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REPORT ON THE
HAWAIIAN NATIVE CLAIMS

(Second Draft)

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January 17, 1978

REPORT ON THE HAWAIIAN NATIVE CLAIMS

This report is an analysis of the Hawaiian Natives Claim for compensation or reparations from the United States. The purpose of the report is to determine the validity or the legitimacy of the claim.

The analysis will inquire into the following matters:

- 1) The basis for the Hawaiian Natives Claim;
- 2) The historic policies and legal precedents established by the United States appertaining to its aboriginal peoples and their lands over which the United States has extended its dominion and sovereignty; and
- 3) Does the Hawaiian Natives Claim fall within the purview of those historic policies and legal precedents, and are such policies and legal precedents applicable to the Hawaiian Natives Claim?

no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the de facto and the de jure Government. In point of fact the existing Government, instead of requesting the presence of an armed force, protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property . . .

". . . I believe that a candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States. Fair-minded people, with the evidence before them, will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the Provisional Government had ever existed with their consent. I do not understand that any member of this Government claims that the people would uphold it by their suffrages if they were allowed to vote on the question . . .

". . . As I apprehend the situation, we are brought face to face with the following conditions:

"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 of 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 pains 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 false pretext by the United States forces, and but for Minister Steven's recognition of the provisional government when the United States forces, 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 U. S.

"Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without

justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the Provisional Government . . .

". . . By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The Provisional Government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that Government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power . . .

". . . On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse 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 . . ."

The complete text of President Cleveland's message is attached as Exhibit "A". It sets forth the entire series of events that occurred prior to, during and subsequent to the so-called revolution of 1893. In addition, attached as Exhibit "B", you will find Appendix "A" and "B" from "Hawaii's Story" by Queen Liliuokalani wherein she makes, in part, the following remarks in her report to Commissioner James H. Blount.

"In making out this lengthy statement I will present the main points:

"The disposition of those appointed to position, of authority, to act with the missionary element, tends to make the government unstable; and because they found I could not easily be led by them, they do not like me.

"(2) The interference of the American minister, J. L. Stevens, in our local affairs, and conspiring with a few foreign people to overthrow me and annex these Islands to the United States, and by his actions, has placed me and my people in this unhappy position . . .

". . . (4) That on the afternoon of the 16th of January, at five P. M., the United States troops were landed to support the conspirators, by orders of the United States minister, J. L. Stevens.

"That on Tuesday, the 17th of January, 1893, at about two thirty o'clock P. M., the Provisional Government was proclaimed, and Minister Stevens assured my cabinet that he recognized that Government; and that at six P. M. of the same day I yielded my authority to the superior force of the United States.

"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 the act of its representative . . ."

President Cleveland's Secretary of State, Walter Q. Greshma, wrote the President in October of 1893:*

". . . Mr. Blount states that while at Honolulu he did not meet a single annexationist who expressed willingness to submit the question to vote of the people, nor did he talk with one on that subject who did not insist that if the Islands were annexed suffrage should be so restricted as to give complete control to foreigners or whites. Representative annexationists have repeatedly made similar statements to the undersigned . . .

". . . Can the United States consistently insist that other nations shall respect the independence of Hawaii while not respecting it themselves . . . Our Government was the first to recognize the independence of the Islands and it should be the last to acquire sovereignty over them by force and fraud . . ."

The foregoing excerpts together with the complete texts attached hereto spell out clearly that the United States Government entered into a treaty of annexation with a Provisional Government it knew to be discredited and unlawful and without the consent of the Hawaiian people.

- While Cleveland was President -
No - Go.

- Cleveland lost Re-election
Bld. - New administration - swiftly
concluded annexation - but treaty
with totally discredited Provisional
Government. -

Swiftly & Silently - no
plebiscite - The U.S. took advantage
of its own wrong doing -

= Cover up - all these years
as to what had occurred. -

II. HISTORIC POLICIES AND PRECEDENTS

The first declaration of the fledgling United States as to its policies dealing with its first aboriginal people and their lands is stated in the Ordinance of 1787 passed by the Confederate Congress on July 13, 1787, and re-enacted by the 1st Congress of the United States of America on August 7, 1789 (1 Stat. 50). The Ordinance of 1787 provided for the Government of the Territory of the United States Northwest of the River Ohio.

The relevant portion of that ordinance to this discussion is contained in Article III thereof:

Article III

". . . The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; . . ."

The record of the United States in carrying out this noble statement of policy and intention as to how it would deal with the Indians and their lands is not without blemish. Nevertheless, the United States has consistently, if not spasmodically, maintained a policy in its dealing with Indian tribes to grant to them title to a portion of the lands which they occupied, to extinguish the aboriginal title to the remainder of the lands by placing such lands in the public domain, and to pay the fair value of the titles extinguished.

This policy has been maintained in the face of the general rule that the sovereign has the authority to convert aboriginal title into full fee title, in whole or in part, or to extinguish the aboriginal title either with or without monetary or other consideration.

The policy of the United States to grant to Indians title to aboriginal lands and to pay the fair value for aboriginal title extinguished was first initiated by treaties in the earlier period of our history and was later followed by special jurisdictional acts and the general statutes like (49 Stat. 801) 1935 by which the Congress authorized the court of claims to hear designated claims of certain Indian tribes in the State of Oregon. The classic case arising under the authority of this act of Congress was U. S. v. Alcea Band of Tillamooks et. al (329 U. S. 40) (1946) wherein the court held:

"Tribes which successfully identify themselves as entitled to sue . . . prove their original Indian title to designated lands, and demonstrate that their interest in such lands was taken without their consent and without compensation, are entitled to recover compensation without showing that the original title ever was formally recognized by the United States." (329 U. S. 40)

The court thus held that original Indian title was an interest the taking of which without the consent of the Indian tribes, entitled them to compensation (59 F. Supp. 934) (1945).

The Congress next passed the Indian Claims Act of 1946 (25 U. S. C. A. 70), which provides as follows:

Sec. 70a. Jurisdiction; claims considered;
Offsets and counterclaims

"The Commission shall hear and determine the following claims against the United States on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska:

"(1) claims in law or equity arising under the Constitution, laws, treaties of the United States, and Executive orders of the President;

"(2) all other claims in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit;

"(3) claims which would result if the treaties, contracts, and agreements between the claimant and the

United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity;

"(4) claims arising from the taking by the United States, whether as the result of a treaty of cession or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant; and

"(5) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity. No claim accruing after August 13, 1946, shall be considered by the Commission.

"All claims under this chapter may be heard and determined by the Commission notwithstanding any statute or limitations or laches, but all other defenses shall be available to the United States . . . (60 Stat. 1049)"

Thus the Indian Claims Act of 1946 permits Indian tribes to recover from the United States the fair value of the aboriginal titles to land taken by the United States (by cession or otherwise) if the full value had not previously been paid.

That is to say the Act of 1946 no longer predicates the Indian Claim for compensation for lands taken by the United States on the extinguishment of aboriginal title but extends such right to compensation to any taking of Indian interest in land by any means for which fair compensation was not previously paid.

This, then, is the background upon which the Alaskan Native Claims Settlement Act of 1971 (PL 92-203) is based. The Alaska Native's claim to aboriginal title is best explained in House Report No. 92-523 as follows:

"When the United States acquired the Territory of Alaska by purchase from Russia, the treaty (proclaimed June 21, 1867, 15 Stat. 539) conveyed to the United States dominion over the territory, and it conveyed title to all public lands and vacant lands that were not individual property. The lands used by the 'uncivilized' tribes were not regarded as individual property, and the treaty provided that those tribes would be subject to such laws and regulations as the United States might from time to time adopt with respect to aboriginal tribes.

"Congress provided by the Act of May 17, 1884 (23 Stat. 24), that the Indians and other persons in the territory (now commonly called Natives) should not be disturbed in the possession of any lands actually in their use or occupation or then claimed by them, but that the terms under which such persons could acquire title to such lands were reserved for future legislation by Congress. Congress has not yet legislated on this subject, and that is the purpose of this bill.

"Aboriginal title is based on use and occupancy by aboriginal peoples. It is not a compensable title protected by the due process clause of the Constitution, but is a title held subject to the will of the sovereign. The sovereign has the authority to convert the aboriginal title into a full fee title, in whole or in part, or to extinguish the aboriginal title either with or without monetary or other consideration.

"It has been the consistent policy of the United States Government in its dealings with Indian Tribes to grant to them title to a portion of the lands which they occupied, to extinguish the aboriginal title to the remainder of the lands by placing such lands in the public domain, and to pay the fair value of the titles extinguished. This procedure was initiated by treaties in the earlier part of our history, and was completed by the enactment of the Indian Claims Commission Act of 1946. That Act permitted the Indian Tribes to recover from the United States the fair value of the aboriginal titles to lands taken by the United States (by cession or otherwise) if the full value had not previously been paid.

"The Indian Claims Commission has not been available to the Natives in Alaska, in a practical sense, because the great bulk of the aboriginal titles claimed by the Natives have not been taken or extinguished by the United States. The United States has simply not acted.

"The extent to which the Natives in Alaska could prove their claims of aboriginal title is not known. Native leaders asserted that the Natives have in the past used and occupied most of Alaska. Use and occupancy patterns have changed over the years, however, and lands used the occupied in the past may not be used and occupied now. Moreover, with development of the State, many Natives no longer get their subsistence from the land.

"The pending bill does not purport to determine the number of acres to which the Natives might be able to prove an aboriginal title. If the tests developed in the courts with respect to Indian Tribes were applied in Alaska, the probability is that the acreage would be large--but how large no one knows. A settlement on this basis, by means of litigation if a judicial forum were to be provided, would take many years, would involve great administrative

expense, and would involve a Federal liability of an undeterminable amount.

"It is the consensus of the Executive Branch, the Natives, and the Committee on Interior and Insular Affairs of the House that a legislative rather than a judicial settlement is the only practical course to follow. The enactment of H. R. 10367 would provide this legislative settlement.

"The Committee found no principle in law or history, or in simple fairness, which provides clear guidance as to where the line should be drawn, for the purpose of confirming or denying title to public lands in Alaska to the Alaskan Natives. The lands are public lands of the United States. The Natives have a claim to some of the lands. They ask that their claim be settled by conveying to them title to some of the lands, and by paying them for the extinguishment of their claim to the balance."

P. L. 92-203, by act of Congress, settles the natives' claims by conveying to them title to 40 million acres of land and paying a cash award in the amount of one billion dollars (\$1,000,000,000) as compensation for extinguishment of title to the remainder of land claimed.

The United States, like all western nations, never regarded the American Indian or Alaskan native as sovereign nations. So-called "Indian Nations" were not recognized as nations with prerogatives of internal and external sovereignty by the community of civilized nations, and any western or civilized nation had the prerogative to extend its dominion and sovereignty over the "savage natives" domain so long as the aboriginal people were left undisturbed in the peaceful occupancy and use of aboriginal lands. At best they were considered to be "Dependent Domestic Sovereigns". (Chief Justice Marshall *Worcester v. Georgia* 6 Pet 15, 1832) with certain internal sovereignty over the aboriginal lands (domain) remaining or vested in them. Therefore, claims based on loss of dominion were never considered.

Hawaii, on the other hand, although a "native or aboriginal" nation, had from the establishment of kingdom until the overthrow of

1893, been recognized as a bonafide nation, with all the prerogatives and powers appertaining thereto, by the community of nations and recognized as such under international law.

Consequently, the Hawaiian Natives Claim does not only deal with the taking of aboriginal lands (domain) for which there is ample precedent, but also with the taking of Dominion (sovereignty) for which there is no precedent.

We can state the following propositions with accuracy as to the historic policies and legal precedents of the United States in its dealing with aboriginal lands: (Indians and Alaskan Natives).

1. Original Indian (aboriginal) title is an interest the taking of which, without the consent of the Indian Tribes (Natives) entitled them to compensation (59F. Supp 934) (1945),

2. Indian Tribes have been permitted by law to recover from the United States the fair value of the aboriginal titles to lands taken by the United States (by cession or otherwise) if the full value had not been previously paid.

3. The above-mentioned principles dealing with Indian lands formed the basis for the Alaskan Natives land settlement.

4. There are no legal precedents or historic policies dealing with claims for loss of dominion or sovereignty.

5. The American Indian, the Alaskan Native, and the Hawaiian Native are the only native or aboriginal inhabitants of what now constitutes the 50 states of the United States of America. They comprise a distinct and easily identified class of people who are all now citizens of the United States. Therefore, all legal precedents dealing with any one of the three should and must be made applicable to the class as a whole. We have seen that the legal precedents first developed with the American Indian were made applicable to the Alaskan

Native. Clearly, those precedents should also apply to the native Hawaiian. The Native Hawaiian claim is supported not only on the congressional and judicial precedents, outlined above, but on constitutional warrant as well.

III. DOES THE HAWAIIAN NATIVE CLAIM FALL
WITHIN THE PURVIEW OF THE HISTORIC POLICIES
AND LEGAL PRECEDENTS ESTABLISHED
BY THE UNITED STATES?

As has been pointed out earlier, the Hawaii Native Claim is two pronged.

FIRST: The United States took lands in the Hawaiian Islands in which the native people had a vested interest without their consent and without compensation.

This first claim is based on the taking by the United States of an aboriginal interest or title to land without consent or compensation. There is more than ample precedent established to require compensation for such taking by the United States.

The question before us is did the native or aboriginal Hawaiian have, in 1893, such aboriginal interest or title in the land taken by or ceded to the United States which is compensable under long and well-established precedent.

The lands in question are the so-called Government lands and Crown Lands of the monarchy which are now the public lands of the State of Hawaii consisting of approximately 1,590,532 acres and lands returned by the Federal Government consisting of approximately 401,482 acres for a total of approximately 1,992,014 acres. (Legislative Reference Bureau).

Originally the Crown Lands consisted of 1,000,000 acres and the Government lands of 1,500,000 acres for a total of 2,500,000 acres. I have not been able to determine the acreage of the lands in question as of 1893 or 1898. There was a diminution of the acreage between the time of the Mahele in 1848 and the Revolution in 1893 and between 1893 and the annexation in 1898. The total acreage of the Crown Lands and

Government lands and the acreage of each category as of 1893 will have a bearing on the claim.

To determine whether the interest or title vested in the Native Hawaiian to the foregoing lands is compensable in the context of this memo, we must review the historic and well-documented development of the system of land tenure in the Hawaiian Islands.

It is quite clear that the ancient land system of the Hawaiians, although more sophisticated, was typical of land systems employed by most aboriginal people. That is, the land was communal. It was available for use and occupancy in common by all the people of the tribe, clan or kingdom. This is the classic aboriginal interest or title which has heretofore been deemed to be compensable by the Congress of the United States.

This ancient system of land tenure was expressly defined by the first constitution of the Hawaiian Kingdom, granted by King Kamehameha III on October 8, 1840, the relevant proviso of which was the declaration that though all the land belonged to King Kamehameha I, "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 management of the landed property." This was the first formal acknowledgment that the chiefs and people had some form of ownership in the land aside from an interest in the products of the soil (The Great Mahele by Jon Chinen, Page 8).

Thus we find that in 1840, the Hawaiian Natives possessed an interest in common in the land arising not only by the use and occupancy and historic precedent, but also by express provision of constitutional law. Certainly at this point in time the Hawaiian Native possessed a compensable interest in the land equal to, if not superior, to his aboriginal brethren the American Indian and the Alaskan Native.

The next and most important development in the system of land tenure in Hawaii took place in 1848 and was called The Great Mahele.

The following historic account of The Great Mahele are excerpts taken from the book, The Great Mahele, by Jon J. Chinen, University Press of Hawaii, beginning on Page 15.

"3. THE GREAT MAHELE

The most important event in the reformation of the land system in Hawaii was the separation and identification of the relative rights of the king, the chiefs, and the konohikis, in the lands within the Islands. This event led to the end of the feudal system in the kingdom . . .

". . . The first mahele, or division, of lands was signed on January 27, 1848, by Kamehameha III and Princess Victoria Kamamalu by her guardians Mataio Kekuanaoa and Ioane Ii; the last mahele was signed by the king and E. Enoka on March 7, 1848.

"Each mahele, or division, was in effect a quitclaim agreement between the king and a chief or a konohiki with reference to the lands in which they both claimed interests. In each mahele, after certain lands were listed as belonging to the king, the chief or the konohiki who participated in that particular mahele signed an agreement in the following form: 'I hereby agree that this division is good. The lands above written are for the King. I have no more rights therein.' The remaining lands were set aside for the chief or konohiki who participated in the mahele and the king signed an agreement in the following form: 'I hereby agree that this division is good. The lands above written are for [name of chief or konohiki]: consent is given to take it before the Board of Commissioners To Quiet Land Titles.' These lands set aside for the chiefs and konohikis became known as 'konohiki lands' . . ."

Konohiki lands were vested in the chiefs or konohikis in fee simple. That title was not disturbed by any action on the part of the United States Government or the Provisional Government of Hawaii after 1893.

Approximately 1,500,000 acres were transferred to the chiefs and konohikis by the mahele.

"4. CROWN AND GOVERNMENT LANDS

Even before the mahele, or division, of lands with the high chiefs and lesser konohikis was completed, King Kamehameha III planned the further subdivision of his reserved lands between the government and himself. The king was deeply concerned over the hostile activities of the foreigners in the Islands. He did not want his lands to be considered public domain and subject to confiscation by a foreign power in the event of a conquest. And he desired complete and free control over his lands.

"Thus, on March 8, 1848, a day after the completion of The Great Mahele, Kamehameha III signed and sealed two instruments, also recorded in the Mahele Book. Both instruments were written in Hawaiian and translated into English by the Supreme Court of Hawaii in the case of *In re Matters of Estate of His Majesty Kamehameha IV*.

"The first instrument was translated as follows: 'Know all men by these presents, that I, Kamehameha III, by the Grace of God, King of these Hawaiian Islands, have given this day of my own free will and have made over and set apart forever to the chiefs and people the larger part of my royal land, for the use and benefit of the Hawaiian Government, therefore by this instrument I hereby retain (or reserve) for myself and for my heirs and successors forever, my lands inscribed at pages 178, 182, 184, 186, 190, 194, 200, 204, 206, 210, 212, 214, 216, 218, 220, 222 of this book these lands are set apart for me and for my heirs and successors forever, as my own property exclusively.'

"The other instrument was translated thus: 'Known all men by these presents, that I, Kamehameha III, by the Grace of God, King of these Hawaiian Islands, do hereby give, make over and set apart forever to the chiefs, and people of my Kingdom, and convey all my rights, title and interest in the lands situated here in the Hawaiian Islands, inscribed on pages 179 to 225, both inclusive, of this book to have and to hold to my chiefs and people forever.'

"By the above two instruments, Kamehameha III divided the lands he had reserved for himself in The Great Mahele into two separate parts. The smaller portion he retained for his personal use; the larger portion he gave 'to the chiefs and people'. That portion retained by Kamehameha III became known as 'Crown Lands', and that portion given 'to the chiefs and people' became known as 'Government Lands'.

"On June 7, 1848, a grateful legislature enacted a statute confirming Kamehameha III's act of March 8, 1848. The statute read in part:

(Emphasis Added)

"Whereas, It hath pleased His Most Gracious Majesty Kamehameha III, the King, after reserving certain lands to himself as his own private property, to surrender and forever make over unto his Chiefs and People, the greater portion of his Royal Domain;

"And Whereas, It hath pleased our Sovereign Lord the King, to place the lands so made over to his Chiefs and People, in the keeping of the House of Nobles and Representatives or such persons or persons as they may from time to time appoint, to be disposed of in such manner as the House of Nobles and Representatives may direct, and as may best promote the prosperity of this kingdom and the dignity of the Hawaiian Crown: Therefore,

"Be it Enacted By The House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

"That, expressing our deepest thanks to His Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz: [here follow the names of the lands] To be the private lands of His Majesty Kamehameha III, to have and to hold to himself, his heirs, and successors, forever; and said lands shall be regulated 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 in the name of the Chiefs and People of the Hawaiian Islands, accept of the following lands, viz: [here follow the names of the lands] Made over to the Chiefs and People, by our Sovereign Lord the King, and we do hereby declare those lands to be set apart as the lands of the Hawaiian Government, subject always to the rights of tenants . . ."

". . . Until the passage of the Act of January 3, 1865, which made Crown Lands inalienable, Kamehameha III and his successors did as they pleased with the Crown Lands, selling, leasing, and mortgaging them at will. Upon the overthrow of the monarchy in 1893, the remaining Crown Lands were taken over by the new government and thereafter made part of the public domain.

"Following the division of the lands into Crown, Government, and Konohiki Lands, from time to time portions of the Government Lands were sold as a means of obtaining revenue to meet the increasing costs of the Government. Purchasers of these lands were issued documents called 'Grants' or 'Royal Patent Grants'. These differed from the Royal Patents issued upon Land Commission Awards. It was not necessary for the recipients of the Royal Patent Grants to obtain an award for their land from the Land Commission,"

(Emphasis Added)

"5. KULEANA LANDS

The lands identified and separated in 1848 as Crown Lands, Government Lands, and Konohiki Lands were all 'subject to the rights of native tenants'. As King Kamehameha III, the government, and the various high chiefs and lesser konohikis began to sell portions of their lands, many questions arose with reference to the protection of the 'rights of native tenants'. To clarify the situation, the Privy Council took the matter under consideration on October 19, 1849. After several months of discussion, finally on December 21, 1849, the Privy Council adopted four resolutions introduced at an earlier date by William Lee, as a means of protecting the 'rights of native tenants'.

"These resolutions authorized the Land Commission to award fee simple titles to all native tenants who occupied and improved any portion of Crown, Government, or Konohiki lands. Except for the houselots located in the Districts of Honolulu, Lahaina, and Hilo, these awards were to be free of commutation.

"On August 6, 1850, the legislature confirmed the resolutions of the Privy Council, and added certain provisions of its own dealing with the rights of native tenants in lands to which the chiefs and konohikis had taken fee simple titles. Although previously, on November 11, 1846, the legislature had enacted a statute authorizing the native tenants to apply to the minister of interior for the purchase of lands which they had actually cultivated, it was this Act of August 6, 1850, that truly paved the way for the native tenants, the common people, to acquire their own lands . . ."

". . . Until its dissolution on March 31, 1855, the Land Commission issued thousands of awards to the native tenants for their kuleanas. However, there were many native tenants who failed to receive awards for the lands they had occupied and improved. Some failed to file their claims with the Land Commission and others, after filing their claims, failed to appear before the Land Commission to support their claims. Many in the latter group, after filing their claims, relinquished such claims to the chiefs of the ahupuaas or ili kupoas in which their cultivated lands were situated.

"Whereas over 1,500,000 acres of land were set aside for the chiefs in The Great Mahele of 1848, and approximately 1,000,000 acres were reserved by Kamehameha III as 'Crown Lands', and 1,500,000 acres were given by the king to the 'government and people', less than 30,000 acres of land were awarded to the native tenants. However, these tracts of land awarded to the native tenants consisted chiefly of taro lands and were considered the more valuable lands in the Islands. The awarding of these kuleanas to the native tenants completed

the mahele, or division, of the lands within the Islands into Crown Lands, Government Lands, Konohiki Lands, and Kuleana Lands, and brought to an end the ancient system of land tenure in the Hawaiian Kingdom."

Kuleana lands, like the Konohiki lands, were vested in fee simple in the successful claimants and that title was not disturbed by either the United States Government or the Provisional Government after the Revolution of 1893;

As we have seen earlier the Constitution of 1840, with its declaration "that though the land belonged to Kamehameha I, 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 management of the landed property", presented a clear case of a compensable interest possessed by the native or aboriginal Hawaiian in the land. The question now before us is: To what extent did The Great Mahele amend, modify or abrogate that interest so clearly enunciated in the constitution of 1840?

KONOHIKI AND KULEANA LANDS:

Konohiki lands and kuleana lands have been excluded as lands upon which a claim can be based, on the grounds that by virtue of the transfer of interest in those lands by the Mahele the successful claimants acquired title in fee simple upon compliance with the procedures set forth by the Mahele. The intent and purpose of the Mahele was to define and to vest in the claimant fee simple title to the land claimed. To accomplish this end, the prior native or aboriginal title vested in the Konohiki and Kuleana lands perforce had to be extinguished. Further title to these lands were not disturbed by the United States Government or the Provisional Government as a result of the overthrow of 1893 or the annexation of 1900.

GOVERNMENT LANDS:

After Kamehameha III made the division of land with the Chiefs or Konohikis and before that division was completed, he, on March 8, 1848, made a further subdivision of the lands retained in the royal domain (approximately 2.5 million acres) as follows:

FIRST: He retained approximately 1,000,000 acres to himself and heirs and successors. These lands became the "Crown Lands".

SECOND: He conveyed to his chiefs and people the remainder to have and to hold forever. These lands (approximately 1.5 million acres) were accepted, by statute, by the Legislature in the name of the people and thereafter became known as the Government lands. These lands to be used to "promote the prosperity of this kingdom and the dignity of the Hawaiian Crown".

Thus we find, in the second transaction a conveyance by the King expressly "to the Chiefs and People", of 1.5 million acres of land. Although the Government accepted the gift of title in the name of the Chiefs and People and provided for its management, it is significant that the grantees specifically named in the deed of conveyance was the Chiefs and People, not the Government or any agency thereof.

The deed reads as follows:

"Know all men by these presents, that I, Kamehameha III by the Grace of God, King of these Hawaiian Islands, do hereby give, make over and set apart forever to the Chiefs and People of my Kingdom, and convey all my rights, title and interest in the lands situated here in the Hawaiian Islands, inscribed on pages 179 to 225, both inclusive of this book, to have and to hold to my Chiefs and People forever."

It appears that by this second conveyance, Kamehameha III reaffirmed or continued the vested rights of the Chiefs and people in the land described therein as had been established by ancient custom and precedent and as formally declared in the Constitution of 1840.

Therefore, the native or aboriginal interest in the "Government Lands" was not extinguished, but rather strengthened, by the Mahele. It would follow then that all government lands remaining as of January 16, 1893 were still impressed with compensable title in the Hawaiian Native.

CROWN LANDS:

On March 8, 1848, Kamehameha III signed and sealed an instrument (deed) which created what was to later be called the Crown Lands and which provided as follows:

"Know all men by these presents, that I, Kamehameha III, by the Grace of God, King of these Hawaiian Islands, have given this day of my own free will and have made over and set apart forever to the Chiefs and People the larger part of my royal land, for the use and benefit of the Hawaiian Government, therefore by this instrument I hereby retain (or reserve) for myself and my heirs and successors forever, my lands inscribed at pages 178, 182, 184, 186, 190, 194, 200, 204, 206, 210, 212, 214, 216, 218, 220, 222, of this book, these lands are set apart for me and my heirs and successors forever, as my own property exclusively."

Kamehameha III and his successors did as they pleased with the Crown Lands. Although it would appear that native title to the Crown Lands had been extinguished, we find that such is not the case. The status of the Crown Lands was finally defined, by an Act passed on January 2, 1865; the relevant portions of which are as follows:

". . . Whereas, by the Act entitled 'An Act relating to the lands of His Majesty the King, and of the government', passed on the 7th day of June, A.D. 1848--it appears by the Preamble that His Most Gracious Majesty Kamehameha III, the King, after reserving certain lands to himself as his own private property, to surrender and make over unto his chiefs and people, the greater portion of his Royal Domain. And whereas, by the same Act it was declared that certain lands therein named, shall be the private lands of Kamehameha III, to have and to hold to himself, his heirs and successors forever; and that the said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants. And Whereas, by the proper

construction of the said statute the words "Heirs and Successors", mean the heirs and successors to the Royal Office. And whereas, the history of said land shows that they were vested in the King for the purpose of maintaining the Royal State and Dignity; and it is therefore disadvantageous to the public interest, that the said lands should be alienated, or the said Royal Domain diminished . . .

(Session Laws, 1846-1874; Laws of 1864-1865, pp. 71-72)

". . . Section 3: It is further enacted, that so many of the lands which by the Statute enacted on the 7th of June 1848, are declared to be the private lands of His Majesty, Kamehameha III, to have and to hold to himself, his heirs and successors forever, as may be at this time unalienated, and have descended to His Majesty Kamehameha V., shall be henceforth inalienable, and shall descend to the heirs and successors of the Hawaiian Crown forever; and it is further enacted, that it shall not be lawful hereafter to execute any lease or leases of the said lands, for any term of years to exceed thirty . . ."

(Session Laws, 1846-1874, Laws of 1864-65, pp. 69-71)

The major effect of the Act of January 3, 1865 is best described in the book Hawaii, a Pageant of the Soil by Jean Hobbs on pages 70 and 71.

". . . The most important feature of the Act was that it specifically held that the lands then in the crown-land areas should remain "henceforth inalienable and shall descend to the heirs and successors of the Hawaiian crown forever." While this was an important protective feature from the standpoint of the successors to the crown and the national treasury, which would undoubtedly be called upon to support such incumbents in the event of the complete alienation of the crown lands by any monarch, it took from the king his primary rights as an individual and a citizen under the land system of private-property ownership. The descendants of the chiefs and the people with whom Kamehameha III had so generously shared his feudal heritage had not been thus restricted.

". . . This, then, was the status of the crown lands in 1872 upon the death of Kamehameha V., grandson of the first illustrious monarch of his house, and the last member of the great dynasty. Kamehameha V having no heir, and no successor having been designated to succeed him to the throne, the scepter of power, so vigorously acquired and so jealously guarded by the first of the dynasty, passed, almost with indifference, from the hands of the great warrior's grandson to a new group

related to the old, if at all, only through a remote connection with the first Kamehameha. William C. Lunalilo, regarded as the highest chief of the kingdom, was elevated by election to the office of king on February 8, 1873. He became the lone member of a dynasty that ended with his single year of occupancy of the throne."

Thus we find by February 8, 1873 it was undisputed that the Crown Lands were inalienable and were reserved for the use of the crown only.

The Crown Lands or Royal Domain were, in effect, part of the public domain or communal property set aside for a particular purpose.

The first claim can be summarized as follows:

1. The konohiki and kuleana lands are free of compensable native or aboriginal title.
2. The crown and government lands, which had not been legally alienated as of January 16, 1893, were impressed with compensable aboriginal title, which aboriginal title was extinguished and the land taken by and through the unlawful acts of the Provisional Government and the United States and for which no compensation was paid to the Hawaiian Native for the taking, contrary to its own historic and legal precedents.

The historic and legal precedences dealing with the American Indian and the Alaskan Native gives compensation for a primitive kind of title not accorded status in American law as property within the meaning of the Fifth Amendment. Compensation for the extinguishment of aboriginal title has been a matter strictly within the province of the political branches of the Federal Government. Indian tribes whose aboriginal lands were taken without fair compensation were ultimately provided judicial forums by special jurisdictional acts--namely, the Indian Claims Commission Act. These remedies were accorded by acts of Congress and not by mandate of the Constitution.

The common title to the approximately 2 million acres of Crown and Government Lands that the Hawaiian Natives held prior to 1893 was not of the same primitive character. It was a formal title established according to the Constitution and laws and evidenced by conveyances duly recorded, of the Government of the Native Hawaiian Nation. The interest of the Hawaiian Native in these lands prior to their taking was equivalent to recognized title and would have constituted property within the meaning of the Fifth Amendment.

Taking of recognized title, as distinguished from aboriginal title, from a native group constitutionally requires the United States to pay just compensation and interest thereon from the time of taking to the time of payment.

SECOND: The second prong of the Hawaiian Natives Claim is for loss of dominion and sovereignty and is a novel one. There is no direct precedent for dealings by the United States with aboriginal people and lands over which the United States has extended its domain and dominion where the question of sovereignty or dominion, in the native or aboriginal people has been involved.

The American Indian and Alaskan Native, as has been pointed out earlier, were at best "Domestic Sovereigns" having domain but no dominion.

The Hawaiian Kingdom was possessed of all the indices of a sovereign nation and was so recognized by the world community of civilized sovereign nations. Thus the aboriginal Hawaiian Native, unlike his brethren, the American Indian and Alaskan Native, not only possessed domain over extensive tracts of land in the Hawaiian Islands, but in addition, possessed dominion over all the lands, interior waters, and coastal waters of the Hawaiian Islands.

The reports of the contemporaneous investigation conducted by the executive branch of the Federal Government of the circumstances leading to the overthrow of the de jure and de facto government of the Hawaiian Islands clearly show that the taking of dominion and sovereignty over the Hawaiian nation was wholly without honor, fairness, or justice and in violation of both international and the domestic law of the United States. The value of the dominion and sovereignty unlawfully taken, measured by standards of just compensation, would greatly exceed any monetary or other benefits that would be provided by any settlement legislation.

As stated earlier, the second claim is a novel one not encountered by the United States previously in its dealings with its aboriginal peoples.

I am satisfied that the reduced tariff duties provided for in the proposed legislation, added to existing internal-revenue taxation, will in the near future, though perhaps not immediately, produce sufficient revenue to meet the needs of the Government.

The committee, after full consideration and to provide against a temporary deficiency which may exist before the business of the country adjusts itself to the new tariff schedules, have wisely embraced in their plan a few additional internal-revenue taxes, including a small tax upon incomes derived from certain corporate investments.

These new adjustments are not only absolutely just and easily borne, but they have the further merit of being such as can be remitted without unfavorable business disturbance whenever the necessity of their imposition no longer exists.

In my great desire for the success of this measure I can not restrain the suggestion that its success can only be attained by means of unselfish counsel on the part of the friends of tariff reform and as a result of their willingness to subordinate personal desires and ambitions to the general good. The local interests affected by the proposed reform are so numerous and so varied that if all are insisted upon the legislation embodying the reform must inevitably fail.

In conclusion my intense feeling of responsibility impels me to invoke for the manifold interests of a generous and confiding people the most scrupulous care and to pledge my willing support to every legislative effort for the advancement of the greatness and prosperity of our beloved country.

GROVER CLEVELAND.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii, and now standing in the way of a solution through Executive action of the problem presented, render it proper and expedient that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension or dissatisfaction with a form of government not our own ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties, the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an Executive act all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than 2,000 miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration, but it appeared from the documents accompanying the treaty when submitted to the Senate that the ownership of Hawaii was tendered to us by a Provisional Government set up to succeed the constitutional ruler of the Islands, who had been dethroned, and it did not appear that such Provisional Government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste, not to say precipitancy, characterizing all the transactions connected with the treaty. It appeared that a so-called committee of safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a Provisional Government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States minister recognized the Provisional Government thus created; that two days afterwards, on the 19th day of January, commissioners representing such Government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January and in Washington on the 3d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a Provisional Government in Hawaii,

EXHIBIT "A"

PRESIDENT CLEVELAND'S MESSAGE TO THE SENATE AND HOUSE OF REPRESENTATIVES

on the 14th day of January, and the submission to the Senate of the treaty of annexation concluded with such Government the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty* declared that "the overthrow of the monarchy was not in any way promoted by this Government," and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs:

At the time the Provisional Government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the Provisional Government by the United States minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government.

But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the Provisional Government, which explicitly stated that she yielded to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support such Provisional Government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty, therefore, to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional Government of Hawaii and the installment in its place of the Provisional Government. I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives and whose experience as chairman of the Committee of Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties intrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and

* See pp. 5782-5784.

impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the commissioner.

The report, with its accompanying proofs and such other evidence as is now before the Congress or is herewith submitted, justifies, in my opinion, the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government," and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end. On the 19th day of November, 1892, nearly two months before the first overt act tending toward the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State, in which the case for annexation was elaborately argued on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says:

In truth, the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands.

He further says:

As a Crown colony of Great Britain or a Territory of the United States the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day 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

the parting of the ways. She must now take the road which leads to Asia, or the other, which outlets her in America, gives her an American civilization, and binds her to the care of American destiny.

He also declares:

One of two courses seems to me absolutely necessary to be followed—either bold and vigorous measures for annexation or a "customs union," an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States, through Secretary Marcy, thirty-eight years ago, to offer to expend \$100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend \$100,000 to secure annexation in the near future. To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand.

These declarations certainly show a disposition and condition of mind which may be usefully recalled when interpreting the significance of the minister's conceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the minister to the Secretary of State on the 8th day of March, 1893, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows:

Ordinarily, in like circumstances, the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens; but as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch.

To a minister of this temper, full of zeal for annexation, there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which, in a letter to the State Department dated February 1, 1893, he declares:

The Hawaiian pear is now fully ripe, and this is the golden hour for the United States to pluck it.

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby, "in the name of the United States," he assumed the

protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called committee of safety, composed of thirteen persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the committee of safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the committee of safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States minister, addressed him a note representing that the public safety was menaced and the lives and property were in danger, and concluded as follows:

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became

panic-stricken at their position that they sent some of their number to interview the minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January, 1893, between 4 and 5 o'clock in the afternoon, a detachment of marines from the United States steamer *Boston*, with two pieces of artillery, landed at Honolulu. The men, upward of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies.

This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the *bona fide* purpose of protecting the imperiled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the *de facto* and the *de jure* Government. In point of fact the existing Government, instead of requesting the presence of an armed force, protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens, whose residences and places of business, as well as the legation and consulate, were in a distant part of the city; but the location selected was a wise one if the forces were landed for the purpose of supporting the Provisional Government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction. When these armed men were landed the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the committee of safety themselves requested the minister to postpone action exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew

would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces.

Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the Government of the Islands, or of anybody else so far as shown except the United States minister. Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The United States forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, ten of whom were drawn from the thirteen members of the committee of safety. Between 1 and 2 o'clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was anyone there to oppose them, they proceeded to the Government building to proclaim the new Government. No sign of opposition was manifest, and thereupon an American citizen began to read the proclamation from the steps of the Government building, almost entirely without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence. This statement is not important, since the one controlling factor in the whole affair was unquestionably the United States marines, who, drawn up under arms and with artillery in readiness only 76 yards distant, dominated the situation.

The Provisional Government thus proclaimed was by the terms of the proclamation "to exist until terms of union with the United States had been negotiated and agreed upon." The United States minister, pursuant to prior agreement, recognized this Government within an hour after the reading of the proclamation, and before 3 o'clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our minister recognized the Provisional Government, the only basis upon which it rested was the fact that the committee of safety had in the manner above stated declared it to exist. It was neither a government *de facto* nor *de jure*. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the legation at Honolulu, addressed by the declared head of the Provisional Government to Minister Stevens, dated January 17, 1893, in which he acknowledges with expressions of appreciation the minister's recognition of the Provisional

Government, and states that it is not yet in the possession of the station-house (the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least 500 fully armed men and several pieces of artillery. Indeed, the whole military force of her Kingdom was on her side and at her disposal, while the committee of safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government.

In this state of things, if the Queen could have dealt with the insurgents alone, her course would have been plain and the result unalterable. But the United States had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the Provisional Government by the United States minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government, and that she yielded her authority to prevent collision of armed forces and loss of life, and only until such time as the United States, upon the facts being presented to it, should undo the action of its representative and restate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the Provisional Government, who indorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the Provisional Government, who were certainly charged with the knowledge that the Queen, instead of finally abandoning her power, had appealed to the justice of the United States for reinstatement in her authority; and yet the Provisional Government, with this unanswered protest in its hand, hastened to negotiate with the United States for the permanent banishment of the Queen from power and for a sale of her Kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government on foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession. The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions. We are not without a precedent showing how scrupulously

we avoided such accusations in former days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union. Several months after the battle of San Jacinto, by which Texan independence was practically assured and established, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves." This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

I believe that a candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States. Fair-minded people, with the evidence before them, will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the Provisional Government had ever existed with their consent. I do not understand that any member of this Government claims that the people would uphold it by their suffrages if they were allowed to vote on the question. . . .

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people. For illustration of this rule I need only refer to the revolution in Brazil in 1889, when our minister was instructed to recognize the Republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance;" to the revolution in Chile in 1891, when our minister was directed to recognize the new Government "if it was accepted by the people," and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new Government was "fully established, in possession of the power of the nation, and accepted by the people."

As I apprehend the situation, we are brought face to face with the following conditions:

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 of 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 pains 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 false pretexts by the United States forces, and but for Minister Stevens's 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.

Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the Provisional Government. / / /

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The Provisional Government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that Government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.

The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations.

The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong, but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not 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.

I have not, however, overlooked an incident of this unfortunate affair which remains to be mentioned. The members of the Provisional Government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the Government of the Queen by the indefensible encouragement and assistance of our diplomatic representative. This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on the part of the Queen or violence and bloodshed in any quarter. In the belief that the Queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the Queen and the Provisional Government had at one time apparently

acquiesced in a reference of the entire case to the United States Government, and considering the further fact that in any event the Provisional Government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon," I hoped that after the assurance to the members of that Government that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

Actuated by these desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limitations upon my power, I instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu on the 16th of January last if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned. The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the Provisional Government and a recognition of all its *bona fide* acts and obligations. In short, they require that the past should be buried and that the restored Government should reassume its authority as if its continuity had not been interrupted. These conditions have not proved acceptable to the Queen, and though she has been informed that they will be insisted upon and that unless acceded to the efforts of the President to aid in the restoration of her Government will cease, I have not thus far leaped that she is willing to yield them her acquiescence. The check which my plans have thus encountered has prevented their presentation to the members of the Provisional Government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful Executive mediation.

I therefore submit this communication, with its accompanying exhibits, embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu, the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the Senate of the United States:

In compliance with a resolution passed by the Senate on the 6th instant, I hereby transmit reports of the Secretaries of State and of the Navy, with copies of all instructions given to the respective diplomatic

and naval representatives of the United States in the Hawaiian Islands since the 4th day of March, 1881, touching the matters specified in the resolution.

It has seemed convenient to include in the present communication to the Senate copies of the diplomatic correspondence concerning the political condition of Hawaii, prepared for transmission to the House of Representatives in response to a later resolution passed by that body on the 13th instant.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 18, 1893.

To the House of Representatives:

In compliance with a resolution passed by your honorable body on the 13th instant, I hereby transmit a report of the Secretary of State, with copies of the instructions given to Mr. Albert S. Willis, the representative of the United States now in the Hawaiian Islands, and also the correspondence since the 4th day of March, 1889, concerning the relations of this Government to those islands.

In making this communication I have withheld only a dispatch from the former minister to Hawaii, numbered 70, under date of October 8, 1892, and a dispatch from the present minister, numbered 3, under date of November 16, 1893, because in my opinion the publication of these two papers would be incompatible with the public interest.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 4, 1894.

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, submitted in compliance with the resolution of October 17 last, in the matter of the claim of certain persons against the Government of Spain for illegal arrest off the coast of Yucatan in the year 1850, and subsequent imprisonment.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 13, 1894.

To the Congress:

I transmit herewith copies of all dispatches from our minister at Hawaii relating in any way to political affairs in that country, except such as have been heretofore laid before the Congress.

I also transmit a copy of the last instructions sent to our minister, dated January 12, 1894, being the only instructions to him not already sent to the Congress.

In transmitting certain correspondence with my message dated December 18, 1893, I withheld a dispatch from our present minister, numbered 3

but I have instructed the Hon. Paul Neumann, whom I have appointed my representative at Washington, to submit to you a *precis* of the facts and circumstances relating to the revolution in Honolulu, and to supplement it by such statements as you may please to elicit.

I beg that you will consider this matter, in which there is so much involved for my people, and that you will give us your friendly assistance in granting redress for a wrong which we claim has been done to us, under color of the assistance of the naval forces, of the United States, in a friendly port. Believe me that I do not veil under this request to you anything the fulfilment of which could in the slightest degree be contrary to your position; and I leave our grievance in your hands, confident that, in so far as you deem it proper, we shall have your sympathy and your aid.

I am, your good friend,

LILIUOKALANI R.

On the 31st of January the Hon. Paul Neumann received his appointment as envoy extraordinary and minister plenipotentiary to the United States of America. On the 1st of February he departed for Washington, with Prince David Kawanauakoa to accompany him on his commission, to negotiate for a withdrawal of the treaty, and to restore to us what had been taken away by the actions of the revolutionists. At my request Mr. E. C. Macfarlane kindly consented to accompany the commission.

Happily Providence ordered otherwise than as was expected by the revolutionists. Man proposes and God disposes. My commissioners arrived in time to stay the progress of the treaty. The members of the Senate became doubtful as to the correctness of the actions of the commissioners of the Provisional Government.

President Harrison's term expired. President Cleveland's first act has been to withdraw that annexation treaty; the second, to send a commissioner to investigate the situation in Hawaii Nei.

Your arrival in this country has brought relief to our people and your presence safety. There is no doubt but that the Provisional Government would have carried out extreme measures toward myself and my people, as you may have already seen ere this, by their unjust actions. If the President had been indifferent to my petitions, I am certain it would have brought serious results to myself and tyranny to my subjects. In this I recognize

the high sense of justice and honor in the person who is ruler of the American nation.

In making out this lengthy statement I will present the main points:—

(1) That it has been a project of many years on the part of the missionary element that their children might some day rule over these Islands, and have the control and power in their own hands, as was the case after the revolution of 1887. Mr. W. Hall openly stated that they had planned for this for twenty years. It was a long-thought-of project, a dream of many years. So also said Mr. F. S. Lyman of Hilo, in his speech to the people in the month of January. He said, "Fifteen long years we have prayed for this, and now our prayers are heard."

The disposition of those appointed to positions of authority to act with the missionary element, tends to make the government unstable; and because they found I could not easily be led by them, they do not like me.

(2) The interference of the American minister, J. L. Stevens, in our local affairs, and conspiring with a few foreign people to overthrow me and annex these Islands to the United States; by his actions, has placed me and my people in this unhappy position.

(3) My attempt to promulgate a new constitution. It was the answer to the prayers and petitions of my people. They presented petitions to the late king, and to the legislature ever since 1887.

The legislature is the proper course by which a new constitution or any amendments to the constitution could be made; that is the law. But when members are bribed and the legislature corrupted, how can one depend on any good measure being carried by the House? It is simply impossible. That method was tried and failed. There was only one recourse; and that was, that with the signature of one of the cabinet I could make a new constitution.

There is no clause in the constitution of 1887, to which I took my oath to maintain, stating "that there should be no other constitution but this;" and article 78 reads that—

EXHIBIT "B"

QUEEN LILIUOKALANI'S REPORT TO JAMES H. BLOUNT

"Wheresoever by this constitution any act is to be done or performed by the king or sovereign it shall, unless otherwise expressed, mean that such act shall be done and performed by the sovereign by and with the advice and consent of the cabinet."

The last clause of the forty-first article of the constitution reads:—

"No acts of the king shall have any effect unless it be countersigned by a member of the cabinet, who by that signature makes himself responsible."

My cabinet encouraged me, then afterwards advised me to the contrary. In yielding to their protest I claim I have not committed any unconstitutional or revolutionary act; and having withdrawn, why should the reform party have gone on making preparations for war, as they did?

(4) That on the afternoon of the 16th of January, at five P.M., the United States troops were landed to support the conspirators, by orders of the United States minister, J. L. Stevens.

That on Tuesday, the 17th of January, 1893, at about two thirty o'clock P.M., the Provisional Government was proclaimed, and Minister Stevens assured my cabinet that he recognized that Government; and that at six P.M. of the same day I yielded my authority to the superior force of the United States.

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 the act of its representative. . . . "

I hope and pray that the United States and her President will see that justice is done to my people and to myself; that they will not recognize the treaty of annexation, and that it may forever be laid aside; that they will restore to me and my nation all the rights that have been taken away by the action of her minister; that we may be permitted to continue to maintain our independent stand amongst the civilized nations of the world as in years gone by; that your great nation will continue those kind and friendly relations that have always existed for many years past between the two countries. I can assure you that Hawaii and her people have no other sentiment toward America and her President than one of the kindest regard.

The Provisional Government, instead of being under guidance of the president and cabinet, as the responsible head of the nation, are virtually led by irresponsible people, who control the advisory councils and "provisional army," and who set laws of the land at defiance. A continuation of this state of things I consider dangerous to life and to the community.

I pray, therefore, that this unsatisfactory state of things should not continue, and that we may not suffer further waste, that justice may be speedily granted, and that peace and quiet may once more reign over our land, Hawaii Nei.

LILIUOKALANI.

MESSAGE.

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action of the problem presented, render it proper, and expedient, that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension, or dissatisfaction with a form of government not our own, ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an Executive act, all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation, because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than two thousand miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration. But it appeared from the documents accompanying the

EXHIBIT "C"

PRESIDENT CLEVELAND'S MESSAGE TO SENATE
SUBMITTING COMMISSIONER BLOUNT'S REPORT

treaty when submitted to the Senate, that the ownership of Hawaii was tendered to us by a provisional government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such provisional government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste—not to say precipitancy—characterizing all the transactions connected with the treaty. It appeared that a so-called Committee of Safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a provisional government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States Minister recognized the provisional government thus created; that two days afterwards, on the 19th day of January, commissioners representing such government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January, and in Washington on the 3d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a provisional government in Hawaii on the 14th day of January and the submission to the Senate of the treaty of annexation concluded with such government, the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian Commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty, it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty declared that "the overthrow of the monarchy was not in any way promoted by this Government," and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs: "At the time the provisional government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States Minister until after the Queen's abdication and

the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government." But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the United States, whose Minister had caused United States troops to be landed at Honolulu and declared that he would support such provisional government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty therefore to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional Government of Hawaii, and the installment in its place of the provisional government. I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives, and whose experience as chairman of the Committee of Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties entrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the Commissioner.

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government", and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the Minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end. On the 19th day of November, 1892, nearly two months before the first overt act tending towards the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State in which the case for annexation was elaborately argued, on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says: "In truth the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands."

He further says: "As a crown colony of Great Britain or a Territory of the United States the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day 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 the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in America, gives her an American civilization, and binds her to the care of American destiny." He also declares: "One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a 'customs union,' an ocean cable from the Californian coast to Honolulu, Pearl Harbor

pressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands, and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States through Secretary Marcy thirty-eight years ago to offer to expend \$100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend \$100,000 to secure annexation in the near future. To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand."

These declarations certainly show a disposition and condition of mind, which may be usefully recalled when interpreting the significance of the Minister's conceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the Minister to the Secretary of State on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overturned by an orderly and peaceful revolution, Minister Stevens writes as follows: "Ordinarily in like circumstances, the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present Minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch."

To a minister of this temper full of zeal for annexation there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which in a letter to the State Department dated February 1, 1893, he declares: "The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it."

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor,

States" he assumed the protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called Committee of Safety, composed of thirteen persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States Minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the Committee of Safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged, illegal and unlawful proceedings and purposes. Even at this meeting the Committee of Safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between three and four o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States Minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger, and concluded as follows:

"We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered, the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic-stricken at their position that they sent some of their number to interview the Minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered, and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January, 1893, between four and five o'clock in the afternoon, a detachment of marines from the United States steamer *Boston*, with two pieces of artillery, landed at Honolulu. The men, upwards of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies. This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the *bona fide* purpose of protecting the imperilled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the *de facto* and the *de jure* government. In point of fact the existing government instead of requesting the presence of an armed force protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction. When these armed men were landed, the city of Honolulu was in its customary orderly and peaceful condition. There was no

symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity, except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the Committee of Safety themselves requested the Minister to postpone action, exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces. Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the United States Minister.

Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The United States forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, ten of whom were drawn from the thirteen members of the Committee of Safety. Between one and two o'clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was any one there to oppose them, they proceeded to the Government building to proclaim the new government. No sign of opposition was manifest, and thereupon an American citizen began to read the proclamation from the steps of the Government building almost entirely without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence. This statement is not important, since the one controlling factor in the whole affair was unquestionably the United States marines, who, drawn up under arms and with artillery in readiness only seventy-six yards distant, dominated the situation.

The provisional government thus proclaimed

the proclamation "to exist until terms of union with the United States had been negotiated and agreed upon". The United States Minister, pursuant to prior agreement, recognized this government within an hour after the reading of the proclamation, and before five o'clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our Minister recognized the provisional government the only basis upon which it rested was the fact that the Committee of Safety had in the manner above stated declared it to exist. It was neither a government *de facto* nor *de jure*. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the Legation at Honolulu, addressed by the declared head of the provisional government to Minister Stevens, dated January 17, 1893, in which he acknowledges with expressions of appreciation the Minister's recognition of the provisional government, and states that it is not yet in the possession of the station house (the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our Minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least five hundred fully armed men and several pieces of artillery. Indeed, the whole military force of her kingdom was on her side and at her disposal, while the Committee of Safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government. In this state of things if the Queen could have dealt with the insurgents alone her course would have been plain and the result unmistakable. But the United States had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the provisional government by the United States Minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose Minister had caused United States troops to be landed at Honolulu and declared

yielded her authority to prevent collision of armed forces and loss of life and only until such time as the United States, upon the facts being presented to it, should undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the provisional government, who endorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the provisional government, who were certainly charged with the knowledge that the Queen instead of finally abandoning her power had appealed to the justice of the United States for reinstatement in her authority; and yet the provisional government with this unanswered protest in its hand hastened to negotiate with the United States for the permanent banishment of the Queen from power and for a sale of her kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government on foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession. The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions. We are not without a precedent showing how scrupulously we avoided such accusations in former days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union. Several months after the battle of San Jacinto, by which Texan independence was practically assured and established, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves". This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

I believe that a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the United States. Fair-minded people with the evidence before them will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the provisional government had ever existed with their consent. I do not understand that any member of this government claims that the

people would uphold it by their suffrages if they were allowed to vote on the question.

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves; and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people. For illustration of this rule I need only refer to the revolution in Brazil in 1889, when our Minister was instructed to recognize the Republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance"; to the revolution in Chile in 1891, when our Minister was directed to recognize the new government "if it was accepted by the people"; and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new government was "fully established, in possession of the power of the nation, and accepted by the people."

As I apprehend the situation, we are brought face to face with the following conditions:

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 of 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 pains 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 false pretexts by the United States forces, and but for Minister Stevens's 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

sole purpose of submitting her case to the enlightened justice of the United States

Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The provisional government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.

The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state, are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if

legal liabilities; and the United States in aiming to maintain itself as one of the most enlightened of nations would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not 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.

I have not, however, overlooked an incident of this unfortunate affair which remains to be mentioned. The members of the provisional government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the Government of the Queen by the indefensible encouragement and assistance of our diplomatic representative. This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on the part of the Queen or violence and bloodshed in any quarter. In the belief that the Queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the Queen and the provisional government had at one time apparently acquiesced in a reference of the entire case to the United States Government,

COMMISSIONER TO THE HAWAIIAN ISLANDS

government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon," I hoped that after the assurance to the members of that government that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

Actuated by these desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limitations upon my power, I instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu on the 16th of January last, if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned. The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the provisional government and a recognition of all its *bona fide* acts and obligations. In short, they require that the past should be buried, and that the restored Government should reassume its authority as if its continuity had not been interrupted. These conditions have not proved acceptable to the Queen, and though she has been informed that they will be insisted upon, and that, unless acceded to, the efforts of the President to aid in the restoration of her Government will cease, I have not thus far learned that she is willing to yield them her acquiescence. The check which my plans have thus encountered has prevented their presentation to the members of the provisional government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful Executive mediation.

I therefore submit this communication with its accompanying exhibits, embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu, the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress, I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 18, 1893.

DEPARTMENT OF STATE,
Washington, October 18, 1893.

The PRESIDENT:

The full and impartial reports submitted by the Hon. James H. Blount, your special commissioner to the Hawaiian Islands, established the following facts:

Queen Liliuokalani announced her intention on Saturday, January 14, 1893, to proclaim a new constitution, but the opposition of her ministers and others induced her to speedily change her purpose and make public announcement of that fact.

At a meeting in Honolulu, late on the afternoon of that day, a so-called committee of public safety, consisting of thirteen men, being all or nearly all who were present, was appointed "to consider the situation and devise ways and means for the maintenance of the public peace and the protection of life and property," and at a meeting of this committee on the 15th, or the forenoon of the 16th of January, it was resolved amongst other things that a provisional government be created "to exist until terms of union with the United States of America have been negotiated and agreed upon." At a mass meeting which assembled at 2 p. m. on the last-named day, the Queen and her supporters were condemned and denounced, and the committee was continued and all its acts approved.

Later the same afternoon the committee addressed a letter to John L. Stevens, the American minister at Honolulu, stating that the lives and property of the people were in peril and appealing to him and the United States forces at his command for assistance. This communication concluded "we are unable to protect ourselves without aid, and therefore hope for the protection of the United States forces." On receipt of this letter Mr. Stevens requested Capt. Wiltse, commander of the U. S. S. *Boston*, to land a force "for the protection of the United States legation, United States consulate, and to secure the safety of American life and property." The well armed troops, accompanied by two gatling guns, were promptly landed and marched through the quiet streets of Honolulu to a public hall, previously secured by Mr. Stevens for their accommodation. This hall was just across the street from the Government building, and in plain view of the Queen's palace. The reason for thus locating the military will presently appear. The governor of the Island immediately addressed to Mr. Stevens a communication protesting against the act as an unwarranted invasion of Hawaiian soil and reminding him that the proper authorities had never denied permission to the naval forces of the United States to land for drill or any other proper purpose.

EXHIBIT "D"

SECRETARY OF STATE WALTER Q. GRESHAM'S LETTER
TO PRESIDENT CLEVELAND

About the same time the Queen's minister of foreign affairs sent a note to Mr. Stevens asking why the troops had been landed and informing him that the proper authorities were able and willing to afford full protection to the American legation and all American interests in Honolulu. Only evasive replies were sent to these communications.

While there were no manifestations of excitement or alarm in the city, and the people were ignorant of the contemplated movement, the committee entered the Government building, after first ascertaining that it was unguarded, and read a proclamation declaring that the existing Government was overthrown and a Provisional Government established in its place, "to exist until terms of union with the United States of America have been negotiated and agreed upon." No audience was present when the proclamation was read, but during the reading 40 or 50 men, some of them indifferently armed, entered the room. The executive and advisory councils mentioned in the proclamation at once addressed a communication to Mr. Stevens, informing him that the monarchy had been abrogated and a provisional government established. This communication concluded:

Such Provisional Government has been proclaimed, is now in possession of the Government departmental buildings, the archives, and the treasury, and is in control of the city. We hereby request that you will, on behalf of the United States, recognize it as the existing *de facto* Government of the Hawaiian Islands and afford to it the moral support of your Government, and, if necessary, the support of American troops to assist in preserving the public peace.

On receipt of this communication, Mr. Stevens immediately recognized the new Government, and, in a letter addressed to Sanford B. Dole, its President, informed him that he had done so. Mr. Dole replied:

GOVERNMENT BUILDING,
Honolulu, January 17, 1893.

Sir: I acknowledge receipt of your valued communication of this day, recognizing the Hawaiian Provisional Government, and express deep appreciation of the same.

We have conferred with the ministers of the late Government, and have made demand upon the marshal to surround the station house. We are not actually yet in possession of the station house, but as night is approaching and our forces may be insufficient to maintain order, we request the immediate support of the United States forces, and would request that the commander of the United States forces take command of our military forces, so that they may act together for the protection of the city.

Respectfully, yours,

SANFORD B. DOLE,
Chairman Executive Council.

His Excellency JOHN L. STEVENS,
United States Minister Resident.

Note of Mr. Stevens at the end of the above communication.

The above request not complied with.

STEVENS.

The station house was occupied by a well-armed force, under the command of a resolute capable officer. The same afternoon the Queen, her ministers, representatives of the Provisional Government, and others held a conference at the palace. Refusing to recognize the new authority or surrender to it, she was informed that the Provisional Government had the support of the American minister, and, if necessary, would be maintained by the military force of the United States then present; that any demonstration on her part would precipitate a conflict with that force; that she could not, with hope of success, engage

in war with the United States, and that resistance would result in a useless sacrifice of life. Mr. Damon, one of the chief leaders of the movement, and afterwards vice-president of the Provisional Government, informed the Queen that she could surrender under protest and her case would be considered later at Washington. Believing that, under the circumstances, submission was a duty, and that her case would be fairly considered by the President of the United States, the Queen finally yielded and sent to the Provisional Government the paper, which reads:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian 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 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 representative and reinstate me and the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

When this paper was prepared at the conclusion of the conference, and signed by the Queen and her ministers, a number of persons, including one or more representatives of the Provisional Government, who were still present and understood its contents, by their silence, at least, acquiesced in its statements, and, when it was carried to President Dole, he indorsed upon it, "Received from the hands of the late cabinet this 17th day of January, 1893," without challenging the truth of any of its assertions. Indeed, it was not claimed on the 17th day of January, or for some time thereafter, by any of the designated officers of the Provisional Government or any annexationist that the Queen surrendered otherwise than as stated in her protest.

In his dispatch to Mr. Foster of January 18, describing the so-called revolution, Mr. Stevens says:

The committee of public safety forthwith took possession of the Government building, archives, and treasury, and installed the Provisional Government at the head of the respective departments. This being an accomplished fact, I promptly recognized the Provisional Government as the *de facto* government of the Hawaiian Islands.

In Secretary Foster's communication of February 15 to the President, laying before him the treaty of annexation, with the view to obtaining the advice and consent of the Senate thereto, he says:

At the time the Provisional Government took possession of the Government building no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the Provisional Government by the United States minister until after the Queen's abdication, and when they were in effective possession of the Government building, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government.

Similar language is found in an official letter addressed to Secretary Foster on February 3 by the special commissioners sent to Washington by the Provisional Government to negotiate a treaty of annexation.

These statements are utterly at variance with the evidence, documentary and oral, contained in Mr. Blount's reports. They are contradicted by declarations and letters of President Dole and other annexationists and by Mr. Stevens's own verbal admissions to Mr. Blount.

The Provisional Government was recognized when it had little other than a paper existence, and when the legitimate government was in full possession and control of the palace, the barracks, and the police station. Mr. Stevens's well-known hostility and the threatening presence of the force landed from the *Boston* was all that could then have excited serious apprehension in the minds of the Queen, her officers, and loyal supporters.

It is fair to say that Secretary Foster's statements were based upon information which he had received from Mr. Stevens and the special commissioners, but I am unable to see that they were deceived. The troops were landed, not to protect American life and property, but to aid in overthrowing the existing government. Their very presence implied coercive measures against it.

In a statement given to Mr. Blount, by Admiral Skerrett, the ranking naval officer at Honolulu, he says:

If the troops were landed simply to protect American citizens and interests, they were badly stationed in Arion Hall, but if the intention was to aid the Provisional Government they were wisely stationed.

This hall was so situated that the troops in it easily commanded the Government building, and the proclamation was read under the protection of American guns. At an early stage of the movement, if not at the beginning, Mr. Stevens promised the annexationists that as soon as they obtained possession of the Government building and there read a proclamation of the character above referred to, he would at once recognize them as a *de facto* government, and support them by landing a force from our war ship then in the harbor, and he kept that promise. This assurance was the inspiration of the movement, and without it the annexationists would not have exposed themselves to the consequences of failure. They relied upon no military force of their own, for they had none worthy of the name. The Provisional Government was established by the action of the American minister and the presence of the troops landed from the *Boston*, and its continued existence is due to the belief of the Hawaiians that if they made an effort to overthrow it, they would encounter the armed forces of the United States.

The earnest appeals to the American minister for military protection by the officers of that Government, after it had been recognized, show the utter absurdity of the claim that it was established by a successful revolution of the people of the Islands. Those appeals were a confession by the men who made them of their weakness and timidity. Courageous men, conscious of their strength and the justice of their cause, do not thus act. It is not now claimed that a majority of the people, having the right to vote under the constitution of 1837, ever favored the existing authority or annexation to this or any other country. They earnestly desire that the government of their choice shall be restored and its independence respected.

Mr. Blount states that while at Honolulu he did not meet a single annexationist who expressed willingness to submit the question to a vote of the people, nor did he talk with one on that subject who did not insist that if the Islands were annexed suffrage should be so restricted as to give complete control to foreigners or whites. Representative annexationists have repeatedly made similar statements to the under-

The Government of Hawaii surrendered its authority under a threat of war, until such time only as the Government of the United States, upon the facts being presented to it, should reinstate the constitution.

sovereign, and the Provisional Government was created "to exist until terms of union with the United States of America have been negotiated and agreed upon." A careful consideration of the facts will, I think, convince you that the treaty which was withdrawn from the Senate for further consideration should not be resubmitted for its action thereon.

Should not the great wrong done to a feeble but independent State by an abuse of the authority of the United States be undone by restoring the legitimate government? Anything short of that will not, I respectfully submit, satisfy the demands of justice.

Can the United States consistently insist that other nations shall respect the independence of Hawaii while not respecting it themselves? Our Government was the first to recognize the independence of the Islands and it should be the last to acquire sovereignty over them by force and fraud.

Respectfully submitted.

W. Q. GRESHAM.

[Confidential.]

Mr. Gresham to Mr. Willis.

No. 4.]

DEPARTMENT OF STATE,
Washington, October 18, 1893.

Sir: Supplementing the general instructions which you have received with regard to your official duties, it is necessary to communicate to you, in confidence, special instructions for your guidance in so far as concerns the relation of the Government of the United States towards the *de facto* Government of the Hawaiian Islands.

The President deemed it his duty to withdraw from the Senate the treaty of annexation which has been signed by the Secretary of State and the agents of the Provisional Government, and to dispatch a trusted representative to Hawaii to impartially investigate the causes of the so-called revolution and ascertain and report the true situation in those Islands. This information was needed the better to enable the President to discharge a delicate and important public duty.

The instructions given to Mr. Blount, of which you are furnished with a copy, point out a line of conduct to be observed by him in his official and personal relations on the Islands, by which you will be guided so far as they are applicable and not inconsistent with what is herein contained.

It remains to acquaint you with the President's conclusions upon the facts embodied in Mr. Blount's reports and to direct your course in accordance therewith.

The Provisional Government was not established by the Hawaiian people, or with their consent or acquiescence, nor has it since existed with their consent. The Queen refused to surrender her powers to the Provisional Government until convinced that the minister of the United States had recognized it as the *de facto* authority, and would support and defend it with the military force of the United States, and that resistance would precipitate a bloody conflict with that force. She was advised and assured by her ministers and by leaders of the movement for the overthrow of her government, that if she surrendered under protest, her case would afterwards be fairly considered by the President of the United States. The Queen finally wisely yielded to the armed forces of the United States then quartered in Honolulu, relying upon the good faith and honor of the President, when informed