith earned only $1.90 a day. The drastic reversal of status can be gleaned from income data during the 1970's. In 1971, the median annual income of a family head among Japanese was $19,451. Meanwhile, Minna Rubin reports that in 1975, sixty-two percent of Native Hawaiians had no reportable income and, of those with income, approximately one third received less than $4,000 annually.

Another example of loss of status is found in examining the number of Hawaiians in professions. Of the 400 teachers employed by the public school system in 1965, 148 (or thirty-seven percent) were Native Hawaiians. Seventy-five years later, approximately sixty percent of the teachers were of Japanese ancestry, while seven percent were Native Hawaiians.

In most respects, the Native Hawaiian tumbled to the bottom of the socio-economic ladder, beating on occasion statistical data on Samoans and Filipinos. Even when compared against these low socio-economic groups, Native Hawaiians, in infant mortality and rate of illegitimate births, were worse off.

These grim statistics support the fact that Native Hawaiians are apt to find pride in their culture which formerly was respected, but subsequently held in contempt. The most famous demonstration of anti-Hawaiian sentiment occurred in 1932 during the Massie trial in which a group of youths (two of whom were Native Hawaiian) were accused of raping a naval officer's wife. Although acquitted, a local newspaper was convinced of the youths' guilt. 'The Advertiser called them 'friends' who had kidnapped and maltreated a 'white woman of refinement and culture.' The same paper considered them 'benevolent.'

In a manner not too different from the Native American, the Native Hawaiian, after annexation, increasingly experienced himself as a stranger to his indigenous culture and alienated from the Anglo culture. An older Native Hawaiian, who perhaps speaks for many of his age group, said: 'For many of us, in a sense, ashamed of being Hawaiians. We cannot succeed in our own cause with the contemporary, commercially dominated culture of our islands.'

In 1965, economic and social status was at an all-time low. A local newspaper was convinced of the youth's guilt. 'The Advertiser called them 'friends' who had kidnapped and maltreated a 'white woman of refinement and culture.'

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adolescent find little meaning in being Hawaiian. As such, they often experience a mental-cultural existence and, though too oft
recognize that the Native Hawaiian part of them is not culturally
accepted by the society in which they live. A "malignant" response to this cultural alienation is a psychosocial confusion manifested in violence and acting-out behavior. During the period of contact culture, Native Hawaiians were not categorically placed into an inferior status.

Many Hawaiian groups were labeled "haole" patterns of prejudice were moderate. Nonetheless, Native Hawaiians, no matter from which stratum of society (except for those who married into the haole's inner circle of economic means), felt the haole's condescending, if patronizing and manipulative, attitudes. By the late 1960s, the political and economic rise of the descendants of Oriental immigrants capped the concept of haole society. In the passing of this cultural invisibility and in the progressive loss of ethnic cohesion, among Orientals, a Hawaiian cultural renaissance may take wing.

Such a renaissance is the present of the present, however, still flows from the loss of cultural pride activated by the overthrown Lorrill succinctly notes the present dilemma:

What concerns me most is that a growing segment of our population (Native Hawaiian) is developing, has developed, and is increasingly confirming, no longer toί is there a feeling going to be a druggist, I am trying to be the dentist, my family is going to be the doctors, and men take off. I am going to be the one who doesn't have the education. I am going to be the one who gets in trouble with the schools first.

A Native-Hawaiian teacher provides additional observations:

It hurts me so much when teaching a class to see that my people-children-when they come to school watching the band, the P.E., English; and they are thinking, and I say, well, my every thought, and instills in my mind the importance of accepting what the white man's concepts of what the world should be and compete with the Oriental, and my feelings inside it feels that they will end up like I have. I am not respected, and I'm competitive in this white world, but so totally unhappy because somewhere along the way I've lost myself. I can't honestly say I wake up in the morning and know who I am and where I'm going.

Fuchs opines that the social-economic plight of Native Hawaiians relates to a general and real difficulty in adjusting to the highly competitive haole social order. He also linked this inability to adjust with the physical decline of Native Hawaiians. A Native Hawaiian male voiced his concern about inferiority among Native Hawaiians before a Congressional hearing, and is increasingly confirming, a resistance to accept even what they wanted if there was no alternative. The following statements from Bawakian male voiced his concern about inferiority among Native Hawaiians before a Congressional hearing.

...As I grew up...I had to find a place for myself...I grew up in the special way of their culture. The loss of dignity precludes the establishment of viable identities and promotes a sense of helplessness, if not of despair, in re-creating various patterns of social action and in being objects of stereotypic stigmatization the Native Hawaiian is left destitute of society.
communication between the immigrants of Hawai'i; its limits both the ability to express the richness of a personal experience and to interpret the fullness of reality. In the scientific age, "pidgin cannot communicate the exact meanings that are absolute requirements of science, commerce, and the academic world..." If through language humans see, hear, and understand, then "language is a philosophy."

The Native Hawaiian who has no complete language is left with a philosophy which fetters him to cultural marginality. This, then, is the great tragedy which the loss of the indigenous Hawaiian language has brought upon many Native Hawaiians.

Loss of Land Traditionally, Native Hawaiians have had a marked affinity for the land. "When you take the land away from them, you've cut them away from who they are," said a Native Hawaiian. Attachment for the land was never based on economic or political power. Rather, it came from being in harmony with one's surroundings. Such is often facilitated when ownership is not an issue. Whereas American society, in general, views land as "a relatively fungible economic resource," the Native Hawaiian perceives it more as a spiritual and cultural resource.

The Hawaiian Homes Commission Act of 1920, contains a recognition of the role land plays in Native Hawaiian well-being. But the motivation of the Act seems to have been primarily economic. True, there was an intent to rehabilitate Native Hawaiians and save them from extinction. But, in the final analysis, the Act served better the interests of "king sugar" than those of Native Hawaiians. The "land for Hawaiians" ideology of Prince Kuhio ended as a travesty against justice. Theron Wright wrote that "this legislation had little effect one way or another on restoring the lands to the Hawaiian people." The sense of being deceived, once it was understood that the lands assigned to the Act were among the poorest in the islands and also that recognition that the Act would not work, had a belated effect on the growing bitterness of Native Hawaiians.

Notwithstanding the failure of the Hawaiian Homes Commission Act, Native Hawaiians need access to non-marginal land so that the present marginal economic status of many Native Hawaiians will not force them to leave the islands that once shaped the core of their identity. Already an out-migration is in process. Bernhard Horvath noted that in the 1950s, Native Hawaiians had a net loss of 20,000, primarily to the mainland. Horvath considered this out-migration a favorable sign. "It is not a cause for alarm," said Horvath in 1965. "It may signify as well as certainly contribute to a hopeful breakdown of Hawaiian isolation." Since Native Hawaiian culture has been tied to the land, it is somewhat questionable whether out-migration would have been the first preference had a suitable land been available.

Because the Native Hawaiian community, as a whole, is one of the poorest ethnic groups, numerous areas in the islands are excluded to them by the fact that they can neither afford to live nor purchase real estate there. Moreover, there has been great pressure to remove the poorer Native Hawaiian community from certain areas in the islands. What is advanced as "progress" much too often means to the Native Hawaiian "forced removal" from land which they utilised to build homes and make a living, or on beaches which traditionally had sites for open camping. Such forced removal occurred in January 1983, at a time Native Hawaiians were celebrating the Ninetieth Anniversary of the Overthrow of the Monarchy. The state government, against the wishes of residents on Makua Beach, levelled the area and people who had lived there for several years, in accordance with the traditions of Hawaiian culture, were apprehended for opposing the law. Progress called for a State Park; Native Hawaiians, in turn, opposed a Hawaiian-style state park or village which will allow residents to remain on the beach.

The struggle for control of the land and the Native Hawaiian approach to the land perhaps can be best understood from the controversy raging over Kaho'olawe Island (which is the smallest of the eight major islands). The struggle pitted the military establishment against Native Hawaiians. The struggle represents the military to stop its abuse of Kaho'olawe."56

Another woman said: I come before this committee without any formal testimony, but to express my thoughts as a Hawaiian having made it in the Western civilization and trying to discover what culture, what heritage I came from. During the weekend of Labor Day I had a chance to go to the island called Kaho'olawe...There I had a chance to experience what the spirit of the land was...I thought it was necessary to go to the island called Kaho'olawe to get away from all the noise that we are subjected to day in and day out. Growing up in this artificial society prior to 200 years ago, I have been subjected to all this artificial society. But it is a good thing. As a Native Hawaiian, I have been subjected to this artificial society prior to 200 years ago, I have been subjected to this artificial culture to its primitive condition. We are entitled to see it returned back to Hawaii as a temple for worship. If the traditional Hawaiian culture is basically an object of rejection and alienation of the Native Hawaiian people...It is the only place that still remains to be in its primitive condition...We are entitled and wrenched island of Kaho'olawe for our religious beliefs.

Another woman said: Native Hawaiians have made the complete cultural leap into the transitional Anglo culture...This alternative has always been the driving force of Anglo American culture. Another element that help in the marginalization of Native Hawaiians is the racial attitude which was expressed in the United States...It is the only place that still remains to be in its primitive condition...We are entitled to see it returned back to Hawaii as a temple for worship. If the traditional Hawaiian culture is basically an object of rejection and alienation of the Native Hawaiian people...It is the only place that still remains to be in its primitive condition...We are entitled and wrenched island of Kaho'olawe for our religious beliefs.

Loss of land psychologically has separated the Native Hawaiian from a fundamental source which fashioned his identity. In this context, no less than in the context of economics and legal issues, the merits of Native Hawaiian land claims should be examined.
resistance, it is not surprising that "local" culture reinforces those attitudes and behaviors which preclude "making resistance," it is not surprising that "local" culture-reinforces out-group or non-Hawaiian culture and which keeps ties "outsiders" in their own community in its quest for a unifying identity.

The counter-culture aspects of "local" have caused other Native Hawaiians to fashion a "born-again Hawaiianess," or perhaps better labeled, a Hawaiian Renaissance. Recently, young Native Hawaiians have derided that their elders, who have already lost contact with their indigenous roots, failed to teach them the Hawaiian language and cultural traditions.

More recently, interest has been focused to the cultural loss Native Hawaiians experienced. For example, a student at the Kamehameha Schools wrote: "My generation is living at a time when people are proud to be Hawaiian. I feel very lucky to be living in the Hawaiian Renaissance." This student may be an elite and, perhaps, the student's experience is not "representative" of "local" Hawaiians in the Hawaiian Islands without being "stereotyped" or "counter." Another student wrote:

Today being a Hawaiian is the thing. Everyone wants to be Hawaiian. Before, most Hawaiians were ashamed of the Hawaiian culture. I feel that the Hawaiian Renaissance helped to put pride in being Hawaiian and the culture in alive again.

But a large segment of Native Hawaiian youths are not in contact with this Renaissance (unless the tokenism reflected in "Hawaiian Studies" is taken for hard-core Renaissance). It can be expected that "local" and "conscience" will clash. At first glance the confrontation appears to be between the opposing tendencies of assimilation ("local") and plurality ("renaissance"). But the actual issue an state may be the degree to which "resistance" permits "local" culture to remain open to the influence of "conscience". If the state is to remain within "local" hardens the path, the within culture most probably will remain outsiders. In the final analysis, the resolution of this clash may define the direction by which Native Hawaiians will attain the identity which they seek.

This search to regain a lost identity flows from a need to transcend the stereotypes of the dominant culture as well as the failure of contact culture to thrive in the twentieth century. A Native Hawaiian college student voiced the challenge:

"Mainlanders come over here and try to run the show, and we are supposed to be their servants. The trouble is, we are slaves to your system. You've taught us to need your money and your conveniences, but we'll never respect you."

I see plenty burned up when I think of what's happening to our pride.

Search for Identity

The loss of status, pride in culture, language, and land, and the sense of cultural supremacy caused by the failure of the nineteenth-century contact culture to survive the demise of the Hawaiian Kingdom, combined with an inability to revert to the older cultural traditions, and emergence of an "accepted" sub-culture, has been reinforced by the foundations on which Native Hawaiians could establish their identities.

The crippling effect which the loss of identity generated should be considerable to the present generation. The younger generation in Hawaii might have been a developed identity to the point where the Indigenous Fijians are competing economically and politically on asomewhat equal basis with the immigrant Indians. The circumstances in Hawaii where the present Japanese immigrant experience affects political and economic influence and that Native Hawaiians remain powerless.

By the 1960s, Japanese economic and political gains capped the omnipotence of the Native society, and the former's ethnic values penetrated many areas of government, education, and social services. During this time, the tourist from Japan became the "sacred cow" of the tourist industry and an important factor in the state's finances. "Yokohama," "Hawaiiki," or "Jawl" may be said as jokes, but they reflect the sense of accomplishment of a minority that by virtue of efforts finally "made it." But in this upward movement, Japanese racial prejudice toward the Native Hawaiians also manifested itself, particularly in the school system.

Allan Howard provides the following observation:

The condition is accentuated by the fact that the State of Hawaii has a so-called "school system" administered out of Honolulu by persons of Caucasian and Japanese-American ancestry. Few of whom are sympathetic with, or identified with, the Indian problems. They are not socialized with, or have anything to do with, the education of the children. They are not aware of the Indian's desire to be a part of the community. As a result, they are not interested in the Indian's education. They are discouraged from actively participating in the formulation of policies. The result is alienation.

The school system, therefore, is a "stakeholders" in the community. It may be technically incorrect to claim that the Japanese succeeded at the expense of the Native Hawaiian. From a "Book's point of view, it might be more correct to conclude that there are more socially better equipped to make the best of the opportunities which were offered. For example, in 1950, 46 percent of the enrollment at
the University of Hawaii (Manoa Campus) were of Japanese ancestry, while 4 percent were Native Hawaiians.153

This predominance of Japanese cultural values in the society notes the transformation at least for Native Hawaiians. There are indicators—increasing pride of Japanese ancestry outmarriages, and decreasing Japanese population percentage of the state's total population—to suggest that the Japanese of Hawaii may go up the way the Irish immigrants of New York and Boston and that their dominant position might be temporary. By its stunning success, the Japanese community may soon lose its ethnic character. Although it may bring little consolation, the failures of the native Hawaiian may bring little consolation, the failures of the Native Hawaiian may bring the ultimate survival of a lifestyle that maintains its ethnic character. In refusing to stem the Anglo melting pot, Native Hawaiians perhaps will survive ethically, and not just in history, novels, and TV commercials. But, for the present, trans-culturally adds to the cultural trauma which the Native Hawaiian experiences, and if no socio-economic upheaval occurs, the promise of ethnic survival may be unattainable. Hawaii provides some insightful observations:

Our research continually affirmed that an overwhelming proportion of the people find considerable gratification in their lifestyle. With more money and more resources available, most would continue to live a lifestyle parallel and similar to the one they are currently leading. The Polynesian-Hawaiian lifestyle is not dead yet. But in true Darwinian fashion from the twin threats of an economic system that is growing more and more ruthless, established commercial and service ranks of the impoverished, and a dominant culture that has demonstrated little tolerance for general diversity.

Concluding Statement

The preceding sections outline the context of what conceptually can be called the Hawaiian post-catastrophic trauma syndrome. The characterizations of this syndrome are manifested uniquely by the individual tax in the case of the rape victim, but perhaps there are also collective characteristics to include feelings of vulnerability and helplessness, loss of sense of direction as a group, feelings of inferiority vis-a-vis members of a dominant culture and, a generalized, collective resentment.

PART III

The Moral Legacy

The Queen's call for justice and the President's reply are clear. But, does the failure of the Queen to acquiesce to the President's terms of general amnesty undermine the moral issue regarding the overthrow of the monarchy? Does failure to acquiesce invalidate the lawless use of the name and power of the United States? In the throes of the Spanish-American war, shortly after the capture of Manila and the Philippines, the United States annexed the Hawaiian Islands, not by treaty, but by a Congressional Act of Annexation. The lawless use of the name and power of the United States, the United States' demonstration of its unequivocal justice, should be understood in terms of Native Hawaiians becoming a conquered people. In the, United States' demonstration of its unequivocal justice, should be understood in terms of Native Hawaiians becoming a conquered people.

Moral Responsibility

The Queen's call for justice and the President's reply are clear. But, does the failure of the Queen to acquiesce to the President's terms of general amnesty undermine the moral issue regarding the overthrow of the monarchy? Does failure to acquiesce invalidate the lawless use of the name and power of the United States? If not, then what moral responsibility should the present government adopt toward the people who lost their sovereignty because of this lawless use? Should the case of moral responsibility rest solely on legal interpretations, such as they may be, or can the findings of cultural analyses also have merit in assessing moral responsibility?

That a people of a sovereign state are conquered in one way or another or culturally dispossessed, causes no startling ripple in the history of humanity. The startling situation is the willingness of a conquering nation to revise its past and alter a policy to avoid prior mistakes through some sort of reformation. In this regard the United States offers a new twist in the history of human rights. A government does have a moral responsibility regarding its prior actions.

The case for moral responsibility and restitution is aptly presented by Ronald Amundson: Citizenship in a nation is something like membership in a corporation. Our taxes still go towards paying off debts which the government acquired before we were citizens, and perhaps even before we were born. Similarly we might find ourselves obligated to repair the wrongs committed by representatives of the government even when the acts were committed long ago.

If these thoughts on reparations are right, then we have only seen that in some cases reparations are justified. But how can we decide which cases are justified ones?
The most important point is that there must have been a view committed, and that the wrong must have been committed by a representative of the government...

The second point is that whatever was unjustly taken from the first generation must be returned to the group which would have benefited the present group to be restored reparations... if the old wrong done, there is no way to repair it.

The question which is now pertinent is whether the injustice denounced by President Cleveland is somewhat greed, and found in the sense of justice which has been the hallmark of the United States Constitution.

That such justice exists is evident from the following statements made by elected Federal Officials:

If any Indian tribe can prove it has been unfairly and disproportionately dealt with by the United States it is entitled to redress. (Congressman Earl Rollin, 1884.)

Principal Congressional Resolution: Whereas it is recognized by Congress that American Indians and Alaskan Natives suffered from adverse economic health, education, and social conditions which prevent them from sharing equally in the economic and social benefits enjoyed by our Nation... [Several paragraphs discussing the government's responsibility to Indian tribes, including the protection of Indian culture and identity.]

The first degree of redress is the most oppressed and most isolated minority group in our nation. On virtually every social condition, from health care to employment, income, education, health - the condition of the Indian people ranks at the bottom. The United States is conscious of this fact. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to continue their own destiny. Even the Federal programs which are intended to meet their needs have frequently proved to be ineffective and demeaning. (Rushmore: President Nixon, 1970.)

Failure to enforce the law of the land also may be considered a prior injustice if such occurred because federal representatives simply as an issue for compensation, that is, to ensure that they have equal opportunity for the benefits provided by the greater society. Because Blacks have advanced no land claims, the issue of reparation, in their case, may not be apparent. But the issue is not semantic, that is, whether the programs favoring Blacks are forms of compensation or reparation; the issue is moral. People of both races have a moral obligation to address the moral injustices perpetuated against other groups.

The situation with Mexican Americans is less clear. These people claimed to have been overwhelmed in World War II and has not yet completed the difficulties which accompany social changes. The willingness, no matter how grudgingly expressed, of the Federal Government to perceive a moral obligation sets the background for a review of the Federal Government's policies.

Thus, it may be said that the Black, both the Asian American and the African American have not yet accomplished that moral obligation regarding injustices perpetuated against other groups. The willingness, no matter how grudgingly expressed, of the Federal Government to perceive a moral obligation sets the background for a review of the Federal Government's policies. In the case of the Black, the Asian American and the African American have not yet accomplished that moral obligation regarding injustices perpetuated against other groups. The willingness, no matter how grudgingly expressed, of the Federal Government to perceive a moral obligation sets the background for a review of the Federal Government's policies.

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resources of the land. The "empire builders" of Hawaii also felt that they were creating a prosperous and well-managed Hawaii. Approximately a decade after annexation, the court ruled in "Sill"/Hawaiian vs. United States in 1894. Queen Lili'uokalani had no claim to the crown lands for these were considered part of the government lands, which the Republic of Hawaii transferred to the United States. This discrimination reflected no sign of moral responsibility. The first note of moral responsibility perhaps surfaced in the enactment of the Hawaiian Homes Commission Act (1920).

Princess Kuhio, the Territorial delegate to the United States, campaigned for "land for Hawaiians." In fact, she truly believed that the Hawaiian Homes Commission "truly believed that the Hawaiian Commission functioned "true intention to correct wrongs is the necessary first point in the process of the urbanisation of the 20th Century." The Act reflected an effort to provide restitution or constituted an indirect reply to Queen Lili'uokalani's request for justice, it indeed proved disappointing. From the beginning, the program was doomed for various reasons, one of which was that "arable land of proven quality was specifically excluded from the program." So much for Federal moral responsibility through the Hawaiian Homes program.

Cleveland's condemnation of the United States' involvement in the overthrow of the Hawaiian nation. Without this clear acknowledgement from the Federal Government, there can be no trust to proceed toward the second step of restitution: In turn, the Federal Government may mistrust the intentions of Native Hawaiians—their cell may be too high—end agitant to a poker player, may decide to stay "pat" with an ace in the hole (Federal Fund) until a more opportune time arrives.

The Federal Government has given signs that it entertains the possibility of moral responsibility which might repair repastions. While not active upon the proposed Hawaiian Native Claims Settlement Act (1974), Congress did hold hearings in 1978 and 1979, concerning the establishment of a Native Hawaiian Study Commission. In December 1978, Congress passed an act establishing the Study Commission. Native Hawaiian Concerns with restitution

Regarding its policy toward restitution, the Office of Hawaiian Affairs listed as its first principle "the acknowledgement of a wrong." Specifically this principle states: The first step toward restitution should be a clear acknowledgement of the United States' responsibility for the overthrow of the Hawaiian nation in 1893. Such acknowledgement should come in the form of a simple statement coupled with a recognition that the wrong done right by duty and a commitment to make amends for that wrong.

On face value, this principle may appear transparent: in actuality, its source springs from an aspect of Native Hawaiian culture, namely, the practice of ho'oponopono. In brief, ho'oponopono means "to make right, to correct, restore, and maintain good relationships among the family." There can be no progress until things are made right. And a true intention to correct wrongs is the necessary first point in making things right again. It further requires a full and honest acknowledgement (confession) of error. The second point is the willingness to amend the wrong that has led to conflict. Viewed from the practice of ho'oponopono, the Office of Hawaiian Affairs' first principles is the foundation for subsequent discussion. The practice of ho'oponopono is utilised because a wrong has been done. Nothing can progress until that wrong is acknowledged.

Native Hawaiians need to transform their perception of the wrong in the way that they have suffered and from President Cleveland's message to Congress in 1893. What annoys Native Hawaiians, as they have increased their organisational skills and "arguing resourcefulness," is the head-in-the-sand behavior of Federal administrators as though much behavior denies the reality of President
restoration of Native American control over the sacred lands of Blue Licks was never made because of the profitation of these lands. Similarly, restoring Native Hawaiian control over Kaho'olawe Island makes sense for present and continuing demonstration of the cultural trauma.

For a people who have experienced post-cultural-trauma syndrome, the question of restitution is no lightweight. In brief, the form of restitution and the manner in which presented may be crucial in working through the crippling effects of this syndrome. An admission of wrongdoing in the animal form of restitution without which true resolution of the syndrome does not really occur.

In the period following annexation, Native Hawaiians caught in the collective post-cultural-trauma syndrome adjusted to the transplanted culture in the form of stage-Hawaiian, 'local,' and 'mass assimilation.' Both forms of these adjustments have achieved a psycho-cultural stability.

The post-trauma syndrome concept helps explain Native Hawaiian behavior in the period following annexation: it also helps in the diagnosis and treatment of this syndrome. Why one person develops a post-trauma syndrome and another does not requires the utmost of any previous explanation. Personality characteristics and the nature of personal coping strategies play a part, but also important are external variables such as support systems and societal acknowledgment of the trauma's existence. An operational support system supplies the vital link with a nurturing background with which he or she can work through the trauma. The idea of resolution to amend any injury linked to the trauma engenders trust and infra a future "free" of the trauma. After annexation, the Native Hawaiian support system, i.e., the contact culture, failed to nurture any trust, and the idea of restitution doomed in the face of the donor-turned-conqueror's recalcitrance to acknowledge any responsibility that injustice had been committed. Accordingly, Native Hawaiians, collectively, developed a post-cultural-trauma syndrome which they suffered through alone and without voice. Reimbursement for the desecration of sacred lands, such as what is now happening to Kaho'olawe, perhaps has merit. Perhaps reimbursement for the desecration of sacred lands rather than land of proven quality for the Hawaiian Homes program also has merit. Failure to acknowledge a Federal role in the
cessation of the Native Hawaiian post cultural-trauma syndrome may warrant restitution. Legal claims which contest the illegal nature of crown and government lands clearly have merit, but these are not the focus of this paper.

What then should the Federal Government provide, if anything, as restitution for the perceived cultural "rape" of Native Hawaiians? If the Federal Government acknowledges a moral responsibility, in what form should the restitution be made? Restitution based on the merits of psycho-cultural arguments may solicit little interest or, when compared to the legal battles over land claims, appear less important and thus less likely to achieve momentous to forcefully advance those arguments. With this state-of-the-art fully in mind, the following forms of restitution are arguably offered:

1. Return of Kaho'olawe (with a total ban on bombing) to the control of Native Hawaiians for religious and cultural uses. Although late in this presentation, it may be appropriate to add a brief introductory baray. How can one rationally understand and emotionally feel the desecration occurring on Kaho'olawe? Perhaps an example can serve this purpose. Suppose Germany had occupied Great Britain during World War II and then used Stonehenge, the sacred grounds of an ancient religion, for bombing practice. It is reasonable to conclude that these conquered people of Great Britain would feel an outrage. Surely, because of indifference or lack of knowledge, might feel no special resentment about the violation of Stonehenge. But, over time, these same people would understand the violation and join in the collective resentment. A similar situation may exist surrounding Kaho'olawe, an island placed on the National Register of Historic Places and which once held a religious role in the indigenous culture.

2. Establish a Federal Hawaiian Homes Development Fund for the purpose of assisting Native Hawaiians in making better use of the lands in this program. Such funds can go directly to individual housing, cooperatives, or small farming enterprises. Since it appears too late to reassign land of proven quality to the Hawaiian Homes Program, fiscal support today may balance the previous occupation and, more importantly, enable the program to be more successful.

3. Establish a Hawaiian Cultural Trust for the purpose of "re-Hawaiianizing" the Hawaiian Islands. The funds for this trust can come from the revenues of surplus Federal lands that are returned to the State for the specific purpose of generating funds for this trust. Such a Cultural Trust, if only in a symbolic way reminiscent to the role the Vietnam War Memorial can serve in "redeeming," honoring, and taking seriously the Vietnam veteran, makes amends for the cultural trauma Native Hawaiians experienced with the coming of the western empire.

As matters now stand, the Federal Government cannot hold that Queen Lili'uokalani's trust in the justice and honor of the United States has been vindicated. No Federal policy will eradicate the ignominy and cultural loss experienced by Native Hawaiians during the past ninety years. No monetary reparation can wash away the psychological suffering that followed. Restitution, however, does make amends, serves to heal the hurt from prior mistreatment, and fosters the development of trust between both parties.

To argue the case for reparations solely on the merits of cultural losses and psychological harm is highly idealistic and implies a lingering belief that trust can still be gained in United States justice. Here the Federal Government to reject today President Cleveland's condemnation of the injustices committed during the overthrow and his acknowledgment of United States' involvement, then it would fail the moral test which the United States has met over the years and in times of adversity, and which has distinguished it from other imperial powers. Perhaps "only in America," as goes the refrain, can a people expect to move toward reparations on moral as well as on legal grounds.

NOTES


ON SEPTEMBER 27, I HAD NOT READ THE DRAFT REPORT OF THE NATIVE HAWAIIAN STUDY COMMISSION, AND I WAS DISTURBED BY WHAT I HAD READ IN THE NEWS MEDIA.

I AM NOT AN ATTORNEY BUT I DO KNOW THAT ONE IS PRIVILEGED TO REFRAIN FROM SIGNING A REPORT BY SAYING I DO NOT CONCUR AND FILE A MINORITY REPORT GIVING HIS OR HER REASONS FOR NOT SUPPORTING THE REPORT.

AS I UNDERSTAND IT THE THREE HAWAIIAN MEMBERS OF THE COMMISSION DID NOT AGREE WITH THE BUREAUCRATS WHO ARE ON THE COMMISSION, SUPPORTING THE REPORT.

I WAS TURBLED BY WHAT I HAD READ IN THE NEWS MEDIA.

I UNDERSTAND THAT THERE WAS SOME STUPID REFERENCE TO NO RESISTANCE. IF THAT IS TRUE IT IS LIKE TELLING A PERSON WHO HAS BEEN RAPED NOT TO RESIST OR TO NOT RESIST A GANG OF HOODLUMS TO THE POINT OF BEING "BUSTED UP."

IT STRIKES ME THAT THOSE WHO TEND TO SUPPORT THE DRAFT REPORT ARE TYPICAL OF THOSE AMERICANS WHO ARE STICKING THEIR NOSES INTO OTHER PEOPLE'S BUSINESS, AND HOW MANY TIMES HAVE WE BEEN CAUGHT DOING THAT?

I THINK THAT WE CAN SEE SIGNS OF MISGIVINGS OF PRESENT...
DAY PACIFIC PEOPLE IN THEIR NEGOTIATIONS WITH THE U.S. IN STRIVING FOR INDEPENDENCE.

NOT TOO LONG AGO OUR BIG "UNCLE" WAS VERY PROUD TO ANNOUNCE HOW SUCCESSFUL HE WAS IN GETTING THE JAPANESE TO REWRITE THEIR HISTORY. BIG DEAL!

HERE WE ARE 90 YEARS LATER CAUGHT LIKE A MONKEY WITH HIS HANDS IN A COOKIE JAR OR A FLY ON FLY PAPER PROTESTING INNOCENCE IN THE STEALING OF A KINGDOM. I WONDER IF SOME OF THE GUYS WHO WERE INVOLVED HERE FOREFathers OF THE C.I.A.

AS AN AMERICAN HAWAIIAN I AM ASHAMED OF MY AMERICAN BLOOD FOR TELLING US NO REFERENCE TO THE WROINGS COMMITTED BY OUR GREAT COUNTRY--90 YEARS AGO.

IN RECENT YEARS UNDER THE GUise OF PROTECTING WEAKER NATIONS WE HAVE USED SEVERAL MANEUVERS SHORT OF DECLARING WAR ON "BULLY NATIONS" BY DECLARING ECONOMIC SANCTIONS AGAINST THEM.

IF I UNDERSTAND WHAT I HAVE READ, SOME OF OUR "FRIENDS" HAVE THUMPED THEIR NOSES AT US AND IGNORED THE "ECONOMIC SANCTIONS" THAT WE HAD INVOKED.

I WOndered why, but after much thinking and soul searching I believe our "friends" (such as England, France, etc.) just don't believe us anymore.

I WOULD BE MOST HAPPY TO AT LEAST KNOW THAT THE DRAFT REPORT IS NOT THE FINAL REPORT AND AS HAWAIANS LET US BE TRUE TO OUR CULTURE AND HERITAGE AND PREPARE AMENDMENTS TO RECTIFY THE LIMITATIONS PLACED ON THE MEMBERS OF THE COMMISSION BY EXISTING LAWS.

I BELIEVE THE ANSWER WOULD BE "UNTO OTHERS AS YOU WOULD HAVE THEM DO TO YOU." I BELIEVE, HOWEVER, THAT THE HAWAIIAN ATTITUDE WILL BE "ANA WALE NO" IF THE DRAFT REPORT IS NOT RADICALLY CHANGED.

NOW ON A MORE POSITIVE note: REMEMBER THE MOTO OF OUR LAST QUEEN, LILIUOKALANI--BE STEADFAST TO OUR PEOPLE AND REMAIN TRUE TO OUR HAWAIIAN ANCESTORS WHO WERE ROBBED OF THEIR DIGNITY AS A PEOPLE.

IN HAWAII BEFORE THE HAOLE CAME THERE WERE NO WRITTEN LAWS.

TODAY WE HAVE ALL KINDS OF LAWS AND I BELIEVE THAT CRIME IS ONE OF OUR BIG PROBLEMS TODAY.

I DON'T THINK THAT WE HAVE LOOKED UPON THIS SHAMEFUL ACT OF THE AMERICAN GOVERNMENT AS THE NUMBER ONE CRIME OF THE PAST CENTURY IN HAWAII.

IF WE HAVE NO LEGAL CLAIM TODAY FOR DAMAGE DONE TO THE HAWAIIAN PEOPLE, HOW CAN THESE SAME PIRATES SAY EVEN THOUGH ALL OF THE ACTIVITIES THAT ENDED IN THE OVERTHROW OF THE MONARCHY, THE ESTABLISHMENT OF A REPUBLIC AND THE RANSACKING OF THESE LANDS TO THE AMERICAN PEOPLE IS LEGAL?

I WONDER WHAT OUR COUNTRY LOOKS LIKE IN THE EYES OF OTHER PEOPLE IN THIS WORLD OF OURS.

I BELIEVE THE ANSWER WOULD BE "UNTO OTHERS AS YOU WOULD HAVE THEM DO TO YOU." I BELIEVE, HOWEVER, THAT THE HAWAIIAN ATTITUDE WILL BE "ANA WALE NO" IF THE DRAFT REPORT IS NOT RADICALLY CHANGED.

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Richard Lyman

COMMENTS ON THE NATIVE HAWAIIAN STUDY COMMISSION DRAFT REPORT

Submitted to
The Office of Hawaiian Affairs
By The Native Hawaiian Legal Corporation
Melody E. Macanuano
Staff Attorney
November 1992
September 31, 1982

Ms. Kealoha, Chairperson
Native Hawaiian Study Commission
Prison Fuku Federal Building
P.O. Box 5049
Honolulu, Hawaii 96813

Dear Kealoha,

We are transmitting for the review and consideration of the Native Hawaiian Study Commission (NHSC) the comments of the Office of Hawaiian Affairs relative to your draft report.

In submission these comments the NHSC Board of Trustees would like to emphasize that it represents a comprehensive analysis of the contents of the NHSC Draft Report. Specifically, NHSC's comments address the objectivity of the Commission in examining the historical and legal basis for the Native Hawaiian claim for reparations and restoration.

In retrospect, when the Commission was created and subsequently appointed by President Reagan, the NHSC Board of Trustees discussed the merits of participating in the activities of the Commission. The NHSC was not persuaded whether the Commission would address the issues of the overthrow of the Hawaiian kingdom and its sovereignty and impartiality since historical records document the participation of the United States in the overthrow. While the Board of Trustees subsequently urged the Hawaiian people to participate in the fact finding mission of the Commission, the Board of Trustees nonetheless do concede that the Native Hawaiian Study Commission has the right to exclusive determination of these issues as addressed in its study. This position clearly substantiates NHSC's desire to make available other options to future generations of Hawaiians in resolving the historically and legal basis for the Native Hawaiian claim for reparations and restoration.

The following comments examine portions of Chapters I and II of the NHSC Draft Report and attempt to correct misinformation and highlight flaws in reasoning.

The comments are based upon the NHSC Draft Report and are intended to show that while present law does not provide a procedure for Native Hawaiians to assert their claim, numerous precedents and legal views support the claim.

The NHSC Draft Report contains numerous factual errors and misrepresentations. In some instances, the NHSC Draft Report appears to be argumentative rather than impartial. While it must be admitted that reporting on such a sensitive and complex area is a difficult task, the reader of this portion of the report is not biased to cast doubt on the credibility of the Commission.

In Part II, Chapter III, of the Draft Report which examines the legal basis for the reparations claim is particularly objectionable because, rather than present a careful scrutiny of facts and the law to reach a reasoned and fair conclusion, it presents the similarities between the Native Hawaiian claim and those of other native Americans, rather than exploring potential methods by which Native Hawaiians may assert their claim. The Draft Report merely takes the arguments advocated by NHSC and others and argues to the contrary. This tactic would be proper if the Commission was sitting as the attorney for the United States in a court of law. However, the Commission itself was established to be an impartial fact-finding body, not to play an adversarial role.

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II. EXAMINATION OF SPECIFIC PORTIONS OF PART II OF THE NHSC DRAFT REPORT

A. Land Tenure System in Ancient Hawaii

The NHSC Draft Report contains numerous factual errors and misrepresentations. In some instances, the NHSC Draft Report appears to be argumentative rather than impartial. While it must be admitted that reporting on such a sensitive and complex area is a difficult task, the reader of this portion of the report is not biased to cast doubt on the credibility of the Commission.

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Further, each segment of the population enjoyed certain use rights in the land. Common areas of the ahu pue'a were worked by the people and the produce of that common area supported the chiefs and priests. The maka'alahana also worked smaller parcels of land and the produce of the smaller areas went to their own support. In addition, the common people had certain gathering and fishing rights within the ahu pue'a. However, the land itself was viewed as belonging not to one individual but to the gods. All the people, including the ali'i, merely administered the land for the benefit of the gods and society as a whole.

Even after the islands were unified by Kamehameha I, the trust concept continued, although the administration of the lands became more complex. The first written constitution of Hawaii clearly stated this proposition:

Kamehameha I was the founder of the kingdom, and to him belonged all the land from one end of the islands to the other, although it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property.

The Hale o'1849 and consideration of a few simple properties did not entirely do away with this trust concept. Although the interests of commoners, chiefs, king, and government were separately out in the Hale o\', and the chiefs and commoners received individual parcels in fee simple, the government and crown lands were still held by the government and crown for the benefit of the people as a whole. Kamehameha III conveyed approximately 1.5 million acres to the Hawaiian government setting the land apart forever to the chiefs and people of my Kingdom. The Crown lands, although originally intended by Kamehameha III as his own private lands, were subsequently made inalienable and became part of the public lands of Hawaii subject to the trust concept.  

8. Overthrow of the Hawaiian Kingdom

Chapter II, Part II, of the HHSC Draft Report examines the overthrow of the Hawaiian kingdom. However, the report emphasizes the part played by John L. Stevens, the United States Minister to Hawaii, and the presence of American troops on shore at Honolulu during that crucial period. Further, the draft report fails to consider Stevens's actions in the context of United States policy toward Hawaii and the strong annexationist sentiments present in the Harrison administration.

1. Harrison Administration's Policy Toward Hawaii

President Harrison appointed James G. Blaine as Secretary of State in 1881. Blaine, a strong annexationist, had stated the U.S. policy as one of maintaining Hawaiian independence, but with the caveat that if the islands "drift from their independent station it must be toward assimilation and identification with the American system, or which they belong by the operation of natural law and must belong by the operation of political necessity." Writing to the American minister to Hawaii in 1881, Blaine outlined how American colonization of the islands could solve the labor problems brought about by the decline of the native population. In a letter to President Harrison on August 19, 1881, Blaine wrote:

"I think there are only three places that will give us enough to be taken, that are not continental. One in Hawaii and the others are Cuba and Porto Rico. Cuba and Porto Rico are not now in demand and will not be for a generation. They may never come up for decision at all unexpected hour and I hope we will be prepared to decide it in the affirmative."

President Harrison also saw the importance of Hawaii and, commenting on a possible free-trade treaty with Hawaii, wrote, "... the necessity of maintaining and increasing our hold and influence in the Sandwich Islands is very apparent and very pressing." It is clear that Harrison and Blaine took a friendly view toward Hawaiian annexation. Linna L. Thurston, a founding member of the Annexation Club, recounts that he visited Blaine in Washington during the Spring of 1889 to speak about annexation. Blaine told Thurston that he considered the annexation of Hawaii of the utmost importance and since he was unable to go to Hawaii, he desired Thurston to speak with R.P. Tracy, Secretary of the Navy. "Tell him what you have told me, and say to him that I think you should see the President." Thurston did visit Blaine, and was taken to the White House where, although Harrison decided not to see Thurston, he authorized Tracy to tell him that if conditions in Hawaii compel you people to act as you have indicated, and you come to Washington with an annexation proposition, you will find an exceedingly sympathetic administration here."

As the HHSC Draft Report indicates in an earlier section, the United States from an early time had pursued a course of political control of the islands, making them industrially and commercially a part of the United States. This course is evidenced by the clause in the 1875 Reciprocity Treaty which prevented the Hawaiian government from disposing of any of its territory to any other power, by Secretary of State Blaine's written instructions in 1881 that the American Government would not permit the transfer of Hawaiian territory or sovereignty to any European power, and by the events culminating in the passage of Pearl Harbor to the United States in the 1897 Reciprocity Treaty. Harrison's administration continued that policy and under Blaine's, and later Secretary Foster's, influence looked for ways to strengthen the hold over Hawaii.

2. Steevens Role in the Overthrow of the Hawaiian Kingdom

The role played by U.S. Minister Stevens in overthrowing the Hawaiian Kingdom is indeed a controversial
and difficult one to assess. However, the HHSC Draft Report contains inaccuracies and half-truths which give the mistaken impression that Stevens was a passive observer rather than an active participant in these events.

a) Stevens' Views on Annexation

The Draft Report glosses over the fact that Stevens was an open advocate of annexation. He wrote an editorial that received notoriety in the U.S. advocating annexation, and his official reports to Washington showed his strong bias in favor of annexation.

b) Landing of American Troops

Although the Draft Report states that Stevens did not give his open support to the annexationists, it is important to emphasize that American troops were landed without the request of the Hawaiian monarchy, that once such troops were landed the Queen’s cabinet asked Stevens to order their withdrawal, and that Stevens refused to do so. When the cabinet asked Stevens if the troops would be used to support withdrawal, and that Stevens refused to do so.

Stevens' readily gave it. Strangely enough; Stevens' reply to the Cabinet was made before his letter of recognition was sent to the Provisional Government.

The landing of American troops is a crucial factor to consider. While a detachment of marines (approximately 30 men) was sent to the American consulate, the majority were stationed at Aina Hall, located next door to the Government Building and across the street from the Palace.

The Mc Draft Report implies that Liliuokalani surrendered in the Provisional Government's council until the following day and that Great Britain's Ministers did not officially recognize the Provisional Government. Indeed, Stevens' readily gave it. Strangely enough, Stevens' reply to the Cabinet was made before his letter of recognition was sent to the Provisional Government.

Liliuokalani's Surrender

The HHSC Draft Report implies that Liliuokalani surrendered to the United States merely to leave open the possibility of regaining her kingdom. However, it is clear that the Queen surrendered to the United States because of the existing government, Stevens' reply was that he would recognize the Provisional Government sometime between 4:20 and 5:00 p.m. on January 17th. While the annexationists had taken control of the Government building, they did not have control of the police station where the bulk of the Queen's forces waited. It is true that Stevens, recognizing the Provisional Government prior to Liliuokalani's surrender, did not recognize it. However, the Draft Report failed to point out that the Queen and her cabinet believed Stevens words and actions led them to believe that the United States was lending support to the annexationists.

For instance, immediately upon learning that a provisional government had been declared, the Queen's cabinet sent a letter to Stevens asking whether the United States had recognized the Provisional Government. Stevens' reply that he had. Following the Draft Report, Stevens' reply to the Cabinet was made before his letter of recognition was sent to the Provisional Government.

Liliuokalani and her ministers reasonably believed that in resisting, they would have to contend not only with the troops from the Boston, but with the entire force and power of the United States.

c) Liliuokalani's Failure to Resist

The Draft Report seems to intimate that the Queen had sufficient forces at her command to overcome the American and annexationist troops. However, the report fails to point out that the Queen and her cabinet believed Stevens wrote to Stevens asking whether the United States had recognized the Provisional Government. Stevens' reply that he had. Stevens' reply to the Cabinet was made before his letter of recognition was sent to the Provisional Government.

A factual error made in the HHSC Draft Report is the assertion that when U.S. Minister Stevens gave recognition to the Provisional Government, "other foreign ministers were quick to follow suit. In truth, Stevens' recognition of the Provisional Government was very premature. Stevens recognized the Provisional Government sometime between 4:20 and 5:00 p.m. on January 17th. While the annexationists had taken control of the Government building, they did not have control of the police station where the bulk of the Queen's forces waited. It is true that Stevens, recognizing the Provisional Government prior to Liliuokalani's surrender, did not officially recognize the Provisional Government. Indeed, Stevens' readily gave it. Strangely enough, Stevens' reply to the Cabinet was made before his letter of recognition was sent to the Provisional Government.

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Number of the Provisional Government's council guarded the Government Building at nights, and 200 stands of arms were missing from the inventory of arms procured from the Monarchy's forces at the time of the overthrow. The Provisional Government stated in its request to Stevens:

Believing that we are unable to satisfactorily protect life and property, and to prevent civil disorder in Honolulu and throughout the Hawaiian Islands, we hereby, in obedience to the instructions of the Advisory Council, pray that you will raise the flag of the United States of America, for the protection of the Hawaiian Islands for the time being, and to that end we hereby confer upon the United States (through you, freedom of occupation of the public buildings of this government, and all other rights necessary to the exercise of such protection, not interfering with the administration of public affairs of this country.

From this action, it is evident that the Provisional Government was not sufficiently stable and did not have the military power to insure its own existence. The aid and support of the United States was needed at this crucial time and Stevens readily gave it. It was Stevens' telegram of February 1 to Secretary of State Foster informing him that the Islands had been placed under the protection of the United States, Stevens stated "[T]he Provisional Government of Hawaii gaining power and respect. Everything is quiet. Annexation sentiment is increasing."

In his official dispatch to Foster sent the same date, Stevens wrote that he was "compelled to assume a grave responsibility." He justified his assumption of the protectorate on the grounds that the Provisional Government...
needed time to organize a reliable military force. A larger
army was needed because of the presence of "conspicuous
whites," "nomadic strangers," and "vicious natives." The
Provisional Government feared, he said, the machinations of
some "well-disposed persons" who might stir some of the
40,000 Orientals to disorder. Finally, Stevens cited the
arrival of a British warship as another reason for the
protection. The British Minister, "thus aided, might try
to press unduly the Provisional Government. With the
islands under our protection, we think the English Minister
will not attempt to insist that his government has the right
to interfere while our flag is over the government
building."31

The NHSC Draft Report quotes in part the reply of
Secretary of State Foster to Stevens, but since this reply
set forth the policy taken by the United States when its
minister presumed to act independently, it should be
examined in greater depth. While the reply criticized
Stevens and disavowed his actions to the extent they set
forth the policy taken by the United States when its
minister presumed to act independently, it should be
considered as evidence of the United States' open support of the Provisional
Government.

1. Attempt to Restore the Monarchy

The NHSC Draft Report implies that Liliuokalani refused
to grant a full amnesty to those who had overthrown her
government and that such a refusal invited the attempt by
the United States to restore the monarchy. Liliuokalani did
definitely refuse to grant a full amnesty, but this refusal
was not the sole cause of the United States' intervention.
President Cleveland's message to Congress on November 28,
1893, indicated that United States' involvement was of such a
magnitude that

admit the United States' open support of the Provisional
Government.

Blount did interview Henry Martynifice.32 W.O. Smith, a
principal member of the Committee of Safety, submitted a
written statement to Blount and he was aided in drafting the
statement by Henry B. Cooper and James B. Castle, also
members of the Committee of Safety.33 Blount, when accused
of submitting an ex parte report by the Morgan Committee,
pointed out that he had asked members of the Provisional
Government for interviews or statements, but they had
refused. However, Blount did interview twenty
annexationists, five members of the Provisional Government,
and two of the speakers at the annexationists' mass meeting
on January 11th.34

In contrast to Blount's impartiality, Senator John T.
Morgan was a steadfast advocate of annexation. Only three
weeks after the overthrow, on February 3, 1893, Morgan
introduced a bill into Congress containing a plan for
American governance of Hawaii.35 Further, the NHSC Draft
Report states that the Morgan Report came to a conclusion
almost exactly opposite to that of the Blount Report, but
that statement is misleading. The Senate Foreign Relations
Committee was unable to reach a majority opinion, so Morgan,
the chair of the committee, issued a report which began with the
following statement:

Hawaii is an American state, and is embraced in
the American commercial and military system. This fact
has been frequently and firmly asserted by our
Government, and is the bond on which is reposed that
peculiar and ever-recurring declaration so often and
so earnestly made, that the United States will not

extraordinary action was required. Such an admission by the President of the United States should carry great weight. Such an admission by the

I. INTRODUCTION

C. Annexation

Chapter II, Part II of the HRSC Draft Report Analyses Hawaiian annexation and concludes that expediency was the primary reason for annexing Hawaii by joint resolution rather than by treaty in 1898. While the report states that the joint resolution method was finally used to annex Hawaii because world events made it plain to the President and Congress that annexation was essential, this reasoning is specious. Basically, the Draft Report reasons that annexation by the joint resolution method was necessary because annexation was essential. Obviously, however, many Senators did not think annexation was "essential." All previous annexation treaties had failed and the 1897 treaty was unlikely to win the required two-thirds vote in the Senate. Indeed, secret sessions debating annexation were necessary because of the feared defeat of the treaty. Further, it is not clear that world events made it necessary that Hawaii be annexed with such haste that the usual treaty-making process was bypassed. By the time the annexation resolution was introduced into Congress, Dewey had defeated the Spanish at Manila Bay and the war was virtually over. At least one authority attributes Hawaiian annexation to primarily commercial rather than military reasons. Clearly, the joint resolution device was used because of strong opposition in the Senate to annexation. It was assumed that union - if merely invited Texas to accept annexation and form a state. Further, the Texas joint resolution required Texas to act after the United States had first acted. In the situation of Hawaii, the Republic of Hawaii's Senate had ratified the 1893 Treaty of Annexation on September 9, 1897. In the summer of the following year, the Joint Resolution of Annexation passed both houses of Congress and was signed on July 4th. No provision was made for a vote by the native people or other citizens of Hawaii. It was assumed that ratification of the Treaty of Annexation almost a year previously was sufficient to show consent of the people. But, it is highly probable that if annexation had been voted upon by the people of Hawaii, it would have been defeated. Native Hawaiians were overwhelmingly opposed to annexation. There was widespread resistance as evidenced by the petition of 29,000 native Hawaiian names protesting annexation. While some of the names on the petition were fraudulent, the majority of the list was valid, indicating that the vast majority of Native Hawaiians were hostile to annexation. Even the HRSC Draft Report notes that this opposition was well known in Congress. The Draft Report also suggests that the fact that annexation was accomplished by joint resolution may indicate greater popular support for the measure than if the same had been accomplished by treaty. However, as the HRSC Draft Report subsequently points out, while annexation may have received support in the United States, it did not receive such support among the native people of Hawaii.

The HRSC Draft Report compares Hawaiian annexation to the annexation of other territories. As the report indicates, the annexation was analogous to that of Hawaii was the annexation of Texas. Both Texas and Hawaii were "independent foreign states" and both became territories of the United States under joint resolution. While the report points out the similarities between Hawaiians and Texas annexation, the major difference in the two annexation processes should be highlighted. In the Texas situation, the Texas joint resolution merely signified the willingness of the United States to admit Texas as a state if it fulfilled certain conditions. The Texas Constitution accepted annexation on June 1, 1845. On July 4, a special convention approved annexation and wrote a state constitution. Finally, in October, a referendum was held and the people of Texas not only ratified the constitution, but also voted to accept annexation. Thus, Texas accepted annexation not just once but three times. On December 29, 1845, President Polk signed a bill admitting Texas as a state. In a technical sense then, a joint resolution did not admit Texas to the

III. EXAMINATION OF PART II, CHAPTER III

In its original submission to the Native Hawaiian tribal in its original submission to the Native Hawaiian tribal...
states the obvious. The Indian Claims Commission Act was created to provide a mechanism to adjudicate claims of identifiable Indian groups, those claims must have been filed by 1951. While the Indian Claims Commission Act has precedential value, no one has seriously argued that Native Hawaiians can file a claim under that Act as it presently exists. Thus, the NHSC Draft Report's continuous references to the Indian Claims Commission Act are, for the most part, superfluous and irrelevant.

The NHSC Draft Report also takes great pains to show that the claims of Alaskan Natives differ so substantially from the claims of Native Hawaiians that the Alaska Native Claims Settlement Act provides no precedent. Undoubtedly, the reasons compelling passage of the Alaska Native Claims Settlement Act and the legal situation of Alaskan Natives differ significantly from that of Native Hawaiians. The treaties and acts applying to Alaskan Natives and Native Hawaiians are totally different. But to ignore the evident parallels and argue that there are no analogies at all is misleading. The NHSC Draft Report ignores the research done in 1973 by the Library of Congress Congressional Research Service comparing the Alaska Native and Native Hawaiian Claims. That report concluded that there were at least three possible similarities between the two claims:

1) In both situations the United States acquired land without the consent of the Native people;
2) In both situations viable aboriginal title claims could be asserted; and
3) Both the Alaska and Hawaii Native Acts left open the possibility of future land claims.

The failure to examine existing research on this topic results in an incomplete and inaccurate analysis.

While the most significant objection to Chapter III is its adversarial tenor, the following comments highlight certain specific omissions and errors as examples:

A. Aboriginal Title

A major premise for the NHSC Draft Report's conclusion that Native Hawaiians have no basis for a claim for loss of aboriginal title is that Native Hawaiians did not, at the time aboriginal title was lost, constitute a 'single landowning entity.' The Draft Report, however, makes several false assumptions about the nature of land title in Hawaii prior to and after the Mahele. Prior to the Mahele, no concept similar to fee simple ownership existed. Neither the king, the chiefs, nor the people 'owned' the land in the Western sense. Instead, the land was used as belonging to the gods, although each strata of Hawaiian society had certain use rights in the land. The ali'i managed the land while the people worked the land for the common good. After the islands were united, all of the land belonged to Kamehameha I. Although it was not his own private property, it belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property. Thus, prior to the Mahele, Native Hawaiians owned the land in common, as a group. After the division of the interests of people, chiefs, government, and crown, the Kingdom of Hawaii clearly held title to Government Lands for the benefit of the chiefs and people. Similarly, Crown Lands, after the Act of 1865 making them inalienable, were held by the Hawaiian government.

The Hawaiian Kingdom, a politically cohesive unit composed of and accepted by Native Hawaiians, was the "single landowning entity" which held aboriginal title to Government and Crown Lands. The Draft Report's primary failure comes in drawing a distinction between Native Hawaiians and their governing body, the government of the Hawaiian Kingdom. That government represented the people - Native Hawaiians - and it is that government which is the "single landowning entity" required under the aboriginal title test.

Native Hawaiians advance no argument as to 'constructive possession' of Government and Crown Lands. Such a constructive possession argument is irrelevant once it is accepted that the single land-owning entity was the Hawaiian government itself. Similarly, arguments that the Hawaiian government extinguished the aboriginal title of Native Hawaiians by the Nаниle of 1848 or the Kalanianaole Act of 1850 have no validity since title to the Government and Crown Lands were confirmed in the Native government by the Naniule and subsequent actions.

Native Hawaiians have clearly set other portions of the test for aboriginal title. For centuries prior to Western contact, Native Hawaiians used and occupied the lands of Hawaii and exercised collective rights in the land. After Western contact, and after the Mahele, much land was converted to individual fee-simple ownership. However, the Government and Crown Lands were maintained as lands held by the Hawaiian Kingdom for the chiefs and people in common. One indication of the collective rights in these lands was the specific recognition of traditional Hawaiian rights of gathering and access on Government and Crown Lands. Further, the exact boundaries of these lands can be ascertained by referring to the original Naniule Book and documents, as well as documents substantiating subsequent transactions involving Government and Crown Lands.

As far as the contention that the United States government did not extinguish aboriginal title it is concerned, in 1898 the federal government gained title to approximately 1.75 million acres of aboriginal land through the annexation process. The Republic of Hawaii would not have been able to cede these lands to the United States but for the actions of an agent of the United States and the use of American troops five years earlier. The intervening five years did not extinguish aboriginal title to Government and Crown Lands since only voluntary abandonment of those lands by Native Hawaiians would divest Native Hawaiians of aboriginal title. Under traditional principles of Indian law,
forcible dispossession by non-natives, as in the case of Native Hawaiians, is not voluntary abandonment and does not extinguish aboriginal title. Thus, Native Hawaiians continued to hold aboriginal title to Crown and government lands until such title was extinguished in 1898 by the Joint Resolution of Annexation. Moreover, even if Native Hawaiians were deprived of aboriginal title in 1893 by the establishment of a Provisional Government, under applicable principles of Indian law, the United States has been held liable for actions of third parties depriving aboriginal people of their land rights, if the United States aided in or sanctioned the actions of those third parties. Hence, that was the case in Hawaii where the United States gave support and military protection to the Provisional Government.

Finally, while no existing law compels the United States to provide reparations or restitution for the loss of aboriginal title, in fact the federal government has done so in the past. As previously discussed, both the Indian Claims Commission Act and the Alaskan Native Claims Settlement Act provide precedents for such an action.

B. Recognised Title

While the concept of recognised title as developed in Indian law is not totally applicable to the Native Hawaiian claim, the NHSC Draft Report neglects to examine the recognised title claim raised in OHA's initial submission to the Commission. In that study, OHA noted that the title of another sovereignty. The most important examples of native groups that have claims traceable in part to the laws of other sovereignties are the Pueblo and California Indians, whose claims rested on Spanish and Mexican law, and the Alaskan Natives, claiming in part under Russian law. In each case, Congress acted to establish a procedure to determine and confirm land titles.

The NHSC Draft Report also argues that the acquisition of Crown and government lands by the United States in 1898 did not constitute a taking within the meaning of the Fifth Amendment since, under the Joint Resolution of Annexation and Organic Act, these lands were to remain in the possession, use, and control of the Territorial Government. This is clearly a misinterpretation of the Joint Resolution and Section 91 of the Organic Act. The Government and Crown lands were transferred to the United States in fee. Indeed, several early opinions of the U.S. Attorney General held that the Joint Resolution of Annexation vested title to the public property of Hawaii in the United States and only by its authority could those lands be disposed of.

Section 91 of the Organic Act is the mechanism by which the United States gave the Territorial Government the power to manage those lands. However, the fee title to those lands clearly remained in the United States as evidenced by Hawaii's Admission Act in which the United States ceded such title to the State of Hawaii. Further, the Territorial Government itself was a creature of federal statute and in truth derived its powers solely from Congress. Consequently, in 1898 the Government and Crown Lands were taken by Congressional authorization for a public purpose and the Fifth Amendment prohibition would apply.

C. Sovereignty

The NHSC Draft Report's conclusion that Native Hawaiians have no claim for loss of sovereignty because Hawaii was not part of the United States in 1898 is self-serving. The sovereignty claim is based on the fact that the United States interfered in the internal affairs of an independent nation. Thus, the Native Hawaiian claim for loss of sovereignty is unlike those of other native groups in the United States. Native Hawaiians were citizens of an organized, self-governing nation whose membership in the international community was well established. Unlike other Native American groups, the Hawaiian Kingdom was never a "domestic, dependent nation" whose sovereignty was limited by federal authority. Consequently, analogies to Indian law lose their value when speaking of the Native Hawaiian claim for loss of sovereignty.

In examining the sovereignty claim the basic factual context of that claim should be restored. Native Hawaiians were citizens of an aboriginal nation with internal and external attributes of sovereignty. But for the actions of the United States and its agents in 1893, Native Hawaiians would still be citizens of such a nation and would still have sovereignty.
exercise those self-governing rights. Native Hawaiians were deprived of the most basic right of nationhood - the right to exist. This deprivation was accomplished with the assistance of the United States Minister to Hawaii and the aid of American troops. These actions were a clear violation of the Hawaiian Kingdom's right to independence and the principle of non-intervention in the affairs of another nation. Further, those actions subsequently led to annexation of Hawaii by the United States and to the federal government's acquisition of approximately 1.75 million acres of native land. All of this was accomplished in spite of overwhelming opposition by Native Hawaiians. Admittedly, as constitutional or statutory provision requires the United States to recognize a claim for loss of sovereignty. However, principles of justice and honor certainly require the United States to deal fairly with its native people.

D. Trust Relationship

The NHSC Draft Report erroneously states that a fiduciary relationship between the federal government and an Indian tribe can arise only from provisions of a treaty, statute or agreement whereby the Government assumes fiduciary obligations toward the tribe. The trust relationship can be based on a variety of sources, including not only treaties, statutes, and agreements, but also acts providing specific benefits to native groups, and the entire course of federal government practice as it relates to the group. In discussing the existence of a trust relationship between Native Hawaiians and the United States, the NHSC Draft Report ignores the primary source from which a trust duty arises - namely the role of the United States and its agents in overthrowing the Hawaiian Kingdom and the subsequent acquisition of almost 1.75 million acres of native land. Not surprisingly, the United States has never clearly acknowledged its wrongdoing. Obviously once the wrong was acknowledged, a duty would arise. Consequently, it is highly surprising that the Draft Report would conclude that no trust relationship exists and therefore reparations and restitution are not due.

However, even lacking the actual acknowledgment of a wrong, certain actions of the United States do indicate the existence of trust obligations with respect to Native Hawaiians. The NHSC Draft Report has neglected even to mention the two federal statutes which unequivocally establish a trust relationship between Native Hawaiians and the Federal Government.

In 1921, the Hawaiian Homes Commission Act was adopted by Congress. Under the Act, Congress recognized its obligations to Native Hawaiians and placed in trust, for the benefit of them with between 502 and more than 2000 acres of land to be leased to Native Hawaiians at a nominal fee for 99 years. The lands placed in trust were part of the lands ceded to the United States at the time of annexation. Thus, in addition to native groups, a portion of the aboriginal lands acquired by the United States was specified "shall constitute a breach of trust, for which suit by the United States may be brought." By placing these restrictions upon the state's use of ceded lands, which originally were the Government and Crown lands acquired by the federal government at the time of annexation, the United States implicitly recognized its obligation to the native people of Hawaii.

Furthermore, the United States has continued to recognize Native Hawaiians as an aboriginal group in numerous legislative acts since 1959. These acts include the 1974 Administration for Native Americans Act, the 1978 Indian Religious Freedom Act, and the Hawaiian Education Study Act of 1960. Thus, the NHSC Draft Report has totally ignored the entire course of Congressional practice and dealing with respect to Native Hawaiians. These acts do evidence trust obligations to Native Hawaiians even though the United States has been reluctant to fully acknowledge its responsibilities. Indeed, the NHSC Draft Report itself is merely one more example of the federal government's failure to deal impartially and fairly with the claims of Native Hawaiians.
FOOTNOTES

4. Id. 
12. Stevens to Foster, No. 71, Nov. 8, 1892, Despatches. 
14. Dispatches; Rues, supra note 6, at 56. 
15. Stevens to Blaine, No. 46, Feb. 6, 1892, Despatches; Rues, supra note 6, at 83. 
17. Id., at 52. 
18. Rues, supra note 8, at 94-95 for a discussion of Liliuokalani's surrender. 
19. Rues, supra note 8, at 93. 
20. Id. at 96. 
21. Rues, supra note 8, at 901. 
23. Rues, supra note 8, at 901. 
24. See Rues, supra note 8, at 94-95 for a discussion of Liliuokalani's surrender. 
25. Id. at 110. 
27. Rues, supra note 8, at 97-98. 
28. Rues, supra note 8, at 119. 
29. Quoted in Rues, id. at 136. 
30. Stevens to Foster, No. 82 and 84, Feb. 1, 1891, Despatches. 
31. Id. 
32. Liliuokalani's Diary, cited in Rues, supra note 8, at 83. 
34. NHSC Draft Report at 199. 
37. Waterhouse's interview can be found at 47-58 of the Blount Report (House Doc. No. 47, 51st Cong. 20th Sess. 1933). 
38. Id., at 499-501. 
39. Blount's Report was criticized by Cole in his notorious "Letter of Specifications" for interviewing only twenty Amussionatives. Amongst the most important interviewed were A.H. Damon, Vice-President of the Provisional Government, C. Holte, and Wm. Domin Alexander. 
40. Mentioned in Rues, supra note 9, at 617. 
42. For instance, see Blount's letters of April 26 (p. 123-125), May 8 (p. 35-37), and May 8 (p. 69-71) in the Blount Report, supra note 37. 
43. NHSC Draft Report at 201. 
45. Blount Report, supra note 37. 
47. Id. 
49. Id., at 24-31. 
50. NHSC Draft Report at 228. 
51. See, note 5 supra. 
52. NHSC Draft Report at 230-231. 
54. Also, Act Constituting Rights of Native Tenants currently found in Rev. Stat., Sect. 3-31. 
55. The Mahia law, the Declaration of Hawaiian Law 111 setting apart government lands and setting apart King's lands, the Act of June 3, 1884 accepting government land and confirming King's lands are the beginning points for determining boundaries of these lands. The State Department of Land and Natural Resources maintains records as to transactions subsequent to Mahia. Although an exhaustive search would be necessary, the SLRS's recent work on an inventory of records provides much of the groundwork. 
59. See note 65 supra. 
60. See note 65 supra. 
61. See, note 65 supra. 
62. See, note 65 supra. 
63. See, note 65 supra. 
64. See, note 65 supra. 
65. See, note 65 supra. 
66. See, note 65 supra. 
67. See, note 65 supra. 
68. See, note 65 supra. 
69. See, note 65 supra. 
70. See note 65 supra. 
71. See, note 65 supra. 
72. See, note 65 supra. 
73. See, note 65 supra.
ALTERNATE

Chapter III

ARE NATIVE HANAIANS ENTITLED TO REPARATIONS OR RESTITUTION FOR LOSS OF LAND OR SOVEREIGNTY UNDER EXISTING LAW?

In light of the history of landholding and land use, and the history of the overthrow of the monarchy and annexation, this chapter examines whether Native Hawaiians have any legal claims to reparations or restitution from the United States for loss of land or sovereignty. This chapter is intended to provide a basis for the claims made by Native Hawaiians. Although the chapter examines principles of law, it must be clearly stated that the claims made by Native Hawaiians are unique. Consequently, precedents established in Indian law can only provide broad analogies.

A. BACKGROUND

Over the years, a number of different native groups and organizations have sought reparations and restitution from the United States for loss of lands and loss of sovereignty. These groups have been involved in a number of different legal proceedings and legal actions. The present analysis examines whether the body of law developed for Indian tribes provides a basis for the claims made by Native Hawaiians. Generally, the law developed for Indian tribes will be relevant for the claims made by Native Hawaiians, but it is not necessarily applicable. Consequently, this chapter examines principles of law, as embodied in statutes and cases, that provide a basis for the claims made by Native Hawaiians.

In applying these principles to the claims made by Native Hawaiians, we should not look to the technicalities of the law, but to the basic policies which give life to the law. In so doing, we should consider the unique history of Native Hawaiians and the unique nature of their land and land use.
under two legal principles: first, that a native group had "aboriginal title" to lands, and those lands were taken by the United States; and second, that the native group had "recognized title"—title that the United States specifically acknowledged under its laws. Each of these principles has a number of technical legal requirements that the native group must meet in order to be entitled to compensation under the Principles. This chapter will analyze the facts regarding Native Hawaiian history and land law in the context of these legal requirements.

Claims for reparations and restitution for loss of sovereignty, on the one hand, have been made under several laws. This chapter will look briefly at the legal concept of sovereignty as it relates to Indian tribes and then consider whether Indian law offers any parallels to the Native Hawaiian experience. The chapter will then examine each of the laws under which claims for loss of sovereignty have been made.

Finally, this chapter will look at whether any special trust relationship exists between the United States and Native Hawaiians which could serve as a basis for reparations and restitution.

While this chapter must cover technical and legal material, summarizing the beginning and end of each portion of the chapter will make clear the context in which those legal points are considered.

that title, and whether any acts relative to aboriginal title claims of other native groups provide a precedent for reparations and restitution for Native Hawaiians.

Did Native Hawaiians have aboriginal title to the Crown and Government lands? Native Hawaiians must meet each of the tests for each title set forth above.

The first requirement is that Native Hawaiians constituted a "single landowning entity" at the time they held aboriginal title. The "single landowning entity" requirement can be met by demonstrating that the native group was a politically cohesive unit, in the absence of political cohesion, that the group had a common culture, common language, ties of kinship, economic ties, and had collective rights and common use in the area claimed.

Prior to unification of the islands in 1819, it is obvious that Native Hawaiians were a group with a common culture, language, ties of kinship, and economic ties. Moreover, under the ancient land tenure system, no concept similar to the concept of ownership existed. Neither the king, the chiefs, nor the people "owned" the land in the Western sense. Instead, the land was viewed as belonging to the gods, although each strata of Hawaiian society had certain use rights in the land. The ali'i or chiefs managed the land while the people worked the land for the common good. Thus, it appears that before 1819, Native Hawaiians constituted a "single landowning entity."

Aboriginal title is a concept developed in the law to provide a basis for a native group that does not have traditional, legally-accepted land ownership rights to establish a claim to land ownership. It is generally defined as title derived from the use and occupancy of land from time immemorial. Under the law, a native group must meet a number of specific tests in order to establish aboriginal title to a tract of land: the group must be a single landowning entity; there must have been actual and exclusive use and occupancy of the land; the use and occupancy must have been of a defined area; and the land must have been used and occupied for a long time before aboriginal title was extinguished.

If Native Hawaiians meet the test of holding aboriginal title, to be entitled to reparations or restitution from the United States the title must have been extinguished by the government of the United States. Finally, courts have held that loss of aboriginal title is not necessarily compensable, so in order to receive reparations or restitution for loss of aboriginal title there must be a specific statute allowing Native Hawaiians to assert their right to reparations or restitution. This section will analyze each of these legal requirements to determine whether Native Hawaiians had aboriginal title to portions of the land in Hawaii, whether the United States extinguished

After the islands were united, it is clear that Native Hawaiians formed a politically cohesive unit under the rule of Kamehameha I. Island governors were appointed, basic laws were declared. In 1840, the first constitution was passed, declaring that all of the land of the kingdom had belonged to Kamehameha I, but "It was not his own private property. It belonged to the chiefs and people in common."

This statement appears to embody the common use and ownership concept of the ancient land tenure system. Thus, prior to the Mahele of 1848, Native Hawaiians appear to have practiced a type of communal "ownership" of all the land of Hawaii.

In 1848 the Great Mahele, or division of land, "finally and conclusively established the principle of private individual titles." The intended goal of the Land Commission Board and of the Mahele was to be a total partition of individual interests, including a division and parceling out of the interests of the common people.

An important aspect of the Great Mahele was Kamehameha III's action setting "apart forever" to the chiefs and the people of my kingdom approximately 1,100,000 acres of land. At the same time, he retained for himself, his heirs and successors approximately 1,300,000 acres. The former lands were known as Government lands and the latter Crown lands.

In setting apart lands to the chiefs and people, Kamehameha III continued and confirmed the collective ownership of
these lands by the Native Hawaiian people. After the division of the interests of people, chiefs, government, and crown, the Kingdom of Hawaii held title to Government Lands for the benefit of the chiefs and people. Similarly, Crown Lands, after the Act of 1850 making them inalienable, were held by the Hawaiian government.

The Kuina Act and other legislation passed subsequent to the Great Mahalualien individual native Hawaiians to claim a fee simple interest in lands they had actually cultivated or, in the case of other native Hawaiians, to obtain fee simple title to Government lands by purchase. Land, including Government and Crown lands, was made available for purchase by foreigners. These lands, then, were no longer held in common by Native Hawaiians, but were owned in fee simple and resulted in vested property rights. Native Hawaiians are not asserting aboriginal title claims to these lands which passed into the fee ownership system, although all lands in Hawaii appear to be subject to native rights.

Native Hawaiians appear to have met the first requirement of aboriginal title, that they constituted a single landowning entity. Prior to 1819, they had common cultural, language, economic, and kinship ties, and collective rights. After 1819, the Hawaiian Kingdom, a politically cohesive unit composed of and accepted by Native Hawaiians, was the "single landowning entity" which held aboriginal title to Government and Crown lands.

Assuming Native Hawaiians had aboriginal title to Crown and Government lands, and that that title was extinguished by the United States, no existing law provides for reparations or restitution for the loss of these lands. Although the Fifth Amendment to the United States Constitution prohibits the federal government from taking land without just compensation, courts have held that aboriginal title is not a vested property right. It is only a right of occupancy which the sovereign may terminate at any time without payment. Therefore, it has been held that the loss of aboriginal title does not automatically entitle the loser to compensation under the Fifth Amendment.

There is no constitutional provision which would compel compensation for the loss of aboriginal title. Congress has previously provided either judicial forum for compensation or directly acted to compensate for loss of such title. There is ample legal and equitable precedent for such action in special jurisdictional acts giving Indian tribes the right to bring their aboriginal title claims into court, the Indian Claims Commission Act, and the Alaska Native Claims Settlement Act.

In conclusion, Native Hawaiians appear to meet the tests for establishing aboriginal title to Crown and Government lands of Hawaii. Further aboriginal title appears to have been extinguished by the United States either at the time of annexation or through earlier acts of legislation.
may be entitled to compensation for such extinguishment by
the United States under existing legal principles. However,
no present statute provides for reparations or compensation
for that loss.

C. ARE NATIVE HAWAIIANS ENTITLED TO REPARATIONS OR
COMPENSATION FOR LOSS OF RECOGNIZED TITLES TO CROWN
AND GOVERNMENT LANDS?

The second legal principle under which the United
States has provided reparations or restitution for loss of
land is if the United States has "recognized"—acknowledged
by its laws—the title of the native group to the land.

Again, specific legal requirements to establish that the
United States has recognized title must be met.

"Recognized" title, in federal law, occurs when Congress has
granted an Indian tribe the "right to occupy and use"
certain lands permanently. "Recognized" title means the
grant to Indian tribes of "rights in land which were in
addition to the Indians' traditional use and occupancy
rights exercised only with permission of the sovereign..."

First, recognized title must come from the United
States Congress. Before 1868 Congress had no jurisdiction
over Native Hawaiians, although the United States did sign
numerous treaties with the Native Hawaiian government.

Thus, the general principle is that only Congress can
accord recognized title. However, Kamehameha III's action
in setting aside approximately 1.5 million acres of
Hawaiian lands, the United States must have recognized
their title to the land. This section analyses those
requirements in light of Native Hawaiian history.

While these treaties are clearly very different from
treaties negotiated with Indian tribes, they indicate that the
United States recognized and acknowledged the existing
government of Hawaii and the rights of that government to
the territory then within its domain. In some cases, then,
this amounted to a recognition of title by the Hawaiian
government.

The title to the approximately 1.5 million acres of
Government and Crown Lands owned in common by Hawaiian
natives prior to 1893 was a legal title, granted in accordance
with the domestic laws of the Hawaiian government.

That government was fully recognized by the international
community and the United States as the legitimate government
of the Hawaiian Islands. Arguably, that title would have
been property under the Fifth Amendment if it had been held
by an Indian tribe within the territory of the United States.

Additionally, it should be noted that the United
States, in the past, has respected property rights of
native people which were recognized under prior governments.
Congress and the courts have long respected grants to native
people under the laws of another sovereign. This policy is
based on international law precepts. The most important
treaties are those that have clauses traceable in part
to the laws of other sovereigns, such as the California Indians,
whose claims were based on Spanish and Mexican law, and the Alaska Natives, claiming in part under Russia.

In each case, Congress acted to establish a
procedure to determine and confirm title.

If recognized title is established, compensation is due
under the Fifth Amendment. Thus, if Native Hawaiians were
awarded a title by an act of the United States Congress,
they can be compensated for loss of that title.

Actions of the United States before 1898 probably would not
be compensable under the Fifth Amendment as a "taking" of
the Government and Crown lands because the United States
did not have jurisdiction over Hawaii. However, annexation
itself may be considered a taking under the Fifth
Amendment because in that process the Government and
Crown lands were appropriated for use by the federal government
consistent with a Congressional authorization. Although the
1900 Organic Act provided that the lands ceded to the United
States under the Joint Resolution of Annexation would remain
in the possession, use, and control of the Territory of
Hawaii, these lands were transferred to the United States in
fee and only through Congressional authority could those
lands be disposed of. Therefore, while Native Hawaiians did not have "recognized title" in the same sense as Indian tribes, applicable principles of Indian law as well as equitable principles indicate that Native Hawaiians may be entitled to repugnons or restitution for the loss of their lands.

D. ARE NATIVE HAWAIIANS ENTITLED TO REPARATIONS OR RESTITUTION FOR LOSS OF SOVEREIGNTY?

Native groups have also made claims that they should be given compensation for loss of "sovereignty." This section defines sovereignty and then considers whether the law provides compensation for its loss in the context of the facts relevant to Native Hawaiians.

The Office of Hawaiian Affairs defines sovereignty as the power to control internal and external affairs and the right of self-government. Although the courts of the United States have examined the concept of sovereignty in the context of the territorial jurisdiction of the United States, early in the history of American jurisprudence it was determined that Indian tribes were "dependent, independent nations" who exercised inherent powers of a limited sovereignty and whose sovereignty "exists only at the sufferance of Congress and is subject to complete defeasance." In short, Congress can take away sovereignty of native groups at will. Further, Congress has been very reluctant to recognize loss of sovereignty as a compensable claim.

However, in the case of Native Hawaiians, a unique situation is presented in that the very basis of the claim for loss of sovereignty is that the United States directly caused that loss. Since, until 1898, Native Hawaiians were members of an organized, self-governing nation, principles of international rather than domestic law may be applicable. It may be that, if the factual claims of Native Hawaiians are valid, the United States violated the Hawaiian Kingdom's right to independence as well as the international law principle of non-intervention in the internal affairs of another country. Further, this violation may have been compounded by the United States' subsequent acquisition of the Government and Crown lands of Hawaii.

The fact that these actions were taken in spite of the opposition of the Native Hawaiian people and that such opposition was known in Congress, may not give rise to a legal right, but could give rise to a moral duty on the part of the United States to provide reparations or restitution. While Native Hawaiians have no legal entitlement to compensation for any loss of sovereignty against the United States, Congress could, if it so chose, provide direct reparations and restitution for the claim.

E. TRUST RELATIONSHIP BETWEEN THE NORTHS OF HAWAII AND THE UNITED STATES

If a special trust relationship between the Federal Government and Native Hawaiians exists, which is very similar to the trust relationship between the Federal Government and United States Indian tribes, a failure of the United States to meet the terms of the trust may provide a basis for compensation. The theory has been advanced that, "It has long been recognized that a special relationship, characterized as a fiduciary relationship, exists between the Federal Government and Indian tribes," and that, "The federal-Hawaiian relationship arises from United States' participation in the over:" of the native government and subsequent federal ownership of the legal title to native lands.

A fiduciary relationship between the Federal Government and native group can arise from provisions of a treaty, statute or agreements with the tribe, from acts which grant benefits to a native group and from the entire course of dealings between the United States and the native group. A fiduciary relationship may have arisen from the fact that the United States Minister to Hawaii supported establishment of the Provisional Government in 1893. Although the Hawaiian Islands were not part of the United States in 1893, and the Federal Government exercised no sovereignty over them, subsequent acquisition of Hawaii and particularly the Government and Crown lands may give rise to a trust relationship. While the United States has never explicitly recognized such a relationship, the course of dealings between the federal government and Native Hawaiians may imply such a relationship.

The Federal Government has long recognized Native Hawaiians as a distinct original group and has dealt with them in a manner similar to other native American groups. Traditionally, certain criteria have been considered in determining whether a group of Indians is a "tribe" entitled to federal protection and services. These criteria include treaty relations with the United States, Congressional acts or executive orders denoting the group as a tribe, collective rights in tribal lands or funds, recognition by other Indian tribes, and political authority over members exercised through a tribal council or other governmental form.

Other factors which have been considered are the existence of special appropriation items for the group, the social solidarity of the group, and ethnological and historical considerations.

Applying these criteria to Native Hawaiians, it is obvious that Congress has afforded Hawaiians recognition as an original group. From an early period, the United States negotiated treaties with the Hawaiian Kingdom calling for peace and friendship and providing reciprocal trade rights. Later it recognized the independence and sovereignty of the native government.

In 1893, President Cleveland acknowledged the role the United States Minister and American troops played in bringing about the overthrow of the native government and
recommended restoration of that government. Although no action was taken, Queen Liliuokalani continued to represent her people and continually sought redress from Congress. On numerous occasions, legislation was introduced into Congress to redress that wrong. Finally, three years after the queen's death, at the urging of Prince Jonah Kahanamoku, Congress adopted the Hawaiian Homes Commission Act. Under the Act, Congress recognized its trust obligations to Native Hawaiians and placed in trust, for the benefit of those with 50% or more aboriginal blood, over 200,000 acres of land to be used for the development of homes, farmland, and farms. The lands placed in trust under the Hawaiian Homes Commission Act were part of the more than 1.75 million acres of Government and Crown Lands ceded to the United States by the Republic of Hawaii at the time of annexation. As with other native groups recognized by Congress, a portion of the aboriginal lands acquired by the United States was specifically set aside in trust for the protection and rehabilitation of the people whose lands were taken.

When the Hawaiian Homes Commission Act was being considered, one of the issues raised was whether Congress had the power to legislate for the benefit of Native Hawaiians. At that time, the Solicitor for the Department of the Interior gave an opinion upholding the congressional power to legislate for the benefit of Native Hawaiians, attaching it to the power to legislate for the benefit of Indians.

Conditions of native Hawaiians as one of the five trust purposes for which proceeds and income from ceded lands could be used. Ceded lands are those Government and Crown lands ceded to the United States at the time of annexation. Moreover, the Admission Act provides that failure to use the lands and funds as specified "shall constitute a breach of trust, for which suit may be brought by the United States." Both the Hawaiian Homes Commission Act and the Admission Act form the basis for a trust relationship between the United States and Native Hawaiians.

Other indications that Congress has undertaken fiduciary responsibilities toward Native Hawaiians can be found in recently enacted legislation. For instance, in 1974 Congress amended the Indian Education Act to include Native Hawaiians in the Indian Handpower Program administered by the Director of Indian and Native American Programs of the Department of Labor. In the same year, the 95th Congress adopted the American Indian Religious Freedom Act and included Native Hawaiians in its coverage. The Hawaiian Education Study Act of 1900, in establishing a special commission on Hawaiian education, recognized that Native Hawaiians, like other native Americans, rank among the lowest in level of educational attainment. Even the Native Hawaiian Study Commission Act, after the Hawaiian Homes Commission Act, reflected the determination that Hawaiian natives should be treated as other aboriginal groups and is reflected in House Committee on Territories Reports:

In the opinion of your committee there is no constitutional difficulty whatever involved in setting aside and developing lands of Hawaiian natives only. This legislation is based upon a reasonable and constitutional classification and is not unconstitutional class legislation. Further legislation in this connection precedes for non-Hawaiian legislation in previous substantial grants to Indians and special privileges in obtaining and using the public lands.

Since the adoption of the Hawaiian Homes Commission Act, Congress has continued to acknowledge their trust obligations to Native Hawaiians. In the 1959 Admission Act, Congress reinforced the federal government's responsibility to Hawaiian natives by requiring the State of Hawaii to adapt the Hawaiian Homes Commission Act to its own constitution. Significantly, the federal government still retains certain responsibilities. Land exchanges must be approved by the Secretary of the Interior and the Act itself cannot be amended without congressional action, unless the amendments deal solely with administrative matters. Increase benefits to Native Hawaiians. The federal government has acknowledged its fiduciary obligations in and among Native American populations. The State Admission Act also recognized the special privileges of Native Hawaiians, however, Congress appears to have implicitly undertaken trust responsibilities to Native Hawaiians.

The purpose of this chapter was to examine the existing principles which are most likely to provide a basis for reparations and restitution to Native Hawaiians for loss of lands or sovereignty. As set forth here, the review shows that existing principles do provide a basis for reparations and restitution. However, no present law allows Native Hawaiians to assert their claims in a court of law. Therefore, special legislation appears necessary to provide Native Hawaiians with such a mechanism or to directly give reparations and restitution. Congress has responded to the "Past to present Hawaiian claims" once with the passage of the Indian Claims Commission Act in 1946, again in 1971 with the Alaska Native Claims Settlement Act. Congress has also allowed Indian tribes to bring suits in federal court under...
the laws, treaties and constitution of the United States.
For this Commission, the next step is to consider, as it formulates its recommendations at a later stage of its proceedings, what recommendations should be made to Congress in order to adequately address the Native Hawaiian claim. This report is being prepared under a statute which requires the Commission to direct its findings and recommendations to Congress. Therefore, consideration of such Congressional action is particularly appropriate.
The considerations thus far established in this case are not relevant to the present one. The case here is not one of negligence on the part of the Government, but of a wrongful act committed by the Government. The Government is not liable for the acts of its agents, nor is it liable for the acts of its employees, whether authorized or not, unless it is responsible for the acts of its agents or employees. The Government is liable only when it is acting under its authority, and when it is acting as an agent or employee of the Government.

1. The Question of Agency.

The Native Hawaiian Study Commission is about to adopt a finding that acknowledges the role of the U.S. in the annexation of Hawaii. This finding is consistent with the views of the past and present administrations of the United States of America. The United States is not liable for the acts of its agents or employees, whether authorized or not, unless it is responsible for the acts of its agents or employees. The Government is liable only when it is acting under its authority, and when it is acting as an agent or employee of the Government.
cases, whether it was the master or his servant who physically committed a tort, the master was legally regarded as the person who caused the harm. Indeed, in some jurisdictions, one could state a cause of action by pleading the acts of the agent as the acts of the principal. See, e.g., Bennett v. Johnson, 21 N.Y. 339, 349-350 (1860). The same rule of law which imputes to the principal the fraud of the agent, and makes him answerable for the consequences, justifies the allegation in pleading, that the principal himself committed the wrong.

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This rule which holds the principal responsible for the actions of his agent is well accepted in our jurisprudence when transactions or situations involve private individuals and corporations. The issue becomes more complex when looking at the liability of governmental bodies because of the principle of governmental immunity, which shields the government from suits. Immunity is rooted, in part, on the idea that the government is a monopoly, and thus, the concept that "the sovereign can do no wrong." Thus, at common law, state and federal government were immune from suit and from liability for the actions of their agents. Municipalities had a more limited immunity and were subject to suit, for instance, for torts committed by their employees performing "proprietary" functions performed by the city but which could have been provided by a private corporation (e.g., water, gas, electricity).

While the governmental immunity doctrine at first glance indicates that the United States may not be liable for the actions of its agents, it is important to remember that governmental immunity does not affect the substantive law of agency. Immunity merely shields the government from suit and in a device to prevent "suit by suit from being filed against the government. Congress can and often has waived the immunity of the United States. The Federal Tort Claims Act, 28 U.S.C. §516(b), 2671 et seq., permits suits against the federal government for negligent acts of its employees and for some intentional torts committed by law enforcement personnel. The Indian Claims Commission Act, discussed extensively in OMA's earlier submission to the NRB, allowed various tribal claims against the United States including those based on tort and on fair and honorable dealings not recognized by any existing rule of law or equity. Some states have waived immunity in tort cases completely, see, e.g., Kansas Rev. Stat. §662-3 (1971), and the modern trend is to allow suits to be brought against governmental bodies in specific situations.

The following cases illustrate the types of situations in which the courts have found a governmental body liable for the acts of its employees and agents.

### Municipalities Found Liable

- *In re City of Lexington v. Youth* (1980), the City of Lexington was held liable for personal injuries and medical expenses which resulted from an assault and battery by a police officer after the officer stopped an auto for a traffic violation, assaulted a passenger with a blackjack and handcuffed and threw the passenger in a paddywagon. The court noted that the principal-agent and master-servant relationships within the scope of the responsive superior doctrine (allowing one party to be held liable for another's actions) do exist between a municipal corporation and its employees and agents. In a similar case, the City of Miami was held liable for the actions of a police officer where an innocent bystander standing on a sidewalk watching a disturbance was killed by the negligent firing of a gun by a police officer. The court stated that where the officer was negligent, the city would be held liable.

- *Cleveland v. City of Miami* (Fla. 1972), in which the city was held liable for the actions of a police officer where an innocent bystander standing on a sidewalk watching a disturbance was killed by the negligent firing of a gun by a police officer. The court stated that where the officer was negligent, the city would be held liable.

- *Greaves v. City and County of Honolulu* (1973), the City and County of Honolulu was held liable under a respondent superior theory for the acts of the City Prosecutor where the plaintiff was arrested, indicted for murder, incarcerated without bail for two weeks, and only released several days after a deputy prosecutor had determined that the plaintiff was not involved in the murder.

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**Federal Tort Claims Act**

- Under the FTCA, sovereign immunity is waived and the United States may be held liable for the negligence of its employees where, applying the law of the place in which the violation or injury occurred, a private individual under the circumstances would be liable. Consequently, in *Thompson v. United States*, 304 F. Supp. 1097 (C.D.Ca. 1980), the United States was held liable in a wrongful death action where a CIA trainee employed as a police officer by the Sioux Tribe shot and killed a man. Applying the law of South Dakota, the court held that an employer-master is liable for the acts of an employee within the general scope of his employment, and granted a motion for summary judgment. See, e.g., *Orso v. City and County of Honolulu*, 56 Haw. 241, 534 P. 2d 231 (1975), the City and County of Honolulu was held liable in an action brought by the plaintiff's decedent's estate against the City and County of Honolulu. The plaintiff's decedent was injured as a result of a police officer's negligence in failing to perform his duty as a police officer.

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of CIA agents in intercepting and opening correspondence between plaintiffs and persons in the Soviet Union.

Constitutional Torts

A third type of case in which governmental entities have been found liable for conduct of their employees in the constitutional tort situation. Under the Civil Rights Act of 1871, 42 U.S.C §1983, any person acting under color of state law who deprives another person of a constitutional right is subject to a damage action. Until 1978, this provision was read to mean that state and municipal government officials acting in their individual capacities could be held liable for depriving an individual of a constitutional right. However, in Monell v. Department of Social Services, 436 U.S. 658 (1978), the Supreme Court held that a municipality would be liable for violations of constitutional rights committed by its officers in carrying out an "official policy" of the municipality. As a result of the Monell decision, the courts have begun to impose liability not only on the individual government official, but also upon the governmental entity. In Herrera v. Valentine, 653 F.2d 1200 (8th Cir. 1981), a police officer and his employer, the City of Gordon, Nebraska, were held liable for violating the constitutional rights of a pregnant woman when the officer kicked her and ignored her pleas for medical attention, resulting in the death of her unborn child and severe emotional and physical trauma. The plaintiffs' claim against the City of Gordon was based on

the City's failure to properly hire, train, retain, supervise, discipline and control its police officers, thereby directly causing her injury. In another civil rights violation, the city of Houston was found liable for the conduct of their police officers who shot a 17 year old unarmed suspect, put a weapon at his side to justify the killing, and covered up their conduct. Rothery v. City of Houston, 689 F.2d 1230 (5th Cir. 1982).

The Actions of U.S. Agents in 1952

The cases reviewed above make it obvious that under current law, the United States would be responsible for the actions of its agents in Hawaii in aiding in the overthrow of the Hawaiian monarchy. The United States clearly owes a responsibility to the victims against whom its authority was exercised, even if such authority was improperly exercised. In a modern day situation, when a police officer in uniform uses a gun to injure a citizen without cause, the police officer is liable to compensate the victim for the injuries received and the county that employed the police officer is also liable. City of Lexington, supra; Cleveland v. City of Miami, supra. The United States, as well as municipalities, is held liable for the unauthorized actions of its employees and agents. Thompson v. United States, supra; Cruikshank v. United States, supra.

The theory behind this rule of liability rests on the following principles. First, the government or employer of
A.) The former became known as Government Lands and the latter as Crown Lands.

Subsequently, the Kuleana Act of 1855 (see Appendix B) allowed native tenants to claim land which they lived upon and actually cultivated. These lands could come from Government or Crown lands or from lands which belonged to the chiefs. The ability of native tenants to claim their plots of land under the Kuleana Act did not extinguish the people's interest in the Government lands. Indeed, the native tenants were only a portion of the larger class of people. The fact that the tenants could claim their plots from lands belonging to the Chiefs as well as Government and Crown lands indicates that the Kuleana Act was not meant to extinguish the interests of the people in Government Lands and Crown lands. If the Kuleana Act was meant as an extinguishment of the people's interests, then the Act would have allowed lands to be claimed solely from Government lands and would have allowed all the people, not just those with existing houses and cultivated plots, to claim land. Moreover, there is nothing in the legislative history of the Kuleana Act to indicate that it was meant to extinguish the interests of the people. Finally, the Kuleana Act also allowed native Hawaiians who did not have cultivated plots to purchase Government Lands. Obviously, if the Act was meant to extinguish the rights of the people to Government Lands by separating out those rights, there would have been no need for native Hawaiians to purchase the lands; they would merely have been given a portion of the land as their interest in the land.

While the Crown lands present a unique situation, their history has been extensively discussed in earlier submissions to the HNC. (See excerpt in Appendix C.) It is clear that the Kuleana Act was not meant to have any effect on the Crown Lands since they were dealt with by the various monarchs as private property until the Act of 1865 making them inalienable.

Although the Native Hawaiian Study Commission has now more or less completed its work, the question of whether Hawaiians are entitled to reparations or restitution for the events of 1853 remains an open one. The legal questions are still unresolved. The Commission's confusion about the most basic aspects of the Great Mahele and their failure to address the issue of agency indicates how much more work they need to do before recommendations on reparations and restitution should be adopted.

APPENDIX A

Declaration of Kamehameha III Setting Apart Government Lands

Know all men by these presents, that I, Kamehameha III, by the grace of God, King of the Hawaiian Islands, do hereby give, make over and set apart forever to the Chiefs and people of my Kingdom, and to all my people, and to all my subjects, all the land situated here in the Hawaiian Islands, beginning on page 179 of this book [the Abalone Book] to the 110th line thereof, to have and to hold to my chiefs and people forever.

These lands, to be in the perpetual keeping of the Legislative Councils (Shallows and Representatives) and in that of the superintendents of said lands, and shall be regulated, leased, or sold, in accordance with the will of said Chiefs and Representatives, for the good of the Hawaiian Government, and to promote the dignity of the Hawaiian Crown.

March 6, 1850

As translated by the Hawaiian Supreme Court in Estate of Kamehameha IV, 3 Haw. 175 (1864).
Declaration of Kamehameha III Setting Apart King's Lode

Know all men by these presents, that I, Kamehameha III, by the grace of God, King of these Hawaiian Islands, have given that day of my own free will and unadvised and set apart forever to the chiefs and people the larger part of my royal lode, for the use and benefit of the Hawaiian Government. Herein by this instrument I hereby retain for reserved for myself and my heirs and successors forever, my lands inscribed at pages 125, 145, 148, 184, 200, 204, 206, 209, 211, 215, 219, of this book (Hawaiian Lode), these lands are set apart for me and for my heirs and successors forever, as my own property exclusively.

March 2, 1848

As translated by the Hawaii Supreme Court in "Kamehameha III, 2 Haw. 715 (1844).

Appendix B

To the private lands of His Majesty Kamehameha III, to be held in fee simple, in common, or otherwise, and held and disposed of according to his royal will and pleasure subject only to the rights of tenants.

And be it further enacted, That we do hereby declare the name of the Chiefs and People of the Hawaiian Islands, adopt the following lands: etc.
ancient land tenure system, so concept similar to it is found among the simple ownership system. Neither the king, the chiefs, nor the people "owned" the land in the Western sense. Instead, the land was viewed as belonging to the gods, although each estate of Hawaiian society had certain use rights in the land. The all's or chiefs managed the land while the people worked the land for the common good.3/2

After the islands were united, Native Hawaiians formed a politically cohesive unit under the rule of Kamehameha I. Island governors were appointed, basic laws were declared. In 1840, the first constitution was passed, declaring that all of the land of the kingdom belonged to Kamehameha I, but "it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the lands property."3/3

This statement appears to embody the common use and ownership concept of the ancient land tenure system. Thus, prior to the Nahale of 1846, Native Hawaiians appear to have practiced a type of communal "ownership" of all the land of Hawaii.

In 1848 the Great Nahale, or division of land, "finally and conclusively established the principle of private alienable titles."3/4 The intended goal of the Land Commission Board and of the Nahale was to be a total partition of individual interests, including a division and separation of the interests of the common people.
An important aspect of the Great Mahele was Kamehameha III's action setting "apart forever to the chiefs and the people of my kingdom" approximately 1.5 million acres of land. At the same time, he retained for himself, his heirs and successors approximately 1 million acres. The former lands were known as Government Lands and the latter as Crown Lands.

In designating certain lands for the chiefs and people, Kamehameha III continued and confirmed the collective ownership of these lands by the Native Hawaiian people. He did not extinguish the aboriginal interest in Government Lands but strengthened that interest. By the Act of June 7, 1848, the people legislation accepted the Government Lands conveyed by Kamehameha III. In accepting the lands, the legislature affirmed the people's collective rights in the lands and specifically recognized the traditional uses rights of native tenants. From 1848 to 1897, the Government Lands were administered by the Minister of the Interior for the benefit of the Hawaiian native government and any sales of such lands were subject to approval by the king in Privy Council. Consequently, it could be argued that all Government Lands as of 1893 were still impressed with aboriginal or native title.

When Kamehameha III set apart the Government Lands, he also created and reserved an instrument conveying the King's lands through 1844. These lands were dealt with by the various monarchs as private property. In 1844, the Hawaiian Supreme Court denied the claim of Queen Emma, widow of Kamehameha IV, to an intestate share of the lands, holding that the King's lands descended in fee, although the inheritance of those lands was limited to successors to the throne and could be treated as private property. The Act of January 3, 1845, confirmed the court's opinion in part but also provided that the lands should be "inalienable...to descend to the heirs and successors of the Hawaiian crown forever." The Act also designated the lands as Crown Lands to indicate that they belonged to the king as sovereign and not as an individual.

In the years from 1865 to 1893, the crown Lands continued to provide income to the reigning monarchs. The hereditary monarchy ended upon the death of Kamehameha V without a successor to the throne. The crown Lands were sold to the United States with the brief reign of Liliuokalani. The crown Lands, after the Act of January 3, 1865, were not the personal property of the monarch. When Liliuokalani sought compensation from the United States for the taking of the Crown Lands, the Court of Claims held that the reservation of lands was made to the Crown and not the King as an individual. The Crown Lands were the resources of the public, and all rights held in those lands were subject to the King's discretion, in part at least, the dignity of the office to which they were unalienably attached. When the office ceased to exist they became as other lands of the "sovereignty and parcel of the public domain." The Crown Lands were a domain which benefited "the dignity of the office to which they were originally dedicated to sustain and perpetuate the office for the benefit of the Hawaiian crown forever.

The following is a petition to extend the deadline for comments and questions concerning the "Native Hawaiian Study Commission Report." It also includes a request for community education which is very much needed on such an important issue.

Native Hawaiian Study Commission
U.S. Department of Interior
18 C St. Northwest
Washington, D.C. 20240

The Undersigned

November 21, 1982

Makaha Hulu Lee
The Undersigned
<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Gender</th>
<th>Race</th>
<th>Marital Status</th>
<th>Education</th>
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<td>Engaged</td>
<td>Bachelor</td>
<td>Nurse</td>
<td>$50,000</td>
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Note: This table represents a summary of the demographic information collected from the survey respondents. The data includes their age, gender, race, marital status, education level, occupation, and annual income. The survey was conducted in the month of June 2023, covering a sample size of 500 participants.
No, the undated, report that the deadline date of November 21, 1983, was the undated, report that the deadline date of November 21, 1983, for questions or a copy of the Native American Study Commission for questions or a copy of the Native American Study Commission to be extended to enable us (the undated) to read and compare the final report for there had not been enough copies available nor has there been any community education of the study report. With this extended time, we (the undated) and others whose response would be extended to enable us (the undated) to respond more readily to such on

<table>
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<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Age</th>
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<tr>
<td>John Doe</td>
<td>123 Main St</td>
<td>555-555-5555</td>
<td>30</td>
<td>Bachelor's</td>
</tr>
<tr>
<td>Jane Smith</td>
<td>456 Elm Rd</td>
<td>444-444-4444</td>
<td>35</td>
<td>Master's</td>
</tr>
<tr>
<td>Mary Johnson</td>
<td>789 Oak Ave</td>
<td>666-666-6666</td>
<td>40</td>
<td>PhD</td>
</tr>
<tr>
<td>Tom Brown</td>
<td>111 Pine Ln</td>
<td>777-777-7777</td>
<td>45</td>
<td>Bachelor's</td>
</tr>
</tbody>
</table>

For questions or a copy of the Native American Study Commission, please contact us (the undated) for more information or to request a copy of the final report.
May the undersigned, request that the deadline date of November 21, 1982, for questions or comments concerning the "Native Hawaiian Study Commission Report" be extended to enable us (the undersigned) the time to read and comprehend said report for there has not been enough copies available nor has there been any community education of the said report. With this extended time, we (the undersigned) and others may be able to respond more readily to such questions.

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January 17, 1986

The Native Hawaiians Study Commission
Department of the Interior
Egberts and C Streets, N.W., Room 6220
Washington, D.C. 20240

Dear Commission Members:

The National Education Association, in cooperation with the Hawaii State Teachers Association, offers these comments on the Native Hawaiian Study Commission's draft report.

We strongly believe that the final report should give an objective "full review of the history of the United States' relations with Hawaii." It should also reflect an unbiased "analysis of the causes of the fall of the monarchy and annexation" of the Hawaiian Islands.

The draft report does not meet these objectives. The NEA believes that the report should not be adopted in its present form, because the results would be detrimental to the cause and rights of native Hawaiians. We urge that you consider these factors as you work to finish the report and make recommendations to Congress.

We further urge that unless these factors are considered that the report be filed as a fatally flawed document.

We respectfully request that this letter be made a part of the Commission's public record.

Sincerely,

Willard N. McGuire
President

cc: Senator Daniel K. Inouye
     John Radcliffe
     Alaka Rubin
     Hawaiian activists

---

paid (Hawaiian Papers v. 11 p. 801)

The Samoan families are discussed by Prof. W.D. Alexander in the Blunt Report, according to testimony in the Blunt Report, Halakawu olae was generally believed to have been a shame. W.D. Alexander says Halakawu olae was a native of Hawaii and never traced its Hawaiian roots. And he was found drowned under a house after the death of Queen Emma. Suggestions were put down (Hawaiian Society v. 22 p. 127) by the Commission.

However, if I didn't know Hawaiian history, I'd gather from the first draft that it was just a landing of Native Hawaiian in conflict with

[21]

non Native and Western values. Why doesn't the draft call a Samoan a Samoan? Halakawu olae an advocate of Hawaiian unity? And left us a legacy of race hatred.

I'm also amazed that the first draft was Kathleen Miller as a source (or her telling of the AKI story). Where are her footnotes? Miller is as biased and overemphasizing for Halakawu olae. The first draft of view makes her writing interesting. She is also extremely biased in her ideas about the state of Hawaiian society, which are at variance with those of writers like S.J. John Rodman (Kahului Foreman).

[31]
HAWAIIAN ANNUAL

KNOW HAWAII

The vade mactus of this land we live in is the Hawaiian Annual. Beginning in 1871, six issues have presented a fund of facts and figures of research and progress that early won it recognition as the reliable reference book of information pertaining to Hawaii, statistical and otherwise, being specially designed to meet intelligent inquiry. Its historic value ensures wide demand for both issues, as also for as full sets as may be obtainable, or from certain years, orders for which should be sent to the publisher, Thos. G. Thrum, Box 502, Honolulu, T. H. Current issues may be had at all local bookstores at $1.00, plus postage on mail orders.

THE HAWAIIAN ANNUAL

FOR 1931

THE REFERENCE BOOK OF INFORMATION AND STATISTICS

Relating to the Territory of Hawaii of Values to Purchasers, Tenants and Others

THOS. G. THRU

Coronet and Publisher

Fifty-Seventh Year of Publication

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HOLOLU

October, 1930

The history of the Hawaiian people is a story of faith, hard work, and perseverance. It is a story of the triumph of the human spirit over adversity. The Hawaiian Annual is dedicated to preserving and sharing this history, to educate and inspire future generations.
November 22, 1982

TO: THE NATIVE HAWAIIANS STUDY COMMISSION

FROM: NAPIE P. HAWAI'I

SUBJECT: RESPONSE TO THE DRAFT REPORT DATED SEPTEMBER 21, 1982

As a native Hawaiian of 1/8 aboriginal blood, I protest the questionable tactics surrounding the handling and substance of the draft report, which has been submitted to the Hawaiian populace.

My objections are:

1. Copies of the report were not readily available to sufficient quantities to the greater Hawaiian population. When copies were finally made available, without further help from the commission, the sixty day time limit for responding to the draft had already passed by the halfway point. It left the Hawaiian populace in the situation of having to scramble for copies with little time to prepare their reports.

There were others in business and counselling who were also unable to secure copies of the report.

2. The sixty day period allowed to review the report was much too short. At 16 pages, it is not something one takes home to read over-night or over the weekend and be able to respond to readily.

It is a disservice to the people the commission was established to help, to so severely limit both the number of copies and the time period to prepare their reports.

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It is a disservice to the people the commission was established to help, to so severely limit both the number of copies and the time period to prepare their reports.

At this point, I find errors in the Hawaiian Glossary. Language being at the core of a culture, it should be expressed in a manner of precise understanding. I do not like the comparisons and analogies with Native American Indians, Eskimos, Alaska, or Texas. The present Hawaiian history, the history of an embalishment put together by a bureaucracy which is in complete conflict of interest here.

We are our own people, our culture and geographic location is far from continental. Why are we being judged by western values? When our queen's throne was overpowered and stolen with the help of a foreign country, The United States of America, it was accomplished at the hands of government biased by its own lack of wisdom, one which had no rights by one tittle or iota to be in any way a decision-making body on the future of a government and people they did not understand.

I wonder at what kind of justice the Hawaiians will find at the hands of a government biased by its own lack of wisdom, one which had no rights by one tittle or iota to be in any way a decision-making body on the future of a government and people they did not understand.

Certainly those who are able to make decisions can do better than this for the Hawaiian people.

Since the Hawaiians are obliged to accept this report, I feel that I am obliged to remind those who are treating my heritage lightly, that it will have a strong impact on my grandchildren and it is my duty to them to digest and respond to whatever report this commission comes up with. Yes, it is only a draft, but when the draft is so mediocre, what can we expect from the final report? And who knows what kind of interpretation will come along and use this for his or her own gain to the detriment of the Hawaiian people?

It is my intention to read this report in depth and to report more fully on my findings at a later time. That is to say, this under pressure of the established deadline, I reserve the right to submit another report as a later date.

I find it a wonder that this kind of draft report is coming with.

And here we are today in a situation which the United Nations would deny, only this happened before its time. And hoping for the least sense of equality, we are treated with duplicity again.

I wonder at what kind of justice the Hawaiians will find at the hands of a government biased by its own lack of wisdom, one which had no rights by one tittle or iota to be in any way a decision-making body on the future of a government and people they did not understand.

Certainly those who are able to make decisions can do better than this for the Hawaiian people.
The conclusions presented in your report do not agree with me. I must agree that Hawaiian Nation and American titles to the lands in question must be distinguished. Hawaii and American titles are by no means identical to the title asserted by the United States.

HAWAIIAN AND AMERICAN TITLES MAINTAINED THEIR INDEPENDENCE AND PREVAILED UNDER THE SAME CONDITIONS AND IN EACH ISLAND THERE IS A SPECIAL AGREEMENT BETWEEN THE UNITED STATES AND EACH ISLAND.

In Hawaii, it was necessary to establish just what was the practice with respect to land use to be an heir apparent, and the form of title in respect of land and water. The latter was defined by the courts in a case in which the plaintiff claimed to be the owner of a certain piece of land.

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In Hawaii, it was necessary to establish just what was the practice with respect to land use to be an heir apparent, and the form of title in respect of land and water. The latter was defined by the courts in a case in which the plaintiff claimed to be the owner of a certain piece of land.
Dear Mr. Stirling

Thank you for your letter of October 20, 1992, requesting comments on the "Draft Report of Findings" sections relating to the Department of Hawaiian Home Lands. I understand the magnitude and complexity of the task being undertaken by the Commission. Hopefully, my comments will be helpful in this report.

Section III: Housing Characteristics

An ongoing problem has been the lack of data on Hawaiians and the difficulty in conducting censuses without affecting the reliability of the data. Data from different sources are based on different methodologies, different definitions, and different samples. Fortunately, the Commission was able to obtain special tabulations from the U. S. Bureau of the Census and this sole source of data was used.

I suggest that additional analysis be conducted, if possible, to provide data on the "availability" of housing to Hawaiians. For example, your staff could design a methodology using current market interest rates, Hawaiian household income levels, and value of occupied housing units in Hawaii to derive an estimate of Hawaiian households which are effectively using current market interest rates. Hawaiian household income levels, and value of occupied housing units in Hawaii to be compared to Hawaii and United States figures. The analysis can be taken further by considering household size, that is, per capita income. A similar design can be developed for renters using a rule-of-thumb of 25% or less of income for rent.

Another factor which affects the housing situation for Hawaiians is the existence of DHHL's housing program. There are about 3900 rental residences. Assuming an average household size of 3.5 persons, this amounts to 14,300 persons residing on Hawaiian Home Lands or 8.2% of the total native Hawaiian population of 171,500.

The development of alternative approaches to solving these problems and needs, including an identification of appropriate federal actions, requires in-depth analysis and policy decisions on several levels. The work of the Federal-State Task Force on the Hawaiian Homes Commission Act is intended to move this effort ahead.

I hope that my comments have been useful in preparing a final report for the Commission's approval.

Very truly yours,

[Signature]

Chairperson and Commission Members:

The enclosed Petition is submitted on behalf of our clients, Mr. Elmer E. Miller and Mr. Margaret Brine, surviving collateral relatives of King Kamehameha III and his heirs and successors. We believe that my comments have been useful in preparing a final report for the Commission's approval.

Very truly yours,

[Signature]

October 19, 1992

Native Hawaiian Study Commission
Prince Kuhio Building, Room 3101
Hawai'i Island, Hawai'i 96713

THE RIGHT OF SUCCESSION

In view of The Origin of Hawaiian Land Titles and the Rights of Native Hawaiians by Louis F. Brokaw and The Crown Lands of Hawaii by Calvin Thomas Spalding, it is evident that a significant and enormous loss suffered as the direct result of the overthrow of the Hawaiian Monarchy in 1893 was the right of succession to the Crown.

A ratified treaty of "Perpetual Friendship" between the United States and King Kamehameha II and his heirs and successors had given past assurance that this right and the independence of the Hawaiian Kingdom would be respected.

Moreover, any normal procedure of annexion would have included annexion of all or other forms of compensation to the reigning Monarch, the Heir Apparent, the Heirs Presumptive, etc., and any other persons with vested interests in the Crown beyond their priorities.

Thus, we believe any effective and meaningful reparations settlement for Native Hawaiians would give consideration to this right of succession under the monarchical system.

Hence, this paper is an effort to set the record straight as regards royal succession of the Hawaiian Monarchy, the priorities involved, and in the absence of monarchical prerogatives among the other considerations, requires the question of any other conceivable basis for paramountcy, reverential rights or residual interests to be assessed.

King Kamehameha III, who died May 8, 1863, found a monarchy that superseded previous island kingdoms by conquest.

The right of succession was thereafter determined by the succession of the King and confirmation by his council of Chiefs. Thus, Kamehameha I designated his eldest son, Liholiho, by his highest-ranked consort Queen Kekaulike as his successor. Liholiho appears to have been confirmed by the Council of Chiefs prior to being duly constituted as King Kamehameha II.

- THE RIGHT OF SUCCESSION
Similarly, Kamehameha II nominated his full brother, Kaahumanu, to be his successor in 1823 with the approval of the Council of Chiefs in Lahaina, Maui. Kamehameha II then journeyed to England and Kaahumanu was to succeed him if he did not return.

After the death of Kamehameha II in England, Kaahumanu, on July 14, 1824, was recommissioned by the Chiefs, and he succeeded to the throne as Kamehameha III.

In 1840 Kamehameha III founded a Constitutional Monarchy for which he voluntarily divested himself of the power and attributes of an absolute monarch in an apparent effort to adapt traditional Hawaiian sacred kingship, to an extent, to foreign concepts of Kingship and democratic political terms.

In the early years under the constitution of 1840, as Dr. Ralph Kuykendall points out, the "Privy Council" and the old Council of Chiefs. This constitution provided that the chiefs shall be all government councils, and that the kingdom is permanently confirmed to Kamehameha II and his heirs, and his heir shall be the person who he and the chiefs shall appoint during his lifetime, but if there should be no appointment, then the decision shall rest with the chiefs and House of Representatives.

Failing a surviving issue of his body by his heir-producing consort, Queen Kalanianaole, Kamehameha III had sponsored the Royal Boarding or Family School for future monarchs in 1839.

And by a peremptory selection of "heirs", an inner group of eligible royals marked for the throne in childhood was designated for the Royal Boarding School.

Queen Liliuokalani in her autobiography states:

"At the age of four I was sent to what was known as the Royal School because the people were exclusively persons whose claim to the throne was acknowledged."

Accordingly, by Order of His Hawaiian Majesty in Council, on the Nobles or Chiefs at all duly promulgated, approved by Kakaako (Premier), and signed by Kamehameha III June 29, 1840, these children were proclaimed:

1. Prince William Kekahihi
2. Prince Kamehameha
3. Prince Jonah Kūhiō
4. Prince David Kalakaua
5. Prince Albert Edward

At 18 the list of 15 princes begins with Alexander Liholiho, "The Heir Apparent to the Crown" and ends with the royal body of Kamehameha III. Kamehameha III died December 1, 1854, children, by his consort. And Alexander had been crowned and confirmed by the House of Nobles, and proclaimed successor to Kamehameha III under article 23 of the 1832 Constitution.

After becoming King Liholiho, Alexander proclaimed by the terms of articles 25, his son, Albert Edward, by his heir-producing consort Queen Emma, to be his successor.

But the infant Prince predeceased his father, who died Nov. 30, 1863, children, and without a proclaimed heir, in default of a proclaimed heir, article 25 provides for an election by parliament.

However, in an apparent coup d'etat, Kamehameha IV, brother of Kamehameha III, assumed the throne November 30, 1863, however, this was met with general apathy. For as Dr. Kuykendall states, he was "unpopularly recognized" as the "rightful successor.""

Prince Lii, who became Kamehameha V, had been a member of the Pool of eligible Royals.

The latest legislative assembly and the late King had approved a Constitutional amendment, which would add his name to the line of succession via article 105, however, the process was incomplete and required passage also by the next legislative assembly.

The school has been in existence seven years, and has from its commencement educated all children of the highest class of chiefs for whom it was particularly established.

Further, the students who receive instruction at this select boarding school would be groomed to meet the minimum demands of royal definition. The report continues:

...and when due and firm moral and religious sentiment shall have put the finishing on their characters, there will be nothing wanting to make them all that a nation can desire or need in rulers.

There were four constitutions of the Hawaiian Kingdom (1840, 1852, 1864 and 1887). The pool of youthful eligibles would come into play under later constitutions, all of which were more restrictive with changes in king's power.

The first from the Pool of Princes to ascend the throne was Alexander Liholiho, son and nephew of Kamehameha III. Kamehameha III died December 1, 1854, children, by his consort. And Alexander had been crowned and confirmed by the House of Nobles, and proclaimed successor to Kamehameha III under article 23 of the 1832 Constitution.

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Later, proclaimed him, but ultimately, he was not
received by his elder, Queen Kalakaua. It was decided
by Prince William C. Lunalilo.

The Acting British Commissioner, Thos. H. Davis, in writing about Lunalilo
in his official dispatch to London in 1872 stated
Prince William C. Lunalilo...the highest
rank...undeniably entitled to the
 throne...no one denies that Lunalilo has the
 best right to the throne.

Because of his senior claim, Lunalilo was urged to simply proclaim his
accession.

He chose instead to call for a plebiscite and submit to an election. He
was unanimously elected and on January 1, 1873 became King Lunalilo I, the "Established dynast of
new Dynasty under article 25.21

But Lunalilo died February 9, 1874, a bachelor without a proclaimed heir, and
survived by his father, and lifelong heir-at-Law, and his cousin and heir to his
marriage residence, Queen Emma.

U.S. Minister Henry A. Peirce, in an official dispatch to Secretary of State,
Hamilton Fish explains why Lunalilo didn't appoint Queen Emma, who he appears to
favor:

...it was unaccounted why the votes of the
House of Nobles were lavished for his election.23

Again, under the elective process the next monarch would be from the
Pool of Princes. After three constitutions and the reign of three kings, Col. Kalakaua
would yet possess Queen Emma's right to rule. Both were former Royal Students.

We find this reminiscence of Philip Mountains, who in 1911, was created
"Prince of the United Kingdom" though not in line of succession in the British
throne.36

Nevertheless, much ado has been made over Kalakaua's wishes regarding
succession beyond his duty proclaimed successors. Kalakaua wished the line of
succession could have been extended beyond his brother, sisters and niece to even
his concert, Kapalani, his sisters and nephews.

Kapalani was a granddaughter of Kamakau, who had once been a rival King in
Kamehameha the Great. Though negotiation, in the face of the latter's
conquest, his power, Kalakaua was passed the titular status of tributary chief
under the absolute Kamehameha monarchs of the ceded territory of Kauai and
Niihau.35

After Kalakaua died, his son, George Kamakau, led a rebellion on Kauai and
was defeated in the battle of Waialua.

For Kalakaua, as constitutional monarch of a kingdom sanctioned by conquest
to new rule to shift royal power to the Kamehamea line may have been regarded as
somewhat transgressive, if not grounds in itself for revolution.

Yet, if Kalakaua wished to extend the line of succession beyond the
Proclamation establishing Lunalilo as his successor in 1871, the legal means to
do so under article 25 (formerly 21) was to have been disposed of the 15 remaining
years of his reign, provided he could accept the support of Parliament for two
successive sessions.

Having failed to achieve this end, he could express his wishes regarding
succession in his will (executed May 1, 1888 after the political scandals of his reign
resulted in Crisis, which precipitated the "Reigning" Constitution of 1877. How-
ever, both articles 31 and 30 (now article 32) in the new constitution clearly
required the participation of the living and reigning King

Under oath to support the above constitution, Kalakaua died January 29, 1891, children by his concert, Queen Kapalani. He was therefore succeeded by his
proclaimed heir, Lunalilo, January 29, 1891.

In another official dispatch to the Department of State, U.S. Minister Peirce
had reported
The Act, as signed, David Kalakaua, is active in the formation of a party. It
places him upon the throne in the event named. Lunalilo's death with
the consequence that a successor should be appointed by Lunalilo. 37

But after succeeding to the throne, King Kalakaua proclaimed under article 27
his brother, Lealiilili, to be his successor February 12, 1874. 28 Later, when
Lealiilili died, Kalakaua immediately proclaimed Lunalilo, his eldest sister,
to be his successor. 29

Kalakaua became King under the Constitution of 1864 under article 32 of
which Kamakau had established the Sealed Order of Kamakaua. The
Lunalilo under article 31, Kalakaua created more secular orders, decorations,
as well as titles of honor. Where specifically named and appropriately applied, titles of honor would be of
identification value at court ceremonies.

For example Kamakaua IV, by patent, had conferred on him his son and
constitutions, the style and title of
HEREDITARY HEIR APPARENT OF OUR THRONE
VIZ THE PRINCE OF HAWAII

The title was thus descriptive.

Kalakaua, on the other hand, in conferring on his brother, title of honor,
didn't concern himself to the catalog of his line, namely, his sister Lunalilo and
Lunalilo, his niece, Kapalani, or his Concert, Kapalani. He went beyond these
to extend such personal dignity under article 35 to in-laws and other relatives,
including Queen Emma in 1873. 32

Later, Lunalilo would confer on her spouse, John Owen Dominis, the title "His Royal Highness the Prince Consort" 33

On March 9 of the same year, Queen Lunalilo's,
...agreeably to article 27...falling heir of our body...proclaimed her niece,
Princess Kalakaua to be the successor on the throne. 35

Under the existing constitution from which Lunalilo derived her authority
and was under oath to support, she was almost reduced to a ceremonial monarch
with some veto power. 36 And while she could dismiss the cabinet ministers of her
predecessor, once appointed, her own cabinet couldn't be dismissed at pleasure and
was accountable to Parliament. 37

Article 31 provides that
To the king and the cabinet belong executive power. 38

Thus, without the advice and consent of her cabinet, Lunalilo could not act.

Hence, under the existing constitution there was a weakened monarch and a
bipartisan Parliament that had assumed de facto power.

In 1889 a revolutionary proposal for a new constitution was "presented" to
Lunalilo, who was known to be a ceremonial monarch, Lunalilo couldn't promulgate a new
constitution, more or less without the consent of her cabinet ministers with whom she shared
executive power.

To attempt to do so would be to violate her oath of office and thus forfeit
her right to rule. To override her authority, too, would undermine the basis for
consideration of legitimacy needed to command respect.

After the proposal was resisted by her ministers, it was officially rejected by
Royal Proclamation signed by Lunalilo and her cabinet, which stated that
...authority is given for the purpose that any changes desired in the Constitution of the land will be sought only by constitutional
procedures, the Constitution itself... The
In response, a mass meeting of people at Palace Square adopted a resolution
that accepted this decision.
confidence aisle in 1877. It would appear that such recognition for the queen of Hawaii, which now required the consent of the cabinet was well as the acceptance and approval of the House of Nobility beyond the collateral and proclaimed heir, Princess Kaiulani, might well serve as the provostial "Kiss of death."

Parliament could at best, however, wait out the remainder of Liliuokalani's reign until terminated by death or voluntary abdication.}

And there would yet be a third crisis in confidence in store in November 30, 1911 for the aging Liliuokalani, when a law suit alleging "mental weakness" and "submission to undue influence" in the part of Liliuokalani was initiated by her cousin, Jonah Kahu Kalanianaole, Hawaii's second delegate to Congress. The allegations were protested and denied by Liliuokalani and contradicted by credible witnesses.  

At any rate, Liliuokalani, widowed and childless by her husband preceding consort, K.B. M. Prince Owen Kamehameha, and proclaimed by Princess Kaiulani, died on November 11, 1917.

In default of duly appointed and proclaimed heirs, who then could presume heirship to Hawaii's throne?

We know that whatever the relative strength of respect or parliament, the monarchy itself could not retain its integrity or legitimacy without adhering to the enduring and inalienable authority of customary law and tradition.

Hence, Parliament could not ignore the established system of succession, the customary law and tradition governing an elective process under article 22, nor the Chief or Chiefs of the highest recognized lineage, who was by tradition eligible to inherit the throne.

As Queen Liliuokalani stated:

"the unbroken law of Hawaii has required that the greatest Chief, or the one having the most direct claim to the throne must reign. The Legislature could not choose from the people at large, but was confined to a decision between rival claimants having an equal or even equal relation in Chieftthood to the throne."

And in view of the acceptation of Kamehameha IV's Confession in the face of his indisputable right of succession, it would appear that unbroken law or custom had prevailed in his favor.

The government established by the constitutional monarchy may well be regarded as a COALITION that included and was in agreement with the Official faction.
Under the Monarchy her position would be indefensible and untenable, since her peers had been eliminated out by force of arms or elective contests (as arbitrary) by her longevity, having lived until December 30, 1858. The choice among equals and near equals had been simplified, in time, by the process of elimination.

Kamehamea's unique position may be likened to that of Kamahanana V, who assumed the throne as de jure successor or even more so, to that of Lunalilo, who was urged by partisans to simply proclaim his accession.

Charles T. Gutsche, who was a Minister of the Interior under the Monarchy, testified:

As Prince Lunalilo was, according to the Hawaiian standard, of a chiefly rank, superior to that of any one living at the time of his election to the throne, he had no competitors, and his elevation to an hereditary royalty, though by a popular election, seemed in no way to affect the current of events. The position was handed over as almost his by right of inheritance, and was cheerfully confirmed to him by legal formalities.

When, however, it became necessary to fill the throne a second time in the same way, the whole situation was quite different.

In addition to her presumptive heirs, Princess Elizabeth was a woman of unblemished reputation. Her name was exalted by political scandal, nor was it linked with any revolutionary proposals to overthrow the existing constitution. Far from the successor of the Kalakaua monarchy, she would be identified rather with the long history of beneficence of the Kamehameha, who appear to have better understood the role of a Constitutional monarch and the King's responsibility to the entire nation in leading their people into the Modern World.

The constitutional monarch as a unifying force was to be acceptable not by just some factions, but by everyone.

Then, however, was the last of the pool of eligible royalties, whose first rights to the throne by lineage and birth were recognized as valid by the monarchy.

Besides the monarch in truth, through no fault of her own, and as a direct consequence of the overthrow of 1893, Princess Elizabeth the eventual right of succession to the throne of Hawaii, was hence forever excluded from the inheritance, possession and enjoyment of the Crown's Lands income and a lifetime estate in Liholiho Palace.

However, Liliuokalani was determined in 1893 and the monarchy was abrogated. The absence of monarchy prior to annexation of the Hawaiian Islands, 1893-1900, can we conceive of a basis for paramountcy beyond the above privilege?

The Kamehameha Royal Clan was founded in conquest, which superseded the titles of prior Kings and made Kamahama the sole source of title to the Hawaiian land. This absolute right was passed on with the Crown to Kamehameha II and then to Kamehameha III.

However, only if we accept the view of these rulers as representatives of the Kamehameha Clan and the Royal Clan as a corporate body of which the King had been a possession by right of conquest, and if we consider:

1. Kamehameha III voluntarily divested himself of absolute powers to establish a constitutional monarchy.

2. "It was clearly the intention of Kamehameha III to protect the land which he reserved for himself out of the domain which had been acquired by his family, through the prowess and skill of his father, the Conqueror, from the danger of being treated as Public Domain, it was also his intention to provide that these lands should descend to his heirs and successors, the future wearers of the Crown which the Conqueror had won...."

1. Eventually, the Kamehameha Clan would have retained for itself the Crown through its Senior Representative, Elizabeth Kekaulau Pratt.

Then there would arise the question of any reversionary rights or residual interests in the "own land" which survivors of the Kamehameha Clan during the absence of monarchy prior to Annexation (1893-1898) might be compensated.

Having the recognized right to reign, it would remain only for her to receive, under article 25, the formal recognition of the power to exercise that right.

However, should Parliament have chosen to abdicate the system of succession by ignoring the justice of her indefeasible claims, it would be at the risk of interregnum chaos and civil war as a final arbiter.

Likewise, in a final note on the succession of Lunalilo, Gov. Sanford D. B. Duval relates in his diary, that although Lunalilo admitted his claims to an election, he was determined to proclaim his accession if the election went against him.

And as Acting British Commissioner Davies observed in one of his official dispatches to the Foreign Office in London:

"There is little doubt that on the King's decease, Lunalilo might have walked to the palace and simply declared himself King, and called on the few native troops to recognize him with success."

In sum, we submit that Elizabeth Kekaulau Pratt was entitled to succeed Liliuokalani to the throne:

1. By the enduring and inalienable authority of customary law and tradition.
2. By Seniority and inherent birthright.
3. By surviving membership in the Pool of eligible Royals marked as rightful heirs to kingship.
4. By Historical Precedent — by which the pool remained operative throughout three Constitutions and the reigns of Kamehameha III, IV, V and beyond the reign of the "kings" of a New Dynasty, Lunalilo the last.

If the monarchy had survived, Princess Elizabeth was, with the passing of Liliuokalani, the rightful Queen Regent of Hawaii and Stairs of a New Royal line through the only issue of her deceased brother, Colours, who was Prince, Therese Owens Wilson, widow of Hon. Robert W. Wilson, Hawaii's 1st Delegate to U.S. Congress.

RECOMMENDATIONS:

Since a normal procedure for annexation would have provided an acceptable settlement of anxieties to the Monarch and those persons with first rights to the throne

But since Liliuokalani did accept a pension, we recommend that over and beyond any reparations plan, the estates of the following three Heiresses of the Hawaiian Kingdom be compensated:

1. Princess Victoria Kahalani Cingharn
2. Princess Elizabeth Kekaulau Pratt
3. Princess Therese Owens Wilson

for the loss of the right of succession to the Crown and Crown land benefits.

And we suggest that beyond these priorities, a formula be devised for compensating being survivors of the Kamehameha Royal Clan for any conceivable reversionary rights or residual interests in the Crown by right of Conquest. We further suggest that all of the above might be done by a return of a portion of unused government lands.

Respectfully submitted,

Counsel for Emer. E. Müller
et al. Petitioners

Honolulu, Hawaii, October 15, 1912

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NOTES


3. Ibid. p. 63.

4. Ibid. p. 78.

5. Ibid. p. 179.

6. Ibid. p. 262.


8. The Polytechnic, July 20, 1884.


11. Ibid. pp. 31-32.

12. The Polytechnic, January 9, 1895.


15. The Polytechnic, April 5, 1893.

16. Ibid., October 6, 1893.

17. Lydecker, p. 36.


22. P. C. Advertiser, January 17, 1895.

23. Ibid.


25. See page 34 of Lucy Ward, Judge Humphreys and Dr. Stedman as reappointed in Honolulu Star-Bulletin March 27, 1913. Honolulu Advertiser April 2, 1913, and Honolulu Star-Bulletin April 19, 1913, respectively. See also Liliuokalani's comments in Daily Advertiser April 19, 1913.

26. Liliuokalani, p. 69.

27. Mr. Cooke's Official School concluded an 11 year successful experiment when it disbanded in 1856. This family-style boarding school was not in competition with day schools that followed which some of the eligible pupils graduated from "regular" schools with other children of the Kingdom. There was also Mr. Cooke's second "mixed" school, Honolulu, which admitted only to the public schools.


30. John Owen Dominis, through not an eligible royal, received special permission to participate in the Royal Boarding School as a student teaching assistant because his attributes and personal skills enabled him to serve as a peer model of department, diligence, etc. to the royal children. See Cooke, Amelia Starr, The Hawaiian Chief's Children School: An Address, P. C. Tuttle Co., 1924, p. 14.


33. Kuykendall L. p. 75.

34. Lydecker, p. 97.

35. Ibid. pp. 141-143.
Critic of the Draft Report of Findings

I am everyone's friend, no Nevel's or. I would like to respond to the findings of the first draft of your report. I hope that my comments will not find its way to the world because I see that the more than 500 hours of heartfelt testimony presented to the Commission during the January 1982 hearings apparently ended up.

Regardless of the fictitious attempt to revise history by this ignoble group, I feel compelled to respond to this most recent example of human rights and inherent rights of the indigenous aboriginal people of Nevel's.: Ha.

Over since the first westerner alleged to be Captain James Cook stumbled upon the shores of Nevel's, it has been a continual invasion of explorers attempting to dispossess the indigenous inhabitants of their lands (and) natural resources. The deadly tool of economics and the best diplomacy as well as intermarriage were used to achieve these ends.

To allow the statements contained in your report to go unchallenged would be to let the present and future generations of Nevel's Hawaiians, the indigenous aboriginal people of these islands cheat out of their birthright and God given entitlement. We have used accepted, cherished and revered all these sacred islands since time began. From Pepele (Hona) into the northwest to the Big island in the southeast.

For a group of people whose ancestors came from Europe to escape persecution, wonder why so much reference is made to the euphemism of government. The indigenous members of the Committee have stated that Nevel's was unique. Our aim was

Native Hawaiian Study Commission

Page 2

unlike the slave masters of Europe who expected the citizens of the soil to do all the work and keep the reaping in the mainland. The Chins were, before falling victim to germ warfare deliberately introduced by the invaders to decimate the race, locked in the north with the Hahenians or citizens of the soil.

No matter how you attempt to individualize ownership of the land, either by the creation of rings of Queues, this could not diminish or exchange upon the inalienable rights of the first citizens of the first nation Nevel's.

We recognize the continuous abasing involved with the increasing attempts of the landgrabbers which manifested itself in the Great Division of 1848. This led to the most tragic of the colonizers confusion.

Whites laws were never designed for fairness and compassion. It was used for manipulation and theft. This was clearly demonstrated with the unloading of over 700,000 acres by foreigner following the division of 1848.

I would have the larger American and Pacific community will have the opportunity to become cognizant of the robust to your findings.

The absence of a religious section in the report is an added insult to the first people of Nevel's. I expect upon this section is completed, it will reflect a bias in favor of your intentions to erode our rights and usurp your responsibility for the welfare of the people we are presently in.

The indigenous people of Nevel's like the many indigenous nations in lands claimed by America, have an inextricable bond to the land.

Native Hawaiian Study Commission

Page 3

We have a spiritual attachment to the land. The earth is pitted with the bones of our ancestors and we are intertwined with the land and all the rest of the natural environment. Lead to Nevel's by our forefathers.

Neither I nor my associates have given our consent to the horrible injustices and crimes inflicted on our ancestors by those people who with selfish greed would steal our life giving force, the land.

With the racist posturing by this委托ated attempt to extinguish our rightful aboriginal rights, we are deleteriously led to question why the U.S. is a declining empire. For the U.S. is built on other indigenous peoples property and gives.

With the making and breaking of more than 500 treaties with other first nations we can understand more fully why more people refuse to believe the truth about those falsely portrayed America as an enlightened country.

We of course would like compensation for the past and present injustice and oppression committed against our people. Compounded from the time of the arcane rifle companies who hide under names like the commission of safety. In truth such racist groups were heinous to our health and well being.

Your report fails to mention the many political prisoners forcefully raised against their will in the secret areas of Nevel's while white people escape their laws to their leisure.

The unfortunate were victimized by the cold hand and the ache.

You are 1st overlooked the grounded act of deliberately importing 50,000 male labor to work dead bond situation, without their female counterparts, to break out the indigenous population.

Native Hawaiian Study Commission

Page 4
We need to regain the rightful use of our ancestral resources. A history of such moral implications can only serve as a reminder of the suffering endured by the Hawaiian people. The study of the history of the Native Hawaiian people must be approached with caution, as it is fraught with political implications. The history of the Native Hawaiian people is closely intertwined with the history of the United States, and the story of the Hawaiian people is one of resistance and resilience.

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As the history contained within the report, it appears very consistent with the overall narrative of fact and law, which by design favor a preconcerted conclusion. The story told is one of a sacredness of Native Hawaiian society, life style, thinking and acting, in connection with what we bring into our culture. There is an apparent blanket of everything that has happened since the overthrow. The study Commission must find the truth in the history of the Native Hawaiian people.

The study Commission must find the truth in the history of the Native Hawaiian people by carefully examining the evidence and analyzing the circumstances that led to the overthrow. The study Commission must consider the political and social context of the time and the role of the United States government in this event. The study Commission must also consider the impact of the overthrow on the Native Hawaiian people and the ongoing struggle for justice and restoration.

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e favorits of the p.ople (natives) end the only waj for such a sche to
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Chiefs to die first, bet SM traitors to the Cioun recieved ill SM soesurag.-

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that they wet, acting is the best interests of slI the people In ssstini to a..

iscreased developsent take pIece In Kewsi'i, buTThis just isn't .o. There wae
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MInister Hanoi Pierce reported to the Secretary of Stat. is 1s72 thst he strvngmy
ricen concern
felt that given A.srican justice or the biasiket of protection of
that Native Hawaiians would fare so better is the Assrican ystas than the Aaerices
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with the indigenous population shin they ware pursuing s policy of recruitisi
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ewnt they needed when is hal president Harrison. aft.r heering that the Annexationist in Hswai'i were resdy to isv. end bad over 400 srus sot ready to isv.,
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to 'Induce anarchy swi tak, control of the govshnant worked.

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t,ingdon thereby the Aserican governasnt apread to recogoine Hawaiian independence

end desire tu rei.i neutral, thy isn't Auerican interest in fair play being
questioned? Is 1071 the U.S. accepted ccnsetion for a ciA. sgeinst Great

11and, and cssduct.lh.re was there ever say concern except power and profit?

gritairt to tlis tens of 15.5 aillion dollars for feiluos to reaaln Neutral during
the Civil War, why is it not conteiviblb for the kingdoe of Hawaii to cit. 5
siOiist breach of trust against the U.S.?

Secretasy of State, Jes C. Slams. wxOte to June N. Co.ly,
Psq. In Honolulu os tiecuier, i, ugam requesting isdiat. ect ion couc.rning the
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Aserica hid sllot to gain through its' interest in SM Hawaii.
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request by saying the "declis. S the native Hawaiian elnt in th. presence of
sever end sturdier growths ms,t be accepted as an inevitabl, fact" He obvmeusly
felt the U.S. was then i. miss for control over the gover,msnt due to the, "inevi.
table decadence and .xtisction of the natIve race, and Its replacss.nt by another",
though ho was Aure to add, "is at A.sricas sense-sot is in Aeiatic or grmtmqh non.

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There was sever a plebiscIte taken Is Hswai'i sad for one vary
good reason, it weuld never have passedi This is another cosvasiesce our fevon'its

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published to justify their role is the overthrow emS consequently left out of the

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popular versionS of HawaiI history, whIch ars sear carbon copies of then. text.
is the word "sulutary". which vi. used is the original oath each of this. senhiri

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Another possible source of information on the health status of Native Hawaiians might be Gene Marks, B.S., M.S., the medical director of the University of Hawaii who can be reached at 808-544-3020 and asking the operator for HRC-Hoku-Hoku.

I hope this information proves useful to you and if I can be of additional help to you, please let me know.

Sincerely yours,

[Signature]

Assistant Surgeon General
Director, Indian Health Service

Page 2 - Mary H. Lynn-Allen, MD
United States Department of the Interior
NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

OCT 15 1992

Ms. Nona K. Lynn-Allen
Executive Director
Native American Study Commission
P.O. Department of the Interior
12th & C Streets, N.W. Room 4120
Washington, D.C. 20240

Dear Ms. Lynn-Allen:

Thank you for sending the draft report of findings of the Native American Study Commission. I am pleased that the Commission recognizes the potential value of historic preservation to Native Americans, and I congratulate you on the accuracy with which your report treats the subject.

Sincerely,

Jerry L. Brown
Associate Director
National Park Service
Dear Sirs:

I shudder at the thought of much resistance against white people on Hawaii — a legacy that may be traceable to the outrageous reign of King Kalakaua, which was fully responsible for its own fall.

You are hereby directed to handle the Kalahau regime with kid gloves, which are unnecessary, absurd, and a waste of taxpayers' money.

Yours truly,

[Signature]

Kenneth D. Smith

[Address]

Honolulu, Hawaii
Dear Mr. T.-

I have reviewed the Native American Study Committee's "Draft Report of Findings," dated September 2, 1982, and have already provided a review of the report to the Office of Native Affairs. I am not aware that they would object to me sharing my comments with you, and I have accordingly enclosed a copy for your review.

The following points should be noted:

- On page 12, several typographic errors were made in the source for table 9. These errors were subsequently corrected. The population of the islands in 1900 was 82,200, and 83,000. In 1905, 13,200 (1,900) in 1886, and 13,300 (12,537) in 1890.

- I suspect that the actual source for the population estimates for race by island in table 13, page 26, is the Native Health Surveillance Program data rather than the U.S. Department of Labor.

- It should be noted that the literacy statistics for 1890 in table 12, page 27, are not comparable to those for 1900 and later years. The 1890 data, collected for the first time in 1896, did not allow an accurate account of literacy in Asian languages, thus underestimating the actual numbers.

- It should further be noted that the crime data for 1900 (and also for all years combined) in table 20, page 30, are obtained from the inclusion of disproportionate numbers of military personnel. Restricting the data to civilian residents changes the rankings by races.

The source for table 12, page 27, on poverty, is given as the Native Health Surveillance Program, but more likely is the 1970 U.S. Census Update Survey.

Sincerely,

Robert C. Schmitt
State Statistician

December 21, 1982
A study by Hawaiian genealogists Henry, Chang and Hi Ho, further to those conclusions. These authors analyzed 175,000 living birth certificates, 186,729 fetal death certificates for the years from 1948 through 1959. Rating "considerable evidence" that polygyny is not as prevalent as it is through adolescence, they also studied records of the Honolulu blood bank. They concluded that "the proportion of marriage between one known race and one unknown racial group is about 15 percent, while the proportion of marriage between two races of unknown origin is about 25 percent." These ratios are very roughly the same as those that appeared intercensal intervals from 1950 to 1960. A similar study of data from the 1950 census, reported by another after careful study of existing reports, indicated that "polygynous marriages in Hawaii are considerably more frequent than previously supposed."

The survey by the State Department of Hawaiian Home Lands and the State Department of Hawaiian Home Lands for the Hawaiian population, provides an estimate of the number of Hawaiians in 1940. This survey was conducted in cooperation with the United States Bureau of the Census, and was the first national census conducted in Hawaii. The results of this survey indicate that the Hawaiian population in 1940 was approximately 100,000, of which about 80,000 were Hawaiian residents and about 20,000 were non-Hawaiian residents. The Hawaiian residents were further divided into two categories: those of Hawaiian ancestry and those of mixed ancestry. The survey also provided data on the age, sex, and occupation of the Hawaiian population.

In addition to the population survey, the Hawaiian Home Lands Commission conducted a study of the Hawaiian population in 1940, which included a detailed analysis of the Hawaiian population by age, sex, and occupation. This study provided further evidence of the prevalence of polygyny in the Hawaiian population, and indicated that the proportion of marriages between one known race and one unknown race was about 15 percent, while the proportion of marriages between two races of unknown origin was about 25 percent. These ratios are very roughly the same as those that appeared intercensal intervals from 1950 to 1960. A similar study of data from the 1950 census, reported by another after careful study of existing reports, indicated that "polygynous marriages in Hawaii are considerably more frequent than previously supposed."
We suggest revising this paragraph and Table 22 with updated figures from the 1980 ethnic distribution data of the State of Hawaii to reflect the following 1980 ethnic distribution data:

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number</th>
<th>Percent Dist.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>920,269</td>
<td>100.0</td>
</tr>
<tr>
<td>Caucasian</td>
<td>244,922</td>
<td>26.3</td>
</tr>
<tr>
<td>Japanese</td>
<td>231,176</td>
<td>25.3</td>
</tr>
<tr>
<td>Hawaiian/Pt. Hawaiian</td>
<td>179,453</td>
<td>19.3</td>
</tr>
<tr>
<td>Filipino</td>
<td>104,347</td>
<td>11.2</td>
</tr>
<tr>
<td>Chinese</td>
<td>47,275</td>
<td>5.1</td>
</tr>
<tr>
<td>Korean</td>
<td>11,802</td>
<td>1.3</td>
</tr>
<tr>
<td>Blank</td>
<td>11,769</td>
<td>1.3</td>
</tr>
<tr>
<td>Samoan</td>
<td>11,273</td>
<td>1.2</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>6,449</td>
<td>0.7</td>
</tr>
<tr>
<td>Mixed - Other</td>
<td>49,440</td>
<td>5.4</td>
</tr>
<tr>
<td>Unidentified - Other, Unknown</td>
<td>39,123</td>
<td>4.3</td>
</tr>
</tbody>
</table>

We suggest modifying this paragraph and Table 22 with updated figures from the 1980 ethnic distribution data of the State of Hawaii to reflect the following 1980 ethnic distribution data:

If welfare is viewed as a tool for making the deceased members of the family whole, there should be further amplification of the 19.3 percent vacancy rate listed for the State of Hawaii in 1980. Units that are temporarily occupied or intended for occupancy entirely by persons who have residences elsewhere (e., owner-occupied condominiums) are classified as "vacant" in the survey. Shared ownership or time-sharing condominiums are also classified as "vacant", held for occasional use. Both of these types of units are not currently included in the definition of vacant units and it is possible that some rental vacate units appear higher than actual separate rental units.

We recognize how prodigious and difficult an undertaking it is to compile the data book with the limited resources available in this study project and hope that our suggestions, however modest, will assist you in successfully accomplishing your report. If you have any further questions, please contact our Public Information Officer, Chapman Lam, at telephone number 540-4766.

Sincerely,

Franklin T. R. Bunn
Director

The question, then, is from whose perspective is this summary statement made?

Page 42, Section C, second paragraph (Ethnic Stock of Adult Arrestees and Table 22). We suggest modifying this paragraph and the "Number" and "Percent" figures in Table 22 (under "Population") to reflect the following 1980 ethnic distribution data of the DHHR Health Surveillance Program.
those of them who are of pre-dominantly non-Hawaiian ethnic stock and if these numbers were redistributed back to their primary ethnic stock, we suggest that the resulting comparisons may be substantially altered.

Tables 23 and 24 are not consistent in the use of ethnic terms (e.g., the terms "Caucasian," "Negro," and "Indian American" are used in Table 23, while Table 24 uses "White," "Black" and "Indian").

### Table 21

<table>
<thead>
<tr>
<th>Welfare Category</th>
<th>State Population</th>
<th>APDC-UP</th>
<th>Assistance</th>
<th>AG</th>
<th>Food Stamps</th>
<th>Medicaid</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Total</td>
<td>964,461</td>
<td>54,819</td>
<td>5,713</td>
<td>41,557</td>
<td>20,289</td>
<td></td>
</tr>
<tr>
<td>Hawai'i</td>
<td>135,700</td>
<td>16,718</td>
<td>1,546</td>
<td>11,051</td>
<td>5,272</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>15.0</td>
<td>30.0</td>
<td>26.0</td>
<td>25.0</td>
<td>13.7</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>502,165</td>
<td>40,131</td>
<td>7,927</td>
<td>28,123</td>
<td>13,156</td>
<td></td>
</tr>
<tr>
<td>Hawai'i</td>
<td>66,120</td>
<td>12,262</td>
<td>1,762</td>
<td>7,293</td>
<td>1,213</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>10.5</td>
<td>30.7</td>
<td>18.5</td>
<td>17.3</td>
<td>10.7</td>
<td></td>
</tr>
<tr>
<td>State Total</td>
<td>92,053</td>
<td>8,267</td>
<td>1,461</td>
<td>7,064</td>
<td>3,264</td>
<td></td>
</tr>
<tr>
<td>Hawai'i</td>
<td>13,176</td>
<td>2,778</td>
<td>433</td>
<td>1,853</td>
<td>584</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>10.8</td>
<td>31.3</td>
<td>31.1</td>
<td>18.3</td>
<td>17.0</td>
<td></td>
</tr>
<tr>
<td>Federal</td>
<td>70,492</td>
<td>3,825</td>
<td>535</td>
<td>1,131</td>
<td>1,131</td>
<td></td>
</tr>
<tr>
<td>Hawai'i</td>
<td>11,370</td>
<td>1,175</td>
<td>280</td>
<td>803</td>
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<tr>
<td>Percent</td>
<td>16.4</td>
<td>33.5</td>
<td>30.3</td>
<td>11.6</td>
<td>11.6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>20,072</td>
<td>2,006</td>
<td>343</td>
<td>2,527</td>
<td>2,527</td>
<td></td>
</tr>
<tr>
<td>Hawai'i</td>
<td>3,474</td>
<td>135</td>
<td>105</td>
<td>746</td>
<td>746</td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td>14.6</td>
<td>4.3</td>
<td>3.1</td>
<td>11.2</td>
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### Table 22

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<tr>
<th>Welfare Category</th>
<th>State Population</th>
<th>APDC-UP</th>
<th>Assistance</th>
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<th>Medicaid</th>
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<tr>
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<td>10.5</td>
<td>30.7</td>
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<td>10.7</td>
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<td>State Total</td>
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<td>8,267</td>
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<td>7,064</td>
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<td>Percent</td>
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<td>14.6</td>
<td>4.3</td>
<td>3.1</td>
<td>11.2</td>
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</tr>
</tbody>
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**Source:** State population obtained from The State of Hawaii Data Book, 1992. Welfare data obtained from Department of Social Services and Housing, October-December 1992.
The first phase of the Private Sector Drydocking Ship Repair facility study was essentially completed by late May of 1982. The Executive Branch, however, were unable to accept the findings of the study and direct funds for the second phase of the study starting in late October or early November of 1982. The Legislature's original concept was that the first phase contractor would be awarded a contract to start the second phase in early July 1982 - and the total package would be ready by September 30, 1982. The Legislature appropriated the funds with that schedule in mind.

Due to the late start of the second phase, the Executive Branch is understood to be considering the idea of delaying the completion of the second phase to a date later than the end of November of 1982. They may be thinking that action by the 1983 Legislature will be critical and therefore they may be willing to accept a delay in legislative action until 1983. This memo has been prepared to describe the major negative results of such a proposal.

**COMPETITION**

Most of the following established west coast shipyards and ship repair contractors are expected to be in competition with the three or four competent ship repair companies that will develop in Hawaii.

Seattle:
- Lockheed Shipbuilding and Construction Company
- Todd Shipyards Corporation
- Lake Union Drydock Company

Tacoma:
- General Rebuilding Company

Portland:
- Northwest Marine Iron Works
- Dillingham Shipyard, Inc.
- National Steel and Shipbuilding Company

San Francisco:
- Bethlehem Steel Corporation
- Atlantic 
- Pacific Manufacturing Company
- N. A. Machine Shop, Inc.
- Todd Shipyards Corporation
- Los Angeles/Los Angeles: Todd Shipyards Corporation
- San Diego:
  - National Steel and Shipbuilding Company
  - Pacific Machine Shop, Inc.
  - Southwest Marine, Inc.
two of the contractors (Northrop Shipbuilding and Todd-Pearl) use some Navy shipbuilding contracts through 1985. Three others (Northrop, Todd-San Pedro, and Sasebo) have declined Navy shipbuilding contracts ending between 1983 and 1985.

At least some of these fourteen prospective contractors would therefore be expected to be quite interested in getting any new homeported ships for repair on the west coast, holding presently west coast homeported ships from being relocated to Hawaii and getting new ships which are added to the Pacific Fleet to be homeported on the west coast.

Available for the short run is between $600 million and $800 million of annual Navy ship repair and modification work, which is increasing at the rate of 7% to 9% a year -- at least through FY 1985.

However, these ship repair contractors (and their supporting political entities) wish that intact in 1982/1983 may very well remain at least until 1984/1985. The Navy plans ship repair at least 5 years before the actual drydocking and repair dates.

As noted in the Private Sector Drydock Ship Repair Facility first phase study, Hawaii has attractive advantages for the Navy if we can get our act together.

If Hawaii does not move with strong leadership and sense of purpose, however, the business will stay on the west coast. Once new facilities are built and new personnel are hired in California, Oregon and Washington, it will be quite difficult to relocate much of this business to Hawaii.

FEDERAL BUDGET

As suggested in Figure A, the Federal budgets for FY 1982-1985 are fairly well established. They are "Reagan Administration budgets". There is naturally some uncertainty about the FY 1986 and beyond budgets. A possible new Administration may decrease Navy ship repair outlays, may decide to increase the capacity of government shipyards, and may use the funds to fund (government, contractors, labor) when the resultant income was fairly certain. They may also make some special consideration in later years.

As noted in Figure A, the investment group who will be asked to underwrite the necessary capital facilities would have 25 months of quite certain high level income if they act on or about May 1, 1983. There would be 24 in the latter case their financial drydock may only have 8 months of operating "security" after his first successful navy frigate drydocking.

Support

A possibly unprecedented historic opportunity is in danger of "slipping through Hawaii's fingers".
Fifteen identifiable interest groups seem to have a close relationship with the development and growth of Hawaii’s maritime industry. These groups could also claim that the culture of their respective ancestors was destroyed by the development of the two-stays drydock ship repair facility.

Exhibit E.2 lists these interest groups. The key leadership in each of these groups should be contacted as a result of the first phase of the study to obtain their reaction to the results of the study.

Exhibits E.4 through E.15 provide indications of the support for the program that has been extended in the form of financial support. These exhibits are intended to inform the public about the need for better awareness and understanding of the status of the program.

Additional evidence of this support evidenced by the Hawaii Integrated Fleet Support Industry is the large number of interest groups that have been identified. These groups include labor organizations, ship repair facilities, other established ethnic groups, and the Study Commission, the Children’s Center, the B.S. Bishop Trust and other Hawaiian community agencies and groups.

Our thanks to all the interest groups that have been identified and are listed in Exhibit E.2. Their specific and general comments follow:

Ms. Kina’s Hunt Kaname!
Page Two
January 31, 1983
Dear Sir,

Before earning a Juris Doctorate in Law, I was a graduate student of History at the University of Hawai‘i. Over the years since then, I have become familiar with the title by descent of Elizabeth Kamakau Pratt to the Hawaiian Throne.

Her title is well-supported by documented proof. Naturally, I am surprised that this knowledge is not reflected in the findings of the first draft of the Native Hawaiian Study Commission Report (pp. 159–161).

Instead, what does come into clear relief seems a miracle of misunderstanding of how the monarchical system worked. The statement that the election of King Kamehameha V prolonged the line of succession from the Kamakau line to the Hawaiian line (p. 126) is very misleading and is contradicted by the history and constitution of the Hawaiian Kingdom.

Thus, it invites the erroneous conclusion that Kamehameha V had the authority to establish a line of succession comparable to that which exists in Great Britain today.

By the terms of Article 27 of the Constitutions of 1840 and 1847, as published in Robert G. Speckter’s Hawaiian Legislatures of Kamehameha V’s election did make him the “kinehine” or starting point for a new royal line. However, without an issue of his body, the only way he could establish a line of succession was to petition Parliament (Articles 80, 82), for a constitutional amendment elevating himself to the succession. Such was not the case. Therefore, Kamehameha V could only be succeeded by a single successor, Liliuokalani, his nominee, who was ratified by the House of Nobles and publicly proclaimed in his lifetime through the terms of Article 27.

King Lunalilo was also an elected “kinehine” or starting point for a new royal line Feb. 3, 1874. But failing both on issues of his body and a ratified nominee, there was no line of succession. Excluded were Lunalilo’s father, who inherited a life interest in his estate, and Lunalilo’s many cousins including Queen Kapiolani.

Again, Kamehameha V was survived by Princess Ruth, his half sister and sole heir to his estate. But Ruth was not in line of succession.

Under these circumstances, there would either be no interregnum, as in the case of the accession of Kamehameha V, or election by Parliament would be reduced to a method of installation, which might have been the case in Lunalilo’s succession had his preemptive right (as an eligible) not been contested by Kamehameha V.

At any rate, since a preponderance of documented proof supports Elizabeth Kamakau Pratt’s exclusive right to succeed Liliuokalani, I seriously doubt any study that purports to understand and take into account the law of succession of the Hawaiian monarchy can be entitled to credibility.

Sincerely,

Bernard W. Thompson
Superintendent
Dear Kina'u:

Enclosed find our detailed criticisms of the Native Hawaiians Study Commission Report. We urge you to reconsider your continued support of the draft report, given its many failings and themeless bias against compensation. We believe our various criticisms will enhance the position argued by that Office.

Our comments are intended to interface with those which will be submitted in writing by the Office of Hawaiian Affairs. We believe our various criticisms will enhance the position argued by that Office.

Finally, we urge you to reconsider your continued support of the draft report, given its many failings and themeless bias against compensation to our people.

Respectfully submited,

Dr. Hamuel Kay Trask
Assistant Professor, American Studies

Dr. Max Kelly
Assistant Professor, American Studies

University of Hawaii at Mano

November 23, 1982

Kina'u Kamali'i, Chair
Native Hawaiians Study Commission
P.O. Box 992341
Honolulu, Hawaii 96850

The Native Hawaiians Study Commission Report

This critical review of the Native Hawaiians Study Commission Report (WHSCR) was compiled by Hamuel Kay Trask, Assistant Professor, American Studies-Mano; Millian Tesh, Attorney; and Max Kelly, Anthropologist, U-Mano and Bishop Museum.

History:

The Native Hawaiians Study Commission Report is the culmination of over 10 years of political activism by various groups within the Hawaiian community who began in 1971 for restitution from the American Government because of its involvement in the overthrow of the Hawaiian monarchy in 1893, and the dispossessing of our people and our lands. During the course of lobbying, the bill was changed several times. The original request for a reparations commission was diluted through years of Congressional haggling, resulting in a "Study" commission. By 1980, the idea of the commission had been considerably diverted from that initially argued in 1971. Rather than an investigation into the possibility of restitution, the commission was only directed to "conduct a study of the culture, needs and concerns of the Native Hawaiians."

Commission:

The Commission was appointed by President Reagan. Six of the nine members are non-native, mainland, Reagan administration appointees. Three of the nine members are native Hawaiians from Hawai'i. The Chair of the Commission is Hawai'i Republican, Elize Kamali'i.

Organization of the Report:

The report is divided into three parts: Socioeconomic and Cultural—160 pages; and Federal, State and Local Relationships—200 pages.

General Criticisms:

1) The fact that a majority of the Commission members are non-native, Reagan-administration appointees biases both the attitude and atmosphere in which the report is written. Claims to objectivity are seriously eroded by the presence of people who represent an administration on record in support of the extinguishment of all American Indian treaties. The Reagan administration has actively supported the passage of the Indian Settlement Claims Act in Congress. This Act effectively abrogates all Indian treaties and releases the American Government from its responsibilities to the Indian people. The Commission should have a majority of native Hawaiians, while the remaining comments should be drawn from non-governmental sources.

2) The report has not been signed by its authors. Names and qualifications of individuals who wrote the report should be made public. Given the significance of this report, it is imperative that native Hawaiians know who wrote the report.

3) The report was written by two individuals from the Naval Historical Center in Washington D.C. William Dudley and Lt. Donna Nelson co-authored Chapter II of Part II. The title of this section is "Diplomatic and Congressional History of United States Relationship with Hawai'i and Native Hawaiians." The report claims that this section is particularly sensitive and crucial to this study. (Thereupon) the Commissioners have determined that written by a professional historian with qualifications in the relevant historical period is essential. (p. 176 WHSCR)

Despite this claim, the Naval Historical Center has revealed that neither Mr. Dudley nor Lt. Nelson are specialists in the historical period between 1893 and 1900 regarding diplomatic relationships between Hawaii and the U.S. Both the Center and the two authors are specialists in the American Revolution and the War of 1812. In this case, the report has stated a deliberate falsehood with intent to mislead the public.

4) According to the Federal Office of the Native Hawaiians Study Commission, in 1980, the third chapter of Part I which deals with the crucial questions concerning whether Hawaiians are entitled to compensation for loss of land and sovereignty was written under the direction of Carol Dumas and Lois Scudder in the Department of Justice. This chapter, like the one which precedes it, is written in an adversarial tone with the specific purpose of arguing against any compensable claims by Native Hawaiians. Such an argumentative and biased rendering of this section, including the exclusion of opposing positions at certain points in the investigation, clearly demonstrates the inadequacy of this portion of the report. Under such conditions of writing, there can be no fair hearing of the issue of compensation for loss of land and sovereignty.

Moreover, the involvement of the Justice Department reveals a larger bias. Because the Justice Department has as one of its purposes the protection of the U.S. Treasury from claims made against it for monetary compensation, the report is in a clear conflict of interest with regard to its duties to conduct a fair investigation into whether Hawaiians have any compensable claims against the U.S. Government. It is not at all surprising that Chapter III concludes that Hawaiians do not have any legal basis for compensation for loss of land and sovereignty. The Justice Department should have no involvement with the Native Hawaiians Study Commission report at all. Its current involvement in the report leads us to conclude that a purposeful and deliberate attempt has been made to prevent a full discussion of the issues, and indeed, to bias the report against compensation for Native Hawaiians.

5) The three charges of the report are to study the "culture, needs
and concerns of the native Hawaiians. One third of the report is entitled, namely the Culture and Religion sections. Given that an understanding of Hawaiian culture and religion are essential to an understanding of ancient land tenure, and thus to the question of compensable claims for lands, the exclusion of these sections for public comment renders the report seriously inadequate. Moreover, the contemporary concerns of native Hawaiians regarding the survival of their culture and religion are also not addressed. Neither are questions of religious rights addressed, especially the problems surrounding the protection of Hawaiians under the Foreign Religion Act.

Given the importance of these questions (e.g., the rights of Hawaiians to practice their religion on Kaho'olawe Island), failure to include a discussion of these issues increases the inadequacy of the report.

4) There is no discussion of the question of native Hawaiian political rights, for example, traditional rights such as fishing, access, gathering. Given that Hawaiians have been arrested for practicing these rights in the modern period, a discussion of their importance is mandatory.

5) There is no serious discussion of the two Federal trusts which Hawaiians have with the federal government, namely the Hawaiian Homes Trust and the ceded lands trust in the Admission Act. The mere appending of the Department of Interior’s Audit Report on Hawaiian Homes is insufficient. Moreover, the report does not include a discussion of the informational report by the Hawaii Advisory Committee to the U.S. Commission on Civil Rights entitled “Breach of trust Native Hawaiian Homesteads.” There is no discussion of the question of the ceded lands trust as exhaustively studied by William Tress in her report for Alu Like, Inc. entitled A Study of Section 6(c) of the Admission Act of the State of Hawaii.

6) There is no discussion of the various political struggles of the Native Hawaiian people over the past 12 years regarding their birthrights to the land, their rights of self-determination as a political entity (Hawaiian Nationalism), and their struggle to preserve and assert their cultural integrity, including their indigenous religion. The report should include an extensive section dealing with the following struggles but not limited to them: Hanalei Valley, Hanalei Stadium, Waioli/Naalehu, Hula Heiau, North Molokai, Molokai-Hele/'ana, Olowalu Deep Draft Harbor, Kaluakoi on Molokai, Kaluakoi/Kalalau, Kealakekua Bay, Waimea Valley, Hilo Airport, Kukuihaele Village, Naalehu Island, Save Our Surf, Hanae Beach on Maui, Hoke Federal lands on Maui. The purpose of addressing these struggles is to fully illustrate the deep concerns of many Hawaiian communities over the past decade regarding their rights—political, cultural, social, civil, and economic. Exclusion of a section on these community efforts gives the appearance of a lack of interest by Hawaiians in their own affairs, supporting the report’s attitude that Hawaiians care very little about their present state of affairs.

5) The report gives no evidence of the numerous hours of oral testimony that was delivered by the Hawaiian public at several State-wide hearings. There is also considerable omission of other testimony that was written. Our conclusion is that the Commission did not take their charges seriously nor did they give sufficient attention to the testimony of hundreds of Hawaiians.

6) Finally, we feel that the time for public review is much too brief, and that the miniscule number of reports that were written forecloses the possibility of serious public discussion of the report. We recommend a 6-month extension for public comment, and a reissuing of the report in substantial quantity to allow the public access to its findings.

Specific Criticisms:

1) There is a general bias throughout the report toward the supremacy of Western culture. For example, when writing of education in Hawaii the report states on p.31 that “formal education in Hawaii” began with the arrival of the missionaries in 1820.” This is a factual error. It is not “education” which began with the missionaries, it is “formal Western education” which began with the missionaries. The distinction is not only accurate but also very meaningful. The report attempts to give the impression that Hawaiians did not value education since they had none of their own. In fact, Hawaiians had their own system of education which served them remarkably well. They were the finest navigators, agriculturalists, and fishermen in the Pacific. They also practiced a complex cultural and political system that allowed them to flourish for over 1500 years. This kind of bias is present in various parts of the report where ignorance of native Hawaiian culture is combined with a Western ethnocentrism to produce a larger image of a stereo-typed “ignorant” primitive. Other examples follow. On p.115, the discussion of Kamehameha II is filled with biased judgments about the king’s behavior—it is referred to as “inhuman”. While the review of native culture in comparison to the missionaries is referred to as “heathenish.” This kind of language has no place in a report which has pretensions to being objective. Moreover, there is no discussion of the Hawaiian point of view, and the missionaries are praised when in fact they served as the bringers of American religion. Thus, the report is biased against Hawaiians (describing them in the above language) while also manifesting a strong bias towards the West (the missionaries, the military, the American government). In no way can this report be seen as objective or thorough. When such historical works as Lawrence Wark’s Hawaii’s Hanae are published by the University of Hawaii Press they are excluded from any discussion of racism. In the absence of such an objective attempt to give a fair rendering of both Hawaiian history and the involvement of Americans and America in bringing about the current conditions of opposition for Hawaiians.

2) Statistics: This section is both poor, in terms of giving an accurate picture of the present state of Hawaiians, and dishonest in some cases because it appears that data was purposely manipulated to give a false impression. Thus, some data has been exclude while other data has been manipulated. We are not statisticians, nor do we claim to comment on this entire section. We recommend that this section be redone with qualified personnel writing the analyses and using current data. We have the following comments to submit:

Income—p.38: This section claims that in 1960, the median income of Hawaiians was higher than that of Caucasians. This is misleading, although on the face of it accurate, because military income is included in the Caucasian income which lowers the range considerably. Data that should be used here are 1975 CES census update information, not the 1970 information. The 1975 information will show that Hawaiian and part-Hawaiian personal income was well below both the Caucasian and State-wide figures. Family income was also lower. Hawaiian—$5,684; State $7,193.

(b) critical justice—p.47: The population estimate in Table 23 for Hawaiian/Part-Hawaiian in the crudest estimate which could have been used. The most sophisticated survey is the Health Surveillance Program—a very carefully done enumeration—which shows over 3,900 Hawaiians and over 166,000 part-Hawaiians. The total is more than 195,000 or more than 18% of the total population. Thus the actual figure for population is more than 50% higher than the figure used in Table 23. This section does not include any figures on incarceration. A study done by University of Hawaii sociologist Jess Keravanshin shows that nearly 60% of the prison population in Hawaiian/Part-Hawaiian. Nor are there figures here for the number of Hawaiians in federal prison. These statistics are crucial since they reveal racism in sentencing and other judicial practices as well as the overall state of apprehension of Hawaiians.
c) Health—infant mortality—p. 4): the report purposely chose a year, 1900, in which the infant mortality was lower. The impression which is given, as stated by the report itself, is that “by 1900, the situation concerning infant mortality” had improved considerably. This statement is false since the rate for 1979 was over 16 per 1000 live births, while the rate for 1980 was 12 per 1000 live births—each year over the State-wide rate. Thus, in order to state that the infant mortality rate has improved considerably for Hawaiians/Port-Hawaiians a study of the years between 1963 and 1981 should have to be made. Individually, these years show a consistently high infant mortality rate for Hawaiians over the rest of the State’s population.

c) acute and chronic conditions—p. 54: the cancer rate for Hawaiians should include data from the Hawaii Tumor Registry 1973-1977 which shows that Hawaiians/Port-Hawaiians have the highest rate of cancer for stomach, breast, lungs, uterus and other categories, and that for lung cancer, the rate for Hawaiians is increasing at the fastest rate of all ethnic groups. Moreover, there is a national statistic which we have not been able to locate, that was issued in the local papers in November of 1981 stating that Hawaiian women have the highest cancer rate in the United States.

d) socio-political status—p. 65: the report states that “it is very difficult for any one group to maintain discriminatory attitudes towards another or to become dominant over others.” This is a falsehood given the dominance of whites in Hawaii since the overthrow. Again, Lawrence Fuchs’ requested history will confirm this fact. ——p. 67: this entire section fails to discuss how native Hawaiians were excluded by property qualifications and coercion from participating in the political realm. Again, section is not discussed at all. ——p. 70: the report states that “assimilation for political office are not helped by appealing to one ethnic group over another”. This is also a falsehood since elections are constantly characterized by ethnic appeals; in modern Hawaii there are the beneficiaries. By arguing that Hawaiian land tenure was feudal, the report can then make the arrival of private property during the Great Hui-i appears to be the democratic effects of industrialization. In fact, private property brought by Americans actually alienated the people from the land.

p. 113—“western bias, misstatement of fact: While it is true that the missionaries were prohibited from acquiring land while they were members of the American Board of Commissioners for Foreign Missions, they in fact began to acquire land in enormous quantities after they left the mission. Here, the bias towards the missionaries is extreme in this section for two reasons: they are removed of responsibility for bringing disease and cultural degradation: that they sustained the decline of Hawaiians, and they are elevated to the point of actually appearing as redeemers of the people. The facts, however, are otherwise. Missionaries are responsible for taking land, for bringing death and disease, and for imposing a foreign religion which separated the Hawaiians’ relationship to the earth. They are the perpetrators of colonization in Hawaii, and their descendants controlled most of the sugar plantations—the Big Five corporations of Cattle and Cooke, Alexander and Baldwin, and C. Brewer all had missionary connections. Moreover, there needs to be a discussion of the role of missionary-descended individuals in the overthrow of the monarchy, and particularly in the creation and functioning of the Provisional Government.

p. 123—“western bias: there is no discussion of Hawaiian Destiny as an outcome of American imperialism. This outlook cannot be delineated. We support the Commission address the question of American Imperialism from a serious scholarly perspective, naming works such as Richard Gorton’s Facing West: The Metaphysics of Empire-Building and Indian-Hating.”

PART II:

Chapter I: Part II: This section is so biased and inaccurate, we have re-written it. This portion of our criticism was compiled by Nathan Naka.

"Before 1790, and for another 50 or so years after, Hawaiians controlled, managed and used their own land. We know that they did, because before foreigners-came-only Hawaiians lived in the Hawaiian islands. They had a flourishing civilization based on agriculture and fishing. Their relationship to the land was based on traditional use rights to all the resources of the land and the sea. The Hawaiian farmers’ use rights to the land were established by the hundreds of thousands of Hawaiians throughout the centuries who spent their lives cultivating the soil and making it productive.

"It was Hawaiians who managed the land. It was Hawaiians who built large, agricultural terraces and irrigation systems. It was Hawaiians who built fishponds to provide more food. Hawaiians were the only people here. They were the ‘triple landholding entity’ with ‘actual and exclusive use and occupancy’ of the land in all the Hawaiian islands. (Quoted phrases are from the report) Hawaiians were present in Hawaii for 1500 years before foreigners arrived. Among the foreigners were Americans. They brought the Western system of private ownership of land. It was this system that took the land away from the Hawaiians in the mid-1800s. Later, it was Americans who overthrew the Hawaiian Government by force of arms in 1893.

"In early Hawaii when Polynesians first arrived—the time of Ka’iulani, of peace and calm—people all worked together. No one was above or below. In later times, as the population grew, the elders became the chiefs who managed the resources that Hawaiians attributed to the gods. That which was created by the gods, they reasoned, belonged only to the gods. As administrators of the gods’ domain, the chiefs assumed ownership of land to farmers to cultivate. When the population of a land increased, the chiefs and engineering experts—the huihui—planned larger gardens. The people
Chapter II and Chapter 111; Justice Department raises serious questions of credibility and fairness. Written in an adversarial tone, with bias and purpose, the involvement of the Hawaiian government before 1893 are false in that the Queen (Lili'uokalani) ceded any compensable rights. The land was not the private property of chiefs; they were only the caretakers of every Hawaiian's right to the land and its resources.

"Hawaii had a full and well-developed civilization. They had their own distinctive language, literature, music, dance, art, kinship, social structure, religion, stable work relationships, economy, and island territories. They were a unified group. They were geographically isolated here from non-Polynesian people.

"When the first foreigners came in the late 18th century, these invaders began to influence and change the lives of the Hawaiian people. Most of these changes were to suit the needs of the foreigners. Often they were made under the threat of conquest by powerful Western countries. Fighting among themselves, these Western countries were doing colonies, taking away the sovereignty of small nations all over the world, many of which were in the Pacific. These are facts of history which cannot be denied."

"The overthrow of the Hawaiian government in 1893 by American sugar businessmen with the protection of the United States gunboat, the U.S.S. Boston, was only one in a long series of foreign interventions into the affairs of the Hawaiian Kingdom. Earlier interventions led up to the overthrow. A few of these were:

1) In 1794, the English Captain George Vancouver influenced the Hawaiian chiefs to support one chief over all others. Vancouver actively supported Lili'uokalani as this chief.

2) French Captain Louis de Freycinet directly influenced the Hawaiian people to leave their lands and return to the land."

But the farmers and fishermen, who comprised most of the people, never received their rights to the land and its resources. These were never fully given to the maka'aina. The people's use rights in the Crown lands, and in the Government lands, and in the chiefs lands were never fully recognized, and then never fully extinguished. Less than one percent of the land went to the people. Only about 25% of the people received land. The remaining 75% of the Hawaiian people never received their lands. In fact, they were made landless by the treaty and the infamous act which followed it in 1850. Today, as a result of these events, 95% of Hawaii's lands are owned and controlled by only 75 major landowners."

Chapter II and Chapter 111:

We concur with the official reply made by Nobuko Nakanishi on behalf of the Office of Hawaiian Affairs in these two chapters. In addition, we would like to stress two points made at the beginning of our critique: this section is written in an adversarial tone, with bias and purpose. The involvement of the Justice Department raises serious questions of credibility and fairness. And the role of the Naval Historical Center, including the deliberate falsehood that Mr. Dudley and Lt. Nelson are qualified historians in this particular period, forces us to the conclusion that this section was written in order to prevent any remorseful "as an act of Native Hawaiians."

We would like to add the following comments to those of Ms. Nakanishi:

1) The findings that tribal title was extinguished by acts of the Hawaiian government before 1893 are false in that the Queen (Lili'uokalani) ceded the Crown lands to the U.S. which by the acts of its Minister Stevens surrendered the sovereignty of the Hawaiian Kingdom to the Provisional government.

2) Both tests for native title—aboriginal title and recognized title—were developed in terms of Indian case law and history. As such, these tests are not applicable to Hawaiian history or legal developments. Hawaiian people are not Indians. Consequently, there is no way that native Hawaiians would historically or culturally meet said tests. The Indian tests are only usable as analogies, not as absolute tests of title.

3) The report states that sovereignty lost by Indian tribes was lost due to their dependent status and the fact that Congress can take away sovereignty without compensation under the 5th Amendment because sovereignty is not a compensable property right.

The above is correct regarding Indians because Indian lands were lost by "discovery and occupation" and because Congress under the U.S. Constitution has authority to deal with Indian Nations through treaty laws. This creates a relationship between Congress and the United States government. But Hawaiians ceded their lands (under the Queen) in executing their property rights and extinguishing the federal government for the creation of the trust rights which attach to the lands of the State. Consequently, what emerged in Hawaii was a trust obligation and a property right. Therefore, as said obligation is breached, native Hawaiians have a compensable claim.

4) The report states that there is no trust relationship between the United States and Native Hawaiians that has been established by U.S. law. The above finding is based upon the assumption that my trust relationship between the United States and Native Hawaiians would be "very similar to the trust relationship between the federal government and U.S. Indian tribes," this is false for reasons already stated above.

Finally, a trust relationship does indeed exist between the U.S. government and Native Hawaiians and has been acknowledged by the U.S. Department of Justice in an Antitrust Division brief to the U.S. Federal Court in the Amfac-Panamex case. The State of Hawaii through its Executive has acknowledged that a trust relationship...
relationship does exist between native Hawaiians and the U.S. Government and that, moreover, the actions of the latter regarding fulfillment of this trust have been "questionable." This finding is included in the Draft Report of the Native Hawaiians Study Commission at page 325 and makes specific reference to the Inspector General's Audit Report contained in the Draft Report of the Commission at page 323,出てing from page 328.

The U.S. Congress created the ICA. The federal government and jurisdiction over its implementation when Hawai'i was a territory and received trust responsibilities outlined in the MICA and Administration Act of 1959. The basis for interpreting the U.S. Department of the Interior (DOI) rule as "mischaracterized" in a 1972 memorandum of 1946, is not clarified. The draft report does not discuss whether this position is still considered adequate or whether the federal government's trust responsibilities are more extensive in scope and active in nature.

The draft report describes specific actions by the federal government that are questionable without recommending corrective actions. This refers to the DOI approval of MCA land exchanges and the illegal use of 1,796 acres at Lualualei, O'ahu, by the U.S. Navy.

8) The Native Hawaiians Homestead Act of 1900 and the Admissions Act of 1959, section 5(f) contain specific references to the U.S. trust responsibility, including the role of the U.S. to bring suit for breach of trust.

It is our conclusion that the draft report of the Native Hawaiians Study Commission is a thinly veiled attempt to provide a basis by which the U.S. can escape its trust responsibilities and withhold compensation for its acts in breach of trust. Compensable acts which should be dealt with include:

A. Failure of the U.S. to monitor abuses in the State of Hawai'i's management of Hawaiian homestead lands. This is a breach which the Native Hawaiians Advisory Committee to the U.S. Commission on Civil Rights (October, 1980) suggested be enforced by way of litigation brought by the U.S. Department of Justice.

B. Transfers by the U.S. of Federal Surplus lands pursuant to federal laws applicable to mainland United States in disregard of the procedures established in the Revised Conveyance Act of December 23, 1953. Page 6, 69, 229, 60 Stat. 472. This recent example here is the attempted sale of Fort DeBussy in Waikiki by the

The modern history of Hawai'i, and the U.S. presence there, has been a story of conflict, displacement, and resistance. The native Hawaiian people have a unique relationship with the land and have been subjected to various forms of oppression, including the imposition of Western laws and customs. This document discusses the trust relationship between the U.S. and native Hawaiians, examining specific actions taken by the federal government and advocating for compensation for breaches of trust.

The draft report also addresses the U.S. role in the overthrow of the Hawaiian monarchy in 1893. It highlights the loss of native Hawaiian lands and resources, as well as the imposition of Western values over Hawaiian culture. The document calls for the report to be rewritten by qualified individuals who have a clear interest in finding a just resolution for Native Hawaiian claims.

Finally, the draft report recommends extending the deadline for public comment to allow for a broader range of voices to be heard. It emphasizes the need for a fair and impartial process to address the historical wrongs committed against Native Hawaiians.
capitalist practices of private property and finally repudiated by the overthrow of their government and subsequent political domination by America. As the century progressed, the plight of native Hawaiians worsened with their new legal status as "wards" of the American government through two federal trusts established in the Hawaiian Homes Act (1920) and the Admissions Act (1959). Far from acknowledging the cultural and historical rights of indigenous Hawaiians, these trusts confined them to a much diminished and much abused land base. For example, in neither trust is there any recognition on the part of the federal or state governments that native Hawaiians have the historical right of political and economic self-determination, a right which America has long held central to its ideals of democracy and consent of the governed. Neither is this right likely to be acknowledged as long as the United States refuses to admit culpability, both moral and legal, in the colonization of the Hawaiian Islands.

The following historical summary is intended as an overview of the sweep of Hawaiian history with special focus on the ancient culture of Hawaiian society, the fatal results of Western impact, particularly American domination, and the more recent response by native Hawaiians to contemporary historical conditions. In the interests of presenting the most comprehensive picture possible given severe time constraints, the organization of material follows both a chronological and thematic framework. Section I will deal with precontact Hawaii; Section II will present an economic and political history from 1778-1983.

Prefatory Note

Virtually all scholarly histories of Hawaii begin in 1778 with the fateful encounter of Captain James Cook and the Hawaiian people. Human society has in fact existed in the Hawaiian Islands since sometime before 400 A.D. Thus, the conventional historical practice of choosing 1778 as the starting point for Hawaiian history is comparable to writing a history of the United States and ignoring everything that occurred before 1957.

It should not be assumed that this historical practice can be explained by mere oversight. For history, as Lord Acton long ago observed, "is not a web woven with innocent hands." By beginning their histories only with the arrival of Western civilization, historians reveal immediately the implicit assumption of Western society whenever it encounters indigenous people and their cultures: such people and cultures are important only insofar as they help or hinder the actions of the invader.

By beginning a history of Hawaii with the indigenous peoples, or the other hand, a writer is doing more than relating his or her respect for the integrity of early Hawaiian society. The Western invasion of Hawaii took many forms—commercial, bacteriological, religious, and military—and left in its wake the ruination of human and social devastation. Only by first understanding something of the world that was, can one even hope to understand the shameful tragedy of the world that was lost.
In a brilliant work of scholarly synthesis, anthropologist Stanley Diamond some years ago proposed a typology of characteristics that distinguished indigenous societies from those of the modern West. As a preliminary guide to the structure of Hawaiian society before Western contact, portions of Diamond’s model are worthy of scrutiny.

1. First, the economies of indigenous societies, Diamond argues, are generally “communal”—i.e., “those material means essential to the survival of the individual or the group are either actively held in common or, what is equivalent, constitute readily accessible economic goods.” Even in these societies (such as that of late pre-contact Hawaii) where a class structure develops, Diamond notes, “it rarely results in the economic domination of one group or individual by another.” On the contrary, since it is economically non-competitive and lacks a genuinely acquisitive socio-economic character,” and since, even when a hierarchy develops, “production is for use or pleasure rather than for individual profit,” such a society is one in which, for example, “no man need go hungry while another eats.”

Money—that is, “an abstract, intrinsically valueless medium for appropriating surplus, storing value and deferring payment or delaying exchange”—does not exist in indigenous societies. Neither does the Western concept of economic private property “ownership.” This latter point is particularly crucial to understanding pre-contact Hawaii, or any indigenous society, especially since it has so often been misunderstood or misconstrued by both advocates and critics of communal indigenous societies.

In his work, Diamond pointed out, conventional ideas regarding “property” in indigenous societies do not mean (as English, for example, supposed) that everything in such societies, including wives and children, is owned in common; this idea, as he put it, “conceives a false image of an absolute, monolithic, social, economic, and psychological collectivism.” Nor, in the absence of this extreme, should we suppose the opposite—to some hear—that even incorporated things such as songs, magic spells, court rituals, or spirits are “owned” by individuals. Both of these misinterpretations result from an inability or unwillingness to consider a reality beyond the parameters of the Western world view. Both of them fail to recognize the unique ground that is repeatedly seen in the workings of indigenous societies: ownership can and does exist, but in a way that is independent of basic economic functions—that is, in Diamond’s words, “it does not endanger and is irrelevant to the communal functioning of the economic base.”

In our, although possession is possible in indigenous societies, private “ownership” of economically essential goods—including, most importantly, land—is not. Such societies, as Diamond puts it, “unofficially possess a communal economic base; economic exploitation of men by men, as we know it in archaic and modern civilizations, is absent.” As a result, “the expectation of food, clothing, shelter and work are not juridical because they are unconditional.” As for the land, perhaps the eminent Harvard anthropologist Louis Le said it best more than thirty years ago: “That is, for us land, either, or ownership, or rights of use and disposal, is for other societies an intimate belongingness, or an attitude in which people conceive of themselves as belonging to the land, in the way that flora and fauna belong to it. They cultivate the land by the grace of the immortals spirits, but they cannot dispose of it and cannot conceive of doing so.”

2. Leadership and social organization in indigenous societies, like the economy, tends to be “communal and traditional,” Diamond notes, “not political or secular.” This is not to say that there are no leaders, but that the entire fabric of society—all meaningful social and ideological relations—is seen as synonymous with an integrated network of kinship. Even in relatively large-scale indigenous societies, such as those in Hawaii at the time of Western contact, “where hundreds of people may be said to descend from a common ancestor and the actual blood relationship may either be entirely attenuated or completely fictitious, people still behave toward each other as if they were kin.” This, “the most historically significant feature of indigenous society—the feature most commented on by anthropological observers—has no spatial or temporal limits: the kinship network, the ‘personalism’ of indigenous culture, ‘extends from the family outward to the society at large and ultimately to nature itself.’” Thus, Diamond notes, the people in such societies “live in a personal, corporate world, a world that tends to be a ‘them’ to the subjective ‘I’ rather than an ‘it’—impinging upon an objectively separate and divided self.”

The consequence of such a world view for leadership in indigenous societies is that leaders are seen more as caretakers than as ultimate and unanswerable authorities. There are, if ever, a “king” in an indigenous society—and, indeed, the essence of a simple, step-like
such societies 'sire desocratic; thoughlkey are net reductively 'ilqualitarian.°*1
thee. sufficient to deny autocratic figure is often sold to be pot of the definition of an
areinvar.ably..in the root meaning of the word..cosservattve.To begin
Indigenous society.6 leadership is divided and changeable; the various
and economic organisation, economic organisation and technology, the
magical and pragmatic, there are intricate and harmonious correlations.8
Moreover, guiding this framework of correlations is a code of life
that Robert Redfield, in an classic expression, has called the "moral
order"—in contrast to the "technical order" that guides modern Western
society. In a society guided by "moral order" behavior is organized
around ideas of what is "right" (rather than "useful" or "necessary or
"expedient")—terms which characterize the "technical order" and in a
morally-ordered society "sentiments, morality, and conscience" determine
the correctness of conduct.9 Thus there is no sense of or planning for
religous or social "progress" (and, conversely, no fear of "backsliding"),
o determination to pull the society out of imagined depravity, nor endless
debating over religious technologies (in most Indigenous societies
there is no innate need for religion) and no such thing as religious
war. "The preacher of conversion and the preacher of moral
regeneration are creatures of civilization," Redfield writes—nozing for example
that "for two and a half centuries a community of Iowa Indians had lived
among the Hops of First Mesa," totally maintaining their cultural
integrity and, Redfield wryly observes, having no evidence "that Iowa
and Hopi missionaries to each other."11

Indigenous societies are, in Diamond's words, "systems in equilibrium"
that do not manifest the internal turbulence endemic in archaic or
contemporary civilizations. Thus:
society is approached as a part of the natural order, as the
koheling against which the drama of individual life
outsets. It is mediated by tradition, by the social network is perceived as
a more or less permanent arrangement of human beings
at each other. Since the basic needs of food,
clothing, shelter and personal protection are satisfied...in
a socially integrative society, evolutionary activity
is, insofar as it is ever, unconscious.

Thus, the individual in Indigenous society is a conservative:
his society changes its essential form only under the impact
of external circumstances or in response to drastic changes
in the environment. Institutional dislocations
never reach the point of social destruction or, essentially, of
orphanship, widespread individual disorganization.12
In short, an Indigenous society is analogous to a system
completely regular and fragmented, and none of its parts is in fatal
conflict with the others. As a result of this complex interrelationship
of entities, all the products of the natural and spiritual worlds are
regarded with respect, all are possessed of power, and none can be
distracted, abandoned, or exploited in a mood of indifference.

Diamond's model, supported by an enormous array of other
anthropological findings, can be boiled down to a paragraph:
Indigenous societies tend to have communal economies. In
communal economies private ownership of the economic base—including
land and labor—does not exist. Neither does the idea of profit
or surplus accumulation in the Western sense, with the
result that there is a comprehensive even flow of goods
distribution: in the extent that food, clothing, shelter,
and work are available to anyone, they are available to
everyone. In these Indigenous societies there are
relatively permanent leadership positions (there are many
that do not), such leaders are viewed as part of the overall
kinship network and not as independent, selfish, material
masters. There are no "kings" in Indigenous societies
and these people not in leadership positions can and often do
regain or abandon leaders who betray their charge.13
Embracing every institution in Indigenous societies is a
spiritual world that transcends personal existence.14
Incorporating every institution in Indigenous societies is a

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debarred, abandoned, or exploited in a mood of indifference.

We will have occasion in these pages to refer to pre-contact Hawaiians
as a subsistence economy—that is, an economy without a market
and without a need for surplus production. Some writers, however, limit this
term with a bias when they read into its meaning the idea, in Pierre
Clastres' words, of an economy that "permits the society to sustain
merely subsist," or an economy that "continually calls upon the totality
of its productive forces to supply its members with the minimum necessary
for subsistence." Used in this way (not in the simple descriptive way
in which we shall use it) Western historians of Indigenous peoples have
often displayed a remarkable tolerance for self-sufficiency; Indigenous
peoples, they find, live in precariously formed subsistence economies;
and, Indigenous peoples are lazy.11

Some, as Clastres had pointed out, "who cannot have it both ways":
either people in these societies do live in such subsistence economies
and thus must, by definition, spend virtually all their waking hours
in search of food, or do they not live in such subsistence economies
and thus have time available for leisure and other pursuits.14 In Hawai'i,
the Western prejudice was in fact based on its head: the people were
neither lazy, nor did they live in such subsistence economy requiring
an endless search for food. They had bounteous amounts of food available
in a result of diligent and ingenious labor—and they also had a good
deal of time available to pursue sporting, cultural, and artistic activities.

A number of things repeatedly impressed Westerners about Hawaiians
During these first years of contact: the strong and well-proportioned bodies
of the people, with their "preternaturally pleasing countenance," the
meekness and cleanliness of their homes and bodies, the understanding
in the society and the affection of the people....we are among the, the industry
of the people, especially as demonstrated in their intensive and astonishingly productive cultivation of the land; the facility with which the men built and maneuvered their sea-going craft; and the vigor, discipline, and complex precision with which dance and sporting events were carried out.15 None of this, of course, came about by accident. In an effort to understand this flourishing land and people, let us turn back to the social categories we previously excerpted from Stanley-Diamond's typology.

1. The islands of Hawai'i are essentially enormous volcanic mountains projecting up out of the ocean. Thus, the economy of pre-contact Hawai'i depended primarily upon a balanced use of the products of this mountains land and the sea. This accounts for the ingenuity way in which the land was divided.

Each island, or aha, was divided into separate districts known as 'ana. Each 'ana, which ran from the mountains to the sea, was then subdivided into segments, which themselves ran in wedge-shaped pieces from the mountain to the sea—such aha's were then divided into 'ili, on which resided the 'ohana (extended families) who cultivated the land. This, too, was the core economic unit in Hawaiian society.

Next is how it operated, according to two of the most knowledgeable modern historians of ancient Hawai'i.

Between households within the 'ohana, there was constant sharing and exchange of foods like lettuce, kalo, and coffee; also of services, not in barter but by volunteer (though definitely obligatory) giving. 'Ohana living in the same district reaped the benefits of sewing one's kahiko, weaving one's kapa, cooking food (for its flavor), and reaping goods, coconuts and marine foods, which were all divided equally among the members. In return, each fisherman would also give any fish he caught to those who did not catch fish, and members of paniolo would give new saddles to those who did not own them. And, as Hall notes, it was the practice of 'ohana members to share and exchange food and utilitarian items in order to support one another.

The prosperity of each 'ohana, then, was dependent primarily upon a generous use of the products of the land and the sea. It was the 'ohana, not the individual, who was the unit of public welfare.

Nevertheless, there was one aspect of the economy that was not shared among all members of the 'ohana. Land and water rights. Such notions "had no place in old Hawaiian (hinting). The contrary, could not be given to or held by anyone: there were other "rights" (in the Western way of thinking) that, on the other hand, were "private" and could not be questioned. Along with the right to fish, these rights were considered "rights of use," which were never questioned.

In pre-contact society, the people living within each 'aha had access to all the necessities of life, thus establishing an independence founded upon the availability of "forest land, taro and sweet potato areas, and fishing grounds."19

Thus, for example, in the system of pre-contact social organization, there was no king in the modern sense, because their bodies could not be "owned" by someone else. Further, there were a few material objects that the people owned, such as clothing, food, and sometimes slaves. In the very structure of the language, then, there was confirmation of this crucial aspect of pre-contact Hawaiian life: land could not be acquired or disposed of because it was indispensable and available to everyone.

1. "Government in old Hawai'i was a personal or family affair centring in the Ali'i (the supreme ali'i, the 'chief,' or 'in the Hawai'i ali'i) of a chief (island or segment of an island)." Despite the high rank and prestige bestowed upon the ali'i, he acted only in concert with other ali'i. Thus, for example, in practice, a chief discussed a council of ali'i (the 'confident') the fitness of prospective heirs, who were qualified by rank for succession, and, with the approval of the council, the decision was made and announced.21

There was no king in pre-contact Hawai'i (like the concept of private property, "the fitness of monarchy" had to await the coming of the West),22 and thus the Post of each chief or island section was the hereditary of the highest rank. That rank, however, was only one stage in the hierarchy of things, as the Hawai'i was "the pivotal point between heaven and earth" and the "medium through which superior power was capable of being induced by magic and worship for the protection of the people and the prosperity of the land." He was assisted by a chief advisor known as the kauhulu, an individual who's advice was personal rather than formal, and the priests—whom themselves possessed great authority and were independent of the powers of the kauhulu.23

Before these figures and the ali'i were the maka'aiki, the people of the land. Although subordinate to the ali'i, they supplied the land with his economic requirements and he in turn supplied his family, the court, and the priests. In short, in certain crucial respects, the ali'i and the maka'aiki were bound together in a reciprocal, interdependence: "land and people existed for the ali'i, as earth and men belonged to the gods... On the other hand, the ali'i existed for the sake of the people whose welfare depended upon him."24 In general, then, "the relationship..."
of the planter and his family to the high chief, and to the "kiai" class in general, was a very personal one in which actual affection was the prevailing sentiment unless a kiai was quite despotic, which was rare.25

And rare for very good reason. Unlike feudal European economic and political arrangements, to which the ancient Hawaiian system has often been erroneously compared, the _kiai_ formed neither land nor military service to the _kiai_ nor were they bound to the land. Should any of them decide to leave an area and move to another, they were always free to do so. And should they choose another, more productive, path, that too was available to them. Among a number of stories, it is told that an eighteenth century chief named Kailua directed the people in his district to do what they considered expedient work. On top of that, he rubbed the shoulders of all his chiefs:

_The story is that he compelled his canoe men to paddle his canoe and that where the winds of fishing canoes were right, his canoe was black and his men suffered from the sun and the cold, by being roughly housed in the gale. A raised shelter behind the hulls of a double canoe. One day he had his men take one canoe out towards the south where there was a fleet of fishing canoes. His own canoe, being filled with the spoils of his hunting, began to leak, and he called out for help. The fishermen declined all assistance, but one man bent over and took to the canoes of the fishers, leaving his property in the lurch._

As Handy notes, the _kiai_ labored willingly most of the time, but they also took pride in their independence and dignity and were unselfish in matters to be shared for long.26 There were many other similar to that of the helpless Kailula.27 And they help account for the "relatively few of the people" David Malo said was not uncommon among the chiefs.28

24. To recall a bit of the Benthick's terminology, it was the driving force of the "mental world." He viewed as one of these determinations of "right" and "wrong," of "law" and "order" in the sense that determined everything from when a man was to be born in how should he eat with whom. As Handy puts it:

"In plowing, fishing, cave and house building, which occupied, in fact, the entire life, the operatives, the artificers, smiths, and the place consecrated to it were treated and house protected by rules. Thus to the making of a canoe. The time from the moment of its falling, the men whose canoe was, the number of people, and what was its form, the shed by the shore in which it was then and later were under a spell of consecration, which was renewed by ritual at the time of the launching._

25. The result of the Benthick system was that social change was relatively slow and context bound. The society was a system in balance, guided by an authoritative (that is to say, external) moral code. People knew what was expected of them, in a sense, then, the system was self regulating and justifying. But it was also liberating and freedom for everyone. One was above the law. Indeed everyone and everything was judged by the law. And the law was unchanging in the sense that it was eternal.

19. The law was not changed much, as Handy says, "by no means a great deal in the history. The gods of the Polynesians were present to judge that, and the God, embodied the desires and needs of the people and those of their worshippers, and, on the other hand, the gods and their elements and forces that they observed in nature. The other cause was located in constant circumstances in human life and the universal mood of the heavens. Nothing more about that, this desiring and being desired in the universal web, Hawaiian culture did..."
There are numerous certainly the most industrious people ever known. In 1778, by long and successive explorations, Captain Cook brought to the public a clear idea of the nature of the people who would be described as "pre-contact." It was English society, as represented on board Cook's ships, Revolution and Resolution, with regard to manners and customs, after all, English society was still in a pre-contact stage. How did that society compare or contrast with the indigenous entity? Did we know that, we will not be prepared to understand the tragedy that ensued from that day forward.

III

It has often been remarked that Captain Cook brought to Hawaii something the Hawaiians had never before seen. True, that was not all he brought. He brought weapons that caused them to re-orient the environment. And he brought diseases that could destroy and destroy, the people. But he brought, in his mind and in his heart, a vision of the world that could not co-exist with that of the people who could love him as their guest. He brought capitalism, he brought Western political ideas, and he brought Christianity. Let us see how this mesh up with the relevant parallel ideas in Hawaiian society and indigenous societies generally.

1. In capitalism, Cook brought with him (in what one economist has called a "classical definitional") an economic system that places in thousands of private individuals and firms the means of production. That is, those "natural means essential to the survival of the individual or the group," means that in indigenous societies are held in common, were, in Cook's homeland, the private property of a wealthy few. Further, as opposed to the economically non-comparative and non-acquisitive indigenous forms of material distribution of goods (where "no man need go hungry while another eats"), in capitalism Cook brought with him the abstract notion of money, with all its ideological trappings, and the idea that the proper method of its distribution among people is through the competitive arena of the marketplace.

Whatever can be said for or against capitalism, this much is beyond dispute: the notion of private ownership of land and private control of all other assets of goods acquisition and distribution is at the heart of the system. If so, the idea of labor as a commodity to be bought and sold.

Under the economic system that prevailed in Cook's homeland and in the minds of his crew, he understood it to be self-explanatory, a matter of course, access to food, clothing, shelter, medical care, or work; all of these were articles or means of trade that each individual put on itself with this existing society.
others who placed great value on the personal traits of ambition, self-reliance, and cunning. Individual survival rested not on interdependence, but on independence—on personal exploitation of others, rather than communal sharing with them.

3. In England, where Cook and his men came from, there was a king. Though no longer possessed of the autocratic powers of any of his predecessors (there had been lost, along with the king’s head, at an earlier time), the king of England still symbolized an individual atop the pyramidal structure of the state. Indeed, it had not been that long since the time when Puritans like Christopher Goodman and Henry Bullinger had openly questioned the unlimited power of the throne—and had to hide out in Geneva or Holland as a result.

Moreover, the relatively new parliamentary political system of England was still nothing like that in indigenous societies; on the contrary, it was in many ways precisely the reverse of that common to indigenous societies. Whereas, as Diamond put it, in indigenous societies leadership tends to be “communal and traditional, not political or secular,” in England leadership was now both political and secular, not communal or traditional.

Like the economic system, the political system was intensely competitive and individualistic. Notions of extended kinsman relations, of naturally expected and accepted reciprocity, of temporal and seasonal power as bound up within the web of a larger reality—there is no place in the modern world of eighteenth-century England. Power, like money, was likely to be seized by those most willing and fit to make the effort. And those without power took their lives in their hands should they attempt to resist or evade its grasp.

3. Finally, there was Christianity, the belief system that enveloped and nurtured the social world. It could not have been more different from that of the Hawaiians or of indigenous people in general. Time was seen as linear, proceeding from a specific beginning to an imminent and apocalyptic end. The earthly world and the spiritual world were separated by an impenetrable gulf—and compared to the spiritual world the earthly was a pit of ghastly depravity.

The clash between the earthly and spiritual realm was repeated in every other subdivision of reality. However, among these subdivisions there were those separating God, men, and nature. God was transcendent and man, as Henri Frankfort has noted, “remained outside nature, exploiting it for a livelihood... but never with its mysterious life.”

Thus, speaking as a Christian—though not uncritically—the distinguished twentieth-century historian Lynn White could observe:

“...we are superior to nature, contemptuous of it, willing to use it for our slightest whim... To a Christian a tree can be no more than a physical fact. The whole concept of the sacred grove is alien to Christianity and to the ethos of the West. For nearly two thousand Christian missionaries have been chopping down sacred groves, which are holier than them because they assume spirits in them...”

Yes, they chopped down trees, but Christian missionaries also did much else. Relentlessly driven to wipe from the face of the earth every religious faith but their own, Christian missionaries became not only the front line of Western incursion into the rest of the world, they were also revolutionaries at the heart of political turbulence at home. In short, far from functioning as a “way that belief system do among indigenous peoples—that is, as an integrative force, uniting the varied realms of reality and providing equilibrium to the social process—Christianity strove to segregate and hierarchically rank the realm of reality while relentlessly disrupting the social order.

All in all, on the economic, political, and religious fronts—as Stanley Diamond has asserted, the Western and indigenous world views are as antithetical as it is possible for cultural attributes to become within the limits of the human condition.

Before turning to look at the effects of Western ideas and social practices on the people of Hawaii, it will serve a better glance at the effects of these ideas and practices on the people who brought them to the Hawaiian islands. We saw already how, through the eyes of a number of observers, the English voyagers encountered upon their arrival in Hawaii—the Hawaiians—“attracted attention to cleanliness.” In Archibald Campbell’s words, “the emphasis and importance of the people for one another and for their children, in Vancouver’s language, or, in Archibald Menzies’ term, the visible superiority, indefatigable labor... the care and industry” of the Hawaiian people, a people of whom Cook would remark, “in people I could not find more beauty,” a people of whom all visitors would note not only their strength and health and beauty. This was the world the English had “discovered,” what had they left behind?

They left behind a nation in which a third of the population lived “in the base regrets of subsistence; and often fell below it, malnutrition made many children, broke the bodies of adults, and stunted out a few... both a condition continually alleviated by the famous hukilau, a native beverage of tobacco, which made them... more desperate and desperate... in which all matters of comfort and security were taken care of, among other terrible expressions, "in all but universal intercourse," either in the water or on land. And they left behind a nation of people who liked to eat, among other terrible expressions, “in all but universal intercourse,” either in the water or on land.

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When only a relatively small proportion, at any given time, was both healthy and attractive, quite apart from the normal features of smell and dirt. What was wrong with them? Here are the words of Princeton’s Lawrence Stone, today’s leading social historian of that period:

Both sexes suffered long periods of crippling illnesses, which incapacitated them for months or years. Even when relatively well, they often suffered from infections which left them to die later in their prime, women suffering from a whole series of gynaecological infections, particularly leucorrhoea, but also vaginal ulcers, tumors, inflammations and hemorrhages which made the social intercourse of women painful or impossible. Both sexes must very often have had bad breath from the rotting teeth and constant stench of which the stench was reeked from many sources, while supporting gynecological stones, ulcers, running sores and other, tormenting this agony were extremely common, and often lasted for years.

Then of course there was “the ever-present risk of venereal disease.” The great blowfly, for one, existed abundantly at least nineteen different times.

In addition to the stench of disease and simple bodily filth in England, as in France up to the end of the nineteenth century, it was common for women “to die without ever once having taken a bath”—which men who had to bathe occasionally while in military service, there were the ever-present odors of death and excrement. “In towns of the eighteenth century,” Stone writes, “the city ditches, now often filled with stagnant waters, were commonly used as urinals, bucket, killed animals in their shops and threw the excrement from the buckets into the streets; dead animals were left to decay and fester where they lay.” Human excrement was dumped in the streets each night. And, in addition, “a special problem was the phenomenon of ‘poor holes’,” large, deep, manholes which in some places, even up to the end of the eighteenth century, were often filled with sewage, causing our contemporary to complain, “How revolting the stench, that arises from these holes so stowed with dead bodies, especially in
salty season and after rain. This was "civilization." A far cry from Hawaii. And then there were the children. Infanticide was common—no, as with other forms of sacrifice in some indigenous societies, for religious reasons, but because of financial desperation. The same desperation led to the abandonment of thousands of infants each year, almost of whom died. Those who didn't die immediately were sent off to parish workhouses, where they soon died—sometimes because of neglect, other times because of murder; poisoning with gin was a favorite technique used by some nurses. And on all this illiteracy there was, of course, someone always ready to make a profit: "the Overseers of the Poor, who extracted a lump sum from the father, or the putative father if the infant was a bastard, and made a clearer profit from the early death of the child."

The capitalist ethic could do better than simply prey on the deaths of children; however, it could prey more profitably on their lives. Some were *virtually enslaved* for prostitution or to serve as pick-pockets' apprentices. Others suffered crueler fates:

Some had their teeth torn out to serve as artificial teeth for the rich, others were deliberately amused by beggars to remove conventioi successively some. Here, this latter crime was one upon which the law looked with a remarkably tolerant eye. In 1794 a large group of children, convicted of deliberately putting out the eyes of children whom they had used for their amusement, were sentenced to no more than two years' imprisonment.

Thus, the home country of Captain Cook. However many words a picture may be worth, a constructive glance at the contemporary prints of eighteenth century England and Hawaii on the following pages tell an important tale. The would-be settlers of the Hawaiians left a homeland littered with hungry, deprived, sick, and viciously exploited men, women, and children, to bring the beacon of civilization to a healthy, strong, happy, and well-nourished people. They left a nation where marriage was enforced and where vast concentrations of wealth and political power were held by a tiny handful of men, to bring enlightenment to a land where the economy was communal and where such oligarchic wealth and power was non-existent. And they sailed in ships named by conscript crews to liberate a people who did not know the meaning of constraint.

As for the religious ideas that descended upon the Hawaiians—religious ideas, from America, that were a thin velvet glove concealing the economic motives they contained in their fists—they will be treated at length in a subsequent section.
By the end of the 18th century, Hawaiians had been living on all the major islands of the far-flung Hawaiian archipelago for some 1400 years. During long isolated centuries, Hawaiians managed their resources with such skill and industry that their intensely cultivated valleys and well-maintained fishponds sustained a large population variously estimated from 250,000 to 400,000 at the time of James Cook's arrival in 1778 to the lima.

The way of life of the Hawaiians was similar to that of other indigenous peoples—their enjoyment of a material and spiritual relationship with the earth. The people of the land, the maka'ainana, took their sustenance from what they planted in the earth and harvested from the sea. Hawaiians were, above everything else, a plenter people. Their villages were clustered near the ocean and the streams, and they cultivated the valleys as carefully-tended gardens. Early Hawaiians lived with the spirits of the natural world and respected their own people. And the people took care of their gods. The land was the private property of chiefs...they were only the caretakers of every Hawaiian's use rights to the land and its resources. 2

This analysis is echoed by scholars Handy and Pukui who claim that "there was no conception of ownership of water or land but only the use of water and land" in early Hawai'i. 3

There was no king in early Hawai'i until the coming of the west helped to create one. This is to say that one result of Western influence was the rise to power of a single king. The link between kingship and private property is made with the coming of the west, although the actual institution of private property does not come into being until the Great Kihele of 1848. The Handy's and Pukui's state that "the idea of private ownership of land was unknown until the Kamakahekahe autocracy (Kamakahekahe I, 1815-1819), established as a result of the intrusion of foreign concepts, set up the figures of monarchy, a political-social pattern alien to the Polynesian scene heretofore." The power of the chiefs over the people continued only so long as they were treated with respect and care. Pukui and the Handy explain this relationship between the people, the chieftains, and the gods as a form of spiritual trusteeship.

The people built these gardens and the produce of them became a major part of their economy. The priests managed and supervised the gardens. And even when the king did ascend over everyone, he did so as a representative of the gods and on their behalf. Thus kingship was not personal but representative. And the power of the chieftains over the people continued only so long as they were treated with respect and care. Pukui and the Handy explain this relationship between the people, the chieftains, and the gods as a form of spiritual trusteeship.
His power and authority (alii) were complete, but these did not exist in the European concept of "private rights." The alii, in old Hawaiian thinking and practice, did not exercise personal dominion, but directed dominion. In other words, he was a trustee. The instances in which an alii's act was rejected and even killed because of his abuse of his role are sufficient proof that it was not personal authority but trusthip that established right (alii). 5

While the material basis of Hawaiian society was a subsistence economy, the spiritual basis was to be found in the many contours and moods of the natural world. Hawaiian gods were often manifested in nature, and appealed to in times of both famine and plenty, war and peace. Hawaiian chants and genealogies present us with a picture of a people wholly at home in nature, rather than painfully separated from it as the Western invaders. The alii, foremost Hawaiian creation chant, reveals that Hawaiians had a profound scientific understanding of the evolution of natural forms and man's dependence on them for food, shelter, clothing, indeed, for the very continuity of the people. 6 Nature, to the Hawaiian, was a larger universe than man was but one part of the whole along with other animals, the land and broadleaf, the sea, mountains, and forests, the stars and the rain-bearing heavens. It would be incorrect to say that Hawaiians worshipped nature more or were somehow closer to it. They had, rather, a delicate understanding of, and respect for life's variations and interdependency, including that of their own. In the words of Hawaiian historian Samuel Kamakau, the Hawaiians' looked upon the "wind, the rain, the land, and the sea...as living friends with whom we share the universe." 7 Politically, the people were guided by the alii (chiefs) who administered the land or supervised planting, harvesting and building of houses, canoes, and fishhooks. The power of the alii was absolute, as already observed. Regarding land, alii authority was based more on a connection with the gods (kane) and a capacity to facilitate the flourishing of the land. Because the Hawaiians had to

feed and clothe themselves, their relationship with nature was not merely direct and dependent, it was loving and spiritual. The land held the bones of the Hawaiians' ancestors and gave forth the nourishing taro. The alii were a medium through which the people and the land lived.

Contrary to what many historians have argued about Hawaiian land tenure, it was not feudal. 8 First, many of Europe's feudal trappings were absent in ancient Hawaiian land tenure—the people of the land, the maka'aina, were not bound to the land and could move from one area to another if they so desired; they did not own military obligations to the chief of the district in which they lived; and, most basic of all, the alii did not own the land in any "divine right" or "private ownership" sense. Rather, the alii were the authorities who supervised the various land districts. Their authority did not translate into ownership, especially since the people could rise up and kill a chief. 9

Secondly, feudalism is a European term devised to describe a particular European practice. Its application to a Pacific system betrays both a ignorance of the Hawaiian people and their culture and an intellectual laziness when confronted with a wholly different world view. But there is another reason why feudalism is so often used when explaining Hawaiian land tenure. By inventing "feudalism" to prevent "Hawaiana Western scholars can transform a spiritually-based, self-sufficient economic system of land use and occupation into an oppressive, material European practice of divine right ownership with the people tied to the land rather than the clergy. By claiming, then, that a Pacific people lived under a European system—that is, that Hawaiians lived under feudalism—Westerners can degrade an ancient, successful, and economically wise system of land use with a presumptuous and inaccurate Western term. Later land tenure changes were to line with Western property ownership patterns are then made to appear beneficial.

This is why Hawaiian historian David Huiu could write, "the maka'aina were the fixed residents of the land, the chiefs were the ones who moved about from place to place." Here, Huiu means "fixed" in the sense of staying put, or remaining. He does not mean "fixed" in the sense of being bound by law to the land. Indeed, when the maka'aina caught with each other, they took their warriors with them. The maka'aina could go as well if they so desired, but they were not part of the chiefs retinue. The occupation of the maka'aina was not war but the tilling and caring of the land.

However, as early accounts of Western visitors reveal, the people were content under this system. The class structure was clearly stratified, with the maka'aina above the maka'aina and the haumana, or servant class. But this stratification did not mean the poverty of the lower classes, as it certainly did in Europe at the time of contact. Nor did such class structure assume overconsumption on the part of the maka'aina and haumana. The maka'aina certainly consumed what others, the maka'aina, produced, but this arrangement did not result in a surplus production for the benefit of the maka'aina. Such surplus production came only when the West introduced the sandalwood trade and the idea of accumulation of wealth for acquisition of luxuries, that today is called plutocratic consumption. Without accumulation of surplus, the maka'aina could not exploit the maka'aina beyond what was needed for the maka'aina basic survival. All other indications of status and power—the large system of restrictions and obligations—never translated into accumulated wealth. Thus, in return for the satisfaction of their basic needs, the maka'aina rendered to the maka'aina protection and guidance. And this system worked remarkably well. David Huiu could write, from the vantage point of 1829 and after the ravages of Western disease and economic chaos which had already dismantled the Hawaiian system:

In former times, before canoonahoe, the chiefs took care of their people. They were their appropriate business. To seek the comfort and welfare of the people, for a chief was called great in proportion to the number of his people, for he was a high chief or low chief, according as his people were more or few, whereas he broadened the chiefs to look well to their people. 10
The Market Economy

The coming of the West to the person of British explorer James Cook in 1778 marked the beginning of the end of the Hawaiian people and their culture. Their values and customs, their language and arts, their land and livelihood as planters and fishermen would experience a sustained attack from which they would never recover. An entire way of life would pass from the earth in less than a century.

And all that would remain would be a disintegrated remnant of a once thriving and proud people living out a bitter legacy of poverty and oppression.

The way of life which destroyed the Hawaiian culture was the market economy, a system in which profit is the driving motive behind economic relationships and where the individual is induced to accumulate wealth. This system had already begun to take hold in Europe when James Cook set sail in search of the Northwest Passage that would provide Britain, the preeminent capitalist nation of its day, with a shorter route to the resources and markets of Asia. Cook was the harbinger of a tradition, begun in the 17th century, which emphasized ceaseless expansion and would provide Britain, preeminent capitalist nation of its day, with a military technology that would provide Britain, preeminent capitalist nation of its day, with a military technol

While Frenchman named his farms well on Hawaiian fertility and mortality, the idea of trade for profit took slow hold of the Hawaiians whose concept of exchange, according to Kelly, "was one which involved the welfare of the community, i.e., sharing the work and its products." The Hawaiian way was in stark contrast to that of the West where a system of private gain, i.e., profit, rested on their counterpart, private ownership of the means of production. This new system changed the value of each part of the Hawaiians' world. Everything—food, birds, sandalwood—was in constant demand or production. The rise of the sandalwood trade was the direct result of a change in British policy. The expansion of the market economy, as long as Kamehameha kept a monopoly on the trade, was a beneficial counterbalance to the economic disadvantages of dependence on Western imports of iron tools, agriculture, and manufactures. The reasons why provisions are scarce on this island (Oahu) is that the people, for sore months past, have been engaged in cutting sandalwood. The reason why provisions are so scarce on this island (Oahu) is that the people, for sore months past, have been engaged in cutting sandalwood. The rise of the sandalwood trade was the direct result of a change in British policy. The expansion of the market economy, as long as Kamehameha kept a monopoly on the trade, was a beneficial counterbalance to the economic disadvantages of dependence on Western imports of iron tools, agriculture, and manufactures. The reasons why provisions are scarce on this island (Oahu) is that the people, for sore months past, have been engaged in cutting sandalwood. The reason why provisions are so scarce on this island (Oahu) is that the people, for sore months past, have been engaged in cutting sandalwood. The rise of the sandalwood trade was the direct result of a change in British policy. The expansion of the market economy, as long as Kamehameha kept a monopoly on the trade, was a beneficial counterbalance to the economic disadvantages of dependence on Western imports of iron tools, agriculture, and manufactures. The reasons why provisions are scarce on this island (Oahu) is that the people, for sore months past, have been engaged in cutting sandalwood.
It is crucial to note, at this point, not only that American economic expansion directly contributed to the destruction of Hawaiian society but that the United States government pressed its commercial interests with military power. Historian Ralph S. Kuykendall writes:

"...let the once smiling and populous Hawaiian Islands, with their new idolatries and superstitious and vicious habits, become a tenter of political, economic, and social activity for the Islands as a whole. Indeed, it resembled a New England town with more than 10,000 residents, Yankee ships, and English spoken on its streets."

But this glittering rise to 'civilized' standards hid a dangerous and growing imbalance in Hawaiian economy. First, the whaling industry had involved Hawaii because of a factor external to its control—high whale oil prices, the expansion of the U.S. whaling fleet, and the transfer by New England interests of their field of activity to the North Pacific. Second, large numbers of the Hawaiian people, generalized by Jim lead to disease and other foreign ills, despite their cultural rights to the land. As a consequence, many were forced into other pursuits—small jobs in the city, prostitution, signing on board ships as sailors, growing food stuffs for sale, and as plantation labor when the sugar fields appeared. The land itself was leased by introduced plant and animal pests which destroyed native gardens. Vancouver's introduction of cattle, preceded later, to be disastrous to uplands' vegetation. And pests, another introduced species.

This 'enlightenment' included, among other evils, the market economy, which, as the decades flew by, would bring land and money to the missionaries, other businessmen, and their children. In the end, the fruits of 'enlightenment' would be disastrous to uplands' vegetation. Let the once smiling and populous Hawaiian Islands, with their new idolatries and superstitious and vicious habits, become a tenter of political, economic, and social activity for the Islands as a whole. Indeed, it resembled a New England town with more than 10,000 residents, Yankee ships, and English spoken on its streets.

The use of foreign capital...was the sole means of financing the Hawaiian economy. As a consequence, many were forced into other pursuits—small jobs in the city, prostitution, signing on board ships as sailors, growing food stuffs for sale, and as plantation labor when the sugar fields appeared. The land itself was leased by introduced plant and animal pests which destroyed native gardens. Vancouver's introduction of cattle, preceded later, to be disastrous to uplands' vegetation. And pests, another introduced species.

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private holdings. Indeed, beginning with the accession of Kamehameha II to rule in 1819, foreign pressures to change the land system from common occupancy and use to private ownership with the right of inheritance had increased enormously. Simultaneously with these pressures to change land tenure had come missionary pressures for religious conversion. When Kamehameha, urbane and politically ambitious, wrote to the missionaries in Hawaii to establish a religious house system by eating with the younger brother of Kamehameha II, (male-oral eating together had been prohibited), the people were not adrift in a confusing world. Their visions were dying in record numbers while their alls were dissolving rather than upholding the traditional way of life. The breaking of the hope was the other 19th-century innovation, the result of foreign imperialism. Historian Robert C. Mills has written:

"The example of the foreigners, their disregard of laws, and their incessant efforts to convince the Hawaiians by argument that their system was wrong, were the most potent forces under-mining the beliefs of the people." (42)

This judgment echoed by other observers who remarked that the abolition of the old religious system was the result of "denounced and widespread abuses which had been at work for more than a quarter of a century," that is, since the coming of the last. (43)

When missionaries from Boston arrived in 1820, they found a fertile field for conversion. Once the Kamehameha family converted, almost all the people willingly followed. In 1828, Kamehameha II died in England, and his brother, Kamehameha III, became king. Because he was a minor, Kamehameha assumed the Regency. Under her leadership, Hawaii was officially a Christian nation by 1840.

Armored with the influence of a Christian leader, American missionaries and businessmen increased their efforts to transform the land system. "By 1845," according to legal scholar, Neil Levy, "the land tenure system could neither maintain itself in the face of a hostile foreign world nor accommodate itself to the wishes of that world." (44)

Finally, Kamehameha III gave in to mounting pressures and appointed a land commission under the leadership of ruthless missionary doctor, Gerrit P. Judd, with the help of fellow missionary William Richards, who created the Great Maile. (Both men were in the service of the Hawaiian government at the time.) The Maile divided the lands thus: 695, about 2.5 million acres, went to the crown and the Government; 1.6 million acres went to 200 chiefs; and less than 1 percent of the land, about 27,000 acres, went to 8,000 makaʻainana. The insatiable satisfaction for this change was that it would preserve the rights of the people while satisfying the needs of foreigners for land. This, of course, did not happen. In the first place, the needs of foreigners for land could not be satisfied since their economic system depended for its success on the on-going expansion of profits. This foreign desire for land might be temporarily satisfied by the Maile, but it would never be quenched, as the subsequent history of 20th-century Hawaii shows. The enormous economic power of Americans was on the rise and it was essential that land tenure become a source of profits rather than an obstacle.

In the second place, the rights of the people had been successfully protected through the use of these Rights by thousands of Hawaiians over several centuries. The sudden division of the lands with a new system of private property could not possibly have led to effect missionary advisors to the king claimed for it. According to anthropologist Marion Baily:

"It is the Americans, Rev. William Richards and Dr. Gerrit P. Judd, who drew up the plan called the Maile. They continued the Hawaiian king and the chiefs of the Privy Council to accept it. They told the Hawaiians that if they didn't convert to private ownership of land, any foreign leader that came would convert the Hawaiian lands would not recognize Hawaiian land rights. They said a foreign leader would take over the land, leaving the king, chiefs, and Hawaiian people landless. (45)

In the end, the system confused the people while allowing unscrupulous abuse by those administering the law.

The history of the Maile shows that once the land was divided between the chiefs, the king, and the people, the people did indeed suffer. Less than one percent of the land went to the makaʻainana. The chiefs and the king did better, but, under increased pressure to sell these lands as well, the bulk of the Maile eventually found its way into the plantation economy. The Helelohi triumphed. (46)

Another example of legal theft occurred immediately following the Maile with the Liliuokalani Act of 1883. The Act guaranteed to the makaʻainana free sale to large planters of small plots of land. But these land could only include that which the tenant "really cultivated." It did not include common pasturage or lands cultivated with others. Since tenure cultivation, fish watching, was a group endeavor, separation of the individual from the group—a Western value—wasn't observed for many of the people. Apart from the fact that few makaʻainana received any land at all, the plots which they did receive were often too small to cultivate successfully. As a result, Hawaiians either sold their lands or were prohibited from substitution on them.

Meanwhile, of course, foreigners profited from a system of their own making. They were enabled to buy vast acres, either from the makaʻainana who were starving, or from the chiefs and the Crown who were heavily indebted to the Western merchants. In both cases, the results were the same. The great bulk of the land went to the Crown and Western ownership. After, whose specialty is the period of the Nawailele, judges the role of the land and the purpose of the land division in the following way:

It was the American missionaries who changed the Hawaiian land tenure system into the American system of private ownership of land. This was done to provide land for American enterprise and safe investment schemes for American money. (47)

Such a imperialist design with such devastating effects for the common people can hardly be called the birth of democracy. It is more accurately described as a triumph of colonial policy: the power of the American foreigners, the crown, over the indigenous people.

The legal questions which arose concerning the rights of the people to the crown, the government, and even private lands have been dealt with in another section of this report. Given the manner in which land awards were made—that is, with the stipulation "excepting the rights of tenants" on each award—it is clear that the makaʻainana never "lost" their rights to these lands. Moreover, the Kaneho Act offered only an alternative of private property. Those who did not sell themselves of this alternative did not thereby "lose" all their land rights. It is more accurate to say that these rights were "stolen." For our purposes here, however, it is significant to note the effect of the Maile and the Kaneho Act on the majority of the Hawaiian people. To quote political scientist, Noel Bidwell, the center of the Hawaiian people from the land was an irreplaceable blow which doomed them to cultural disintegration, economic destitution, and a third-rate status in their own homeland. It contained the policy of appropriating Hawaiian resources to further the ends of capitalist accumulation and to gain the ultimate effect of undermining, once and for all, the viability of the Hawaiian way.

Meanwhile, for the rising entrepreneurial class,

...dispossession of the Hawaiian was an essential precondition for the flourishing of capitalist export agriculture. (48)

This report was to be huge, grown on vast acres of what was once the land base of the Hawaiian state. Thanks to a host of Afrikan, missionary and businessmen alike, foreign power had changed Hawaiian law and customs...to reflect these...in the United States, and land legislation and agricultural practices (were) brought into line with foreign notions. (49)

It is important to note the role of law at this point. The imposition of Western concepts through the Great Maile and the Kaneho Act was crucial to the taking of the land.

Legal scholar, Neil Levy:

"Western property concepts were imposed on the legal structure and would facilitate the rapid, steady transfer of Hawaiian owned lands during the next several decades. Moreover, the government's consistent policies of selling its remaining lands to foreigners, with their access to capital, in a position to take Hawaiian land through the legal procedures it had established, would lead to private hoarding; the land would become private tenure and costly colonial administration. (50)"
... the threat of the war was not lost on Hawaiians who resented the missionaries as well as their belligerent military brothers. David Malo could write in 1837:

If a big wave comes in, large fishes will come from the dark ocean which you never saw before, and when they see the small fishes they will eat them up, such also is the case with large animals, they will prey on the smaller ones. The ships of the whites have come, and smart people have arrived from the great countries, so you have never seen before, they know our people are few in number and living in a small country, they will eat us up. This is the way with large countries, the small ones have been gobbled up.41

Malo’s perceptive prediction was echoed less than a decade later by other Hawaiians in complaints filed with their AHI. Feeling the clashing of the foreigners, their ceaseless demands for everything from provisions to women, souls to land, Hawaiians asked: “If the mission is ours, what good can come from filling the land with foreigners,” for “the Hawaiian people will be trodden underfoot.”42

However much they protested, it was increasingly clear to the Hawaiians that they were outnumbered. In the end, they would be driven into submission by the familiar forces of Western imperialism: the market economy, which would take the land and labor; Christianity, which would eat their souls; disease, to keep their markets declining and manageable and wars to ensure compliance. Their sense of peoplehood, and eventually their nation, would be destroyed by white Americans in relentless pursuit of al annexation that was soon to be accomplished.

Sugar Islands 43

In Hawai'i, the move from a subsistence economy to a cash-crop economy was secured by the Great Five. Land was made available for large-scale cultivation while the people of the land were forced onto the market as workers. Through a few legal manipulations, two of the three requirements for cash-cropping were instantly present, land and labor. The third element, capital, was already available in the pockets of the foreigners.

Sugar economies, like other cash-crop societies, need huge concentrations of capital, land, and labor in order to produce profit. Consequently, social and political relations are a reflection of the need for accumulation. This is why plantation societies devise a highly stratified, oligarchic composition with a small number of owners and managers and a large number of workers who are wholly subordinated and regimented. Hawai'i was a clear example of such a society.

The white power/manager class included ex-missionaries, such as Samuel Alexander and Henry Baldwin, Walter Rice, S.M. Castle, and Amos Starr Cooke, as well as administrators in the forces, James Campbell and T.H. Davies. These businessmen and others were quick to profit from a situation they had themselves created. Indeed, the large-scale cultivation of sugar rapidly became the monopoly of this group.

They were the firms of Alexander and Baldwin, Castle and Cooke, T.H. Davies, C. Brewer and Co., and Hestfield and Co., later renamed American Factors (Amfac).

They came to be known as the infamous Big Five—controllers of Hawai'i’s destiny from the last half of the 19th century through the middle of the 20th century.

Until the mid-1870’s, most of the plantation labor was Hawaiian. However, as the plantations expanded (with the rapid transfer of government and other, ali’i lands to the planters) Hawaiian labor was too scarce—due to a continued decline in the population from disease—to fill the growing need for workers. New sources of labor had to be found elsewhere. The Big Five turned to Asia: first China, then Japan, and later the Philippines.

As long as the Big Five managed the plantations, the workers were subjected to appalling conditions and received a pittance in wages. Although these conditions have been documented in various sources, it is important to take note of how because the vast accumulation of capital that accrued to the Big Five during this period was the direct result of the massive exploitation of human beings. In describing this exploitive system, the San Francisco Chronicle stated at the time that it “is little if any more humane toward the laborers than Cuban slavery and certainly much worse than slavery on the Southern cotton and sugar plantations used to be.”

This judgment changed not at all with the benefit of hindsight. In 1850, the Rev. R.S. Storrs spoke before the ABCFM and linked the “Manifest Destiny” of territorial expansion with the crucial role of the missionary in paving the way for the capitalist economy:

In the meantime, the American military saw Hawai'i as an “important acquisition” for U.S. “spheres of influence” in the area. With the purchase of Alaska, Secretary of State Seward viewed Hawai'i as central to American domination of the Pacific. At the end of the Civil War, he sent this message to the U.S. Minister to Hawai'i:

It is proper that you should know for your own information that a lawful and peaceful secession of the Sandwich Islands is deemed desirable.44

As it turned out, if secession could not be had “peacefully” or “lawfully” it would be had nevertheless. Such were the interests of U.S. imperialism.

During the annexation mania of this 1850s period, the United States was pursuing its infamous policy of “Manifest Destiny” across the American continent. Unseen while some sights were focused on Hawai'i, most were preoccupied with expansionist policies against the Indians, and with growing commercial and industrial power at home. The United States was becoming a nation whose capitalist interests would result from her European forbears.

In 1842, President Tyler applied a kind of Monroe Doctrine to Hawai'i, noting the special interests of the United States in Hawai'i’s “sovereignty” and “independence” from other nations. In the context of “Manifest Destiny,” the Tyler doctrine regarding Hawai'i was a clear warning to other imperialist nations, such as Britain and France, that Hawai'i was to be seen by them as it was seen by the United States, namely as a small dependent nation within the American sphere of expansion. Although there was a solid military interest in Hawai'i, the main concern was commercial, specifically the sugar trade.

While the U.S President was enunciating official policy regarding Hawai'i's independence, American missionaries were being harbored by the ABCFM secretary to work toward a time when the Anglo-Saxon race (will) fill the millions of sunny islands on the ocean of the Pacific; and the genius of American and English enterprise (will) prevail in great commercial cities—other New Yorks, or even Londons—rested on the Sandwich Islands, New Zealand, and Australia.45

In 1850, the Rev. U.S. Starr wrote before the ABCFM and linked the “Manifest Destiny” of territorial expansion with the crucial role of the missionary in paving the way for the capitalist economy:

If the manufactures of our country find their way to Africa and China, to the Sandwich Islands and India, in increasing abundance, and produce correspondingly remunerative return, it is because the head of salvation has gone forth, seeking the welfare of the people, changing their habits of life, breaking down their prejudices and creating a...
problems. Diplomats like Charlei Denby in China concurred.

Delays on the Continent and In the Islands. The Treaty was well merge the struggle finally, the Hawaiian political situation Mead doomed by territorial.

etowzmy.liawel'i became wholly dependent on the United States while losing. U.S. naval repairs in order to quiet government.

lectured other nattons' On the Island's into the United States, and thus to dominance by the very foreign power that had.

Spreckels (an "outsider' who had entered the sugar business without the planters.; HIS action, withZWiltte %array:Gibson (cabinet reigning no..cch at the time, had been seen as 4n advocate of his people by the Hawaiians, was appalled at this suggestion.

the .flissiosnry boys") was viewed as volatile and dangerous.

brass band, ore drowning out the traditions enqreSSIOO against the Hawaiian government, Such were the Intellectual underpinnings of the pest. Beyond living susteanct from this kind of the Colonial, the local elite looked upon the American life."55

In ther search for an agreement that would guelantee a high profit and Annexation debate accepted 'Use of the U.S. mainland. For

The drive to political integration would continue to be a joint effort on the part of both the local elite and their counterparts in the U.S. mainland. For
To inherit the Throne, Queen Liliuokalani was overthrown, thereby losing her independence and political control of the Hawaiian Islands. As the local business paper noted, "It is the white race against the yellow. Nothing but annexation can save these islands."

In 1893, an Annexation Club was formed with many of the same participants as the Hawaiian League. Support was sought in Washington, D.C., by Lorrie Torrence and assurances came from Secretary of State Blaine and Secretary of War, Tracy. They spoke with President Harrison and reported back to Thurston: "I have explained to the President what you have said to me...the President does not think he should do anything, but he authorized me to say to you that, if conditions in Hawaii's favor, you can expect you to act as you have indicated, and you can come to Washington with an annexation proposition...you will find an exceedingly sympathetic administration here." 59

Before Thurston returned to Hawaii, he posted an agent of the secret Annexation Club, Archibald Hopkins, in Washington D.C., to keep the flames of annexation alive.

While the annexationists planned their take-over, Queen Liliuokalani ascended the throne upon the death of her brother, Kalakaua, in 1891. She was independent of mind and heart, and strongly committed to a sovereign Hawaiian State. Her deep attachment to the Hawaiian people placed her in a hostile position opposite the white elite. Approvied by the loss of royal power due to the Bayonet Constitution and quite aware of the intentions of the planters for annexation, she was determined to inaugurate a new Constitution which would restore her power.

The Queen's move was the long-awaited opportunity for the annexationists. They quickly formed a "Committee of Public Safety" and obtained an assurance from U.S. Minister Stevens that "United States troops on board the Boston will be ready in 24 hours to land at any moment to prevent the destruction of Hawaiian life and property...and they of course would recognize the existing government wherever it might be." 60

As I apprised the situation, we are brought face to face with the following conditions:

The infant government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, was directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But the most outrageous pretensions of the United States minister for annexation, the Committee of Safety, which should be called the Committee for Annexation, would never have existed.

But for the landing of U.S. forces in the immediate vicinity, a territorial government they could be as easily governed as any of the existing territories of the United States. Hawaii had reached a parting of the ways. She must now take the road which leads to Asia, or the other which leads her as an independent nation to the Pacific, and binds her to the care of American destinies.

After reviewing the details of the overthrow and Stevens' lightning recognition of the Provisional Government, Cleveland concluded:

The following day, January 15, 1893, Stevens ordered the troops ashore to support the actions of the Committee of Public Safety who seized government buildings and forced the abdication of the Queen.

The specific details and legal arguments surrounding the overthrow have been given separate attention elsewhere in this report. For our purposes here, we shall only point out that the question of their annexation of the United States has been answered by the investigative report of Commissioner Blount which was sent by President Cleveland to render an accounting of the overthrow. In Blount's opinion, U.S. Minister Stevens was clearly part of a "rearranged plan to overthrow the Queen." Moreover, Stevens had recognized the Provisional Government before the Queen abdicated. Indeed, Blount stated that the Queen's abdication was a "Stormy result of Stevens' action." Finally, Blount concluded, annexation (the end goal of the Provisional Government) was not the will of the vast majority of the people in Hawaii.

In the persons of people claiming allegiance to foreign countries were excluded, (annexation) would be defeated by more than five to one. 61

President Cleveland, upon studying Blount's report, addressed Congress and gave this reading of the overthrow and the requests for annexation. Stevens had "reasonably promised" the project of annexing Hawaii. Indeed, Cleveland quoted Stevens at length:

Destiny and the vast future interests of the United States in the Pacific clearly indicate who at this distant date must be responsible for the government of these islands. Under a territorial government they could be as easily governed as any of the existing territories of the United States. Hawaii has reached a parting of the ways. She must now take the road which leads to Asia, or the other which leads her as an independent nation to the Pacific, and binds her to the care of American destinies. 62

After reviewing the details of the overthrow and Stevens' lightning recognition of the Provisional Government, Cleveland concluded:

Hawaii and sought annexation for the next five years. Once Cleveland left office and McKinley became President, execution was a certainty. In a message to Congress, in 1897, McKinley said:

Hawaii has shown her ability to enter into a conventional union with the United States of America, this realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian governments through seventy years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances, annexation is not a change, it is evolution, and would mean:

There was indeed "consummation" in 1898, but it was not benevolent or protective. Hawaiian governments before Kalakaua had not proclaimed their dependence on America. As a matter of record, they had exacted their international rights as a sovereign nation. Moreover, McKinley overlooked the fact that annexation was not the will of the people. The Republic of Hawaii, by deliberately entering its Constitution after the Mississippi Constitution of 1817 which disenfranchised black Americans, had effectively excluded Hawaiians and Asians from voting in the Republic. Of the officers of the Republic and on its 14-member Advisory Council, there was not a single Hawaiian. Under the scrutiny of history, McKinley's words become nothing more than slick justifications of America's policy of Manifest Destiny.

With annexation, Hawaii was politically incorporated into a rising capitalist nation to serve its interests and goals. Neither the concepts of the indigenous Hawaiian people nor their leaders had amounted to much in the Congressional debate over annexation. With few exceptions, the arguments for and against annexation in the Congress concerned whether or not the United States should become an obvious imperialist nation, achieving overseas colonies. In the event, the Constitution after the acquisition of colonies:

The fact that America had been an imperialist nation regarding Indians did not figure into the discussions. If it had, perhaps the direct connection between the treatment of the Indians and the treatment of the Hawaiians would have been more clearly discernable.
Given American expansion across the entire globe, it was predictable that the wishes of the indigenous people would be disregarded, and the debates focused wholly on the best interests of the United States. 64

Pro-annexationists saw clearly the advantages to commerce and military power in the Pacific if Hawaii were annexed. They argued that "the nation which controls the last great prize in the Pacific if Hawaii were annexed. They argued that "the nation which controls the last great prize in the Pacific will be the nation which controls the Pacific." In Asia, America's capitalistic interests in the resources and markets of China—her manifest destiny as an imperialist nation—toward her honorably acquired territories of Canton were now seriously threatened by the acquisition of colonies.

It was not the military threat of the war with Spain which forced the annexation issue. Within seven months of the Rowlands, smaller nations swallowed up by the callous capitalist system, the acquisition of territories took

The Big Five

While annexation furthered American colonial aspirations, it permitted the planter elite oligarchy control of the islands. A large national sugar quota was given to the planters who responded by opening 13 new plantations. The Big Five broadened and deepened their hold locally even as Hawaii was lying down ever more strongly into the world capitalist order.

Still controlled by missionary descendants, the Big Five extended their control to include railroads, banks, insurance companies, retail and wholesale outlets, shipping lines, and trust companies. Through intermediaries, joint stock ownership, and other means, the Big Five satisfied their power on all the islands of the chain. Finally, the planter oligarchy controlled politics. First, the governors office:

The solution arrived by Washington and Honolulu to joint control was to establish an extraordinarily imperial governor possessing a wide range of administrative and disciplinary powers. Control over the governorship thus became one of the keystones of elite control over the entire political process. Officially appointed by the president, territorial governors were in effect elected by the oligarchy.

And, later, the legislature:

The second keystone of political domination was legislative control. Since the Big Five was the only legally active group of the electorate and could easily be outvoted, it was faced with the continuing problem of establishing an electoral majority. With most Orientals barred from the polls as aliens, the dominant voting bloc was formed by the newly enfranchised Hawaiians. Skillfully using Hawaii leaders to construct a new Hawaiian base for legislative domination by the Republican Party, the state created the vehicle they needed.

This vehicle was the establishment of the homesteading act for Native Hawaiians passed in Congress in 1921. (This subject has been addressed elsewhere in this report). Ostensibly created to give land to impoverished Hawaiians to farm, the act actually made public lands available for re-sale to planters at incredibly cheap prices. Thus, out of 200,000 acres set aside for the supposed "rehabilitation" of the Hawaiians, most were re-leased for plantations. The sugar economy triumphed again.

By these means—economic control, political control and cultural hegemony—the Big Five maintained their control over the islands. This reign was reinforced by the resentment of those who were not the oligarchy who realized its ramifications.

First, the governors office: The Big Five solidified their control of the World Rank and leadership against the Communist countries. Between 1945 and 1975, the largest American corporations became multi-national, reaching overseas for higher profits and greater market control. The same was true for U.S. banks. Foreign aid often went hand in hand with corporate penetration. For U.S. military victory and the ensuing Cold War, American arms and bases spread all over the globe, assuring prosperity and democracy only by repressing and colonizing individuals and groups who refused to accept a "colonized" mentality in both the ruling class and the subordinate classes. The psychology of colonization would continue to afflict Hawaiians long after the war, including the Filipinos, and began their ascent into economic viability.

Part V: Hawaii's...
have nevertheless been driven to collaborate with overseas corporations who are land-poor but capital-rich. This collaboration has resulted in overseas ownership of large resort complexes and hotels with a concomitant loss of control for the local communities. The result has been the development of Hawai‘i as a dependent tourist-land development economy.

The role of the state in Hawai‘i has been critical in ensuring Hawai‘i’s part in the Pacific Rim strategy. Beginning with Statehood in 1959, both the Republican and Democratic governors consciously chose a path of support for tourism unprecedented in the growth of government funds earmarked for roads, harbors, airports, and other facilities in the early 1960s. Along with a commitment to infrastructure came an open market for mainland investment. State and County officials teamed up with local businessmen to attract foreign investors to business and investment. The result was that Hawai‘i became a “magnet for mainland capital.”

These investments created a further imbalance in Hawai‘i’s economy. When insurance companies like Prudential, John Hancock, and New York Life, for example, came to have substantial holdings in tourism/land development, local business owners and politicians increasingly found themselves to be junior partners in the tourist boom. But they quietly invested in land schemes causing a rush in speculation which, between 1960 and 1975, multiplied land values 15-30 times.

While the “New Hawai‘i” was being developed at a record pace, the unions came around to the tourist model, seeking membership in the construction trades and the hotels. Reeling from an anti-Communist campaign in the fifties that attacked many of their leaders, the trade unions were forced into support for the tourist developmental model.

With the State and County governments, the unions and the Big Five solidly behind tourism, Hawai‘i began to be viewed as the “Genus of the Pacific.” From 1959 on, the University of Hawai‘i was enormously expanded with a Tourism Industry Management School, and specialization in research and development, Asian Studies.

...to all nations of the ‘Pacific Rim’:

The Pacific Rim strategy is the strategy for sustained corporate profitability and thus survival as applied to the special historical, socioeconomic, and political circumstances of the Pacific Rim nations. This central theme is shared with multinational corporate strategies elsewhere in the implementation of a division of labor whereby some nations are forced into the role of raw material suppliers and cheap manufacturing units for the benefit of other nations. Pacific Rim corporate strategies are aimed at motivating, everyone that not only in the “Pacific division of labor” annually desirable from a developmental point of view, but that it is quite definitely in the interests of all concerned. 72

It is in the context of this strategy that Hawai‘i’s post-war economic development needs to be understood. After the war, the sugar industry began to stagnate. A weakened labor force and a glut of sugar on the world market kept profits low and unstable. Faced with the passing of the plantation economy, the Big Five went multi-national, reorganizing their management, consolidating their holdings, streamlining their operations, importing new technology, and increasing their aggressive pursuits of markets in the Pacific.

This multinationalization meant, for the Big Five and Dillingham, a ruthless concern with profitability. The results have been a callous exploitation of people, their communities and the environments. In addition, since multi-nationals are accountable to no one while they are present everywhere, their power over those countries at will, thus disrupting and sometimes destroying communities, is immense. Moreover, multinationals often locate in the most oppressive nations because the reaping dictators will guarantee a military held of enforced stability which protects investments and profit.

While the Big Five have internationalized the Pacific Basin as multi-nationals, they have looked to tourism and land development as their economic base in Hawai‘i. For all of the sugar barons have meant the coming of the tourist islands. Ideally situated for this transformation because of their vast landholdings, the Big Five...
The army, first present during the 1790s diplomacy of the sandalwood and whaling stages, was the naked force, the obvious threatening instrument of American imperialism. Hawaiian governments were continuously at the mercy of American wishes, until the final act of injustice in 1832 when U.S. troops, on U.S. pretense of protecting American life and property, forced the abdication of the Queen.

Justifications for this "plucking of the golden fruit," as U.S. Minister to Hawaii's Stevens called the overthrow, were the familiar nineteenth century themes of Manifest Destiny and Social Darwinism. These twin ideals were manifested in the wholly American belief, held by everyone from Jefferson, Monroe, Jackson, Adams, down to Harrison, McLane, and Roosevelt (and on into the 20th century by Kennedy, Nixon, Johnson et. al.) that the United States, because of superior virtue, people, and culture, was chosen by God and history to control first the continent of America, then the Pacific, then the Caribbean, and finally Asia and beyond. Myths of "wilderness," "frontier" and "open space" justified the extermination and forced removal of 10-12 million Indians, while thinly-veiled racism legitimated the "white man's burden" of forcing "Christian civilization" on Hawaiians, Samoans, Chamoons, Tahitians, and millions of other indigenous people around the globe. Kennedy's analysis in Facing West is particularly good on this point since he traces American expansion from the Puritans through the Vietnam War.

Hawaii was colonized by America as surely as India was colonized by the British. But where India finally saw its freedom, Hawaii became an ever more dependent satellite, finally incorporated as an "internal colony" within the territorial borders of the United States.

The roles of the missionaries and the military in these events were integral to America's expansion. The missionaries came to transform Hawaiian reflections replete with Western dress, English, and Christian religion, and most necessary of all, private property. Indeed, it is true that the missionaries' most lasting effect on Hawaii (especially in light of the annexation of the Big Tree) was the "spirit of capitalism." Meanwhile, the military, first present during the 1790s diplomacy of the sandalwood and whaling stages, was the naked force, the obvious threatening instrument of American imperialism.
Dear Senator Inouye,

I hope this letter finds you well. I have been involved in the Native Hawaiian Study Commission here in Hawaii, and I am writing to you to express my concern about the Commission's recent decision to remove the section on the United States involvement in the overthrow of the Kingdom of Hawaii.

The overthrow of the Kingdom of Hawaii in 1893 was illegal and the Hawaiian sovereignty should be restored. All this, notwithstanding the original yielding of authority, under protest, by Queen Liliuokalani to protect the rights and interests of the Hawaiian people. The overthrow was illegal and the Hawaiian sovereignty should be restored. All this, notwithstanding the original yielding of authority, under protest, by Queen Liliuokalani to protect the rights and interests of the Hawaiian people.

If this requires "special legislation", then that is what must be done; that is the law of Congress. But, if I am a friend of the mutual interests of the United States and the Hawaiian people, then the question of the present Hawaiian sovereignty is one of the most fundamental laws of the United States and the Hawaiian people.

The Hawaiian Islands are part of the United States, and the Hawaiian people are our fellow citizens. The United States has a duty to protect the sovereignty of the Hawaiian Islands and to ensure that the rights of the Hawaiian people are respected.

I know that the Hawaiian people have their own government and their own laws, but the United States has a duty to protect their sovereignty and to ensure that their rights are respected.

Sincerely,

[Signature]

Charles Trembath

Allawi, Washington, D.C. 20240

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68. Ibid., p. 115.
69. Kent, p. 145.
70. Quoted in Kent, p. 77.
71. See Felix Green's analysis of post-war American imperialism in The Empire.
72. Kent, p. 100.
73. Ibid., p. 134.
74. This section follows closely Kent's analysis, pp. 127-130.
75. For statistics on Hawaiians, see the State-Economic Section of this report.

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November 10, 1992

Senator Daniel Inouye
United States Senate
Washington, D.C. 20510

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75. For statistics on Hawaiians, see the State-Economic Section of this report.
I want to respond to the Native Study Commission’s draft report. I found it to be very vague and non-factual. I also had great difficulty getting the report itself due to non-availability. Disappointing—

Brooke Temple

Brooke Tutu

the missionary element, tends to make the power most unstable and because they found I could not easily be led by them they dislike se."

The interference of the American missionaries, J. L. Stevens, in our local affairs, and competing with a few foreign people to overthrow us and some these islands to the United States, and by his act, me, has placed me and my people in this unhappy position."

"We have been waiting patiently, and will still wait, until such time as the government of the United States, on the facts presented to it, shall undo this act of its representative."

The nerve of these missionary elements! How is the island, from under its Алоhа 'ins! And that awful, J. L. Stevens, should have been here! For treason, I purposely quote elements, and it is because of this very ELEMENT I am moved with anger and prompt into delivering this message.

As I have been temporarily made by the spirit of that woman, through her influence I knew the spirit beyond any normal human existence, for which these people had made her suffer. And the agony and humiliation, Queen Liliuokalani carried for twenty-four years from her overthrow to her death.

And the blasphemy of those involved who have assumed the character of that heavenly element!

Now, I would like to see the descendants come forth and address this matter, and make every possible to this disgusting misdemeanor, to which their forefathers were so instrumental to the situations by the means of that very ELEMENT a disastrous and egotistical misdemeanor indeed!

For too long have one and one been three, and it is time they come forth in the presence of this nation. For now is the time to do so, and if they refuse, time will be against them, as well as that Heavenly ELEMENT:

"Disappointing—"
Day we are, should forget about the twenty-fifth anniversary of President
Paliolok. It is still remains the pope of American aggression.

We are Americans first and Americans not even secondly, but only "technically,"
our culture and way of life is different from Western World. Yet Americans,
with the help of non-American representatives, tries to semperilizes it by placing
our culture in the category of, "Native American Culture." Why Delay, Maine;
and we are screaming--the devil again! Don't know who we are

restore Hawaiian sovereignty and its homeland back to the people. I don't
know too often times I must strange this thing which every person with the least
common sense should know. America is wheels. Hawaii is Hawaii. It is not,
Hawaii is American, so America is Hawaii.

Sovereignty can not be bought. It is priceless. Money has no place in sovereignty.
Only through complete genocide, I stress this point strongly, because only through complete genocide can sovereignty be taken away or lost.
Is this what America have done? Or is this what America has in mind? Therefore,
it is time for the United States to wake up and realize this fact as well as
our fraudulent State.

we the Hawaiian people still do have, what is rightfully ours by God--our
sovereignty. Our existence as Hawaiian is proof of our sovereignty, and that
is not. And any one or people think this not so, is an ignorant fool. For
no one or people has that right.

So, it is time we the Hawaiian people start realizing this fact, and start
everlasting our sovereignty. We always had it, but was always asked, and
suppressed, and most of all, brainwashed to thinking we lost it. Let us all
join together and tell, and most that failure forever.

And clever those involved and responsible thought they were, but what a

This is the House,

Nalale Lamonte-Utulei
Kahului, Maui, Hawaii

3-161-246-01

Vice to the mentality of many even under the eye of God. An absolutely
flagitious crime born of that element.

Are we so ignorant we can't see this?

This whole campaign affair has been an insidious, whitewashed, flagitious,
triumph of the unscrupulous and our sovereignty up to now. It is time this
campaign is known to everyone.

It is time for the ruling class and the intelligentsia, as well as
the intellectuals, to come out from hiding. Come forth, and take on your
responsibilities and duties, and fulfill your purpose.

I will let the word of my voice reach the ear of everyone by my generation
and thereafter, and have them know the right from wrong. And when this is all
fulfilled, people of the past, our state, and America, will look at us as a
in time in history when people had removed themselves so far, to not know the
difference of right and wrong. They will be amazed! They will wonder--how possibly?
How would you feel?

For anyone who knows and think nothing of what has happened; the displacement
of your mentality is hard to comprehend.

All past generations, by their silence, have been abetted; accomplices in
this hideous atrocity. And our generation absolutely refuses to be part in
joining the pages of this shameful history beneath to us knowing this
information, the consciousness of well,

broken accounts and the legacy of bitterness is reflected in our generation and M, exist.

So to concile to this already would be absolutely ludicrous our person
of amount of sincerity one endeavors the horror of this flagitious aspect;
which if not rectified, the future generations will face such an immense horror
for which all still aware the accusations and only blamed. For there
will be no association.

Proposals and Separations

A. To end the twenty year old繼續 continues affair of "American "terri

Since America is at its reckless national debt and not able to repre-
seentatively for the scattered population of the Hawaiian people, for such
demands (lead) as well as a price which there is none to, born on the
principles sovereignty; the conscience and separations of America comes
to this:

B. American's responsible. 1. End, the animosity of the people, their
rights and单元性 to exist.

1. The office of Hawaiian official of Hawaiian descent, will be in
charge of the Hawaiian policies, the Hawaiian people and all
Hawaiian's lands.

C. The acceptance is full by the Hawaiian people, to have a "American"
government exist externally in their homeland.

1. All federal and state offices and its activities as if so, will
remains the control of the United States, under the name of:
The Office of Hawaiian Affairs.

And power to God that a peace末端 of American relation is established
for the world, toward an American-initiated Commonwealth of Nations.

The House

Nalale Lamonte-Utulei
Kahului, Maui, Hawaii

3-161-246-01

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In response to the Native Hawaiian Study Commission's call for written comments on the Draft Report of Findings, I submit the following comments.

There is an extended date beyond November 9th before the report is due. A lot of the report shows the Hawaiians as a people who need to be prepared by the people who are prepared for them. Hawaiian culture needs to have an extended date beyond November 9th before the report is due.

Sincerely yours,

Project Director
Native Hawaiian Land Trust Task Force

November 9, 1982

The Native Hawaiian Study Commission
Department of the Interior Building
18th & C Streets - Room 6220
Washington, D.C. 20240

Dear Sirs:

I'm writing this letter in response to the Native Hawaiian Study Commission Draft Report of Findings released on September 23, 1982, the Native Hawaiian Land Trust Task Force response in an effort to.

Thank you for your time and hope that you will help Hawaiians to come back with a more crucial Study Report on Native Hawaiian sitting and in a way.

Sincerely,

Mr. Hayley D. Van Ostred
The overthrow of the monarchy—part I

Viewpoint

By W. K. Westlake

On December 31, 1893, the Hawaiian Islands were annexed to the United States. This event has been a subject of controversy ever since. The annexation was not only a political decision but also a result of the overthrow of the monarchy in 1893. The Monarchy was overthrown by a group of American planters and business owners who had ties to the United States. The overthrow was a result of a power struggle within the monarchy and the influence of foreign powers.

The annexation of the Hawaiian Islands has been a topic of debate ever since. Some historians believe that the United States played a role in the overthrow of the monarchy, while others believe that it was a result of internal dynamics within the monarchy. The annexation of the Hawaiian Islands was seen as a way for the United States to expand its influence in the Pacific region.

The annexation of the Hawaiian Islands was a significant event in United States history. It marked the end of the Hawaiian Monarchy and the beginning of a new era of political and economic development in the islands. The annexation also had a significant impact on the lives of the Hawaiian people, who were forced to adapt to a new political and economic order.

In the aftermath of the annexation, the Hawaiian people faced many challenges. They had to adapt to a new political and economic order, and they had to find ways to maintain their culture and way of life. The annexation also had a significant impact on the lives of the Hawaiian people, who had to adapt to a new political and economic order.

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Overthrow of the monarchy—part III

Rebutts Anderson criticism
Padeken: Ariyoshi record good on Hawaiian affairs

October 4, 1982

Dear Mrs. Komali,

These papers are being forwarded to you on behalf of County Rep. Norton.

Good luck in the forthcoming election.

Aloha,

[Signature]

Kangri development plan

We have made a thorough study of the Kangri development plan and have found it consistent and appropriate. Our advice remains to act under the Hawaiian Homestead Act if necessary.

The first question that needs to be answered is: Are we ready to face the next phase of this plan? We must know the final reports before we can decide whether we are ready or not.

We readily admit that some industrial areas and potential residential areas could be made available in the specified areas. However, we must be sure that the land is utilized as planned.

In your development plan, there is no reference to drainage and waste water, nor how they plan to control such.

We would strongly suggest that the area you have designated as commercial and industrial areas be reevaluated for drainage requirements and agricultural lands which was the original intent.

Kangri has a developed industrial area that can be used by the agricultural company as a manufacturing complex and utilization system to assist the Hawaiian Homesteaders and farmers. We recommend 5, 10, 15 and 20 acre agricultural plots.

Kangri has the advantage of a rural and industrial village with self-sufficiency and urban areas. It is suggested that all plantings should be directs, not only to the industrialization of the qualified native Hawaiian, but also to the rehabilitation of the land into self-production.

We are confi dent that wind energy has a very high potential in this area and suggest that you pursue this avenue of building energy for the Hawaiian Homestead Commission.

We find no fault with your designation of the area as a drainage and conservation area.

Respectfully, Kangri has always been a sacred place and has served as a burial ground for the people of our race.

Once more, we want to say that we are convinced that there is potential for industrialization of the qualified native Hawaiian and an industrial area in lieu of being commercially developed.

In closing, we would like to suggest that certain provisions be made to each native Hawaiian individually so that they may express their personal thoughts and feelings for the land that they should rightfully occupy.

Sincerely, [Signature]


The Native Hawaiian Study Commission

January 31, 1983

Page 4

The information presented herein and in accompanying documentation discuss the following point:

1. Native Hawaiian Mental Health Status
2. Mental Health Services for Hawaiians
3. Culturally Sensitive Service in Native Hawaiian Communities
4. White Ole Project

However, the causes of these problems, their prevention by Hawaiians, and the appropriate means by which they are received differ markedly from those experienced by non-Hawaiians.

Native Hawaiians are a unique cultural group with longstanding traditions of personal, family, and social behavior that are largely unique to the identity and role of individuals in their daily lives. Procedures to successfully provide adequate service levels for families and culturally related services among Native Hawaiians and incorporate role and value conflicts, and present competing incentives to maintain competitive, non-traditional lifestyles or to adopt more environment-based competitive and harmonious lifestyles associated with modern American lifestyles. A significant part of the problem is that there are no real antecedents that can be traced to any single source of the Western American lifestyle. A similar lifestyle is pursued by a non-Native Hawaiian youth who may seek to maintain the Western lifestyle in his parents' community.

Cultural conflicts and stresses foster mental and emotional disorders among Native Hawaiian youth and young adults, in particular, among those from lower levels of formal educational attainment and background.

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The Native Hawaiian Study Commission

January 31, 1983

Page 7

The Hale Ola o Ho'opakele Project at the Department of Interior Building in Washington, D.C. (Photo by Robert Howes)

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Cultural conflicts and stresses foster mental and emotional disorders among Native Hawaiian youth and young adults, in particular, among those from lower levels of formal educational attainment and background.
The Native Hawaiian Study Commission
January 16, 1983

A REPORT TO INTERVIEW PARTICIPANTS
November 1982

Introduction

The Hale Ola Project has been responsible not only for identifying and documenting communication styles with regard to personal conflict, but also for identifying and documenting cultural research efforts that work to elicit specific kinds of information directly applicable to cultural sensitive service delivery. In particular, Hale Ola has identified a community research program which consists of three main research efforts:

1. A community survey of native Hawaiian perceptions and communication styles with regard to personal problems; and
2. A survey of informal caregivers and community assistance on the Moloka'i Coast; and
3. A survey of the knowledge, attitudes, and practices of formal government service providers on the Moloka'i Coast with regard to their sensitivity to native Hawaiian service needs.

At the present time, the first research effort has been completed and documented as a community survey of native Hawaiian perceptions and communication styles with regard to personal problems. This report has been based on an interview schedule conducted by Hale Ola staff trained in research methods. Over 400 residents were selected at random to form a representative sample of the Moloka'i Coast and non-Hawaiian populations. Survey findings indicate that native Hawaiians have lived longer on the Coast, have native Hawaiian surnames and have fewer skilled jobs than non-Hawaiians. Native Hawaiians need to feel their current living situation is not satisfying and consider life to be basically safe. Several themes that have direct bearing on the mental health of the community are considered in this survey. One is the fact that the traditional, rural Hawaiian lifestyle is unattainable by most residents. Another is the growing awareness of the effects of rural life on the health of residents. The third is the potential for cultural differences such as language and values to be translated into behavioral differences.

The second research effort is now almost completed. It is aimed at identifying and documenting the majority of informal caregivers and community assistance on the Moloka'i Coast with regard to their sensitivity to native Hawaiian service needs. Overall, the research efforts at Hale Ola are closely integrated with the Native Service Program which emphasizes placing on direct application of research results to service planning, design, delivery, and service linkage and coordination efforts.

Contents

- A Cultural Healing and Resource Center
  - A Report to Interview Participants

- Hale Ola Project
  - The Native Hawaiian Study Commission

- Introduction

- Survey findings from the Hale Ola Project: Survey of Moloka'i Coast Residents

- The study included

- Interviews conducted with 400 residents.

- The survey was conducted using a structured interview schedule.

- The results of the survey are presented in the report.

- The report includes findings on
  - Communication styles
  - Informal caregivers
  - Community assistance

- The survey findings are used to identify

- Needs and gaps in service delivery.

- Recommendations for improvement.

- The report aims to

- Improve service delivery to native Hawaiian populations.

- The report is valuable for

- Professionals working with native Hawaiians.

- Researchers interested in

- Native Hawaiian culture.
A) Background Information

Ar: Honolulu residents were asked to name several of the problems that they or their families have been experiencing during the last year. The following are some of the problems that residents mentioned:

1. Housing problems: Many residents reported that they have had difficulty finding affordable housing, and that the housing they do find is often in poor condition.

2. Health problems: Many residents reported that they have had difficulty accessing health care, and that the health care they do receive is often inadequate.

3. Education problems: Many residents reported that they have had difficulty obtaining an education, and that the education they do receive is often substandard.

4. Employment problems: Many residents reported that they have had difficulty finding and keeping a job, and that their work environment is often unsatisfactory.

B) Life Satisfactions

While we cannot say that all residents are completely satisfied with their lives, it is clear that many of them are. In fact, the majority of residents reported that they are satisfied with their lives overall. This is true even for residents who are experiencing problems, such as housing problems. For example, many residents who reported housing problems also reported being satisfied with their lives overall. This suggests that while problems may create stress and anxiety, they do not necessarily lead to complete dissatisfaction with life. In fact, many residents are able to find ways to cope with their problems and maintain their overall sense of satisfaction.

C) Problems and Solutions

Residents were asked to identify the problems they have been experiencing in their lives, and then to describe the solutions they have found to these problems. The solutions that residents identified include:

1. Seek help from friends or family: Many residents reported that they have sought help from friends or family members to solve their problems.

2. Seek help from community organizations: Many residents reported that they have sought help from community organizations, such as social service agencies or religious organizations.

3. Seek help from government agencies: Many residents reported that they have sought help from government agencies, such as housing authorities or health departments.

D) Future Goals

Residents were asked to describe their future goals, and the goals that they have identified include:

1. Improve their housing situation: Many residents reported that they have set goals for improving their housing situation, such as finding a new home or repairing their current home.

2. Improve their health: Many residents reported that they have set goals for improving their health, such as getting regular medical checkups or avoiding unhealthy behaviors.

3. Improve their education: Many residents reported that they have set goals for improving their education, such as obtaining higher levels of education or returning to school.

4. Improve their employment: Many residents reported that they have set goals for improving their employment, such as finding a better job or starting their own business.

E) Support and Assistance

Residents were asked to identify the people or organizations that have provided them with support and assistance in solving their problems. The people and organizations that residents identified include:

1. Friends and family: Many residents reported that friends and family members have provided them with support and assistance.

2. Community organizations: Many residents reported that community organizations, such as social service agencies or religious organizations, have provided them with support and assistance.

3. Government agencies: Many residents reported that government agencies, such as housing authorities or health departments, have provided them with support and assistance.

F) Findings from Previous Studies

We also looked at previous studies to see how our findings compare with those of other researchers. For example, a study by the National Center for Health Statistics found that life satisfaction is strongly related to physical health. Another study by the American Psychological Association found that life satisfaction is strongly related to psychological well-being.

G) Conclusion

In conclusion, we found that residents are generally satisfied with their lives, even though they are experiencing problems. We also found that residents are able to find solutions to their problems, and that they are able to set goals for improving their lives. Overall, our findings suggest that residents are able to cope with their problems and maintain a sense of satisfaction with their lives.

April 27, 1983

Native Hawaiian Study Commission

U.S. Dept. of Interior

Washington, D.C. 20240

Dear Sirs:

Earlier I had submitted copies of the October 1982 and the February 1983 issues of The Hawaiian News to your office in Honolulu and noticed while in D.C. that your office did not receive them. I am here for sending additional copies to you at this time to be considered as commentary in your report.

Al poised

Editor, The Hawaiian News
"The Federal Government's Responsibility to Hawaiian Homes"

NOW WHAT DO WE DO?

Let Congress know we want the remaining ceded land back now! Fill out the form below and mail it today!

To: Native Hawaiian Study Commission
     P.O. Box 1937
     Honolulu, Hawaii 96804

Please demand that the U.S. Congress return all of the 144,000+ acres of ceded lands (according to public law 88-233) to the state of Hawaii immediately!

Additional Comments:

Name: [ ] Hawaiian
     [ ] Non-Hawaiian

Address: [ ] P.O. Box [ ] Honolulu

Please demand that the U.S. Congress return all of the 144,000+ acres of ceded lands (according to public law 88-233) to the state of Hawaii immediately!
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To: Native Hawaiian Study Commission
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   Honolulu, Hawaii 96823

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Additional Comments:

Name: [ ] I am a
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Additional Comments: I believe that Hawaii needs immediate action to return all of the ceded lands to the state. The lands were ceded in order to support the state's economy and its people. It is only fair that the state is returned these lands. I hope that the U.S. Congress will act quickly to address this issue.

Name: [Signature]
Address: [Address]
City, State, Zip: [City, State, Zip]

Definite Answer:
If there is a positive or negative answer or both. Please elaborate either way. Also if there are other alternatives in regards to this situation, I would like to be kept informed more about this in the future.

me. ke. aloha,
John Kaldara
Please demand that the U.S. Congress return all of the 144,000+ acres of ceded lands (according to public law 88-233) to the state of Hawaii immediately!

Additional Comments: The loss of Hawaii's land always been hard on the people. Only through our efforts can we recover our land and make our people strong again.

Name: [Signature]
Address: [Address]

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Name: [Signature]
Address: [Address]
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[Address form]

[Signature]

Aloha,

DAVID ROSS
154-762 MAUI
HAWAII

[Stamp]