Sullying the Scholar’s Craft:  
An Essay and Criticism of Judge James S. Burns’ Crown Lands Trust Article

Jonathan K.K. Osorio* and Kamanamaikalani Beamer**

History is not a single story, not ever a narrative safe from reinvention. If retired Judge James S. Burns’ University of Hawai‘i Law Review article teaches a historian anything, it is that our own discourses are ephemeral. Despite our best attempts to tell a true story, ideology, political interests, and sadly bad scholarship from a credible source, can undermine, even degrade, decades of historical research and academic debate.

Reading Burns’ article, The Crown Lands Trust: Who Were, Who Are, the Beneficiaries?, 1 brings back memories of reading through the journals of two of the architects of the 1893 overthrow of the Hawaiian Kingdom, Sanford B. Dole and Lorrin Thurston, 2 and with it a re-experiencing of outrage at their betrayal and their deceptions. Burns’ recitations of the same narrative of greedy Ali‘i Nui, and an incompetent Kingdom government meeting its rightful demise because of the work of dedicated and freedom-loving haole, 3 is honestly a narrative we did not expect to read again after thirty years of steady and responsible scholarship. 4

---

* Professor, Kamakūokalani Center for Hawaiian Studies, and Interim Dean of Hawai‘inui‘kea School of Hawaiian Knowledge, University of Hawai‘i at Mānoa.

** Associate Professor, Kamakūokalani Center for Hawaiian Studies and William S. Richardson School of Law, University of Hawai‘i at Mānoa.


3 See, e.g., Burns, supra note 1, at 238 (generalizing the overthrow as merely a response by “a small group of qualified voters”), 246–47 (arguing that the Ali‘i Nui did not perceive the Crown Lands as a collective resource). The authors define the term haole to mean white person or foreigner. It is as much a reference to class as it is to ethnicity and, therefore, is not capitalized.

4 See infra note 7. Rather than cite to Native scholarship or other reliable scholarship, Burns relies on untrustworthy, and inappropriate, authority, including websites, outdated historical studies, and even a seventh grade textbook on Hawaiian history. Compare Burns,
While most of these studies have come from Kanaka Maoli, it is ironic and telling that the work Burns challenges and seeks to undo was the culminating study of haole Law Professor Jon Van Dyke. That there is only one citation of a contemporary work authored by a Native Hawaiian in the Burns article, which, after all, is offering a read of the historical development of law, is worse than an oversight. It is deeply and disturbingly insulting to the numerous Native historians, geographers, anthropologists, political scientists, lawyers, and Hawaiian language experts who have written dissertations, books, and articles on Hawaiian history, the Māhele, and “Ceded Lands” going back to the late 1980s. In fact, nowhere

supra note 1, at 217 n.21, 218 n.22, 225 n.59, 226 n.70, 242 n.142 with Avis Kuuipoleialoha Posai, Tales from the Dark Side of the Archives: Making History in Hawai‘i Without Hawaiians, 39 U. Haw. L. Rev. 537 (2017).

5 “Maoli” means “native, indigenous, aborigine, genuine,” and “kanaka maoli” is defined as “a Hawaiian native.” Mary Kawena Pukui & Samuel H. Elbert, HAWAIIAN DICTIONARY 240 (rev. & enlarged ed. 1986). “Kanaka” is the singular, while “kānaka” is the plural. Id. at 127. “Kānaka Maoli” literally means “true people” and is the term that Native Hawaiians have traditionally used to refer to themselves; in modern times, it is used to refer to all persons of Native Hawaiian ancestry. See R.K. Blaisdell, The Kanaka Maoli World, in DISCOVERY: THE HAWAIIAN ODYSSEY 47, 48 (Eric Herter ed., 1993).


in his article does Burns even deign to explain this dismissal of our work. It is as though, for this retired judge, the Native people, outside of Lili‘uokalani herself, have no opinion worth considering.8

One of the consequences of ignoring an entire generation of scholarship is that Burns’ narrative is a truly disjointed one, disconnected from the steady transformation of historical interpretation that has been taking place since about the end of the Second World War.9 Professor Jon Van Dyke’s book Who Owns the Crown Lands? owes its understanding of the politics of the Kingdom and its legal analysis to that generation of Kānaka Maoli such as Haunani-Kay Trask and Lilikalā Kame‘elehiwa, and what is more, pays liberal attention to our work, even when the author does not fully agree.10 That is the way that academic research, discourse, and publication actually works.

But reading Burns’ article is like a transport into a timeless warp, a sense that is heightened by Burns’ own voice only rarely making pronouncements while most of the text includes lengthy and digressing quotations of nineteenth century observers and sometimes whole pages of Van Dyke’s book.11 His analysis is limited usually to very short, almost verdict-like “responses” in which he assumes the role of someone trying to set a historical record straight. In most cases, he is merely offering a contrary opinion to Van Dyke’s, which is certainly his right, but in terms of new research or facts from some heretofore underutilized archive, Burns really offers nothing. For example, early in his article, Burns quotes Van Dyke’s insistence that “Native Hawaiians continued to play the dominant role in decision making”12 with his “response:”

In 1893, prior to the overthrow, Hawaiians did not have “control of the Kingdom.” They did not “play the dominant role in decision making.” They did not have sovereignty over Hawai‘i. It was not the overthrow that caused Hawaiians to lose their sovereignty. Their loss was caused by their decisions and indecisions and actions and inactions of their ali‘i during the period from 1778 to pre-overthrow.13

---

8 See, e.g., Burns, supra note 1, at 233, 237–38.
12 Id. at 213.
13 Id. at 214.
Burns’ declaration here flies in the face of a fairly massive body of research, including numerous publications that detail the intelligent and strategic responses of Hawaiian leaders in the Kingdom as the society was rent by de-population, economic and demographic transformations, and mounting political pressures by the United States and other foreign nations. For instance, *No Mākou Ka Mana* has documented the agency and strategic leadership of Hawaiian ali‘i during the Kingdom period in ways that make Burns’ arguments and conclusions so unfounded in the face of such overwhelming evidence, it is as if he is reminding us that the world is indeed flat. What is clear is that the overthrow was only possible because of illegal intervention by the United States and the breaking of international treaties and “a critical assault on indigenous Hawaiian governance and the beginning of the United States occupation of the Hawaiian islands.”

It is impossible to say whether Burns was ignorant of *No Mākou Ka Mana* or the nearly thirty years of Kānaka Maoli scholarship on this issue or merely dismissive of it. His vague and diffuse writing style makes a real analysis of his position almost impossible. If the Hawaiian Kingdom lost its control or authority before 1893, why is that important and when precisely did it occur? Burns quotes endlessly from Van Dyke, Kuykendall, Thurston and other Kingdom-era observers, but he never states the connection between his theory that the government was defunct, and his argument that the Crown and Government lands had become the property of all the residents of Hawai‘i.

In his lengthy Section III, Burns recounts a history of the Kingdom that is straight out of William D. Alexander and Ralph Kuykendall—writers who assumed the demise of the Hawaiian monarchy was pre-ordained either by God or by the forces of history. Yet, the Kingdom government continued

---

14 See, e.g., BEAMER, supra note 7, at 153.
15 For instance, in enacting the first formal body of written laws, Kauikeaouli Kamehameha III used this process to increase the authority of the mō‘ī, and define the relationships between Hawaiian classes, seeking to protect hoa‘āina from abuses of power, among other things. BEAMER, supra note 7, at 116–25. Beamer describes Kalākaua’s tour of the world, where he met with the rulers of the most powerful nations of his day, as well as his agenda to heighten the Kingdom’s cultural consciousness and push for a new level of Hawaiian independence. Id. at 176–90.
16 See id. at 5.
17 See generally Burns, supra note 1.
18 See id. at 217–31. William D. Alexander, who was Surveyor-General of the Kingdom and then the Provisional Government, was a descendant of a missionary family. NEIL THOMAS PROTO, THE RIGHTS OF MY PEOPLE: LILIUOKALANI’S ENDURING BATTLE WITH THE UNITED STATES, 1893–1917, at 65, 70–72 (2009) (discussing Alexander’s report to Commissioner Blount on the status of the Crown lands of the Kingdom). For a detailed
to hold elections until 1893, upheld the constitution (even one that was considered illegal and iniquitous by the majority of Kānaka Maoli),\textsuperscript{19} collected taxes, honored its treaties, built schools and roads, and generally behaved itself. In fact, the conception of Hawai‘i as some lesser, not-quite nation was never more than a racist and politically motivated discourse deployed by the very people who wished to see Hawai‘i annexed.\textsuperscript{20}

That Burns repeats that same verdict here, even without the overt deceptions of a Sereno E. Bishop or the disturbing racism of a Lorrin deconstruction of Burns’ quotes from W.D. Alexander’s book, see Poai, supra note 4. See also R.S. Kuykendall, The Hawaiian Kingdom, 1854–1874: Twenty Critical Years (Univ. Haw. Press 1953); R.S. Kuykendall, The Hawaiian Kingdom, 1874–1893: The Kalakaua Dynasty (Univ. Haw. Press 1967); Troy J.H. Andrade, (Re)Righting History: Deconstructing the Court’s Narrative of Hawai‘i’s Past, 39 U. Haw. L. Rev. 631, 680–81 (2017) (discussing the writing of historian Ralph S. Kuykendall, hired by the Historical Commission of the Territory of Hawai‘i, to frame history in a light most favorable to the territorial government); Poai, supra note 4, at 598–624 (describing the power that Kuykendall wielded as the “anointed penultimate Hawai‘i historian”); Jonathon K. Osorio, Living in Archives and Dreams: The Histories of Kuykendall and Daws, in TEXTS AND CONTEXTS: REFLECTIONS IN PACIFIC ISLANDS HISTORIOGRAPHY 196 (Doug Munro & Brig V. Lal eds., 2006); Kanalu Young, Kuleana: Toward a Historiography of Hawaiian National Consciousness, 1778–2001, 2 Haw. J. L. & Pol. 1, 24 (2006); TRASK, supra note 7, at 121 n.2 (explaining that “countless popular works have relied on [Kuykendall (1938) and Gavin Daws’ Shoal of Time: A History on the Hawaiian Islands (1968)], which, in turn, are themselves based on primary sources written in English by extremely biased, anti-Hawaiian westerners, such as explorers, traders, missionaries [. . .], and sugar planters” and the resulting harm this practice has inflicted on the Maoli view of our own history).

\textsuperscript{19} See generally, OSORIO, supra note 7, (describing the factors that led to the 1887 Bayonet Constitution and its suppression of native voting and other rights); SILVA, supra note 7, at 122–29.

\textsuperscript{20} See OSORIO, supra note 7; Tiffany Ing-Sai, Ho‘omālāmālama ‘ana i nā Hō‘ailona o ka Mō‘ī Kalākaua a me kona Noho Ali‘i i ‘ana: Illuminating the American, International, and Hawai‘i Reprepresentations of David Kalākaua and His Reign, 1887–1891 (2015) (unpublished Ph.D. dissertation, University of Hawai‘i at Mānoa) (on file with authors). After formal establishment of the Kingdom, Hawai‘i was recognized as an independent nation and entered into treaties with many nations, in addition to its treaties with the United States. BEAMER, supra note 7 at 165–78; Julian Aguon, Native Hawaiians and International Law in Native Hawaiian Law: A Treatise, supra note 7, at 356. Aguon identifies the following treaties entered into by the Hawaiian Kingdom: Austria-Hungary (June 18, 1875), Belgium (Oct. 4, 1862), Denmark (Oct. 19, 1846), Japan (Aug. 19, 1870), Portugal (May 5, 1882), Italy (July 22, 1863), The Netherlands (Oct. 14, 1862), Russia (June 19, 1869), Switzerland (July 20, 1864), Spain (Oct. 29, 1863), and Sweden (July 1, 1852). Id. at 402 n.9. See also Joint Resolution to Acknowledge the 100th Anniversary of the January 17, 1893 Overthrow of the Kingdom of Hawaii, Pub. L. No. 103-150, 107 Stat. 1510, 1510–11 (1993) (noting that the “United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887”).
Thurston, is an indication of not just an ignorance, but a studied ignorance of history.\footnote{See Sereno Edwards Bishop, \textit{How Hawaiian People Were Won From Savagery}; \textit{PACIFIC COMMERCIAL ADVERTISER} (Jan. 3, 1904); Sereno Edwards Bishop, \textit{How Has Hawaii Become Americanized?}; 25 Making of America Journals 150 (June 1895); THURSTON, DOLE \\& FARRELL, supra note 2. Sereno E. Bishop, was born in the Hawaiian Kingdom in 1827, and was the descendant of missionaries. He became a Presbyterian minister, was the principal of Lahainaluna High School, and took over the editorial desk for the missionary newspaper, \textit{The Friend}, in 1887. See PROTOf, supra note 18, at 72–73, 89–90 (describing Bishop’s views of the Hawaiian people and their unfitness to vote, as well as Bishop’s portrayal of Lili‘uokalani as “the debauched Queen of a heathenish monarchy”); see also Kamanaonäpalikūhonua Souza \\& K. Ka‘ano’i Walk, ‘Ôlelo Hawai‘i and Native Hawaiian Education, in \textit{NATIVE HAWAIIAN LAW: A TREATISE}, supra note 7, at 1268 (discussing Bishop’s views on Native Hawaiian language and culture); TRASK, supra note 7, at 116–17 (critiquing the Western historian’s telling of Hawaiian history: “[Western historians] had said that the Americans ‘liberated’ the Hawaiians from an oppressive ‘feudal’ system. By inventing a false feudal past, the historians justify – and become complicitous in – massive American theft.”).} Absent a sense of history that has been informed by ongoing research and discourse, is Judge Burns’ understanding of law even credible?\footnote{Haunani-Kay Trask writes: Which history do Western historians desire to know? Is it to be a tale of writings by their own countrymen, individuals convinced of their “unique” capacity for analysis, looking at us with Western eyes, thinking about us within Western philosophical contexts, categorizing us by Western indices, judging us by Judeo-Christian morals, exhorting us to capitalist achievements, and finally leaving us an authoritative–because-Western record of their complete misunderstanding? All of this has been done already. Not merely a few times, but many times. And still, every year, there appear new and eager faces to take up the same telling, as if the West must continue, implacably, with the din of its own disbelief. But there is, as there has been always, another possibility. If it is truly our history Western historians desire to know, they must put down their books, and take up our practices: first, of course, the language, but later, the people, the ‘āina, the stories. Above all, in the end, the stories. Historians must listen; they must hear the generational connections, the reservoir of sounds and meanings, . . . Our story remains unwritten. It rests within the culture, which is inseparable from the land. To know this is to know our history. TRASK, supra note 7, at 120–21.} This is a significant consideration because Burns is not just challenging the work of one his colleagues, but several generations of research.\footnote{See sources cited supra note 7 (listing just a few of the notable works by prominent Hawaiian scholars).} He is also ignoring social, cultural, and political movements in which tens of thousands of people, Native and non-Native residents of Hawai‘i have been engaged,\footnote{See, e.g., TRASK, supra note 7.} while also challenging nearly forty years of judicial decisions that have positioned Native rights mostly favorably and which, under the
direction of former Chief Justice Richardson, considered Kingdom law to be foundational and essential in the formulation of land law in the Territory and the State of Hawai‘i. We certainly think that if anyone wanted to argue against the Richardson court, the forty-year-old Hawaiian sovereignty movement, and the entirety of that Native scholarship, he would want a champion who could competently string an essay together.

If willful ignorance was the writer’s only fault, that alone would be grievous enough to question its publication in a university law review. But Burns makes very strange assumptions about the Kingdom of Hawai‘i, essentially considering it nothing more than some kind of tribal government, barely alive and scarcely legitimate among the other nation-states in the nineteenth century world. This is not a new interpretation—although when Lorrin Thurston and Sereno E. Bishop were saying exactly the same things in the 1880s, they were facilitating a political subversion and attempting to destabilize the Kingdom’s government. A myriad of research and scholarship in the twenty-first century, including a deep knowledge and understanding of Hawaiian political thought, and a wide look at how the rest of the world (not just one political party in America) viewed the Hawaiian Kingdom, shows a respect and admiration for the island nation and its monarchy. And of course, we know how the Kānaka felt about their government because they expressly communicated their feelings in the great petitions against annexation in 1897. Burns acknowledges none of this, and because he does not, his arguments about the Kingdom’s political culture at the time of the takeover make no sense. On page 238, he attempts to show that the electorate and the political parties that inhabited the legislature were helpless—therefore ineffectual—after the Bayonet Constitution was foisted on the Kingdom:

In 1893, before the overthrow, Hawaiians did not vote as a unified group, did not control the Legislature, did not have the votes in the Legislature to change the 1887 Constitution, did not control the Cabinet, did not control the Hawai‘i

25 See, e.g., Kalipi v. Hawaiian Trust Co., Ltd., 66 Haw. 1, 656 P.2d 745 (1982); State v. Zimring, 58 Haw. 106, 566 P.2d 725 (1977); Palama v. Sheehan, 50 Haw. 298, 440 P.2d 95 (1968); see also NATIVE HAWAIIAN LAW: A TREATISE, supra note 7 (discussing and analyzing earlier and current cases based on Hawaiian Kingdom law, as well as on Hawaiian tradition, custom, and usage).

26 See generally Bishop, supra note 21; THURSTON, DOLE & FARRELL, supra note 2.

27 See, e.g., BEAMER, supra note 6; Jonathan Kamakawiwoole Osorio, Ku‘e and Ku‘oko‘a (Resistance and Independence): History, Law, and Other Faiths, 1 HAW. J.L. & POL. 92 (2004); SAI, UA MAU KE EA – SOVEREIGNTY ENDURES, supra note 7; SILVA, supra note 7; Ing-Sai, supra note 20.

28 SILVA, supra note 7 (documenting widespread resistance by Kānaka Maoli to political, economic, linguistic, and cultural oppression).

29 Burns, supra note 1, at 238.
Supreme Court and did not control the economy. The Queen was the nominal Chief Executive. The Legislature controlled the Cabinet and the Cabinet controlled the Queen.  

It is certainly true that Native Hawaiians did not have sole control of the legislature, but no political party did in 1892. By the 1880s, the Hawaiian Kingdom was a fully functioning bilingual nation-state that had achieved recognition as an independent and sovereign state in 1843 and welcomed an ethnically diverse citizenry. This was a parliamentary system and a number of political parties, none of which were made up of any one race, contested for influence and political power. To imply that Kānaka were the only ones interested in amending or abrogating the Bayonet Constitution is untrue, and was noted by James Blount in 1894 and Ralph Kuykendall more than fifty years ago. It is true that Hawaiians did not vote as a unified group, but neither did haole nor Chinese for that matter. The Kingdom was a liberal constitutional monarchy that, until the Bayonet Constitution, had encouraged all ethnicities to become subjects and to exercise political power.

Even after July 1887, when the new constitution became the governing document, the electorate debated long and hard about whether to sign on as voters or to boycott the special election in September of that same year. The numbers of Kānaka voters plummeted in that first special election, even though every male of European descent was encouraged and allowed to vote whether he was an actual citizen or not. Had the numbers of Hawaiian voters remained low in the elections of 1890 and 1892, it might be possible to argue that the Kānaka Maoli had given up and could no longer exercise political power. But according to Hawaiʻi State Statistician Robert Schmitt, while only 22% of Hawaiians voted for representative in the legislature, the Queen was the nominal Chief Executive. The Legislature controlled the Cabinet and the Cabinet controlled the Queen.  

---

30 Id.
31 Id. at 236–38 (asserting that Hawaiians had lost control of the Kingdom prior to 1893 by looking at elected offices along racial lines). See Van Dyke, supra note 6, at 149 (explaining that the February 1892 election “did not break down along racial lines” and that it produced a strange assembly, in which no party had a majority).
32 Beamer, supra note 7, at 15–16, 176–80 (describing the evolution of the Hawaiian Kingdom as a nation state); Willy Kauai, The Color of Nationality: Continuities and Discontinuities of Citizenship in Hawai’i 103–51 (2014) (unpublished Ph.D. dissertation, University of Hawai’i at Mānoa) (on file with authors) (discussing international recognition of the Hawaiian Kingdom and citizenship laws in the Kingdom prior to the 1887 Bayonet Constitution).
34 Kauai, supra note 32, at 109–51; Coffman, supra note 2, at 59–68.
1887, those numbers rose to 64% in 1890.\textsuperscript{35} Indeed, while deeply offended by the constitution, Kānaka Maoli demonstrated an immense respect for law itself and participated fully in political organizing before and after the takeover.\textsuperscript{36}

David William Earle’s 1993 thesis traces the emergence of political parties led by Kānaka Maoli and by haole who were outraged by the content and the way in which the Bayonet Constitution had come into existence.\textsuperscript{37} Though not always in agreement with each other, the Hui Kālai‘ōina and the Mechanics and Workingman’s Political Protective Union were able to coalesce by 1890 into a political coalition called the National Reform Party, which quite successfully challenged the wealthy planter-dominated Reform Party in 1890 and 1892.\textsuperscript{38}

But Burns thought that this whole story of the overthrow was the failure of one group, the Kānaka Maoli, to properly exercise their political majority and prevent the takeover. Speaking from a pulpit of incredible ignorance while manifesting white privilege, perhaps Burns faulted Kānaka Maoli for their lack of xenophobia or the value of aloha itself. This is a truly disturbing and objectionable analysis and ought to be examined in the wake of certain disturbing political trends in the United States. For if Burns is to be taken seriously, then we would have to assume that no black voter should vote for Donald Trump, no white voter for Barrack Obama.\textsuperscript{39}

\begin{thebibliography}{99}
\bibitem{36} \textit{VAN DYKE, supra} note 6, at 150 (describing his view that “Native Hawaiians had effectively wrested control of the Kingdom from those who had foisted the Bayonet Constitution on the Kingdom, and efforts were underway during the years that followed to reassert a stronger role for the Monarchy.”).
\bibitem{38} \textit{Id.} at v. Hui Kālai‘ōina (the Hawaiian Political Association) and the Mechanics and Workingman’s Political Protective united to form the National Reform Party and won the 1890 election. \textit{Id.} at v, 130, 139. The National Reform Party’s objective was to “maintain the independence of the islands and improve the situation of Native Hawaiians and the American and European lower and middle classes.” \textit{Id.} See \textit{id.} at 132–33 for the National Reform Party’s joint platform, or Declaration of Principles. The National Reform Party was able to organize the Legislature, elect its President, and control its committees, effectively forcing members of the “reform” Cabinet, led by Thurston, to resign. \textit{VAN DYKE, supra} note 6, at 149. The Reform Party represented the interests of American and European elite in Hawai‘i. Earle, \textit{supra} note 37, at v.
\bibitem{39} Of course, this assumption would be false. According to initial exit polls, in 2016, 8% of African-American voters voted for Donald Trump with Hilary Clinton earning 88% of their vote. Alec Tyson & Shiva Maniam, \textit{Behind Trump’s Victory: Divisions by Race, Gender and Education}, \textit{PEW RESEARCH CENTER} (Nov. 09, 2016), http://www.pewresearch.org/fact-tank/2016/11/09/behind-trumps-victory-divisions-by-race-
\end{thebibliography}
know this is absurd because political society is much more complex than simply a competition between races. More than that, we know that one’s ancestry does not make one into an automaton. And, ultimately, this latest American election will test our hope that a government of diverse peoples, with widely divergent ideologies, is capable of stability and able to be regulated by a common respect for law.

But maybe Burns did not know this. Maybe he thought that some people are deserving of political power and that it really does not matter whether it is secured through patient and persistent advocacy or whether it is permissible for certain ones to seize a government when they are dissatisfied. After all, he pointed out, “a small group of qualified voters who were not Hawaiian initiated the overthrow,” and remarkably neglected to state it would have never been accomplished without the backing of the United States Minister and landing of United States troops on Hawaiian soil.

In the end, the publication of The Crown Lands Trust article does credit to no one: not to the writer, not to the scholarship he ignores, and certainly not to the journal that thought this article worth publishing. And while we


Burns, supra note 1, at 238.

Burns only grudgingly acknowledges what the United States admitted in its 1993 Joint Resolution, apologizing for the role the United States played in the 1893 overthrow of the Hawaiian Kingdom. Burns, supra note 1, at 252. That resolution, passed by Congress and signed by President Clinton, concedes, among other things:

Whereas, on January 14, 1893, John L. Stevens (hereafter referred to in this Resolution as the “United States Minister”), the United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval representatives of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and Iolani Palace to intimidate Queen Liliuokalani and her Government;

* * *

Whereas, without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms.

can say that this article does no great harm if it is not taken seriously, that thought is no comfort in the wake of the latest American presidential inauguration.

The history profession is not free from ideology and bias, and we are well-aware that future professionals will find fault with our contemporary methods and assumptions. Indeed, Jon Van Dyke’s book on the Crown Lands makes claims that, as historians, we find wanting in logic, in understanding our country’s history, and in his read of the implications of Kingdom law. But Van Dyke did not violate the very important rules of scholarly research. He did not ignore scholarship that did not agree with him. He grappled with it, and we have no doubt that some of his own earlier beliefs were changed as a result of his research and his thinking about that research. That is not only what is missing in Burns’ essay. Because of its publication, this hallmark of research and writing, this faith in such an important process, is eroded.

42 In a review of Van Dyke’s Crown Lands book, which was co-authored by one of the authors of this article, we recognized Professor Van Dyke’s deep, thorough, and insightful research. Nevertheless, we took Van Dyke to task for suggesting “a limited, almost indifferent approach as a solution: an approach that would have Hawaiians celebrate civil rights gains through federal recognition while accepting our continued subordination as a legally recognized political subclass or native ward of the U.S. in our own homeland.” Perry & Osorio, supra note 10, at 340.

43 Indeed, one of the authors of this article praised Van Dyke for “relying heavily on good Kanaka Maoli scholarship as well as a very thorough review of court and legislative documents.” Perry & Osorio, supra note 10, at 332 (footnote omitted).