

**A Report
TO THE PEOPLE OF HAWAI'I**

**via
The Hawai'i State Legislature**

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**Another View On The Subject of
Hawaiian Sovereignty & Self-Determination**

**by
Pōkā Laenui,
Commissioner,
HAWAIIAN SOVEREIGNTY ADVISORY COMMISSION**

Ko'u Mana'o

The work of the Commission has truly been a labor of Aloha filled with trust, hope, and faith, guided by a special vision that the voices of all Hawaiians will be heard.

Poka's vision of the difficult tasks that lie ahead, and the rewards that await Hawaiians are shared by many. I am proud to be able to share in that vision, and to lend my support to this view.

I only wish to express my reservations as to the specifics, as set forth by Poka in Section 2, pages 12 - 14.

Ku ka lau lama,



Allen Kaleiolani Hoe

In addition to Allen's endorsement of Poka's report, I, A'o Pohaku Rodenhurst, concur with Poka's sentiments, and add my support to these findings.

INTRODUCTION

"Hawaiian sovereignty" Those words are on the lips of people from a cross section of our community. They may be whispered or shouted, the contents of prayers, poetry and prophecies, themes in songs and speeches, lectures and sermons. The call for Hawaiian sovereignty is unavoidable in Hawai'i today. It is a call spreading beyond these islands' shores, across to America & throughout the world. It will not be silenced. It will not slip quietly away.

The call for Hawaiian sovereignty began 101 years ago with Queen Lili'uokalani. It has been carried by Hawaiian citizens throughout the generations, quietly at times, hidden at times, suppressed at times, boisterous at times. It has weathered many storms and has seen Hawai'i undergo a multitude of changes. But the basic demand and the moral, historical and political foundation remains the same - the right of a people and nation to self-determination.

The call for sovereignty runs deep in Hawaii. It's substance stretches into a time of long ago, into a people and a culture steeped in a spirituality created and recreated out of their circumstances and physical environment. It is a demand to respect the integrity of a people first upon this homeland who set the social foundation upon which people of other ethnicities came. It is a call for the full realization of the social, economic and cultural rights of the native people of Hawai'i with respect to their social and cultural identity, their customs and traditions and their institutions. It is an appeal to recognize the right in these first people to the seat of their spirituality, the foundation of their sustenance, the wellspring of their identity - the 'āina which they have traditionally used prior to the interruption of their independent social and political development by the invasion of Hawai'i at the hands of military forces of the United States of America in January 1893.

The call for Hawaiian sovereignty runs wide, encompassing people of all ancestral backgrounds, a wide array of ethnic diversity and of spiritual expressions. It is a declaration of respect for the political development of a people who share a commonality of cultural and familial continuity with one another and allegiance to Hawai'i. It is a demand for the right to self-determination, the choice of the people of Hawai'i to their political, cultural, economic, social and civil formations and formulations among themselves and their relationship with others. It is a call for non-interference by foreign powers of the world with the political development of the people of Hawai'i.

So vibrant is the call for Hawaiian sovereignty and so well founded is the historical, legal and moral case that the pinnacles of governmental institutions ranging from the United States Congress and its President to the Hawai'i State Legislature and its Governor, have found the issue irrepressible. The U.S. Congress passed and on November 25, 1993, President Bill Clinton signed Senate Joint Resolution 19, PL 103-150 107 Stat. 1510, a formal apology by the United States for the overthrow of the Kingdom of Hawai'i. The State of Hawai'i has cited on several occasions the same sordid history of illegality, of theft, of dishonesty and disgrace in the actions taken to deprive a people of their independent nationhood. (House Concurrent Resolution 147, 1991 Legislature; Act 359, 1993 Legislature)

The Hawaiian Sovereignty Advisory Commission is itself part of the manifestation of that irrepressible issue.

An appreciation of this quest for Hawaiian sovereignty can not be fully understood if separated from the social and political activities around the world. In the last three decades, tremendous strides in the advocacy and application of the right to self-determination have taken place. The United Nations has played an active role in restating and developing international law in this regard. The U.N. Charter, the International Bill of Human Rights and the subsequent resolutions and activities on decolonization attest to great progress in this area.

The Pacific region itself has undergone almost a total change in its political make-up. Beginning with Western Samoa in 1962, the Pacific Ocean saw the explosion of independence, marking the Pacific map with new nations such as Fiji, Nauru, Tuvalu, Kiribati, Papua New Guinea, Cook Islands, Niue, Vanuatu, the Republic of the Marshall Islands and the Federated States of Micronesia.

African nations have emerged under the sweep of the spirit of self-determination, almost completely changing the face of that continent.

Before the demise of the Soviet Union, the emergence of the nations of Latvia, Estonia and Lithuania, previously fully integrated into the Soviet Union, but within a few months, was welcomed into membership of the United Nations. Since 1990, we have seen the following additional independent nations in Europe come about: Belarus, Ukraine, Germany (now united) Czech Republic, Slovakia, Moldova, Georgia, Armenia, Azerbaijan, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan, Slovenia, Croatia, Bosnia-Herzegovina, Yugoslavia and Macedonia.

These international activities reflect a world momentum toward self-determination, a momentum so significant that it forces one to challenge the old belief

that once a member of the union of the United States, no state may secede from that union. This is the spirit of self-determination at work in the world.

The movement for recognizing the rights of indigenous peoples have also made tremendous strides during these past decades. Where previously, indigenous peoples were given no significant place in the national and international communities, the rights of indigenous peoples are gaining great momentum as the United Nations and other international governmental and non-governmental bodies are placing more attention on such people.

Thus, within this environment of great social and political vibrancy, the quest for Hawaiian sovereignty is on the march. This quest applies to the native Hawaiian people as well as to everyone irrespective of race, who has a significant, on-going commitment and allegiance to Hawai'i.

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 To the Hawaiian People of Hawai'i

 Hawai'i Pono'i

About the author

CONCLUSIONS

A: Rights of Sovereignty & Self-Determination

Sovereignty & Self-Determination falls within a wider field of human rights and fundamental freedoms than merely the rights of indigenous peoples. These rights transcend racial-cultural divisions. These rights reside with the people of Hawai'i whose sovereignty and self-determination have been interrupted since January 17, 1893.

The citizens of the nation of Hawai'i at the time of U.S. intervention were of a multitude of races. Those who remained loyal to Hawaiian independence and attempted to carry out their civic duties of Hawaiian citizenship were from a multitude of races. Those who conspired with the U.S. minister for the overthrow of the Hawaiian nation and the eventual cession to the United States of America were from a multitude of races. This is historical fact. To attempt to refashion history to create new political elites under some theory of historical innocence and victimization is to practice deception in order to manipulate political/social advantages. To attempt to fashion the future based on some theory of racial superiority, in disregard to the rights of all people to equal dignity and respect is ludicrous.

The law of self-determination is clearly defined in present international law. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development¹. Furthermore, the United States of America is under an obligation to "promote the realization of the right of self-determination,

¹ Art. 1.1, International Covenant on Civil and Political Rights, Annex to GA Res. 2200 (XXI) of 16 December 1966, ratified by the United States of America; Art. 1.1, International Covenant on Economic, Social & Cultural Rights, Annex to GA Res. 2200 (XXI) of 16 December 1966, signed but not ratified by the United States of America; Declaration on the Granting of Independence to Colonial Countries and Peoples, Art. 2, GA Res. 1514(XV) of 14 December 1960

and shall respect that right, in conformity with the provisions of the Charter of the United Nations².

Notwithstanding the right of all people to self-determination, there is indeed the rights of an indigenous people within a dominant society which must also be given appropriate consideration. That right, misnamed "sovereignty", is the right to a degree of autonomy within the present Hawaiian society. That right to autonomy include the right of the native Hawaiian people to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, language and religions.

The dominant state of the day, whether the State of Hawai'i, the United States of America, or an emerged or reemerged independent Hawaiian nation, should undertake positive action to alleviate socio-economic disparities between the native Hawaiians and other sectors of the society, should respect the values, practices and institutions of these peoples and promote the full development of their institutions and initiatives.³

An understanding of Hawai'i's right to self-determination, in its duplex form, i.e., decolonization and indigenous rights, is inseparable from an appreciation of Hawai'i's history. The Hawaiian nation existed in 1893 and before. The foundation of that nation was the indigenous society preexisting European contact with Captain James Cook in 1778. That independent nation was invaded by the military forces of the United States of America. As a result of that invasion, a puppet government was established for the sole purpose of annexing Hawai'i to the United States. Within five years, that annexation was accomplished. Hawai'i became a non-self governing territory of the United States. The people of this original nation died off, were resocialized into becoming U.S. citizens, marginalized from the political process, and underwent

² Chapter XI, Art. 73, Charter of the United Nations; GA Res. 66 (I) of 1946 designating Hawai'i as a non-self governing territory under U.S. administration; Principles Which Should Guide Members in Determining Whether or not an Obligation Exists to Transmit the Information, Called for in Article 73(e) of the Charter of the United Nations, Annex to GA Res. 1541 (XV) of 15 December 1960; Declaration on the Granting of Independence to Colonial Countries and Peoples, GA Res. 1514 (XV) of 14 December 1960;

³ See ILO Convention 169; Oklahoma City University Law Review, An Advocate's Guide to the Convention on Indigenous and Tribal Peoples by Russel Lawrence Barsh, Vol. 15, No. 1, Spring 1990; Report of the Working Group on Indigenous Populations on its eleventh session, U.N. Doc. E/Cn.4/Sub 2/1993/29 23 Aug. 93; World Council of Indigenous Peoples Declaration of Rights of Indigenous Peoples

such traumatic cultural, social, and political strains that they became almost invisible as a political unit in Hawai'i for almost a hundred years.⁴

Parallel to that history is the history of the development of international rules of conduct among and by nations of the world. Prior to 1893, the laws of nations called for the respect for treaties entered into between contracting states and developed a common international law against aggression. Over the past hundred years, those laws have not diminished. Instead, we have seen the further development of the principles against unequal treaties, against genocide and of decolonization. The history of the United States conduct in Hawai'i is a history of continual breach of international rules of conduct which existed in 1893 and up to the present time.⁵

Thus, the right of self-determination continue to exist for Hawaiian citizens. This right includes the choice to remain integrated within the United States of America as a State or to be an independent Hawaiian nation. This right belongs not to any particular ethnic community or grouping of people, not to any particular race, but to a people who relate to Hawai'i as the place of their singular loyalty and allegiance, to those people who, either through ancestry, birth, or acculturation, are of the indigenous race or have become associated with the 'āina in the sense of becoming a *kama'āina*, *hoa'āina*, *kua'aina*, or *keiki o ka 'aina*. Those people who fall within such a description are eligible to participate in the exercise of self-determination upon declaring their citizenship in the Hawaiian nation and disavowing citizenship in another.

Within the broader discussion of self-determination of course, must be included the discourse of the special rights of indigenous people. What are those rights? First is the right of self-definition. The United States, in defining indigenous people, use extrinsic criteria such as genealogy and behavior⁶ or

⁴ See generally, Cause for Hawaiian Sovereignty, Institute for the Advancement of Hawaiian Affairs; December 1992

⁵ Id.; Connecticut Journal of International Law, American Annexation of Hawai'i: An Example of the Unequal Treaty Doctrine, Bradford W. Morse & Kazi A. Hamid, Vol. 5, Spring 1990; Self Determination: The Case Study of Hawai'i, Kazi Aktar Hamid, 4 Nov. 1991, Dissertation in fulfillment for the degree of Doctor of Laws (LL.D), University of Ottawa (hereafter Hamid)

⁶ See 25 C.F.R. pt. 83, Weatherhead, *What is an "Indian Tribe"?*-The Question of Tribal Existence, 8 Am Indian L. Rev. 1 (1980); Barsh, *A Challenge for Anthropologists*, 10(2) Practicing Anthropology 2, 20-21 (1988);

blood quantum⁷. Indigenous peoples organizations and the International Labor Organization have called for the right of indigenous peoples to define themselves. The power to define indigenous peoples include the power to deny them certain legal rights.

Second is the right of participation. Whenever legislative or administrative measures are considered which may affect indigenous peoples directly, indigenous peoples have asserted that they are entitled to have full participation in such decisions making.

Third is the right of self-government. For indigenous people, self government includes the right to decide their own priorities for the process of development at it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. Such self-government includes management and policy control over vocational training, health services, and education. It also includes a degree of control over the administration of justice and to retain or create social institutions to address the needs of indigenous people.

Fourth is territorial rights. These are rights with regards to indigenous peoples ownership, use and control of lands and resources which they currently or traditionally occupy, use or control. Rights to hunting, fishing, trapping and gathering, to returning of lands previously taken, to mineral and subsurface resources are all incorporated in this subject.

Fifth is cultural rights. Such rights include contacts with other indigenous and tribal peoples across borders for economic, social, cultural, spiritual and environmental concerns. Cultural rights also include the right to have indigenous children educated in their indigenous language, to be able to name children indigenous names (important in some countries which refuse to recognize indigenous names), etc.⁸

⁷ Hawaiian Homes Commission Act, 1920, (Act of July 9, 1921, c.42, 42 Stat 108)

⁸ See generally, the UNWGIP report, *Infra* note 28; ILO Convention 169, WCIP Declaration of Rights of Indigenous Peoples, IV General Assembly, Panama, 1984.

Self-Determination and sovereignty are broad, vibrant fields of study which have great implications for the people of Hawai'i today.

B: A Reasonable Process to exercise Self-Determination

The exercise of self-determination does not come about overnight. Appropriate conditions must be available to make it happen. Desirable conditions should exist to avoid such great disruptions within a society that the process becomes destructive to the peace of a community. Thus it is important to appreciate the phases of emancipation from foreign domination and the proper environment for those phases to take place.

1: The five phases of decolonization

There are distinct phases a people step through in achieving decolonization⁹. These phases are:

- 1) Recovery & Rediscovery,
- 2) Mourning,
- 3) Dreaming,
- 4) Commitment, and
- 5) Action.

Political decolonization can come about without proceeding through each of these phases. However, such decolonization may be accompanied by great violence and deaths, a tearing apart of communities, religions and races, and oftentimes, merely the replacement with internal colonization of a people.¹⁰

The recovery and rediscovery phase among the native Hawaiian people is now taking place. We can see this in the greater attention to Hawaiian history, the rejuvenation of the hula, canoe racing and surfing, the wider practice of the

⁹*Colonization and Decolonization, A few thoughts*, by Pōkā Laenui, IAHA, 8 Oct. 1993

¹⁰ A Second Glance, Feb. 12, 1994, Hawai'i Public Radio hosted by Pōkā Laenui, with guest, Professor Sohail Inayatullah on the conditions existing in the former Yugoslavia and comparisons with Hawai'i, Produced by the Hawaiian National Broadcast Corporation, P.O. Box 25284, Honolulu, Hi, 96825; A Second Glance, with guest Yash Ghai, Professor of International Law, U. of Hong Kong, Feb. 1993;

Hawaiian language, the current support of modern Hawaiian music, etc. Among the wider Hawaiian public, this phase is still in infancy.

The mourning phase includes a time of great sadness, of weeping, of anger, of hate, of grieving, of trying to heal from the loss discovered in the earlier stage of recovery and rediscovery. The centennial observation of the invasion and overthrow of the Hawaiian nation in January, 1993, was a clear example of this phase¹¹. At times, people become entrenched in this phase and do not move beyond the anger and bitterness, accusations and threats. This can become very destructive to a society and stop the next phase of decolonization from taking place. Examples of getting stuck here may be concepts of racial cleansing, cultural or religious intolerance, ethnic superiority, etc.

Dreaming is crucial to the decolonization process. In this phase, an environment of safety in sharing in the dream must be created. People from all opinions must be included and respected. Every dream must be given respect, not necessarily for the rightness of a particular aspiration for the society, but because it comes from that person's sense of reality and therefore, must be his or her truth at the time of its expression. As this communal dreaming takes place in an environment of constant dialogue among those expressing different dreams, a common theme will emerge as a central focus, forming the eventual direction the society will move toward.

Oftentimes, individuals or institutions will become anxious to complete the dreaming phase. A constitutional convention, a plebescite, a quick decision or immediate legislation may be called for. Such calls to terminate a thorough dreaming process may be to take advantage of particular opportunities of the moment. It may be to keep a leadership or organization in power, to cut the establishment's losses by giving into current dreams before they become too ambitious, or just to be able to get along with "business" by appeasing the natives with minimal liberties or programs. Rushing the dreaming phase is dangerous. It can be compared with trying to quicken the natural development of a fetus in a mother's womb, forcing birth before the child is properly matured.

¹¹"*Three Days in January*", Laenui, HAWAIIAN NATIONAL BROADCAST CORPORATION, 1993

The commitment phase, the 4th phase, becomes a natural outgrowth of the dreaming. It becomes a time of refinement of ideas. For example, in the discussion of Hawaiian sovereignty, if a communal decision is made to achieve independence from the United States of America, that decision will become further refined in terms of asking questions such as survivability politically, economically, militarily, and environmentally. People also become firmer in their resolve to adopt the commitment and to personalize it in their day to day approach to life.

The final phase will be action. Such action may be an appeal to an international body for recognition or support. It may be an information campaign carried into the colonial congress and peoples homes. It may be the overturning of local institutions and redesigning institutions of education or justice. Indeed, the action phase may see a multiplicity of action at the same time.

These are the five phases in which a people should proceed through in the process of emancipation from colonial control. They are necessary to bring about an orderly process for building a new society. These phases do not take place necessarily in a chronological order. Indeed, some in a society may be in an early phase while others may have already moved to the final one. At times, people will move in and out of different phases of decolonization. While there are individual progression which differ from others, in general, the society as a whole can be tracked through these phases, one at a time.

2: Education a Requisite

The process of self-determination must include a well informed people. There have been several experiences in recent history in which a people were said to have exercised self-determination but were not sufficiently informed to have been able to do so. Puerto Rico in 1953, Alaska in 1959 and Hawai'i in 1959 are examples of this failure of self-determination. In each instance, the people were ill-informed of their rights to chose integration within the metropolitan (colonial) nation, free association with the metropolitan nation or to emerge as an independent nation. As a result, Puerto Ricans are now complaining before the Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Here in Hawai'i, a major contention is being made that

the vote for Statehood was an international fraud because the people were not informed of the full range of choices which should have been made available to them¹².

The education necessary for a society to carry out an act of self-determination should not be limited only to the distribution of information to the general public. Such education must provide opportunities for on-going dialogue within the society. Thus, there must be sufficient access to media on an on-going basis, media which is representative of a wide range of views and opportunities for expressing them instead of media which acts as the social watch-dog, commenting on or condemning the locals of the community in a neo-plantation approach.

The education process must encourage openness, frankness, and diminish personal attacks, innuendos, falsehoods or inflating egos.

3: Role of dominant government authority

The government which exercises de facto jurisdiction over the territory or society which is undergoing decolonization should undertake the responsibility of education as part of a sacred trust. In that role, it should regard the interest of the people undergoing decolonization as paramount¹³ and should in no way attempt to influence the outcome favorable to that authority. Indeed, if in the end, the people chose to remain integrated within the colonial system, it can only be accomplished if the people have the capacity to make a responsible choice and are fully aware of its range of choices. The people's expression must be accomplished in an impartially conducted democratic process.¹⁴

¹² Supra at note 4

¹³ Art. 73, U.N. Charter

¹⁴ Annex to GA Res 1541, Declaration on the Granting of Independence to Colonial Countries and Peoples, GA Res. 1514 (XV) of 14 December 1960, at 4., 5., & 6.;

4: International Supervision

Obviously, one does not let the fox guard the chicken coop. Likewise, the exercise of self-determination can not be left to the administering power over the territory under consideration. The United Nations is one organization which could, when it deems it necessary, supervise the process.¹⁵ If not the U.N., there are other organizations capable of providing international oversight and have done so in the past.¹⁶

C: Interim Protection/Moratorium

The people who have been victimized by the U.S. invasion of Hawai'i in 1893 are living under a political system which, from their justified point of view, is foreign and imposed upon them and their national assets. During the process of examining the current condition and the choices to be made under the right of self-determination, there are certain spaces within the society which must be created to afford these people assurance that they will not be adversely impacted for the time necessary to carry out their self-determination. Neither should their personal liberties be diminished by the current authority in power.

The State of Hawai'i should refrain from any diminishment of the natural assets of Hawai'i, including all ceded lands and waters, and all of the common wealth of Hawai'i, including the ocean life. It should refrain from criminalizing any Hawaiian or eligible Hawaiian citizen, cease any attempt to impose or collect taxes from such persons, and take all necessary actions to stop the immigration of people into Hawai'i other than Hawaiian or eligible Hawaiian citizens.

¹⁵ Principle IX (b), Annex to GA Res. 1541; GA Reso 37/35 of 23 November 1982 (d) requesting Special Committee to send visiting missions "to enable the populations of small territories to exercise their right to self-determination, freedom and independence"; UN Transition Assistance Group (UNTAG) supervised and controlled the electoral process in South Africa, November 1989, resulting in the independence of Namibia. UNTAC operated in Cambodia, supervising elections. Since 1955, the UN has supervised or observed elections and referendums on over 40 occasions.

¹⁶ In the peace process in Nicaragua, the government and the indigenous organization MISURASATA invited governmental representatives and the World Council of Indigenous Peoples to act as international observers/guarantors to the peace process.

Furthermore, all action which adversely or which may potentially adversely affect the environment should cease. Thus, any military activity which diminishes the quality of the environment, including the disposal of harmful waste should end immediately.

While a moratorium is put in place, steps should be taken to immediately identify a transition authority for addressing issues which arise covered by the moratorium and which can not await resolution after the exercise of self-determination.

D: Evaluating the State's Program

General Summary

There is a sad lack of comprehension in this State of the right of self-determination for the people of the Hawaiian society and of the specific rights of the native Hawaiian people as indigenous people to this homeland. Instead, the approach being taken is a very colonial one, reflecting the U.S. perspective to its treatment of native Americans, using rhetoric of "sovereignty" and "nationhood" to mask the reality of colonialism.

The discourse in Hawai'i is being carried out in ethnic/racial rather than political, economic, social, and cultural terms. As such, it is pandering to the call to elevate ethnicity but to leave colonialism in place. This is reflective of a lack of knowledge of Hawai'i's history as well as a lack of appreciation of recent world developments in the theory and practice of decolonization.

The State's program rushes the process of self-determination, and in so doing, results in the lack of adequate education, discussion and reflection.

Further, the program lacks international oversight.

However, if seen only as a program to advance the rights and conditions of the native Hawaiian people as part of the recognition of indigenous rights, the program is commendable in its directions but still fails in some important points.

1: The Current & Recommended State Program

The State of Hawai'i, through Act 359, 1993 Legislature, created the Hawaiian Sovereignty Advisory Commission to advise the legislature on the matter of Hawaiian sovereignty for native Hawaiians. It asked advise on a process of holding a referendum on calling a convention to formulate an organic document for a government, a process for a mechanism to democratically convene such a convention including apportioning voting districts and setting eligibility criteria for delegates to the convention, voter education, registration and research activities for the convention, setting forth a time-line for accomplishing such a convention, and for conducting fair, impartial and valid elections. It required that the election process fall within the general election laws of the State of Hawai'i. It further required that a report be submitted by the commission 20 days prior to the legislature's 1994 session.

"Upon due consideration, the legislature shall determine the question to be submitted to qualified voters in the 1994 general election." §6 Act 359

Responding to the legislative mandate, the HSAC has submitted legislation¹⁷ "to acknowledge and recognize the unique status the indigenous Hawaiian people bear to the State of Hawai'i and to facilitate the efforts of indigenous Hawaiians to be governed by an indigenous sovereign nation of their own choosing."¹⁸ It calls for:

(1) the creation of an independent entity called the Hawaiian Sovereignty Elections Board to carry out the purpose of the act. Such board is to operate for administrative purposes only under the Lt. Governor's office or the Legislative Reference Bureau, consist of 17 Hawaiians selected by Hawaiian organizations. These board members are to be distributed by geography, i.e., two members each from Hawai'i, Maui, Lana'i, Moloka'i, O'ahu, Ni'ihau, Kaua'i, outside of Hawai'i, and one ex-officio member representing Kaho'olawe.

(2) the board shall conduct a special election for native Hawaiians "to determine whether they want to begin the process to restore sovereignty", provide for an apportionment plan, establish eligibility, size & composition of

¹⁷ H.B. No. 3630 and S.B. No. 3153 introduced in the Seventeenth Legislature, 1994, State of Hawai'i

¹⁸ Id. at §2

delegates, conduct the elections and convening of delegates, and conduct educational activities for Hawaiian voters, a voter registration drive and research activities preparatory to the convention.

(3) the 1995 special elections plebiscite question: "Shall a process begin to restore a sovereign Hawaiian nation?" A positive response will initiate an election of delegates to form the structure and status of a Hawaiian nation. A negative response will end any further process.

The operations of the board, the plebiscite and election process, and the convening of the convention is to be financed by the State of Hawai'i.

2: Pitfalls in the measure of Self-Determination

The legislature has created a mechanism designed for failure in achieving the full exercise of self-determination. First, it defined the people entitled to participate in the act of self-determination by racial categorization. That limitation is inconsistent with the historical and cultural foundation of Hawai'i and falls far short of the right of self-determination in international law. It violates the right of self-determination of Hawaiian citizens who are not of the indigenous race. It requires the elevation of ethnicity above human rights and fundamental freedoms of the people who constitute the Hawaiian nation. In effect, it is playing into the hands of racial elitists by creating division among the people who constitute the Hawaiian nation.

There is a failure to appreciate the necessity of a deliberate process of decolonization. Within that process, there must be sufficient time for the people who will exercise self-determination, to be properly informed. Instead, the legislature is creating a time-frame which is unreasonable. After 101 years of the denial of self-determination, it is creating a one year time-table for the native Hawaiians to restore a Hawaiian nation. Such a time-frame does not adequately provide for an information and education process within the community.

The election board proposed by HSAC is to consist of native Hawaiians selected in a geographic scheme not representative of the distribution of the general or the native Hawaiian population. The latest census reflects that from

the island of O'ahu, there are 91,967 or 62.6% of the native Hawaiian population while from the island of Ni'ihau, there are only 226 or .17% of the native Hawaiian population. The disparity of representation between the largest and smallest island amounts to one person from Ni'ihau for 407 persons from O'ahu. The disparity is even greater considering no native Hawaiians residing on the island of Kaho'olawe, yet having one representative on the election board. Thus, the majority of the native Hawaiian people are already in the great minority on this election board.

That election board is to set forth the apportionment plan for any convention to follow, will carry out voter registration and elections, take charge of an education program, etc. The disparity in the elections board could very easily carry forward to a disparity in delegates representation to a subsequent convention or congress or in the distribution of education programs.

Where previously, the native Hawaiians were separated by blood quantum in the Hawaiian Homestead Commission Act of 1920, the present proposal suggest a division of Hawaiians by geography where the person from a lesser populated area is rewarded by greater representation.

The process of selecting this election board is unclear. The legislation calls for members to be "selected by Hawaiian organizations from nominations submitted by Hawaiian organizations." Hawaiian organizations are not clearly defined and includes "ohana (extended family) which serves and represents the interests of Hawaiians," existing for at least a year and consisting of at least a majority of Hawaiians.

The election board is completely non-reflective of the native Hawaiian population, placed under the control of the State of Hawai'i for administrative purposes, to formulate a convention to produce a governing document for the indigenous people's "sovereign Hawaiian" nation.

In the United States of America, we already see how rhetoric has consistently masked the reality for the native American peoples. The United States and many native American leaders call the indian tribes "sovereign nations" while in reality they are not at all accorded the substantive attributes of sovereignty, time and again having to go on hands and knees to the Bureau of

Indian Affairs, U.S. Congressional Committees or the U.S. courts, begging for recognition of certain rights or monies for various programs.

The current legislative program is heading the native Hawaiians in the same direction. It falls far short of the recognition and support of the exercise of self-determination due the victims of the U.S. invasion of 1893. It is approaching the subject of Hawaiian self-determination in a very colonial framework.

3: Positive Advances to indigenous people's Rights

In terms of according to the native Hawaiian people autonomous rights entitled to indigenous peoples, the program of the State is one to be admired. It is a positive recognition that the development of native Hawaiians has been retarded as a result of the imposition of foreign control over Hawai'i. While the program fails to address the termination of that foreign control, it is willing to make some progress respecting the native Hawaiians within the colonial structure.

The proposal of the HSAC is to open the process to all native Hawaiian, where ever they may now reside, irrespective of their civil status, and regardless of the citizenship they now claim. This open process is a recognition that the colonization of Hawai'i has had adverse impact upon many native Hawaiians, including their moving out of Hawai'i, their denouncement of U.S. citizenship, and their criminalization within the U.S. judicial system resulting in their loss of certain civil rights, including the right to participate in electoral processes.

This State program potentially offers native Hawaiians another avenue to speak and act in a united fashion in response to State or United States actions affecting them. It is an opportunity to limit the intervention by non-native Hawaiians to the structuring of an autonomous governing body for native Hawaiians. It has great potential for taking further united action in the field of cultural, economic, social and political development. It has the potential of creating an independent economic base for this autonomous body, as compared to the present situation whereby the Office of Hawaiian Affairs is often times reduced to the position of beggars before the State legislature.

The creation of such an autonomous body can become the catalyst to provide a serious space within the current society where native Hawaiians can be native Hawaiians in their homelands.

Its failings, however, remain the fact that the elections board is poorly conceived as stated above. It is also unfortunate that the commissioners of the Hawaiian Sovereignty Advisory Commission, under the proposal submitted by that commission, would fail to fulfill its mandate and instead, pass it onward to an election board not yet constituted.

Finally, the plebiscite question suggested, "Shall a process begin to restore a sovereign Hawaiian nation?" is poorly designed. One could rightly argue that the process has already begun as early as twenty + years ago when individuals challenged the authority of the State and U.S. government to exercise jurisdiction over Hawaiian citizens, when people refused to file or pay taxes to the U.S. and State governments, and when still others challenged the title of the State and the U.S. government's title to what has been termed "ceded" lands. According to such arguments, it is clear arrogance to suggest that only when the State sponsors such a process, should it be recognized as one beginning to restore the sovereign Hawaiian nation!

The question also fails in the use of the term "restore a sovereign Hawaiian nation." Those words do not make sense. A restoration would be of the sovereign Hawaiian nation. That nation is already defined by its constitution in existence in 1893. Such a nation could not exist within the definitions of the United States or the State of Hawai'i. The sovereign Hawaiian nation was precisely that, sovereign in the international sense of the word. To use the term, "restore" and "sovereign Hawaiian nation" to describe a nation within a nation status or an entity which incorporates people along the lines of race is a fraud.

The question which should be asked to determine the will of the native Hawaiian people to exercise autonomy over their lands, education, language, traditional resources, including lands and waters, etc. should be the following: **Shall there be a native Hawaiian government?**

IV: RECOMMENDATIONS

If the objective is truly to live up to the internationally recognized right of self-determination, the program scope for Hawaiian sovereignty and self-determination must be expanded to include a wider base of people who are Hawaiian citizens. Further, the following should be undertaken:

A: The legislature should provide adequate resources so that an extensive and intensive education and information program can be carried out among all people eligible to be considered Hawaiian citizens. The people so involved must be provided the means to carry on meaningful dialogue on an on-going basis to aid in reaching consensus on the direction and timing to express their self-determination. They must therefore be provided with sufficient capacity to run their own media services including radio stations, a television station, newspaper, etc.

B: This process must include an appropriate international oversight group, perhaps representatives of the United Nations, to assure that the exercise of self-determination will be consistent with international standards.

C: There must be clear understanding that a balance must be achieved in the movement for self-determination, a balance between the rights of native Hawaiians as indigenous people to Hawai'i and the rights of all other Hawaiian citizens as a matter of universally accepted principles of human rights and fundamental freedom.

D: The U.N. Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples should be approached to include Hawai'i on the list of non-self governing territories to be decolonized.

E: A moratorium should be placed on all activities which diminish the natural assets of Hawai'i, including all ceded lands and waters, as well as ocean resources. A moratorium should be placed on any increase in U.S. military personnel, armament or activity. No additional military dependents should be permitted to reside in Hawai'i.

F: The State and U.S. government should refrain from criminalizing any Hawaiian or eligible Hawaiian citizen, cease any attempt to impose or collect taxes from such persons, and take all necessary actions to stop the immigration of people into Hawai'i other than Hawaiian or eligible Hawaiian citizens.

G: The U.S. government should begin depositing the fair rental value of all of the ceded lands they now use or exercise jurisdiction over into a trust fund managed by an international organization, for distribution in accordance with the final decision made by the Hawaiian citizens on the exercise of self-determination or to assist in the ongoing process. The U.S. government should cease any further condemnation action of Hawai'i lands from Waikane valley and from any other lands owned by native Hawaiians or other eligible Hawaiian citizens.

H: All action which adversely or which may potentially adversely affect the environment should cease. Thus, any military activity which diminishes the quality of the environment, including the disposal of harmful waste should end immediately.

I: Immediate steps should be taken to identify a transition authority on behalf of the Hawaiian citizens, for addressing matters which must be immediately considered but are covered by items E to H above. Such transition authority may include a board of representatives from the native Hawaiian community, the general community of Hawaiian citizens, the State of Hawai'i, the United States of America and from the international community.

V: HISTORICAL AND ANALYTICAL REVIEW OF HAWAIIAN SOVEREIGNTY

A: Summary

Since the reign of Kamehameha I, (1779 - 1819), until January 17, 1893, the sovereign and independent nation of Hawai'i existed without interference or challenge to its integrity but for a brief interlude with England. This indigenous nation evolved into more than just a people of the indigenous race but became an inclusive political society which brought into its membership people from races and cultures across the world. As it evolved, it adapted to new technologies, new political structures, and a changing economy. It's independence was firmly recognized within the international community of nations.

In January 1893, Hawai'i was invaded by a foreign power, the United States of America. This invasion was a violation of treaties between Hawai'i and the United States of America as well as a violation of international law condemning acts of aggression. It resulted in the establishment of a puppet government (The Provisional Government) formed for the sole and explicit purpose of ceding Hawai'i to the United States of America.

Although meeting some resistance initially in the United States, the cession of Hawai'i was purportedly accomplished by a renamed puppet government (The Republic of Hawai'i) when the United States Congress by joint resolution and contrary to it's own constitutional provision, accepted the Treaty of Annexation signed between the Republic of Hawai'i and the United States of America¹⁹. That act of cession also constituted a violation of the principle against unequal treaties²⁰.

The United States subsequently assumed jurisdiction over all citizens of Hawai'i. It exercised ownership and control over all of the government and

¹⁹Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895; U.S. Constitution Art. 2, §2

²⁰Connecticut Journal of International Law, American Annexation of Hawai'i: An Example of the Unequal Treaty Doctrine, Bradford W. Morse & Kazi A. Hamid, Vol. 5, Spring 1990

crown lands (naming them "ceded lands") and waters of the nation of Hawai'i. It established a new puppet government called the Territory of Hawai'i²¹.

Hawaiian citizens were subsequently divided by racial ancestry and the indigenous race further divided by blood quantum for special treatment. Lands were parceled among various agencies of the United States government and its newly created territorial government whose governor was appointed by the U.S. President²².

The United States proceeded to exercise exclusive jurisdiction over transmigration, international trade and relations, education, media, international transportation, economic development and military use of Hawai'i.

In 1959, the United States government placed the following question to the "qualified" voters in Hawaii: Shall Hawai'i immediately be admitted into the Union as a State?²³

"Qualified" voters were U.S. citizens who were residents of Hawai'i for at least 1 year including thousands brought in through U.S. transmigration program such as military assignments, job seekers, adventurers and those in search of their retirement paradise. Voters also included generations of originally Hawaiian citizens socialized into Americanism during the past 59 years. Those who insisted on their Hawaiian citizenship could not vote²⁴.

The question, "Should Hawai'i be free?" was never posed.

The American voters chose Statehood overwhelmingly.

²¹The Organic Act of April 30, 1900, C 339, 31 Stat 141

²²Cause for Hawaiian Sovereignty, Laenui, Institute for the Advancement of Hawaiian Affairs, Oct. 1992

²³The Admission Act of March 18, 1959, Pub L 86-3, 73 Stat 4

²⁴Chapter 11, §8, Revised Laws of Hawai'i, 1955

Internationally established Right to Decolonization for all peoples

Unbeknown to most of the people in Hawai'i, in 1946, under the charter of the United Nations at Article 73, the United States was charged with bringing self-government to Hawai'i²⁵.

After the Hawai'i Statehood vote, the U.S. reported to the U.N. that it had met its responsibility under Article 73. Believing this to be true, the U.N. General Assembly by Resolution 1469 (XIV) relieved the United States of further responsibility to report to the U.N. on Hawai'i.

The U.N. General Assembly subsequently adopted its Declaration on the Granting of Independence to Colonial Countries and Peoples, (GA Res. 1514 (XV) of 14 December 1960) and formed the **Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**. That resolution and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did not meet the standard of self-governance contemplated under Article 73. The exercise of self-determination in Hawai'i has not been accomplished.

Thus, as a matter of human rights applied to all nations and peoples large and small, there is a continuing right of self-determination by the citizens of the Hawaiian nation²⁶.

International development of indigenous peoples' rights

Rights of indigenous peoples had for many years been simply pushed aside from standing in the mainstream of human rights and decolonization. In

²⁵Principles Which Should Guide Members in Determining Whether of not an Obligation Exists to Transmit the Information, Called for in Article 73(e) of the Charter of the United Nations, Annex to GA Res. 1541 (XV) of 15 December 1960

²⁶Charter of the United Nations, 1945; Universal Declaration of Human Rights, GA Res. 217 (III) 10 Dec. 1948; International Covenant on Civil and Political Rights, Annex to GA Res. 2200 (XXI) of 16 Dec. 1966; Declaration on the Granting of Independence to Colonial Countries and Peoples, GA Res. 1514 (XV) of 14 Dec. 1960; Principles Which Should Guide Members in Determining Whether or not an Obligation Exists to Transmit the Information, Called for in Article 73(e) of the Charter of the United Nations, Annex to GA Res. 1541 (XV) of 15 Dec. 1960

the 1920s, an Iroquois patriot, Deskaheh and a Maori religious leader, Ratana both attempted to gain an audience at the League of Nations in Geneva but were refused²⁷. The International Labor Organization, in the 1950s, initiated action in this area of indigenous peoples rights, followed by the United Nations almost 30 years later. The ILO now has a Convention on Indigenous Peoples (Convention 169 of 1989), greatly expanding the rights which should be accorded to such peoples from what now exist in the vast majority of countries, including the United States of America. The United Nations Working Group on Indigenous Populations has for over ten years been addressing the development of a standard of rights for indigenous peoples, which standards is now making its way to the General Assembly for adoption²⁸. Indeed, the General Assembly declared the year 1993 and the current decade for the world's indigenous people.

While the recognition of rights of indigenous peoples are relatively new developments in the international arena, these rights are quickly becoming part of the body of human rights in international law.

B: Hawai'i's early history

Hawai'i's ancestors journeyed throughout the vast Pacific, guided by stars, the rising sun, clouds, birds, wave formation, and flashing lights from the water's depth. They touched upon many lands including the most isolated land mass in the world - Hawai'i.

They continued commerce with cousins of the south Pacific many years after arriving in Hawai'i. They had infrequent contacts with Japan, Turtle Island (today "America") and other Pacific rim places. Hawai'i remained unknown to Europe until 1778 when James Cook, Captain of the British Navy's ships Resolution and Discovery arrived to find a highly developed Hawaiian society.

²⁷Another Step: The UN Seminar on Relations between Indigenous Peoples and States, paper by Douglas Sanders, U. of B.C., September 14, 1989; A Second Glance radio interview with Russel Barsh hosted by Pōkā Laenui, Hawai'i Public Radio KHPR FM 88.1, Hawaiian National Broadcast Corporation, Nov/6,20,27 Dec/4, 1993;

²⁸Report of the Working Group on Indigenous Populations on its eleventh session, E/CN.4/Sub.2/1993/29 of 23 August 1993

He was welcomed in friendship. In an unfortunate misunderstanding, Cook attempted to apply violence upon the Hawaiian people. He was dealt with likewise, resulting in his blood flowing and his bones lowered into the waters of Kealakekua Bay, Hawai'i, ending his further journeying²⁹.

Soon after contact with Cook, Hawai'i was cast into world attention and quickly accepted as a member of the international community. During the reign of Kamehameha I, (1779 - 1819), Hawai'i was trading with China, England and the United States and dealing with other nations on a regular basis. On November 28, 1843 Great Britain and France joined in a Declaration recognizing Hawai'i's independence and pledged never to take it as a possession. When the United States was invited to join this declaration, J.C. Calhoun, U. S. Secretary of State replied that the President adhered completely to the spirit of disinterestedness and self-denial which breathed in that declaration. "He had already, for his part taken a similar engagement in the message which he had already addressed to Congress on December 31, 1842."³⁰

By 1887, Hawai'i had treaties and conventions with Belgium, Bremen, Denmark, France, German Empire, Great Britain, Hamburg, Hong-Kong, Italy, Japan, Netherlands, New South Wales, Portugal, Russia, Samoa, Spain, Swiss Confederation, Sweden and Norway, Tahiti, and the United States.³¹ Hawai'i was a member of one of the first international organizations, the Universal Postal Union. Approximately a hundred diplomatic and consular posts around the world were established³².

Immigrants from all parts of the world came to Hawai'i, many renouncing their former national allegiance and taking up Hawaiian citizenship.

Hawaiian literacy was among the highest of the world. It had telephones and electricity built into its governing palace, 'Iolani, prior to the U.S.'s White House. Multi-lingual citizens abounded. Hawaiian leaders had excellent

²⁹Gavan Daws, Shoal of Time, U.H. Press 1968, pp 20-23

³⁰Directory and Handbook of the Kingdom of Hawai'i, F.M. Hustat, 1892

³¹Treaties and Conventions concluded between the Hawaiian Kingdom and Other Powers since 1825

³²Supra note 30

comprehension of world and political geography. King Kalākaua was the first Head of State to circle the world in a visit of nations in his plan to weave a tapestry of international economic and political alliances to assure Hawaiian independence. By 1892, Hawai'i was a vibrant multi-racial, multi-cultural nation engaged in intellectual and economic commerce throughout the world.

Christian Missionaries Arrive

Early in its exposure to the western world, Hawai'i became the focus of Christian zeal. The first flock of missionaries arrived from Boston in 1820³³. Many remained, establishing homes and families and were welcomed into Hawaiian society. They became a strong influence over the people³⁴.

Over time, many missionary children left the pulpits of the church, entering business and politics³⁵. After several decades, an alliance of missionary offsprings and developing business interests arose. Growing and selling sugar developed as its principal interest. Land, labor and market became major concerns. Political and social control became means to meeting those concerns. They called themselves the "missionary party."

Land Assault

The missionary party drastically changed land relationship with the people. Formerly land was under the care of the ruling chiefs. They allotted the use of the lands to their sub-chiefs who reallocated the remaining lands to their supporters. By 1839, these distributions were revocable only for cause.³⁶ Land "ownership" in the Western sense did not exist. Land was an integral part of the life of Hawai'i along with the air, sunlight, winds, waters and the people. None of these parts were to dominate the other. This was a basic philosophy of existence for Hawai'i's early inhabitants³⁷.

³³Daws, Shoal of Time, p. 64

³⁴Lili'uokalani, Hawaii's Story by Hawai'i's Queen, d(Boston: Lothrop, Lee & Shepard, Co., 1898; reprint Tokyo: Charles E. Tuttle Company, 1977) p. 177 (hereafter Lili'uokalani)

³⁵ Laenui, Three Days in January, Hawaiian National Broadcast Corporation, 1993, (hereafter 3 Days in January)

³⁶Hawaiian Bill of Rights of 1839

³⁷ Laenui, Ownership of Kaho'olawe, 1978, Private Circulation; Interview with Pilahi Pahi, 1977

Under the influence of the missionary party, however, less than thirty years after missionary arrival, this land relationship was overturned. Land was parcelled out in fee simple estates along the traditions of England and the United States. Foreigners could now be landowners in Hawai‘i³⁸.

Labor Assault

Much of the indigenous people refused to work at low plantation wages. The missionary party influenced immigration policies, importing laborers to perform the exhausting sugar plantation work upon the lands now controlled by them³⁹. The sugar industry spread across Hawai‘i with easily available lands and cheap imported labor.

Market Assault

With land and labor under control, the missionary party applied itself to the last step in this commercial cycle - securing a market for their sugar. The United States was the logical market. It was geographically closer to Hawai‘i than any other market. Most in the missionary party were citizens of the United States and had been in constant communication and trade. The U.S. military was hungry for a naval armada in the Pacific and so a willing partner for close relationships with Hawai‘i.

To secure the American market, the missionary party saw two alternative solutions; reciprocity agreements or annexation. Reciprocity would permit Hawaiian sugar importation into the United States duty free. In return, products would be imported into Hawai‘i duty free. However, reciprocity agreements were temporary. Annexation offered greater security. Under annexation, Hawaiian sugar would be considered permanently domestic rather than foreign, thus not subject to tariff as it entered the American market.

Initial reciprocity arrangements between Hawai‘i and the United States were tried but did not last long. The United States soon wanted more than just

³⁸Jon J. Chinen, Original Land Titles, p.8, The Great Mahele, p.1-8

³⁹Kuykendall, The Hawaiian Kingdom, 1854-1874 p.177 et seq

an exchange of trade rights. It wanted sovereignty over Pearl Harbor to extend its commercial and military arm into the Pacific⁴⁰.

King Kalākaua and Queen Lili'uokalani under attack

Kalākaua, previously elected Hawai'i's Mo'i (ruling sovereign) (1874 - 1891), refused to cede Pearl Harbor. The missionary party attacked Kalākaua by slander, rumors, and attempts at his life. They accused him of being a drunk and a lover of heathenism since he attempted to revitalize the hula and preserve the religious practices of his ancestors. They branded him a womanizer⁴¹. His character and his activities were continually berated in the press. Yet, the people rallied around him and remained loyal in the face of these attacks. The missionary party, so intent on wresting power from Kalākaua, chose among five conspirators by lot to murder him. The one selected became so horrified of his selection that he refused to act⁴².

Following numerous attacks upon his reputation and high esteem, the missionary party secretly formed a league, armed themselves and forced the King at gun point to turn the powers of government over to them⁴³. In 1887, Kalākaua signed the "bayonet" constitution, the name reflecting the method of adoption. This constitution stripped Kalākaua of power⁴⁴.

With the missionary party in power, they granted the United States exclusive right to use Pearl Harbor, receiving in return an extension of 7 years the existing reciprocity treaty which was soon to have expired⁴⁵. The sugar market was temporarily secure.

⁴⁰Daws, Shoal of Time, p.191-197, 201-203, (hereafter Daws)

⁴¹Id, at 220

⁴²Lili'uokalani, p.181-182

⁴³Lili'uokalani, p.177-184

⁴⁴Daws, p.240-250, Lili'uokalani,

⁴⁵Supplementary Convention between Hawai'i and the United States November 9, 1887 25 Stat. 1399; Treaty Series 163, Treaties and Other International Agreements of the United States, V.8; Daws, p. 252-253

Kalākaua died in 1891 in San Francisco on a trip to recuperate from illness advanced by the activities in Hawai'i. Rumors still abound in Hawai'i that his death was caused by the missionary party's agents in the United States. Lili'uokalani succeeded him⁴⁶.

Quite soon upon the accession of Queen Lili'uokalani, she received a petition of two-thirds of the voters imploring her to do away with the bayonet constitution and return the powers of government to the Hawaiian citizens⁴⁷. By January 14, 1893, she completed a draft of a new constitution and informed her cabinet of her intention to institute the constitution immediately. She was persuaded by the cabinet, which, under the bayonet constitution, was controlled by the missionary party, to put off the constitutional change for a short time. She acceded to this request. Members of her cabinet rushed to report the Queen's intentions to leaders of the missionary party⁴⁸.

Mr. Thurston, Mr. Dole and U.S. Minister Stevens

It is important to identify two men in particular who were at the head of the missionary party. Lorrin Thurston was the grandson of one of the first missionary, Asa Thurston. Sanford Dole was the son of Daniel Dole, another early missionary⁴⁹. As early as 1882, Lorrin Thurston had already exchanged confidences with leading American officials on the matter of Hawai'i's takeover. In fact the United States Secretary of the Navy assured Thurston that the administration of Chester A. Arthur would look with favor upon a takeover in Hawai'i. In 1892, in another visit to the United States, Thurston again received the same assurance from the administration of Benjamin Harrison⁵⁰.

When Thurston received word of the Queen's intention, claiming she had no business attempting to institute a new constitution by fiat, he, along with twelve others, formed a "Committee of Public Safety" and arranged an

⁴⁶ 3 Days in January,

⁴⁷Lili'uokalani, supra, p.230-231

⁴⁸Lili'uokalani, supra, p.384-386

⁴⁹Daws, p.242

⁵⁰Daws p.266

immediate visit to the American Minister plenipotentiary in Hawai'i, John L. Stevens, to conspire for the overthrow of Lili'uokalani.

Little convincing was necessary for Stevens was already one of the foremost advocates for a U.S. takeover of Hawai'i. Appointed in June, 1889 as the U.S. Minister plenipotentiary, he arrived in Hawai'i on September 20 of that year and regarded himself as having a mission to bring about annexation of Hawai'i to the United States. His letters to Secretary of State James G. Blaine, beginning less than a month after his arrival reflect his passion to take Hawai'i for the United States⁵¹.

After three years of encouraging taking Hawai'i, he writes on March 8, 1892, for instruction of how far he may deviate from established international rules and precedents in the event of an orderly and peaceful revolutionary movement, setting forth a step by step prediction of future events.

On November 19, 1892, he writes to the Secretary of State, arguing that those favoring annexation in Hawai'i are qualified to carry on good government, "provided they have the support of the Government of the United States." He continued, "[H]awai'i 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. . . .To postpone American action many years is only to add to present unfavorable tendencies and to make future possession more difficult."

He called for "bold and vigorous measures for annexation. I cannot refrain from expressing the opinion with emphasis that the golden hour is near at hand. . . . So long as the islands retain their own independent government there remains the possibility that England or the Canadian Dominion might secure one of the Hawaiian harbors for a coaling station. Annexation excludes all dangers of this kind."⁵²

Thus, when Thurston met with Stevens on January 15, 1893, the "golden hour" was at hand. It was agreed that the United States marines would land

⁵¹53rd Congress 2 sess., House of Representatives, Ex. Doc. no. 48

⁵²Cleveland's Address to Congress, 18 December 1893, RICHARDSON, A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS: 1789-1908, VOL. IX (1908)

under the guise of protecting American lives (the missionary parties'). The "missionary" party would declare themselves the "provisional government." This puppet government would immediately turn Hawai'i over to the United States in an annexation treaty. The missionary party would be appointed local rulers of Hawai'i as a reward. The United States would obtain the choicest lands and harbors for their Pacific armada.

The landing of the U.S. marines is now a matter of history. The queen yielded her authority, trusting to the "enlightened justice" of the United States, expecting a full investigation to be conducted and the U.S. government restore the constitutional government of Hawai'i⁵³.

She wrote:

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.

On January 18, 1893, the day after Lili'uokalani yielded, the "provisional government", forbade any of the Queen's supporters from boarding the only ship leaving Hawai'i, rushed off to Washington to obtain annexation. By

⁵³Lili'uokalani, p.387-388

February 16, 1893, a treaty of annexation was hurriedly negotiated, signed and presented by President Harrison to the United States Senate for ratification.

Mr. President Grover Cleveland

However, Grover Cleveland replaced Harrison before the Senate voted. Meanwhile, the Queen's emissaries managed to sneak to the United States travelling as businessmen and upon reaching Washington pled with Cleveland to withdraw the treaty and conduct the promised investigation.

James H. Blount, formerly the Chairman of the House Foreign Relations Committee, was appointed special investigator. After several months of investigation, Blount exposed the conspiracy. Cleveland subsequently addressed Congress declaring:

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. . . .

[Lili'uokalani] knew that she could not withstand the power of the United States, but believed that she might safely trust to its justice. [S]he 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 [and it can] undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

In summarizing the events, Cleveland wrote:

The lawful Government of Hawai'i was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may be safely 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' 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.

[T]he 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.⁵⁴

Cleveland refused to forward the treaty to the Senate as long as he remained President. Lili'uokalani was advised of the President's desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu if such restoration could be effected upon terms providing for clemency as well as justice to all parties. In short, the past should be buried and the restored government should reassume its authority as if its continuity had not been interrupted⁵⁵. The Queen, first protesting that such a

⁵⁴See Cleveland's Address, *Supra*. note 52

⁵⁵Gillis, *The Hawaiian Incident* p.87-88

promise from her would constitute an unconstitutional act and was therefore beyond her powers to grant, later acceded to the demands for general amnesty upon the return of the powers of government.

The Provisional Government was immediately informed of this decision and asked to abide by Cleveland's decision, yielding to the Queen her constitutional authority; to which it refused⁵⁶. In doing so, they protested Cleveland's attempt to "interfere in the internal affairs" of their nation, declaring themselves citizens of the Provisional Government, thus beyond Cleveland's authority. A short time before, they had relied upon their American citizenship and thus justified the landing of U.S. marines to protect their lives!

Cleveland, though filled with principled words, left the U.S. troops in Hawai'i's harbors to protect American lives.

The Puppet Government Changes Clothes

The "provisional government" was under international criticism for being a government without the support of its people, existing, in fact, without even a constitution or other fundamental document to afford even the appearance of legitimacy. Faced with the predicament of an American administration which would not condone the conspiracy, yet would not abandon American lives in Hawai'i evidenced by the remaining American war ships in Honolulu Harbor, they devised a plan to restructure themselves to appear as a permanent rather than a provisional government. When a new American president came to office, the "permanent" government would place the conspiracy back on course.

A constitution giving them permanence and validity had to be drafted. Dole, acting as President of the Provisional Government, announced a constitutional convention of thirty seven delegates, nineteen, selected by him, and the remaining eighteen elected. The candidates and voters for these eighteen positions were first required to renounce Queen Lili'uokalani and swear allegiance to the provisional government⁵⁷. Less than 20% of the otherwise qualified voters participated in their election.

A "Constitutional Convention" was held. A document substantially as submitted by Dole and Thurston was adopted. The constitution of the "Republic of Hawai'i" claimed dominion over all lands and waters of Hawai'i. It claimed all citizens of Hawai'i automatically its citizen. Foreigners who supported the

⁵⁶Id. at 90

⁵⁷Daws, p. 280-281, Kuykendall, Hawaii--A History p.183

new regime could vote; citizens loyal to the Queen could not; and because the Japanese and especially the Chinese supported Lili'uokalani, they were, as a group disenfranchised. Further, only those who could speak, read and write in English or Hawaiian and explain the constitution, written in English, to the satisfaction of Dole's supporters could vote.

On July 4, 1894 while Americans were celebrating their independence day by firing their cannons from their war ships in Honolulu Harbor, Dole ascended the steps of 'Iolani Palace and proclaimed the Constitution and thus the "Republic of Hawai'i" into existence. In so doing, he declared all of the government lands and the crown lands and all the waters of the Hawaiian nation was now the Republic's. All Hawaiian citizens were automatically considered now citizens of the Republic. No vote was taken on the matter.

Lili'uokalani had allegedly lost her throne for considering altering the constitution by fiat. Now, circumstances having altered the players, the conspirators invoked the name of liberty and did substantially the same thing⁵⁸.

McKinley: Slight of Constitutional Hand

When William McKinley replaced Cleveland as President, Dole's group rushed to Washington to complete the conspiracy. With a "Constitution" in hand declaring they governed Hawai'i, the "Republic of Hawai'i" ceded "absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands. . ." A "treaty of annexation" was signed.

Realizing the "treaty" could not get the 2/3 Senate approval required of the U.S. Constitution⁵⁹, the conspirators circumvented that requirement and settled for only a joint resolution of Congress. The Newlands Resolution of July 7, 1898 was passed⁶⁰.

Following this congressional resolution, the United States assumed authority over Hawai'i. It soon established the government of the "Territory of Hawai'i."⁶¹

⁵⁸Daws p. 281

⁵⁹Article 2, §2 U.S. Constitution

⁶⁰Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895

⁶¹The Organic Act of April 30, 1900, C 339, 31 Stat 141

As these events were happening, Lili'uokalani engraved her plea to the American people:

Oh, honest Americans, as Christians hear me for my down-trodden people! Their form of government is as dear to them as yours is precious to you. Quite as warmly as you love your country, so they love theirs. [D]o not covet the little vineyards of Naboth's so far from your shores, lest the punishment of Ahab fall upon you, if not in your day in that of your children, for "be not deceived, God is not mocked." The people to whom your fathers told of the living God, and taught to call "Father," and whom the sons now seek to despoil and destroy, are crying aloud to Him in their time of trouble; and He will keep His promise, and will listen to the voices of His Hawaiian children lamenting for their homes.⁶²

Her plea fell on deaf congressional ears.

And so we find the closing of the chapter of Hawai'i as a free and unoccupied nation. Hawai'i was now to undergo years of American brainwashing, colonization and military occupation. These were to be the pay-off years for the conspirators.

C. The recycling of Hawai'i 1900 - 1959:

Hawai'i underwent traumatic changes affecting every aspect of life. Sanford Dole was appointed territorial governor. He provided government positions and lucrative government contracts for friends. Monopolies in shipping, finance and communications developed. The Big Five, a coalition of five business entities, all finding their roots in the missionary party controlled every aspect of business, media and politics in Hawai'i. Beginning with sugar, they took steps to control transportation, hotels, utilities, banks, insurance agencies, and many small wholesale and retail businesses. When they teamed up with McKinley's Republican Party and the United States Navy, there was virtually nothing left unexploited. And while doing so, they propagated the myth of the superiority of the Anglo-Saxon race⁶³.

A massive brainwashing program was begun to convince Hawaiians that the United States was the legitimate ruler and that the Hawaiians were no longer Hawaiians but Americans.

⁶²Lili'uokalani p.373-374

⁶³Interviews over the years with Charles Ka'uhane, 1968, Stanley Hara, 1968, William Isaacs, 1984, Nalu Simeona, 1970-1988, Nadao Yoshinaga, 1966-1968

The term Hawaiian was redefined as a racial rather than a national term. Large numbers of citizens of Hawai'i were identified no longer as Hawaiians but as Chinese, Korean, English, Samoan, Filipino, etc. The divide and conquer tactic was employed even among the Hawai'i race, when Congress defined "native Hawaiians" (at least 50% of the aboriginal blood), entitled to special land privileges while depriving others of lesser "blood"⁶⁴.

Children were forced to attend American schools and there taught to pledge their allegiance to the United States, trained in the foreign laws, told to adopt foreign morality, to speak no language but the foreign (English) and adopt the foreign (American) lifestyle. Official government proceedings was to be conducted in English and not the Hawaiian language. In the schools and college campuses, the language of Hawai'i was found, if at all, taught in the foreign language departments.

The customs and traditions and even the cultural names of the people were suppressed in this recycling effort. The great makahiki celebrations honoring Lono, an important god of peace, harvest, agriculture and medicine were never observed or mentioned in the schools. Instead, Christmas was celebrated with plays and pageants. People were coaxed into giving children American names having no ties with our ancestors; names which described no physical substance, spiritual sense or human mood; names which could not call upon the winds or waters, the soil or heat; names totally irrelevant to the surroundings.

The arts and sciences of Hawai'i's ancestors were driven to near extinction. The advanced practice of healing through the medicines of plants, water or massage or just the uttered words were driven into the back countryside. The science of predicting the future through animal behaviors, cloud colors, shapes and formations of leaves on trees were discounted as superstitions and ridiculed as old folks tales. The Hawaiian culture was being ground to extinction⁶⁵.

Transmigration took place. The United States controlled immigration. Hawai'i witnessed a tide of Americans bringing with them a barrage of cultural, moral, religious and political concepts. Hawaiians were "persuaded" into mimicking their ways, idolizing their heros, and adopting their living styles. As

⁶⁴Hawaiian Homes Commission Act, Supra note 2

⁶⁵Interviews with Daniel Hanakahi, 1980-1990; A.K. Chong aka Sam King Sheong aka Samuel Chong 1980-1986; Gregory Kalāhikiola Nāli'i'elua Keawe, 1978-1988; Ephriam Mākua, 1974-1982; Pīlahi Pākī, 1978-1985; Mary Kawena Pūku'ī, 1973; Louis 'Ailā, 1974-1975; Ned Burgess, 1968-1982; Arthur Cathcart, 1982; Arthur Chun, 1982-1984; Harry Kūnihi Mitchell, 1984-1988; David Roy, 1984-1985; Momi Ruane, 1977-1993; Nalu Simeona, 1970-1988;

Americans infiltrated, they took choice jobs with government agencies and management positions with business interests. They bought up or stole through the manipulation of laws applied by them much of the lands and resources of Hawai'i. They gained power in Hawai'i, controlled greater chunks of the economy, controlled the public media, entrenched themselves in politics, and joined in the brainwashing of the Hawaiians to believe they were Americans.

The military turned Hawai'i into its Pacific fortress converting Pearl Harbor from a coaling and fueling station to a major naval port. It bombed valleys (Mākua, Kahanahāiki, Waikane) and took a major island (Kaho'olawe) for its exclusive use as a target range. At will it tossed families out of homes, destroying sacred Hawai'i heirlooms and built instead naval communication towers emitting radiation and ammunition depots hiding nuclear weapons (Lualualei). It declared martial law at will, violating the U.S. constitution⁶⁶, and imposed military conscription over Hawaiian citizens.

Freedom of trade was stopped. The U.S. Congress assumed control over foreign relations. Hawaiians could buy only American goods or foreign goods the U.S. approved. The Big 5 controlled all shipping!

Every aspect of Hawai'i was Americanized. Military show of strength was constant. Trade was totally controlled. Education and media was regulated. The secret ballot was a farce.

Hawai'i, that melting pot of cultures, races, languages and lore changed from a reality to an advertisement slogan for politicians and merchants.⁶⁷

D: Hawaiian Statehood 1959

Finally, after three generations of brainwashing, "Hawaiians" were given the opportunity to be equal Americans! The United States placed the following question to the "qualified" voters in Hawai'i: Shall Hawai'i immediately be admitted into the Union as a State?⁶⁸

"Qualified" voters were Americans who were residents of Hawai'i for at least 1 year. The U.S. provided the vote for thousands of American citizens brought in through its transmigration program, through military assignments, and

⁶⁶Hawai'i Under Army Rule, J. Garner Anthony, U.H. Press, 1955

⁶⁷Supra notes 63, 65;

⁶⁸The Admission Act of March 18, 1959, Pub L 86-3, 73 Stat 4

through generations of socialization of Hawaiian citizens. Those who resisted the American domination and insisted on their Hawaiian citizenship could not vote.

In its posing the "statehood" question so adeptly, the U.S. government simply foreclosed any real choice of "determination" by limiting Hawai'i to either remaining a territory of the United States or becoming a "State" within its union. The question, "Should Hawai'i be free?" was never asked.

The Americans chose Statehood overwhelmingly.

Hawai'i thus became a member of the union of states, its fate said now to be sealed in a permanent political bind to the United States of America under a theory on non-secession of U.S. states, citing as authority, a war between the states a century earlier.

E: Growing international awareness in Hawai'i

The promotion of decolonization by the U.N., especially in the more recent period, has not been lost to the people of Hawai'i. Other events, closer to home, impacting upon Hawaiian awareness of international rights are the emergence of independent Pacific nations.

Beginning with Western Samoa 1962, the Pacific Ocean saw the explosion of independence, marking the Pacific map with new nations such as Fiji, Nauru, Tuvalu, Kiribati, Papua New Guinea, Cook Islands, Niue and Vanuatu. After a 10 year lull since the independence of Vanuatu, we have seen the emergence of American territories of Micronesia into full nationhood. In September 1991, the Republic of the Marshall Islands and the Federated States of Micronesia became members of the United Nations. The struggle of the Commonwealth of the Northern Marianas for greater clarity in its relations to its former colonial ruler, the attempt by the Republic of Belau to achieve independence without U.S. military presence, and the developing demands in Guam to application of international standards of self-determination, leading to the right to select emergence as a sovereign independent nation are all struggles not lost to the Hawai'i public.

Before the demise of the Soviet Union, the emergence of the nations of Latvia, Estonia and Lithuania, previously fully integrated into the Soviet Union, but within a few months, welcomed into membership of the United Nations, are experiences which also add to the debate of Hawaiian sovereignty and self-determination.

These international activities reflecting a world momentum toward self-determination challenges the belief that once becoming a member of the union of the United States, no state may secede from that union.

Cultural rejuvenation

This international awareness has been coupled with a renewed sense of defiance against further cultural suppression of Hawai'i's indigenous culture. During the 1960s, Hawai'i witnessed the unfolding drama in the U.S. of the black struggle for equality, including the riots in Watts, the marches and the bus boycotts, the voter registration drives, and the massive rallies in Washington D.C. The American Indian Movement's activities also caught the attention of Hawai'i. Those civil rights movements, however, were soon overshadowed by the Vietnam war. Many Hawai'i citizens became directly involved in that war. By the end of the 1960s, a changed attitude towards the U.S. government had come about. Its image was tarnished.

Many in Hawai'i came out of the 1960s with greater sensitivity for racial identity and pride in the cultural heritage of Hawai'i. There came a greater willingness to challenge governments, either individually or in organizations.

Hawaiian music was taking on new vigor. Hula halaus (training schools and repositories of the Hawaiian dance) gained wider prestige and membership, canoe clubs became more popular, interest in the Hawaiian language took hold, as well as practice in the natural medicines of Hawai'i, and familiarity with Hawai'i's history. Hawaiian names were being used prominently and with greater insistence in the public. This cultural rejuvenation was joined by people of many different races in Hawai'i.

Land for native Hawaiians soon became another focus of contention. Kalama Valley on Oahu and the eviction of farmers there sparked a wave of challenges to the system. The movement to protect the island, Kaho'olawe, from military bombing expanded the target of protest to the previously "sacred" military establishment.

A plethora of new Hawaiian organizations came into being. The issue of Hawaiian sovereignty and self-determination was a natural outgrowth of the disenchantment with Hawaiian social and economic conditions. The Sovereignty for Hawai'i Committee was formed, advocating Hawaiian independence locally and internationally. The combination of all of these factors brought about a new consciousness of injustice - the denial of the Hawaiian nation.

By the second half of the 1970s, the sovereignty challenges were being made more explicit. In a highly publicized trial of a reputed Hawai'i underworld leader, the jurisdiction of the State Courts to sit in judgment over a Hawaiian citizen was raised as a defense. The Blount Report, President Cleveland's address to Congress, the Newland's Resolution annexing Hawai'i to the United States, and other historical documents and events were made part of the case record. Wide public attention was given to the case. Thousands of copies of a letter drafted from the defendant's prison cell were hand distributed throughout the island. (See Appendix, **To the Hawaiian People of Hawai'i**)

Following that trial, the defense attorney in that case challenged the authority of the United States District Court to force him to serve as a juror on the argument that he was not a U.S. but a Hawaiian citizen. Soon after, the evictions of predominantly native Hawaiians from Sand Island, followed by evictions at Mākua Beach, than at Waimanalo, all challenged the jurisdiction of the courts to try Hawaiian citizens.

Those eviction cases reflected another direction of growing Hawai'i consciousness. The "ceded lands", originally lands in the inventory of the government of Hawai'i subsequently ceded to the United States by the Republic of Hawai'i, was challenged as nothing more than stolen lands. In the Mākua Beach eviction case, before a packed courtroom, the State's expert witness, when asked to trace the title of those lands stated it was simply state policy that for those lands, no such tracing was necessary. The court than ruled that the evidence was conclusive that the Republic of Hawai'i had proper title of these lands to cede them to the United States.

Continued challenges

Many more challenges to U.S. rule in Hawai'i are coming to public notice. In the schools, children are refusing to join in the morning pledge of allegiance to the United States, to stand for the "national" anthem, etc. People are refusing to file tax returns or to pay income taxes. More and more defendants charged with criminal offenses are denying the jurisdiction of American courts over them. Poets & song writers are producing new works of Hawaiian national patriotism.⁶⁹

U.S. Apology -- finally!

⁶⁹eg. see Appendix, **Hawai'i Pono'i** by Puanani Burgess; **HAWAIIAN NATION, The Music, A call for Hawaiian Sovereignty**, Audio and Compact Disk recordings, Peter Apo, Mamo Records, 1990;

The U.S. Congress passed and on November 25, 1993, President Bill Clinton signed Senate Joint Resolution 19,⁷⁰ a formal apology by the United States for the overthrow of the Kingdom of Hawai'i. The apology was directed to the native Hawaiians and not to the citizens of the nation of Hawai'i. It is obvious that the apology is simply preparatory to further legislative and executive action limited to treating native Hawaiians as native Americans and not for the purpose of according the full measure of human rights and fundamental freedoms.⁷¹

F: A reexamination of Hawai'i's self-determination

Self-Determination has been called the father and the mother of all human rights. It is out of self-determination that terms such as sovereignty, independence, autonomy, kingdom, etc. emerges. Understanding the rights which flow from the principle of self-determination may help in understanding the form of expressing one's choice of that exercise.

In a discussion of the rights of a people, self-determination is the collective right of such a people to determine the course of their lives and their destinies. In Western political thought, the concept that the sole source of legitimate political power is the will or consent of the people arose in the 14th century by Marcilius of Padua. It became the driving force of nations struggling for self-determination, finding its way to the French and American revolutions.⁷²

But how does one define the "self?" The "self" or the people who formed nation-states, were formed around their chief provinces, for example, France from the Ile de France and Poland from Polonia⁷³. In some cases, common cultural and political bonds were absent except for a common desire to stay together, for example, the Swiss Confederation and the United States of America. Indeed, the American revolution affirmed that a group of people need not necessarily have a common heritage, language, ethnic background, or religion to assert their right as a people entitled to self-determination. Loyalty to a territory alone could be a sufficient bond. So it was with the nation of Hawai'i. Indeed, the demand of a historic community to possess its own nation

⁷⁰PL 103-150 107 Stat. 1510

⁷¹Pōkā Laenui, Public Comment at Mabel Smythe Auditorium, HSAC meeting with Professor Francis Boyle, Dec. 28, 1993; A 2nd Glance w/ A'oPohakū Rodenhurst & Esther Kia'āina, Dec. 18, 1993, Hawai'i Public Radio;

⁷²Hamid, *Supra.* note 5

⁷³Cobban, *The Nation State and National Self-Determination* (1969)

has been considered sufficient to invoke the right of self-determination⁷⁴. When a group of people share a common sentiment and an identification of common aims, a nation is born.⁷⁵

That "nation" or "self" is entitled to "determination" - the right to determine the course of their lives and to govern their destiny.

Determination can best be seen as a long plane upon which a people chose to place themselves. On one end of that plane is integration into another nation. On the other end is emergence as a sovereign independent country. In between is the position of free association with an independent State⁷⁶.

⁷⁴Paine, *Rights of Man* (1969)

⁷⁵ Hamid, *Supra*. note 5

⁷⁶Annex to United Nations General Assembly Resolution 1541 (XV) of 15 December 1960

The Self-Determination Diagram

The imagery I find most useful to understand self-determination is a simple diagram in which the vertical column defines "self" and the horizontal row, "determination."

"who" SELF	"choice" DETERMINATION		
	Integration	<u>defined by</u> Free Association	Independence
"native Haw'n blood/race"	"Indian tribe"		
"religion"	"nation w/in nation" "federal recognition"		
"culture"			
common heritage			
"political affiliation"			
"political allegiance & loyalty to the U.S.A. w/ 1 year Hawai'i residence"	"Statehood or territory of U.S." (1959 plebescite)		
"allegiance & loyalty to Hawai'i, common cultural sense"			Hawaiian Nation

Plotting the diagram

i) Integration within a colonial country

To what extent has Hawai'i's "self" been able to exercise its own "determination?"

The "Statehood" question placed before the "qualified voters" in 1959 has been touted as the exercise of self-determination. That vote placed a "choice" before the qualified electorate of selecting to immediately being admitted into the United States of America as a "state" or remaining a territory of the United States. Hawai'i was "glued" to one end of the spectrum of choices in 1959.

The discussion of a "nation within a nation" moves no closer to independence for it leaves the colonial situation in place. In essence, this is precisely what the "Sovereign State of Hawai'i" is within the "Sovereignty of the United States of America." The only twist under discussion is to shift the political power of the inner entity from a self based on geographical-colonial relation to a self based on genealogical-political relation. That entity must remain in a colonial environment, governed by a colonial country.

Similar arguments made in 1959 in favor of "Statehood" and the many benefits which would flow to Hawai'i as a result could be made for this "nation within a nation" concept. Neither, however, will resolve the historical, moral and legal issues of the genesis of U.S. colonization of Hawai'i. Statehood, in fact, has entrenched Hawai'i's colonization.

ii) Re-emergence as a Sovereign Independent Nation

Today, there is a growing vision of Hawai'i as an independent nation, rejoining the ranks of other nations of the world. Such a Hawai'i would reclaim its supreme authority over all foreign relations, including trade, travel and international interactions. Hawai'i's territorial jurisdiction would include the whole Hawaiian archipelago including the 200 mile exclusive economic zone now claimed by the government of the United States.

The general vision is that the question of citizenship and residence within this Hawaiian nation would be settled not by racial extraction but by one's "relationship" to Hawai'i - measured by some standard of acculturation, avowing

singular loyalty to Hawai'i, ancestry from Hawaiian citizens prior to the American invasion of 1893, etc. The basis upon which this non-racial definition of the "self" is formulated is Hawai'i's history and culture, neither of which discriminated politically against a person because of his race.⁷⁷

Under this position of independence, the native Hawaiians' special place within this nation is being charted. The experiences of indigenous peoples from other parts of the world along with new and emerging declarations of the rights of indigenous peoples are providing fertile grounds for creating that special place of the native Hawaiian people within the Hawaiian nation. Some possibilities for assuring this special place could include one or a combination of the following:

- 1) A weighted voting system within an electoral process for public officials such that the native vote in total would not be less than the total proportion of the population or some other formula for protecting native interest;
- 2) A bicameral legislative body in which the native Hawaiian voters would have exclusive rights to select the members of one body;
- 3) The creation of a Council of Customs, Protocol and 'Aina (land) controlled by the native Hawaiians in which certain matters are fully within the control of this council;
- 4) Exclusive native control over immigration;
- 5) Special trade, communications and cultural exchange arrangements among native Hawaiian and other Pacific Island natives.
- 6) Special provisions for land rights, access and gathering rights, and other rights recognized by international organizations such as the International Labour Office.

⁷⁷ Laenui, The Independence Model of Hawaiian Sovereignty, 16 Dec. 93, IAHA, Private Circulation; There are some, however, who promote a "bloodline" or "Hawaiian ancestry" requirement for citizenship of an independent Hawaiian nation. Richard Kekuni Blaisdell, M.D., Spokesperson, Ka Pākaukau organization

G: U.S. under international obligations: the United Nations

Unbeknown to most of the people in Hawai'i, in 1946, under the charter of the United Nations at Article 73, the United States was charged with an obligation to transmit to the U.N. information on territories held by it under a colonial type arrangement ("Non-Self-Governing Territories"). Hawai'i was included as such a territory, along with Alaska, American Samoa, Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands. When these territories reached a full measure of self-government, the reporting requirement was fully met. Self-government was reached when a territory

- (a) Emerged as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) Integration with an independent State.⁷⁸

In 1953, the U.N. General Assembly, based upon the United States report that Puerto Rico had chosen a commonwealth status with the United States, concluded that the U.S. had no further obligation to Puerto Rico as a non-self governing territory to give to the U.N. yearly status reports.

After the Hawai'i Statehood vote, the U.S. reported to the U.N. that Hawai'i's constitutional status had changed and that it was now a state of the United States. The communique to the U.N. related that a special election was held on June 27, 1959 in which the proposition "Shall Hawai'i immediately be admitted into the Union as a State?" was adopted. The communique did not describe the events leading up to the U.S. takeover and control of Hawai'i nor did it discuss the fact that only U.S. citizens were allowed participation in that referendum. Upon this communique, the U.N. General Assembly by Resolution 1469 (XIV) expressed an opinion that Hawai'i effectively exercised the right to self-determination and had freely chosen its status as a state of the Union. The U.S. was thus relieved of further responsibility to report to the U.N.

⁷⁸Principles Which Should Guide Members in Determining Whether of not an Obligation Exists to Transmit the Information, Called for in Article 73(e) of the Charter of the United Nations, Annex to GA Res. 1541 (XV) of 15 December 1960

As the 1960s began, the international movement toward decolonization had a major boost. In its Declaration on the Granting of Independence to Colonial Countries and Peoples,⁷⁹ the U.N. General Assembly said:

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

....

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crisis, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

....

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end to colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

⁷⁹GA Res. 1514 (XV) of 14 December 1960

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

...

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

The U.N. in 1961 established the *Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*,⁸⁰ generally called the Special Committee on Decolonization, to oversee the progress by metropolitan countries in the decolonization of their territories.

The case of Puerto Rico

In the 1980s, that special committee received repeated reports that the United States committed a fraud against the United Nations by reporting that the people of Puerto Rico had freely chosen association with the United States while in reality, tens of thousands who supported independence had been victims of systematic discrimination and persecution by the United States. The Special Committee On Decolonization reaffirmed the inalienable right of the people of Puerto Rico to self-determination and independence.

The U.S. Permanent Representative to the U.N., in a letter dated 15 September 1986, reminded that committee that "the United States does not consider the issue of Puerto Rico a proper subject for examination at the United Nations."

He continues, "*As you are aware, Puerto Rico was removed from the United Nations list of Non-Self-Governing Territories by resolution 748 (VIII) in 1953, through a vote of the General Assembly.... [A]ny attempt to address the*

⁸⁰GA Res. 1654 (XVI) of 27 November 1961

question of Puerto Rico in the United Nations constitutes interference in the internal affairs of a Member State. . .The Special Committee has no jurisdiction over Puerto Rico, and its consideration and adoption of a resolution on the issue of Puerto Rico are not only inappropriate but a serious breach of its mandate." ⁸¹

The Special Committee on Decolonization, having received a report of this letter, noted that for decades there has been a systematic practice of discrimination and official persecution directed against tens of thousands of Puerto Ricans who support independence. The committee reaffirmed

"the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960, and the full applicability of the fundamental principles of that resolution with respect to Puerto Rico.

2. Expresses its hope, and that of the international community, that the people of Puerto Rico may exercise without hindrance its right to self-determination, with the express recognition of the people's sovereignty and full political equality. . .

The committee decided to keep the question of Puerto Rico under continuing review.⁸²

In subsequent years, the committee repeated its position and in 1990 concluded that "legal measures should be adopted which will bring to a successful conclusion, as soon as possible, a process leading to the self-determination of the Puerto Rican people."⁸³

CONCLUSION

The right of self-determination has been recognized in the international community as one of the pillars of the laws of nation. Hand in hand with that

⁸¹Report of the Rapporteur, Special Committee Decision of 14 August 1986 Concerning Puerto Rico, A/AC.109/L.1633 23 July 1987

⁸²Special Committee Decision of 14 August 1986 Concerning Puerto Rico, A/AC.109/925 11 August 1987;

⁸³A/AC.109/1051

right is the prohibition of aggression against the sovereign integrity of another state. The United States of America has violated both of these rights as regards the Hawaiian nation.

The passage of a century from the initial invasion of a nation does not obviate the right of a people to self-determination. The fact that Hawai'i had been taken off the list of non-self-governing territories does not prevent the continuing momentum for independence. There are international avenues to take for asserting the claim for Hawaiian sovereignty and self-determination.

The real test for Hawai'i does not lie in the international arena. It is here among the people. The challenge is to overcome the emblems of colonization which encouraged us to see with racial eyes. The challenge is to stand before the full panorama of choices for our future and have serious dialogue among ourselves to reach a common conclusion of our future. For many of us, the challenge is to overcome the fear of freedom.

That fear can only be overcome when we begin to explore the practical issues of freedom, such as the economic philosophy and structure of the Hawaiian society, our relationship with other countries of the world, our attitudes and values toward the environment, our respect for diversity in cultures and religions, our political system, the need for a military force, and of course the special place of our native Hawaiian people within our Hawaiian society.

The general discussion of Hawaiian sovereignty has not yet attained that level of consideration because there still remains the uncertainty of whether we are trying to achieve merely an elevated place for the native people within the present Americanized system or are we trying to achieve the formation of a society which is expressive of the unique culture, environment and attitude of this place called Hawai'i, independent of the United States?

As we address that question, we should consider the future of Hawai'i in comparison to a train track leading to a new day. There are two rails to that track, the rail of human rights applicable to all persons citizens of Hawai'i and the track of indigenous peoples rights. Neither rail should be permitted to dominate the other. Otherwise, there will be no better future. But if a harmony can be maintained between these two, we can have the brightest future in all the world. The greatest assurance of that harmony rest in that simple word, Aloha.

Appendix

Hawaiian Code of Conduct

Hawaiian Dialogue

Colonization & Decolonization, A few thoughts

To the Hawaiian People of Hawai'i

Hawai'i Pono'i



HAWAIIAN CODE OF CONDUCT

The conquest of a nation is only complete, not by military subjection, however thorough, but by destruction of the indigenous culture. Therefore, every Hawaiian is responsible to all other Hawaiians for the survival of our Hawaiian cultural identity. We hereby dedicate ourselves to retain, teach and rescue our Hawaiian cultural identity for the sake of our posterity, our fellow Hawaiians, our nation and ourselves.

1. Since the Hawaiian language is a fundamental pillar of our identity, we shall make every effort to learn, use, teach and support the sustaining of our Hawaiian language.
2. Our Children are the most treasured investments of the values and traditions of our culture. We must make every effort to cultivate in our children the pride in being Hawaiian and provide every possible opportunity for them to learn of the values and traditions of our people.
3. We shall practice Aloha, the heritage from our ancestors, mindful of the virtues of Akahai, Lokahi, 'Olu'olu, Ha'aha'a, and Ahonui.
4. We shall engage in hard work, realizing that laziness breeds unhappiness and weak minds.
5. We shall continually strive for spiritual development and adopt an attitude of tolerance and understanding to those who conceive of spirituality in a way different from our own.
6. We shall extend and display respect to all others which reflects our own appreciation of humanity. We shall carry our pride quietly, neither boasting of ourselves nor speaking badly of others - often a dishonest method of self-praise. Yet we must be unashamed of our principles and honest in our criticisms.
7. We shall try to avoid conflict and cooperate with those who do not understand us and whom we do not understand; yet, we shall speak our truth openly and stand firm in our own beliefs and right to assert our Hawaiian identity.
8. We shall be patient, enduring the pains of injustice but never surrendering to or joining such injustice.
9. We shall respect and engage in humor, the helper to love and affection, the positive expression of humanity.

10. _____

(To be filled in by you.)

Institute for the Advancement of Hawaiian Affairs



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THE HAWAIIAN DIALOGUE

To reach Ka Lae O Ka'ena by foot from the Wai'anae side of O'ahu can be very tiring. The sun bakes the travelers as they walk over this rough and at times treacherous terrain. One morning, Pōkā invited Nī'ele to a walk to Ka'ena, something she always wanted to do but kept putting off. Here's a piece of their conversation.

Nī'ele: Ka'ena, Wow. I always wanted to walk there but never did. I imagine there's many people like me. So, today's the day!

PŌKĀ: Yeah, there's also Ka'enas in the mind, things people want to explore but hold back because the going may be rough.

N: I know what you mean. I look at my family, my children, my neighborhood and wonder what's happening to us? What's happening to all Hawaii? We seem to have lost control over Hawaii. Yet, even thinking about it is rough; hurt plenty.

P: When we talk about Sovereignty, we're saying, "we must take a look at these things. We can't hide our head in the sand while Hawaii is spoiling." But many people don't want to talk about it because it hurts.

N: Actually, I'm confused by terms like Sovereignty, Monarchy, Hawaiian nation, Independence and Self-Determination. What are you talking about?

P: Self-Determination is really the grand daddy of the rest of these concepts. The United Nations said: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." In other words, everybody run their own lives, free from foreign control.

N: What about Sovereignty? Does it mean returning to a government of kings and queens?

P: No. By exercising self-determination, Hawaii took the form of a Sovereign nation, that's a nation which had supreme powers over its affairs. Someone once described a sovereign nation as a government which had no higher legislature but God(s). Hawaii's sovereign nation was a constitutional Monarchy in which royalty had a particular role to play in the governance of the nation. It was an Independent nation, one not tied to any other nation to be valid.

N: But are you saying Kings and Queens should rule Hawaii again? and if so, who would be King? Who Queen?

P: We're saying self-determination. If we as a people decide we want to be ruled by Kings & Queens, so be it. If we prefer a constitutionally limited monarchy as we had, just as well. If we don't want them in official positions of government, fine. But that

1 decision should be ours, not a foreign nation telling us what to do and imposing their
2 experience of a different history and part of the world on us.

3
4 N: How could we survive as an independent nation? Are we ready to play in the
5 "league" of nations? Can we stand up to major powers such as the United States, the
6 Soviet Union, France, Britain, China, etc.?

7 P: Size really has nothing to do with the existence of a nation. The United Nations'
8 preamble clearly reaffirms the equal rights of nations large and small.

9
10 N: That may be what they said, but how could little Hawaii be compared to a real
11 nation existing today? How could we compare Hawaii with members of the United
12 Nations?

13 P: Today, many other nations, much smaller than Hawaii's approximately one million
14 population, continue to survive. Witness the nation of Lichtenstein existing in the heart
15 of Europe with less than 30,000 citizens; of little Andorra located between Spain and
16 France of only 6,000; of San Marino with only 12,000; of Antigua and Barbuda, only
17 78,000, Bahamas of 220,000, Cyprus of 650,000. In the Pacific, we find many
18 independent nations, for example Fiji, Kiribati, Nauru, Niue, Cook Islands, Papua New
19 Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Samoa (Western). In a few
20 years, we will see other independent nations of the Pacific including Kanaky (now New
21 Caledonia), Belau, Federated States of Micronesia, etc. In the United Nations, there are
22 at least 32 member nations which are smaller in population than Hawaii. In fact, within
23 the Pacific, Fiji, Samoa, Vanuatu, and the Solomon Islands are all U.N. members smaller
24 than Hawaii. So you see, Hawaii's size really has no drawback to Hawaii's nationhood.

25
26 It is not size that determines our future survival or existence as a nation, but
27 dreams and an understanding of our national history.

28
29 N: That's fine for the U.N., and I agree that we should be willing to dream, but we
30 must also be realistic.

31 P: "Be realistic" is really a senseless term. 200 years ago, critics told a bunch of radicals
32 to be realistic: "How could 13 unorganized colonies break the hold from their mother
33 country which was the mightiest sea power in the world at the time?" If that warning
34 was heeded, the U.S. would not exist today. Nor would Gandhi's India have its
35 freedom, or little Vanuatu have been able to kick out both the British and the French in
36 1980. The world map is replete with nations whose forefathers chose to create their
37 own futures rather than accept somebody's weakness to "be realistic."

38
39 N: Well, let's get down to earth. What future would we have economically as an
40 independent nation? Wouldn't we starve if the U.S. abandoned us? Economically, we
41 would immediately go bankrupt, right?

1 P: Wrong. Economically, we would be better off. Understand this: The U.S. does not
2 support Hawaii. When it took over Hawaii it was not to aid us, but to use us to aid
3 them.

4 The U.S. has held Hawaii as their captive market. Every time you or I go to the
5 store, we get no handout from the U.S. Instead, we pay a higher price for American
6 products than the Americans. We support the American farmer, we pay the profits of
7 the middlemen, we in Hawaii end up taking the second rate produce which cannot be
8 sold from America's shelves. Hawaii is an economic prisoner to the U.S.

9 The U.S. won't let us get into the free world market unless they take their cut.
10 Before a single battery from Japan gets to Hawaii, the U.S. government, then the
11 middlemen take their profits. So the price of all these foreign goods are jacked up for
12 us to pay. That's the American economic support we get!

13
14 N: What would happen without American trade controls in Hawaii? Who would protect
15 Hawaii's producers?

16 P: Who protects them today? Certainly not the U.S. government. Under American
17 control, Safeway imports Mexican produce to undercut our farmers! Trade controls
18 should be developed to protect Hawaii's producers' interest, not to protect the profits of
19 the Americans.

20
21 N: But if Hawaii became independent, the Americans would leave Hawaii. Tourism
22 from the U.S. would drop. Military spending would decrease. What would we do to
23 meet that problem?

24 P: Would there be a problem? When the U.S. leaves, there will be an American
25 population decrease, but not because they want to leave. The vast majority would
26 prefer to live in Hawaii.

27 The decrease would come about because we would control immigration. Today
28 there is absolutely no Hawaiian controls. The Americans can flood Hawaii at will,
29 pushing up housing and land prices, taking our jobs, etc. and they are protected by their
30 American constitution.

31 The same with tourism. If American tourism drops, it would be because of our
32 decision. We have to take firm control of the quality and quantity of tourism in Hawaii.
33 We would determine which tourist companies should do business in Hawaii.

34 We would finally protect Hawaii's development against multi-national
35 corporations which use the U.S. constitution's protection of property rights as a wedge to
36 build whatever they want for profit.

37 Certainly, less American money would enter the local market, but the cost of
38 living would decrease because of less competition for the same limited products. As the
39 American population decreases, we would find less pressures on our lands and public
40 services. Housing pressures would ease, traffic conditions would improve, we would
41 have more space to live and breath.

42 Under an independent government, Hawaii could better adjust and tune its
43 economic controls to the Hawaii situation. Today, we have almost no such ability.

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4 N: Why do you say that? Take one example, the world educational institute.

5 P: Sure. We have the environmental climate for it, the population base that is superb
6 for providing the required cultural, linguistic and labor services, and the international
7 image appropriate for such an institute. We could easily provide a training center for
8 world leaders to learn not only the art and sciences traditionally taught, but we also
9 have a special quality of Aloha that could be so important in human relations and world
10 relations today.

11 Hawaii should be the world educational center, just as Switzerland is said to be
12 the world banking center. Other benefits include a clean, non-polluting industry that
13 contributes not only economically but adds to the richness of intellectual, cultural and
14 political growth. It's a natural peace plan of future leaders working together in an
15 environment of peace.
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17 N: But don't we already have the East-West Center in Hawaii? Why isn't that a major
18 industry?

19 P: Simple, Hawaii is now U.S. controlled. The political condition is not right. The
20 U.S.'s international image is dirty. The U.S. is not trusted internationally. Its word
21 cannot be counted on. People see anything U.S.-controlled as U.S.-manipulated for U.S.
22 interest. Much of the world would not want to send their future leaders to an American
23 institute.

24 But as an independent nation, Hawaii would be the attraction of the world.
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26 N: I like it, but couldn't that be done any other place in the world?

27 P: Where?
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29 N: Let me ask the questions! O.K. Let's say Hawaii could survive economically, but
30 what do you do for defense? How do we avoid getting blown up in the Third World
31 War? The U.S. would not protect us anymore!

32 P: Protect us? Whoever thought the U.S. is here to protect us? Much good they did
33 when Japan attacked! The U.S.'s only interest is to protect their peice of America,
34 which stretches from the California coastline to New York. The rest of us in Hawaii,
35 Guam, Alaska, and even the people in Puerto Rico are merely "outbases" to fight the
36 war before it gets to America.

37 Look at the latest reports on the U.S. entry into World War II. Now the
38 Americans are willing to disclose that they knew about Japan's "sneak attack" on Hawaii
39 in advance, but wanted it to happen so they could arouse the passion for war in the
40 American public and congress. They used us as their bait to get into the war.
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42 N: But when they first came, it was for good reasons. They wanted to protect us and
43 keep us a free and democratic country.

1 Whose language and lifestyle do we practice today? It's Americanization which has
2 been imposed upon our people. As the Americans try pointing their finger at someone
3 else who may try to commit these social crimes, three more fingers point back at them.
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5 N: But don't you think the Americans have done anything good? If it wasn't for the
6 Americans, we would still be in the taro patches, riding buggies, living in grass shacks.
7 Poka, you can't turn the clock back. You have to move along with progress.

8 P: I agree. We cannot turn the clock back. Time moves only in one direction. Events
9 cannot be undone. But they can be corrected. Their idea of "progress," however, may
10 not be ours. For me, progress is not the mere occurrence of activities, building of
11 structures, increase in capital accumulation. Therefore, why should I move along with
12 their "progress"?

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14 N: Well, that's your business.

15 P: And that's also my point. Should we continue to permit the Americans to dictate to
16 us what progress is and force us to move along with that dictate? As time moves on, the
17 real point of contention is not whether or not we should try to undo time, but to
18 determine for ourselves what direction we take to achieve "progress". That is our
19 business, not the Americans'. You see, one's concept of progress is really a statement of
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22 protect this place so our descendants will be able to live here. They want to maximize
23 their profits as quickly as possible and use us militarily. Our goals and theirs are not
24 compatible.
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26 N: Look around you. Hawaii's modern, up-to-date with modern facilities. Whats wrong
27 with that?

28 P: Nothing.
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30 N: So you are willing to admit U.S. occupation of Hawaii has brought some good to
31 Hawaii?

32 P: No.
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34 N: I should have guessed! Pa'akiki no ho'i!

35 P: In spite of U.S. occupation, Hawaii has made some advances. The Americans have
36 the mistaken belief that Hawaii was a poor, backward country, uplifted by the U.S.
37 That is certainly not the case. Before the American invasion, our nation had the
38 widespread use of electricity and telephones ahead of the U.S. Our reputation for
39 intelligence and creativity was highly respected in intellectual corners of the world. Our
40 Kumulipo, our creation chant, was regarded by some as the greatest piece of literature
41 ever written by man; a scientific feat that surpassed even Darwin's works on evolution
42 or Homer's Iliad & the Odessey. Before the U.S. invasion in 1893, Hawaii's educational
43 level was among the highest in the world. American literacy level was behind us.

1 N: As an independent nation, would you allow haoles, Japanese, Chinese and other
2 non-Hawaiians to live in Hawaii?

3 P: What's a Hawaiian? Your question suggests a Hawaiian is defined racially. Perhaps
4 we can take a lesson from the indigenous culture. People in Hawaii were predominantly
5 identified by their relationship to the country or to the society or to the "'aina." Thus
6 people were called by the terms Kama (adopted to the)..'aina; Hoa(friend of the) 'aina;
7 Kua(backbone of the) 'aina; or Maka(eyes of the) 'aina(na). The person who had no
8 such relationship was a Malihini (stranger, newcomer).

9 If you study Hawaii's history, you can find where citizenship was not restricted to
10 race. We had people of many different races as citizens of Hawaii. The real question
11 was one of national allegiance. One is either a Hawaiian or another national citizen, not
12 both.

13
14 N: Can a person of the indigenous blood not be a Hawaiian citizen?

15 P: Of course. If he chooses to be an American and his allegiance is to the U.S., he is
16 not a Hawaiian citizen. That would be a contradiction.

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18 N: I take it then that a person of any blood could become a Hawaiian citizen.

19 P: Certainly, if appropriate citizenship requirements are met. You see, the racist
20 mentality which divides people according to race is not an indigenous Hawaiian
21 mentality. It has been imposed by the U.S. That mentality has gone so far as to divide
22 the people native to Hawaii into "Native Hawaiians" and other Hawaiians, giving the
23 first category more benefits than the other, thus causing racial division. Look at the
24 Hawaiian Homestead Commission Act. So, it takes time and patience for people to be
25 unshackled from that type of thinking.

26
27 N: I guess you're right. But, I'm still not sure I understand.

28 P: Let me try again. See that kiawe tree just before the bend? Where is it indigenous
29 to? When was the first kiawe brought to Hawaii?

30
31 N: What difference does it make? It's still a tree standing there.

32 P: Now you're catching on! What else can you tell me about the tree?

33
34 N: Its roots go into the ground; I guess we could say, "into the 'aina". Its branches and
35 leaves receive Hawaii's air and sunlight. It's part of Hawaii just like the Taro.

36 P: I agree. Just because through our veins run the blood of the indigenous people of
37 Hawaii, does that give you or me the right to cut that kiawe?

38
39 N: No, not for that reason. Ah, so if we can apply that common sense to trees, why not
40 to people?

41 P: Exactly.

42
43 N: But what does that mean for the indigenous people? Don't we have any rights?

1 the U.S. that they don't want to think about these things. Too many people in
2 established positions in politics, economics, education who are fat and satisfied with their
3 gains, don't see the broader picture, the good for all the people and the children of the
4 future. In fact, many are really afraid of freedom.

5
6 N: As one person, what can I do?

7 P: Never give up.

8
9 N: Anything specific?

10 P: Let's set a goal. By the 100th anniversary of the overthrow, we implement Hawaii's
11 independence. Target date: 1993. Meanwhile, we work, internationally, in America, and
12 here in Hawaii. Internationally, we need people developing the network for future
13 assistance. We need to push to have Hawaii listed on the United Nations'
14 Decolonisation Committee as New Caledonia has just been listed.

15 In America, we need to educate the public. We need a concentrated effort to
16 educate media, education systems, people in general. Eventually pressure will develop
17 on the political institutions such as the Congress and the Courts.

18 In Hawaii nei, education is priority. As we educate, we need to have people take
19 up positions in Hawaii who will work quietly in support of us. We must encourage our
20 people to become professionals, businessmen and scholars, to provide the leadership in
21 the areas of national leadership.

22 Of course, there are many more specific things to do. But perhaps the best we
23 can ask for is for each person to measure his own situation and add to the work as best
24 as he can.

25
26 N: Tall order.

27 P: Yep, but don't forget, we stand on taller principles.

28
29 N: Let's take a rest. Wow! I can see Ka'ena from here.

1 P: Patience, my friend. The "sky's the limit." Hawaii could easily be the seat of
2 oceanographic or astronomical centers or even a true world educational institute.
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39 N: No, not for that reason. Ah, so if we can apply that common sense to trees, why not
40 to people?

41 P: Exactly.

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43 N: But what does that mean for the indigenous people? Don't we have any rights?

1 the U.S. that they don't want to think about these things. Too many people in
2 established positions in politics, economics, education who are fat and satisfied with their
3 gains, don't see the broader picture, the good for all the people and the children of the
4 future. In fact, many are really afraid of freedom.

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6 N: As one person, what can I do?

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11 independence. Target date: 1993. Meanwhile, we work, internationally, in America, and
12 here in Hawaii. Internationally, we need people developing the network for future
13 assistance. We need to push to have Hawaii listed on the United Nations'
14 Decolonisation Committee as New Caledonia has just been listed.

15 In America, we need to educate the public. We need a concentrated effort to
16 educate media, education systems, people in general. Eventually pressure will develop
17 on the political institutions such as the Congress and the Courts.

18 In Hawaii nei, education is priority. As we educate, we need to have people take
19 up positions in Hawaii who will work quietly in support of us. We must encourage our
20 people to become professionals, businessmen and scholars, to provide the leadership in
21 the areas of national leadership.

22 Of course, there are many more specific things to do. But perhaps the best we
23 can ask for is for each person to measure his own situation and add to the work as best
24 as he can.

25
26 N: Tall order.

27 P: Yep, but don't forget, we stand on taller principles.

28
29 N: Let's take a rest. Wow! I can see Ka'ena from here.

1 P: Patience, my friend. The "sky's the limit." Hawaii could easily be the seat of
2 oceanographic or astronomical centers or even a true world educational institute.
3

4 N: Why do you say that? Take one example, the world educational institute.

5 P: Sure. We have the environmental climate for it, the population base that is superb
6 for providing the required cultural, linguistic and labor services, and the international
7 image appropriate for such an institute. We could easily provide a training center for
8 world leaders to learn not only the art and sciences traditionally taught, but we also
9 have a special quality of Aloha that could be so important in human relations and world
10 relations today.

11 Hawaii should be the world educational center, just as Switzerland is said to be
12 the world banking center. Other benefits include a clean, non-polluting industry that
13 contributes not only economically but adds to the richness of intellectual, cultural and
14 political growth. It's a natural peace plan of future leaders working together in an
15 environment of peace.
16

17 N: But don't we already have the East-West Center in Hawaii? Why isn't that a major
18 industry?

19 P: Simple, Hawaii is now U.S. controlled. The political condition is not right. The
20 U.S.'s international image is dirty. The U.S. is not trusted internationally. Its word
21 cannot be counted on. People see anything U.S.-controlled as U.S.-manipulated for U.S.
22 interest. Much of the world would not want to send their future leaders to an American
23 institute.

24 But as an independent nation, Hawaii would be the attraction of the world.
25

26 N: I like it, but couldn't that be done any other place in the world?

27 P: Where?
28

29 N: Let me ask the questions! O.K. Let's say Hawaii could survive economically, but
30 what do you do for defense? How do we avoid getting blown up in the Third World
31 War? The U.S. would not protect us anymore!

32 P: Protect us? Whoever thought the U.S. is here to protect us? Much good they did
33 when Japan attacked! The U.S.'s only interest is to protect their peice of America,
34 which stretches from the California coastline to New York. The rest of us in Hawaii,
35 Guam, Alaska, and even the people in Puerto Rico are merely "outbases" to fight the
36 war before it gets to America.

37 Look at the latest reports on the U.S. entry into World War II. Now the
38 Americans are willing to disclose that they knew about Japan's "sneak attack" on Hawaii
39 in advance, but wanted it to happen so they could arouse the passion for war in the
40 American public and congress. They used us as their bait to get into the war.
41

42 N: But when they first came, it was for good reasons. They wanted to protect us and
43 keep us a free and democratic country.

1 Whose language and lifestyle do we practice today? It's Americanization which has
2 been imposed upon our people. As the Americans try pointing their finger at someone
3 else who may try to commit these social crimes, three more fingers point back at them.
4

5 N: But don't you think the Americans have done anything good? If it wasn't for the
6 Americans, we would still be in the taro patches, riding buggies, living in grass shacks.
7 Poka, you can't turn the clock back. You have to move along with progress.

8 P: I agree. We cannot turn the clock back. Time moves only in one direction. Events
9 cannot be undone. But they can be corrected. Their idea of "progress," however, may
10 not be ours. For me, progress is not the mere occurrence of activities, building of
11 structures, increase in capital accumulation. Therefore, why should I move along with
12 their "progress"?

13
14 N: Well, that's your business.

15 P: And that's also my point. Should we continue to permit the Americans to dictate to
16 us what progress is and force us to move along with that dictate? As time moves on, the
17 real point of contention is not whether or not we should try to undo time, but to
18 determine for ourselves what direction we take to achieve "progress". That is our
19 business, not the Americans'. You see, one's concept of progress is really a statement of
20 one's aspiration for his or her future and the future of our children. What I or
21 you may want for Hawaii is not the same as what the Americans want. We want to
22 protect this place so our descendants will be able to live here. They want to maximize
23 their profits as quickly as possible and use us militarily. Our goals and theirs are not
24 compatible.

25
26 N: Look around you. Hawaii's modern, up-to-date with modern facilities. Whats wrong
27 with that?

28 P: Nothing.

29
30 N: So you are willing to admit U.S. occupation of Hawaii has brought some good to
31 Hawaii?

32 P: No.

33
34 N: I should have guessed! Pa'akiki no ho'i!

35 P: In spite of U.S. occupation, Hawaii has made some advances. The Americans have
36 the mistaken belief that Hawaii was a poor, backward country, uplifted by the U.S.
37 That is certainly not the case. Before the American invasion, our nation had the
38 widespread use of electricity and telephones ahead of the U.S. Our reputation for
39 intelligence and creativity was highly respected in intellectual corners of the world. Our
40 Kumulipo, our creation chant, was regarded by some as the greatest piece of literature
41 ever written by man; a scientific feat that surpassed even Darwin's works on evolution
42 or Homer's Iliad & the Odessey. Before the U.S. invasion in 1893, Hawaii's educational
43 level was among the highest in the world. American literacy level was behind us.

1 N: As an independent nation, would you allow haoles, Japanese, Chinese and other
2 non-Hawaiians to live in Hawaii?

3 P: What's a Hawaiian? Your question suggests a Hawaiian is defined racially. Perhaps
4 we can take a lesson from the indigenous culture. People in Hawaii were predominantly
5 identified by their relationship to the country or to the society or to the "'aina." Thus
6 people were called by the terms Kama (adopted to the).. 'aina; Hoa(friend of the) 'aina;
7 Kua(backbone of the) 'aina; or Maka(eyes of the) 'aina(na). The person who had no
8 such relationship was a Malihini (stranger, newcomer).

9 If you study Hawaii's history, you can find where citizenship was not restricted to
10 race. We had people of many different races as citizens of Hawaii. The real question
11 was one of national allegiance. One is either a Hawaiian or another national citizen, not
12 both.

13
14 N: Can a person of the indigenous blood not be a Hawaiian citizen?

15 P: Of course. If he chooses to be an American and his allegiance is to the U.S., he is
16 not a Hawaiian citizen. That would be a contradiction.

17
18 N: I take it then that a person of any blood could become a Hawaiian citizen.

19 P: Certainly, if appropriate citizenship requirements are met. You see, the racist
20 mentality which divides people according to race is not an indigenous Hawaiian
21 mentality. It has been imposed by the U.S. That mentality has gone so far as to divide
22 the people native to Hawaii into "Native Hawaiians" and other Hawaiians, giving the
23 first category more benefits than the other, thus causing racial division. Look at the
24 Hawaiian Homestead Commission Act. So, it takes time and patience for people to be
25 unshackled from that type of thinking.

26
27 N: I guess you're right. But, I'm still not sure I understand.

28 P: Let me try again. See that kiawe tree just before the bend? Where is it indigenous
29 to? When was the first kiawe brought to Hawaii?

30
31 N: What difference does it make? It's still a tree standing there.

32 P: Now you're catching on! What else can you tell me about the tree?

33
34 N: Its roots go into the ground; I guess we could say, "into the 'aina". Its branches and
35 leaves receive Hawaii's air and sunlight. It's part of Hawaii just like the Taro.

36 P: I agree. Just because through our veins run the blood of the indigenous people of
37 Hawaii, does that give you or me the right to cut that kiawe?

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8 October 1993

Colonization and Decolonization A few thoughts

by PO`KA LAENUI

Introduction

I have come to the topic of colonization and decolonization by way of my interest and activism in Hawaiian sovereignty in the very early 1970s. Prior to that, I had no appreciation of our colonial state. From my involvement in advocating Hawaiian independence from the United States of America, I have been drawn into a regional and an international perspective of the topic. I find that the Hawai i case is not unique to the processes of colonization and of decolonization throughout the world. I offer some brief thoughts on the subject for your consideration and hopefully, for your critique. Together, perhaps we can better appreciate our conditions and thus, find solutions appropriate to our situations.

I should first note with appreciation the comment already received from Professor Virgilio Enriques of the University of the Philippines¹, author of the book, From Colonial to Liberation Psychology, who has offered his observations on the steps of Colonization. Professor Enriques suggested six steps in the process of colonization.

1) Denial & Withdrawal in which the colonizer denies the validity or even existence of "culture" of the indigenous people, accompanied by indigenous people withdrawing from the practice and identification with that culture;

2) Destruction/Eradication consisting of direct physical destruction of elements of the culture;

¹The critique provided by Professor Enriques was aired on Hawaii Public Radio program entitled A Second Glance on April 17, 1993. Copy of the program is available for \$10.40 (U.S.) from the Hawaiian National Broadcast Corporation, P.O. Box 25284 Honolulu, Hawaii 96825

3) Denigration/Belittlement/Insult in which any practice, observation, or acknowledgement of the traditional culture is treated with contempt and even criminality. Here, even symbols of evil must be imported by the colonizer in order to gain legitimacy, e.g., importation of a Dracula or other representatives of evil into indigenous communities while alluding to indigenous representatives of evil as ignorant superstitions.

4) Surface Accommodation/Tokenism: Whatever remnants of a culture survives, they are merely accommodated in an atmosphere of folklorism, of "showing respect to the old folks and to tradition."

5) Transformation: The cultural practice is transformed into the culture of the dominating society, for instance, a Christian church may use an indigenous person and incorporate some indigenous religious terms and practices within the Christian expression of religion.

6) Exploitation: The final stage where the cultural practice of the indigenous people is sought for its commercial, artistic or political value.

THE FIVE PHASES OF DECOLONIZATION

I suggest five distinct phases of a people's decolonization. These are: 1) Rediscovery and Recovery, 2) Mourning, 3) Dreaming, 4) Commitment, and 5) Action. Each phase can be experienced at the same time or in various combinations.

Phase I: REDISCOVERY AND RECOVERY

This is the first step to emancipation. This phase must be seen as setting the foundation, the root, in fact, of the process of decolonization.

People who have undergone colonization are inevitably suffering from concepts of inferiority in relation to their historical cultural/social background. Even those who continue the spirit of rebellion are limited in their struggle against the oppression of the colonizer because the rebellious spirit, in and of itself, is insufficient to provide permanent growth in a movement.

Oftentimes, a people experiencing this initial phase will undergo many emotionally traumatic experiences. Discovering a long standing fraud, finding one's true ancestry, uncovering a cache of cultural treasures never known to have existed, are experiences which can bring out a wide range of responses. Such responses can be seen in individual cases where one discovers unexpected fraud of marital infidelity, of discovering who one's real parents are, or coming upon real property documents showing one's title to land never known before. Responses range from deep anger to exceeding joy. Multiply those experiences and responses thousands of times over and the result will be an impact upon a whole society, especially

in terms of rediscovery and recovery from the loss of an independent nation, a heritage, a history.

The Hawaiian society has been in this phase since the latter 1960s as greater sensitivity for racial identity and pride as well as the growth of distrust for the government of the United States of America developed. The black struggle for equality and the American Indian struggle for fundamental freedoms and recognition as the first people of the land, even the growing challenge to the righteousness of the U.S. war in Viet Nam played a major part in bringing home to Hawaii since the 60s this recovery and rediscovery stage.

This phase has continued, not only in the historical and political awareness of the U.S. armed invasion and overthrow of the Hawaiian nation. New vigor in Hawaiian music and literature, both traditional and modern, added substantially to this recovery. Social and political activities took on new momentum, challenging certain trustee appointments by members of Hawai'i's Supreme Court to the Bishop Estate, challenging evictions of native Hawaiians from beaches and valleys, challenging the abuse of the island of Kaho olawe as a bombing range. As this platform of discontent and awareness began to build, a plethora of new organizations emerged, pushing to the forefront the illegality of the overthrow of Hawaii.

This phase of rediscovery and recovery has not ended. Many people are still "getting up to speed", knowing full well, however, of the overall theme of a grand illegality having occurred in Hawaii 100 years ago.

One of the dangers in this phase is the elevation of form over substance, of dealing with a traditional culture from the perspective of a foreign culture. Indigenous people themselves can abuse their own culture, especially when they have been so long and completely separated from the practice or appreciation of their traditional culture that they now treat this culture from the perspective of the foreign one. This danger may include those who have taken on the trappings of their "traditional" culture, wearing forests of leaves and flowers on their heads, speaking the indigenous language which they learned at colonial colleges, and otherwise playing the foreigner's concept of the indigenous person, especially those able to speak in evening news sound bites and who may present pleasing images to still and movie cameras. Theatrics which make good media clips could eventually substitute for substance.

The difference, therefore, between the final stage of colonization - **exploitation**, and the initial stage of decolonization - **rediscovery & recovery**, must be carefully distinguished. Too often, the media works in tandem with those who make their ancestry a career, both exploiting a serious social movement for decolonization.

Phase II: MOURNING

A natural outgrowth of the first phase is the mourning - a time when a people is able to lament their victimization. This is an essential phase of proper healing of a people. Even in individual tragedies where one is a victim of some crime, the victim must be permitted a time of mourning.²

In Hawai i,' the symbolic mourning of the loss of a nation has taken place in the centennial observation of the overthrow at Iolani Palace. The observations over the week-end of January 16 and 17, 1993 in which people came from all parts of Hawai i and returned from parts of the world served as a focal point for mourning of most of those touched in one or another way by the overthrow.³

It is difficult to generalize how long a people remain in the mourning phase. Like individual responses to tragedies, societal mourning depends on the circumstances. Perhaps, when there does not seem to be any alternative to the present condition, the mourning seems to be the only thing to do. Thus, an extended period of mourning may be experienced.

The mourning stage can also accelerate the earlier stage of rediscovery and recovery. People in mourning oftentimes immerse themselves totally in the rediscovery of their history making for an interesting interplay between these two phases.

This phase may also be expressed in great anger and a lashing out at all symbols of the colonizer. A sense of justified violence, either in words or action, can lull some into remaining in this phase, milking every advantage of the innocence of one's victimization. This abuse of the mourning phase can turn into an attempt to entrench the colonization in order to continue the mourning, the anger, the hating and the division of people. Some people are happy to go no further than the mourning, finding sufficient satisfaction in long term grumbling.

Phase III: DREAMING

This phase is one of the most crucial for the process of decolonization. It is in this phase where the full panorama of possibilities are expressed, considered through debate, consultation, and building dreams on further dreams which

²The Oglala Lakota nation has the "Wiping of the Tears" ceremony to accomplish the same need for mourning. Source: Interview with Birgil Killstraight, A Second Glance, *ibid*, April 11, 1992

³This event has been preserved by 9 hours audio cassette album **Three Days in January The Overthrow of the Hawaiian Nation** available for \$49.95 through the Hawaiian National Broadcast Corporation (see footnote 1).

eventually becomes the flooring for the creation of a new social order.

It is during this phase where the people colonized are able to explore their own cultures, their own aspirations for their future, the building of their own structures of government and social order which encompass and expresses their hopes. It is during this phase where a people colonized can explore what facets of the colonial culture they wish to retain or reject.

So crucial is this phase that it must be allowed to run its full course. If the dreaming is cut short by any action plan or program designed to create a remedy meeting the perception of the issue at a premature stage, the result can prove disastrous.

I liken this phase to the formation of a fetus in a mother's womb. That fetus must be allowed its time to develop and grow to its full potential. To attempt to rush the process of development, to rush the birthing process by bringing the child out earlier than its natural time, could prove dangerous if not disastrous to the child.

An examination of the Pacific as well as the world's decolonization experiences as they relate to the dreaming may be helpful here. There are several cases in which people who underwent "decolonization" merely underwent a change in position of the colonizer. Examine, for example, the constitutions of the newly emerged Pacific island national constitutions and see if it reflects more closely the social and legal culture of the immediate preceding colonizer or of the indigenous culture. Are those documents truly reflective of the hopes and aspirations of the people previously colonized? Or do they represent the colonial mentality which pervades the society?

There is a growing concern among Pacific Islanders themselves, questioning the present systems which have become entrenched within their island societies as part of the process of "decolonization" under which they received political independence.

In Hawaii, the dreaming is now very vibrant. As the intensity in the debate of Hawaii's future gains greater momentum, there is a matching hunger for solid background information upon which the dreaming can be built. We have identified some of the areas of background information that are needed as:

a) Economic ramifications of Hawaiian Sovereignty upon the following:

- | | |
|---------------------------|---------------------------------|
| - Tourism in Hawaii, | -Population control |
| - Military in Hawaii | -International trade & business |
| - Diversified Agriculture | -Control over ocean resources |
| - Taxation | -Land ownership modifications |

b) International legal principles which apply to the Hawaii case, in particular, the principles of decolonization, indigenous

peoples' rights, and ocean governance in a new economic, environmental and political world arrangement.

c) Review of other cases in which people have exercised self-determination, both as indigenous people's movements and as broader movements of decolonization.

d) Identification and description of various models of nationhood.

e) Methods and processes by which non-indigenous concerns and contributions can be incorporated into the overall study of Hawaiian sovereignty.

Hawai'i however, continues to face the threat of rushing the dreaming. Now that the topic of Hawaiian Sovereignty has "caught on" as one of the foremost political issue of the day, many are demanding immediate action, with a belief that reflection and introspection are not worth the time and effort in the development of a new social order. Those expressing impatience and even ridicule over the dreaming process often call for very short-sighted goals, measured generally by materialistic gains. Thus, there is an immediate call for lands, dollars and a "sovereign" nation whose jurisdiction and powers are fully within the United States Congress or Supreme Court. Long term planning for the future of Hawai'i in relation to the Pacific and the world is non-existent in such plans for an immediate remedy, merely a bandage for a major wound.

Phase IV: COMMITMENT

In the process of dreaming, the people will have the opportunity to weigh the voices rather than becoming caught up with counting votes. They will be able to wade through the cult of personalities, family histories, and release themselves from shackles of colonial patriotism. They will now be ready for commitment to a single direction in which the society must move. This phase will culminate in people combining their voices in a clear statement of their desired direction. There is no single "way" or process for a people's expression of the commitment. In fact, over time, the commitment will become so clear that a formal process merely becomes a pro forma expression of the people's will. That expression may be captured in a "puwalu", a constitutional convention, or a congress.

It can be difficult to distinguish between an early termination of the dreaming phase from the start of the commitment phase. In Hawai'i, we hear the call for a Hawaiian convention to create a founding document of the Hawaiian nation. In several corners of the society, this call is being made by bodies that include the Hawai'i legislature, semi-autonomous organizations such as the Office of Hawaiian Affairs, and even the umbrella organization supporting Hawaiian sovereignty education, Hui Na'auao. All such calls for a process must be carefully scrutinized and questioned as to whether these calls are consistent with the desire to allow the full process of

decolonization to take place or do they cut the dreaming short and force a premature resolution of historical injustices, thus limiting the losses of those whose interests are threatened in the decolonization process.

Indeed, several organizations claim they now represent the Hawaiian Nation because they have already formed their organizational structure, emplaced their national leaders, and will now speak for the nation. Such claims, upon close examination, are easily seen to be nothing more than opportunists trying to substitute quick formula solutions for the decolonization process.

Phase V: ACTION

This phase can be taken only upon a consensus of commitment reached in the 4th phase. Of course, the traditional spectrum from a call to reason to a resort to arms in order to achieve one's exercise of self-determination are sanctioned by international law when used in appropriate times and manner.

The decolonization environment has so drastically changed in the last 30 years that the action phase must include consideration beyond what has been historically undertaken to achieve independence. While the first thought for independence would have been to grab the rifle and march against the colonizer, it seems the new weapons are dictated by technological development. The fax machine, television, radio and newsprint are perhaps more effective in executing the long battle plan. The rifle, it's been argued, may still be necessary to defend those other mediums of expressions.

Not only have the methods of executing upon these commitments changed, but the arenas of contests are now not as geographically defined as before. To speak before the United States Congress or an appropriate body of the United Nations may be far more effective than to storm a mountain top in an armed battle.

CONCLUSION

The process of colonization and of decolonization deserves closer consideration in attempting to refashion societies. Otherwise, we may find we are merely entrenching ourselves deeper in the rut put here by someone else. This review is merely a broad observation of the decolonization process, taking a particularly Hawaiian bent, with minimal awareness of the Pacific experiences. This observation may also benefit from a consideration of the African, Asian and current European experiences as well.

I hope you are encouraged to give consideration to your own situation after reading these brief thoughts. Your response is welcome.

Aloha ^{āina} ~~a~~ma, PL
Pōka Laenui
(Hayden F. Burgess)

TO THE HAWAIIAN PEOPLE OF HAWAII

I imagine prison is much like a monastery in that the energy normally expended in social pleasures is sublimated in meditation. It's an ongoing educational process whereby one has time and opportunity for introspection and the relating of his personal insights toward better use of the future.

I am Wilford Kalaauala Pulawa, a kanaka, and I identify with things Hawaiian. Yet ours is a dying culture being smothered in the plastic onslaught of a foreign technological society that places the humanity of the individual to a position at the back of the bus. The process of being assimilated into the mainland culture of the United States is merely a continuation of the process of thievery, initiated from our earliest days of foreign immigration. It's all take, take, take, with very little give. Hawaiians become displaced persons in their own homeland. It's intolerable. We are more and more being forced into a status similar to the pa'eles of New York's Harlem. We are held as troublesome no accounts. We are overwhelmed by the inhumane civilization of greed. Our land is stolen and raped of its natural beauty. Our culture and our people are dispossessed and oppressed. We own little and rule less. Aloha, once the spirit of our heritage, has no sincerity apart from our own people. It becomes a cheap commercial product for wholesale consumption in the tourist industry.

It is due time for our people to call up, develop and use the natural powers inherent in our racial memory. Oh, for a voice loud and commanding enough to call us all to the resurrection of our dignity and rightful place in the affairs of mankind -- a battle cry to the banner of Lokahi, the call to spiritual arms, the swelling of sovereign devotion to a roar of our unified will.

Even here, so far in exile from my home, I sense a resolve of anger growing along with the despair in our people. I see brave young men and women becoming aware of their chains, standing tall, and beginning the struggle for their freedom, demanding the promises of their birthrights. I see what I see, I know what I know, I will do what I will. It's time for our cause to come together, for all believers to fish or cut bait.

It's time for me, and for you, too, dear brothers and sisters, the time begins for all of us. Restricted as I am in this maggot's belly of life, I will add whatever my talents offer. As I am able, I will add more, calling

upon all of the best within me. I exhort you, and everyone I know, to join me. You have a good heart, intelligence, and a driving energy. I ask you to bring your spirits to our cause. Bring your Lord with you--let him help those who are helping themselves.

You can make a start by lending your support to the Hawaiian cause, our cause. Spread the word, tell your friends. Learn what you can, contribute your support and preach every word for Hawaiian justice that you can muster. Do whatever is right for our rights.

Each of us has many selves, some large and some small, and it seems sometimes true that one has to lose first in order to win, but I feel I have resources of strength I haven't begun to tap. In conceiving the strategies for the task before us, let us not forget Oscar Wilde's reminder: "There is no error more common than that of thinking that those who are the causes on occasions of great tragedies share in the feelings suitable to the tragic mood."

Please start thinking seriously about getting your fine okole in gear for the cause as I've set out above. I know you have a lot of talent and energy to contribute.

No more.

Me Ke Aloha Pumehana,

Wilford Kalaauala Pulawa

HAWAI'I PONO'I

On Friday, August 7, 1987

*Forty-three kanakas from Wai'anae,
In a deluxe, super-duper, air-conditioned, tinted-glass
tourist-kind bus,
Headed to Honolulu on an excursion to the Palace,
'Iolani Palace.*

*Racing through Wai'anae, Ma'ili, Nānākuli--
Past Kahe Point, past the 'Ewa Plain--
In the back of the bus, the teenagers - 35 of them
Rappin', and snappin', and shouting to friends and strangers
alike: Eh, howzit, check it out, goin' to town . . .*

*(Along the way, people stop and stare, wondering,
What are those blahs and titas doing in that bus?)*

*Cousin Bozo, our driver, (yes, that's his real name)
Spins the steering wheel, turning the hulk-of-a-bus,
Squeezing and angling it through the gates made just
Wide enough for horses and carriages and buggies.*

Docent Doris greets us:

"Aloha mai. Aloha mai. Aloha mai.

"Only twenty per group, please.

*"Young people, please, deposit your gum and candy in the
trash.*

"No radios. No cameras.

"Quiet. Please."

"Now, will you all follow me up these steps.

"Hele mai 'oukou, e 'āwīwī."

Like a pile of fish, we rushed after her.

At the top of the steps,

*We put on soft, mauve colored cloth coverings over our
shoes and slippers,
to protect the precious hard wood floors*

from the imprint of our modern step.

*Through the polished koa wood doors, with elegantly etched
glass windows,*

Docent Doris ushers us into another Time.

*Over the carefully polished floors we glide, through the
darkened hallways: spinning, sniffing, turning,
fingers reaching to touch something sacred, something
forbidden - quickly.*

Then into the formal dining room, silent now.

*Table set: the finest French crystal gleaming; spoons,
knives, forks, laid with precision next to gold-rimmed
plates with the emblem of the King.*

Silent now.

La'amea 'Ū.

*Portraits of friends of Hawai'i line the dining room walls:
a Napoleon, a British Admiral . . . But no portrait of
any American President. (Did you know that?)*

Then, into the ballroom,

*Where the King, Kalākaua, and his Queen, Kapi'olani, and their
guests*

waltzed, sang and laughed and yawned into the dawn.

(No one daring to leave before His Majesty)

The Royal Hawaiian Band plays

*the Hawaiian National Anthem and all chattering
and negotiating stops. As the King and his shy Queen
descend the center stairway.*

And up that same stairway, we ascend -the twenty of us.

Encouraged, at last, to touch . . .

Running our hands over the koa railing,

. . . we embrace our history.

*To the right is the Queen's sunny room . . . a faint
rustle of petticoats.*

To the left, we enter the King's study:

*Books everywhere. Photographs everywhere.
The smell of leather, and tobacco, ink and parchment -
The smell of a man at work.*

*Electric light bulbs (in the Palace of a savage,
can you imagine?)
Docent Doris tells us to be proud, that electricity lit
the Palace before the White House.
There, a telephone on the wall.*

*Iwalani longs to open those books on his desk,
Tony tries to read and translate the documents,
written in Hawaiian, just lying on his desk.*

La'amea 'Ū.

*Slowly, we leave the King.
And walk into the final room to be viewed on the
second floor.
The room is almost empty; the room is almost dark.
It is a small room. It is a confining room.
It is the prison room of Queen Lili'uokalani.*

Docent Doris tells us:

*"This is the room Queen Lili'uokalani was imprisoned in
for nine months, after she was convicted of treason.
She had only one haole lady-in-waiting.
She was not allowed to leave this room during that
time;
She was not allowed to have any visitors or
communications with anyone else;
She was not allowed to have any knowledge of what was
happening to her Hawai'i or to her people."*

Lili'uokalani. 'Ū.

*I move away from the group.
First, I walk to one dark corner, then another,
then another. Pacing. Pacing, Searching.
Trying to find a point of reference, an anchor,
a hole, a door, a hand, a window, my breath . . .
I was in that room. Her room. In which she lived and
died and composed songs for her people. It was
the room in which she composed prayers to a
deaf people:*

*"Oh honest Americans, hear me for my downtrodden
people . . ."*

*She stood with me at her window;
Looking out on the world, that she would never rule again;
Looking out on the world that she would only remember
in the scent of flowers;
Looking out on a world that once despised her,*

*And in my left ear, she whispered:
E, Pua. Remember:*

*This is not America.
And we are not Americans.*

Hawai'i Pono'i.

Amene.

by Puanani Burgess

About the Author

PŌKĀ LAENUI, aka Hayden F. Burgess, has advocated for Hawaiian self-determination since the early 1970s. He has challenged the jurisdiction of the U.S. government over Hawaiian citizens in numerous court cases, including his own. He served as a delegate to the State Constitution Convention in 1968 and as trustee with the Office of Hawaiian Affairs from 1982 to 1986.

Pōkā has been active in international human rights, concentrating on the rights of indigenous peoples. He served as the primary political spokesperson for the World Council of Indigenous Peoples from 1985 to 1990 before the U.N. and as the indigenous expert to the International Labour Office's expert committee to review and draft the ILO Convention on Indigenous and Tribal Peoples in Independent Countries (1989), #169.

Before the U.N. General Assembly, he was recognized by Erica Daes, Chairwoman of the U.N. Working Group of Indigenous Populations, as one of the five pioneers in the international development of rights for indigenous peoples. He addressed that General Assembly on the opening day for the International Year of the World's Indigenous People. He has been a biographee repeatedly in Marquis' Who's Who in the World and Who's Who in American Law for his specialty in public international law.

Mr. Laenui is the President of the Pacific-Asia Council of Indigenous Peoples, the Director of the Institute for the Advancement of Hawaiian Affairs and host A 2nd Glance, an issues program on Hawai'i Public Radio. He is a licensed attorney operating a small one man practice in Wai'anae, Hawai'i.