FROM RESISTANCE TO AFFIRMATION,
WE ARE WHO WE WERE:
RECLAIMING NATIONAL IDENTITY IN THE HAWAIIAN
SOVEREIGNTY MOVEMENT 1990 – 2003

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Abstract

In most texts about Hawaiian history, the Hawaiian Kingdom was overthrown in 1893. Hawai‘i, as a result, was then governed first by a Provisional Government, then by the Republic of Hawai‘i. Such texts further note that in 1898, Hawai‘i was annexed to the United States and, subsequently, became the State of Hawai‘i through a vote of the people in 1959.

This dissertation examines Hawaiian history from a different perspective, one based on the issue of ‘legality’, and on documentation that surfaced in the 1990s that challenges the United States’ claim to annexation of Hawai‘i. The illegality of the takeover by haole businessmen, the resistance of Queen Lili‘uokalani and her loyal subjects to the takeover, statements by then-President Grover Cleveland referencing the overthrow as an “Act of War,” in many ways set the tone for the present-day sovereignty movement.

Highlighted are some of the activities within the Hawaiian sovereignty movement during the 1990s and the first few years of this century that are turning points in the struggle for Hawaiian sovereignty. Identified spokespersons for the movement are extensively cited, as well as individuals with strong but thoughtful opinions. Many of the citations used were gathered and saved from emails or from relevant websites.
Prophecy, and the acknowledgement of spirituality as a grounding force in a unified movement, is a significant element, and serves to remind activists, and especially Hawaiian activists, that the work to re-establish the nation can only succeed if it is based in Hawaiian cultural concepts that are pono (correct or in proper relationship). Maintaining 'right relationships' between the people, the heavens and the earth is necessary to successfully carry forward the reclaimed Hawaiian nation and the identity of the people as Hawaiian nationals, as the Queen directed a century ago. Most importantly, it allows those involved in the struggle to see themselves, not as victims, but as masters of their own fate.
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Preface

One hundred and ten years ago, in 1893, Hawaiians found themselves at a political, economic and cultural crossroads, not the first time in the history of this independent nation. A gang of thieves, white men masquerading as clever businessmen and honorable Christians, many of them descendants of missionaries, attempted to steal the Kingdom.

Queen Lili‘uokalani, herself an astute and well-educated woman, knew that a time of turmoil was coming for the little Kingdom in the Pacific. She gathered around her those who held the nation close to their hearts, and mounted a campaign of resistance, in defiance of the military might of the United States. Standing on her second floor balcony at ‘Iolani Palace, she could see, from the short distance to Honolulu Harbor, the American warship Boston, with its guns pointed at her, as embodying the nation. With that very real threat before her, she made a decision on behalf of her people to steer the course of history to provide for Hawaiians of the future an opportunity to regain what would be taken—a country, a language, a memory of nationhood, the freedom to be and to remain Hawaiian subjects through a process of natural political evolution.

The Queen left evidence of her handiwork here and there—stories, songs, newspaper articles, directions for gathering petition signatures in protest of annexation, hosting of tea parties in Washington, D.C. to win allies for the
Kingdom, letters, photos—and today Hawaiians are busily collecting the bits and pieces left that tell of their own history, and what went down in 1893 at the so-called overthrow of the Hawaiian Kingdom.

Today there is a large and dynamic movement for Hawaiian sovereignty, much of it the direct result of Hawaiians learning about their history, and taking up the banner of the Queen, who continues to live in the minds and hearts of Hawaiian patriots. The thrust toward acquiring historic data, learning genealogy and Hawaiian language, reconnecting to the spiritual mana in nature, and practicing culture as passed down through the generations came about because of the realization that the indices that describe Hawaiians today—most in prison, most on welfare, highest morbidity rate, worst health, least educated, most economically depressed—stem from injuries of a century ago, injuries compounded and perpetuated by occupation of the Hawaiian homeland by a foreign nation that has continued until this day.

The resistance movement has steadily gained ground since 1893, and especially in the period from 1993 to the present, because Hawaiian activists are no longer reflecting on themselves as simply victims, as being the cause of their own disability. Rather they are seeing themselves as evidence of injury. As Skippy Ioane, noted composer and musician of Hawaiian resistance music writes, “we are the evidence, not the crime.”
The movement grows stronger daily as more Hawaiians come to understand their history, reconnect to ancestors and spirituality, and as a result, express their mana through loving and nurturing their physical environment. Using Hawaiian cultural concepts, especially aloha (love and respect) and kuleana (responsibility), as guides for behavior, Hawaiians in struggle daily commit themselves to efforts toward recovery.

Learning about and practicing legal strategies laid out in Hawaiian Kingdom law has empowered the ordinary Hawaiian to resist and to challenge the state of Hawai‘i and the United States, despite the personal and financial costs. Hawaiians of today, who have recovered a legal and accurate Hawaiian history, know that their cost can never be more than what the Queen paid.

It might be fair to say that the “reason” for the sovereignty movement today is to reconnect to what is above and what is below—to allow the mana to flow from heaven to earth, from earth to heaven, through the people who are in right relationship to both heaven and earth. When the connection is re-established, when balance is re-created, energy will flow and the earth will be cared for, all ancestors will be acknowledged and the Hawaiian people will thrive. The movement for Hawaiian sovereignty is more than just to create a political entity. The movement is to create some semblance of balance in the world in a way that would bring honor to the Queen and perpetuate her legacy.
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CHAPTER I

Introduction

Beginning with the Queen

"Oh, honest Americans, as Christians hear me for my downtrodden people! Their form of government is as dear to them as yours is as precious to you. Quite warmly as you love your country, so they love theirs. With all your goodly possessions, covering a territory so immense that there yet remain parts unexplored, possessing islands that, although new at hand, had to be neutral ground in time of war, do not covet the little vineyard 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 now 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."

Her Majesty Queen Lili' uokalani
The Constitutional Queen of The Hawaiian Kingdom
1881-1893

In 1979, the working group called "Hawai'i Loa Kulike Kakou" (All Hawai'i Stand Together) invited the public to participate in the Third Annual Queen
Lili‘uokalani Commemorative Ceremony on the ‘Iolani Palace grounds.\(^1\)

Participants were urged to “bring your `ohana, hear the history, and find out what is planned to remedy the outrage of 1893.” The invitation was to continue the sense of political solidarity of Hawaiians as a people united under the Queen, the last ruling Hawaiian monarch. The concept of `ohana, of gathering and learning as a family, was carried over from cultural practices from time immemorial, preceding even the Hawaiian monarchy. `Ohana was the foundation for both cultural and political continuity, with the responsibility to ho`omau (continue forever) as `ohana, a practice that continued in political gatherings and activities for the next quarter century. In years to follow, public events to celebrate culture, to honor ancestors, to remember history, were the means by which the `ohana passed what was learned to the next generation.

Young Hawaiians discovered gaps in the history of Hawai‘i they learned in school, about wrongs done to the Hawaiian nation by agents of the United States acting in concert with subjects and traitors of the Hawaiian Kingdom. But those

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\(^1\) Mahealani Kamau‘u, Executive Director of Native Hawaiian Legal Corp., shared in a telephone interview on February 2003, her recollections of the beginning of Hawai‘i Loa Kulike Kakou. In the early 1970s an organization called Home Rule was created as an advocacy group for Hawaiian rights. By 1974 the University of Hawai‘i Law School graduated its first class of Hawaiian attorneys, many of whom became active in the Hawaiian rights movement. Home Rule, which included as members Francis Kauhane, Darrel Aiona, Doug Ing and Pai Galdeira, advocated for control of land and native resources by Hawaiians. Home Rule later reorganized as the Council of Hawaiian Organizations, with many of the same people involved. Within a short time a second group, Hawaii Coalition of Native Claims was created with Kawalpuna Prejean at the helm. Winona Rubin, Buzzy and John Agard, Randy Kalakiki and others were active members. By 1978 the group adopted as their motto the words from a song written by Liko Martin—Hawai‘i Loa Kulike Kakou, All Hawai‘i Stand Together. While commemorative events to honor the Queen had already begun as an annual celebration, in 1979 the organization formally used Hawai‘i Loa Kulike Kakou as a rallying cry to gather all Hawaiians together under the umbrella of unity, and beginning with that first event, to focus on the Queen as leader for the duration of the struggle.
gatherings were also about training the youth to create and manifest appropriate responses. The next generation of young people was to take responsibility for the future in the presence of their peers and ancestors, and in the presence of the Queen whose spirit remained. Na `opio, the youth, were to move forward and reclaim ownership of lands, culture, spirituality, identity, and most importantly, history.

In 1993, one hundred years after U.S. intervention into the affairs of the Hawaiian Kingdom, Hawaiians raised a huge outcry, visible and audible throughout Hawaiʻi and beyond the United States, in protest of one hundred years of theft and injustice. In continued support of the ruling monarch of that time, Queen Liliʻuokalani, Hawaiians in 1993 committed to onipaʿa, to be steadfast in support of the Queen’s actions and in resistance to a foreign government that had used the threat of violence and a warship to steal the kingdom.

Hawaiians were angry, outspoken and rising out of the depths of despair that characterized the people of the Hawaiian nation for a century, despair at the loss of their culture, history and identity. That year, Hawaiians en masse moved toward action and practice, toward reclaiming all aspects of Hawaiian-ness that had been discouraged, removed, minimized and lost through time.
From 1993 to 1998, an amazing shift began to take place among those claiming ownership of na mea Hawai‘i, things Hawaiian. Hui Na‘auao Sovereignty Education Project was formed, and sovereignty education spread throughout the islands in a standardized and methodical way. Teachers of Hawaiian language, history and culture encouraged their students to learn about Hawai‘i’s history, taking advantage of newly created materials that Hui Na‘auao offered. The Dept. of Education approved a Hawaiian studies curriculum that provided an updated political history, in addition to merely cultural exposure, and the Kupuna in the Schools program was implemented. Also in the field of public education, Hawaiian language immersion schools were recognized as important enough to receive State funding.

A charter school, the first of a number of charter schools that focused on Hawaiian ways of learning, opened on the island of Hawai‘i, quickly followed by the establishment of other similarly focused charter schools on O‘ahu and elsewhere. University researchers and students of Hawaiian language and history created a surge of in-depth research into Hawaiian Kingdom history and laws. Students began to access information specific to Hawaiian Kingdom law and historic documentation of all kinds at the State Archives, public libraries, UH Richardson School of Law, and other archival centers. Genealogy research flourished.
During this time, one of the Great Petitions of 1897\(^2\) surfaced, changing the emotional and political tenor of the movement, and creating for many a personal connection to the turbulent times of the Queen’s reign. Activists on all islands began a movement towards land-occupation, primarily in rural areas and on neighbor islands. Throughout activist circles in and outside of Hawai‘i, a number of social justice organizations turned their support to the various Hawaiian issues in the sovereignty movement, creating in effect a movement of allies.

The tremendous flow of information via electronic mail and the Internet brought to Hawai‘i’s activist community a rising awareness of global issues connected to land rights and land struggles, and a better understanding of environmental justice and environmental racism. Coalitions across issues and across geographic boundaries began to emerge. The sovereignty movement became the local manifestation of the “Think Global, Act Local” mantra that was spreading across the world. Hawaiian sovereignty became a focus for many non-Hawaiian organizations and individuals looking for ways to roll back the spread of empire and seeking to merely live in harmony with nature.

Small Hawaiian communities, engaged in economic and environmental struggles, began to see that sovereignty offered opportunities to end old non-sustainable economic practices and replace them with high yield, low impact activities that, in effect, would lead to conservation of scarce resources, development of self-

\(^2\) The entire text of the Great Petition can be found at http://libweb.hawaii.edu/libdept/hawaiian/annexation/petition/pet007.html.
sufficiency and the creation of off-the-grid opportunities. While not sovereignty-connected, these communities supported the concept of sustainable development and self-sufficiency that a new sovereign Hawai‘i could offer.

On the island of Hawai‘i, the Red Road community opted out of the Hawaiian Electric Light Co.’s grid, and HELCO’s demand that everyone be a customer for their services. In Makua, a small community protested the continued military bombing and use of their ‘aina in a disrespectful and damaging way. By challenging the US Army, the Makua community created for media, and the rest of the world, the metaphorical picture of David and Goliath, refusing to step out of the way of the giant military machine, and in doing so drew the support of communities throughout Hawai‘i, on the U.S. continent and abroad.

3 Kat Brady, Assistant to the Executive Director for Life of the Land, shared some history about the “Red Road” community, noting that the mover and shaker in that fight was Athena Peanut, a resident in the area. Red Road was basically a solar community that opposed being hooked up to the energy grid. The community sued HELCO because of concerns about HELCO’s disrupting the habitat of nesting Newell shearwaters in the area. After years of living off the grid, residents were done in by realtors who started selling second homes to folks (likely from O‘ahu). These ‘newbies’ wanted to connect to the power grid. The community delayed the project for a time, but eventually HELCO won and the Red Road community was defaced by ugly steel giants that defaced their peaceful community. This took place in the late 1990s.

4 A number of community residents joined together to form Malama O Makua, the first ever concerted effort to respond to military presence in and use of Makua Valley for open burn/open detonation activities. The Wai‘anae Public Access Television Satellite Studio played a large role in documenting struggles at Makua Beach, across from the OB/OD site, the Hawaiian archaeological and cultural sites in the area, and the different species of endangered plants and animals native to Makua Valley. American Friends Service Committee also contributed ongoing and crucial support for raising consciousness about military, cultural and environmental issues at Makua, in particular the damage done by military maneuvers, polluted runoff resulting from military activities, and explosions caused by both air and on-the-ground detonations.
Small farmers in Wai‘ahole on O‘ahu and Ke‘anae on Maui sued for the return of water to sustain their taro fields and their traditional way of life. In Mokuleia, Hawaiian families, houseless but determined, staked their claim on lands owned by the State of Hawai‘i, risking ongoing harassment and arrest. In Kahana Valley, taro farmers chose to follow in the footsteps of their grandparents and great-grandparents, opening up new taro fields, attempting to live a more traditional lifestyle, and leaving productive and well-paying jobs to do it. In He‘eia coalitions began to form to demand that the State implement policies on water management that conformed to ancient Hawaiian ideas of ahupua‘a.Communities in Wai‘anae chose to form themselves into ahupua‘a districts for the City’s Development Plan, despite resistance from City planners.

In Waikiki the Ala Wai Watershed Association, a mainstream conservation group, received federal funding to implement a traditional ahupua‘a management system to improve the waters in the Ala Wai Canal. Incidences like these, and hundreds more on all the Hawaiian Islands, signaled a change in the thinking of a significant part of Hawai‘i’s residents, but also mirrored much of what was happening worldwide. A move was afoot to return control of land and natural resources to the communities most severely impacted by bad government policies. Even more, the atmosphere of the 1990s, activism across issues, seemed to be

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5 Ahupua‘a are ancient land divisions, very often valleys, that stretched from the mountain to the sea. Each ahupua‘a provided everything necessary for Hawaiians to thrive. Ahupua‘a tenants cared for the land, water and other life-giving resources and learned to manage their environment in a respectful and sustainable way.
laying the groundwork for concerted large-scale efforts to change government right across the board.

Hawaiian sovereignty became a way to make a public local statement about conservation of resources globally. Those engaged in conservation work began to recognize the contributions of native peoples worldwide.

At Mana, on Kaua`i, Hawaiians organized to resist the U.S. Army’s Star Wars Initiative, protesting against military desecration of lands. On Maui, Hawaiians organized to stop a big hotel from desecrating the bones of their ancestors buried in sand dunes near property owned by hotels, and therefore blocking the hotel’s ability to fully utilize its property.

The cultural, economic and political clashes between conservationists and traditionalists on the one hand, and big money, militarism and power, on the other, were most evident in challenges where the powerful needed only to wait out their opponents, knowing that there was no resource base to sustain the fight, only out-of-pocket determination and a desire to make right the wrongs of the past.

Sept. 11, 2001, and the bombing of the World Trade Center in New York City, strengthened the resolve of demilitarization proponents to speak louder and
challenge more forcefully to stop military wholesale killing of the people and squandering of financial and cultural resources.

In 1996 Kaho`olawe Island was finally transferred from the federal government to the State of Hawai`i after much protest and negotiation by the Protect Kaho`olawe `Ohana. The Kaho`olawe Island Reserve Council was formed by the State and a sum of money was provided by the U.S. Congress to clear the land of military debris, including unexploded ordnance, and to begin the process of restoration. While that money is due to run out (November 2003), the clean up is not completed, and the restoration is far from its intended outcome. Clearly, however, in order to get to the place where dialogue with the U.S. Navy could even begin, or for the Navy to admit culpability, Hawaiians had to sacrifice much more, and even to die.

In Hawai`i, the most significant thing that helped to shift the tide toward affirming and building and away from merely defending and resisting was the work done by Perfect Title Co. Perfect Title challenged the State of Hawai`i in a way that no other organization could, including the Hawaiian Nation under the leadership of Dennis “Bumpy” Pu`uhonua Kanahele.
Kanahele’s organization spearheaded the leafleting of tourists at Waikiki Beach in 1996, calling attention to the theft of the nation by the US in 1893. Tourists were confronted with reminders of the continuation of that theft, as well as ethnocide, and cultural and political destruction by the State of Hawai‘i. That action propelled Kanahele into the limelight, and led, ultimately, to his imprisonment for a separate and unrelated incident.

But it was the threat to land titles and land ownership that pushed the State of Hawai‘i to take drastic steps, first by changing the law to make illegal “frivolous” research into land titles, then by arresting the principals in the company. In both cases the threat to the State was economic. Without tourists the economic engine of Waikiki would falter. Without clear title to property, the realty industry would collapse.

Perfect Title Co., led by Don Lewis and David Keanu Sai, presented an even greater threat because the challenge to the State’s title to lands tapped on a weak spot—the question about how the State came to have title in the first place. And although the two men were arrested and indicted, their business closed and their equipment (including computers and records) confiscated, Perfect Title started a
process that could not be stopped and, to this day, the information uncovered lies
waiting for the appropriate opportunity to resurface.  

A case now on appeal deals with the issue of title to lands claimed by the State.
The State is challenged by the Office of Hawaiian Affairs and by individual
claimants represented by attorney William Meheula. Much hinges on the
outcome of this case, currently on appeal, but also on the process by which it will
be heard. Meheula will likely use it as an opportunity to again present Hawaiian
history in a way that takes the case out of the jurisdiction of the State court, as he
did in the first round.

Of equal importance was the finding of the petitions of 1897 that listed the names
of more than 17,000 people who resisted annexation to the U.S. In taking those
petitions to every island, Dr. Noenoe Silva shared the stories of the brave men and
women who rallied around the Queen and in support of the nation. Those stories
told more about Hawaiians as a people, then and now, than any other document
could. And of course the stories validated the notion of resistance and standing

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6 A section of this paper is devoted to the Perfect Title case in Chapter 5.
7 Chapter 5 also provides more information about the “Ceded Lands” case.
8 The petition itself is much too large to append, however information about the petitions can be
found on the Internet at http://www.starbulletin.com/1999/01/02/news/story1.html. The petition
signatures can be found, categorized by island, at http://libweb.hawaii.edu/libdept/hawaiian/annexation/petition/pet007.html.
9 Silva’s work is cited throughout this paper, and mention of these documents and their impact on
Hawaiians in the movement is often made in statements by others.
firm for the nation, of ku`e and onipa `a, as what the Queen did herself, and what she requested of the Hawaiian people.

In 1998, the centennial commemoration of the so-called annexation of Hawai`i to the U.S. solidified the sovereignty movement in a positive and affirming way. Hawai`i Loa Kulike Kakou stepped forward to claim a piece of Hawaiian history that had not, until that time, been publicly acknowledged. A 15-minute video titled “From Resistance to Affirmation: We Are Who We Were” was produced by Hawai`i Loa Kulike Kakou, and recalled on videotape the exact process by which the U.S. unsuccessfully tried to annex Hawai`i. The video, along with a resource booklet, cited every pertinent historical document of law for both the Hawaiian Kingdom and the United States to support its argument, and made its case clearly and concisely. But the most important impact was that everyone at the table, every Hawaiian group, every allied group, saw clearly the hoax that had been perpetrated by America one hundred years ago. Even more, they understood and took to heart the commitment made by their ancestors who signed the petitions of resistance.

Clearly, this was one more turning point in the struggle for sovereignty, and the movement’s political focus shifted from its singular steadfast resistance to American hegemony toward putting into place the elements of the new nation. Hawaiians, acknowledging their ancestral call and the wishes of the Queen, and
armed with documents and a greater understanding of their own history, rose to
the occasion, took up the oars and proceeded to set sail on the voyage to recovery.

There is a certain flow in how history is revealed to those in the Hawaiian
struggle. From the beginning, the sovereignty movement has been mindful of the
connections between past, present and future, and between earth, humans, and
ancestral spirits. The alignments, both horizontal and vertical, find man in the
middle. History is about “ka wa mahope,” both the past and the future. Such
concepts are often more than an English language-speaker or thinker might
understand. Keanu Sai explains it this way:

"ka wa mahope." "Ka" can be translated to be "the" and "wa" is the context of "time".
Mahope is a directional that refers to the past. The epistemological reasoning is that a
person's understanding of his/her future comes from understanding history, which is in
the past. The corollary Hawaiian word to this concept is "mo'olelo," which is translated
as history. In its literal context the word "mo'o" is a series and "oelolo" is to speak. So
the term mo'olelo is a series of stories that a person needs to know in order to chart a
course for the future. It is in understanding history that successes are capitalized on and
mistakes are learned. This understanding of the past provides foresight or wisdom, which
is called "'ike" in Hawaiian. Therefore, "ka wa mahope" can be summed up by this
metaphor: the value of history is that it's a film of the past (mo'olelo), run through the
projector of today (person), onto the screen of tomorrow (ike).

Presented here is a story about some of the activities on the road to 'ike and the
recovery of the nation-state of Hawai‘i. While all the significant and important
data may not be included, many of the players and the organizations that
contributed to the forward thrust of the movement have been identified and,
wherever possible, their voices are heard in the form of extended quotations.
Much use has been made of the Internet and a significant amount of information was gathered by email.

Chapters

Chapter II combines several different theories in anthropological discourse, with relevant ideas from other disciplines and from other thinkers intimately involved in the sovereignty movement. This method is meant to give voice to those within the movement who have sought to explain the larger issues involved, and why they participate, and to elevate the understanding of community participants who seek a broader view. Chapter II also includes a discussion on the uses of the Internet and email as research tools.

Chapters III – VI provide an overview of the sovereignty movement, with primary focus on the years from 1993 to 1998 as a time of tremendous and significant growth in activity. Specific organizations and individuals are highlighted. Specific events provide context for activity, and shifting ideas of nationhood. While many of the groups active during that time are identified, many more are not, due to space limitations. Although some written data exists about almost every sovereignty group, that information is sometimes difficult to come by. And when available, there is just too much to include in this dissertation.
One section of the overview is devoted to the building of allies within the sovereignty movement. These are the groups and individuals who, while not directly involved in the movement, have provided support, venue, information, services, testimony, and who have generally made space available in places where there would ordinarily be none.

Chapter VII deals with forms and symbols of resistance, most of which have a component of educational value and are geared specifically to raising consciousness: commemorative events, public forums, video programs on public access television, electronic discussion groups, email announcements, flags, t-shirts, and other memorabilia, news articles and newsletters, letters to the editor, informational packets, press releases, land occupations, petitions, and the like.

Chapter VIII covers the period from 1998 to 2003 and articulates efforts within the movement to achieve unity. Hawai‘i Loa Kulike Kakou surfaces again in 1998. The repeated message is ‘ohana, education, and the seeking of a remedy. In several instances, the ‘remedy’ is through legal challenges. In 1998, affirmation becomes a key word as individually and in groups Hawaiians seek to repair damages from the past with affirmative action in the present. The affirmative action is always education. Hawaiians begin to engage in dialogue on several different levels at once, less consumed with anger and instead empowered by knowledge that a way had been made by the ancestors to respond with strength.
and vigor today to the challenges that confronted the Hawaiian people a century ago.

The willingness of the many groups with somewhat different approaches to sovereignty to attempt to find commonalities marks a shift toward a new kind of movement that empowers all the groups together to find a unified position. This chapter explores the concept of the Living Nation.

Chapter IX attempts to analyze what has occurred over the last ten years or so to those engaged in the sovereignty movement as practitioners, and to those who have observed the movement as outsiders. In reviewing the events that have transpired during that time, certain actions and activities stand out as significantly important to those engaged in struggle as well as, perhaps, to those who have responded to those actions (i.e., the State of Hawai‘i, the federal government, the Friends of ‘Iolani Palace, the court system, law enforcement, City & County of Honolulu, State Legislature). The theory of action and reaction as it relates to power is reviewed. In addition, the concept of ‘affirmation’ as it relates to empowerment is explored.

Chapter X summarizes the events of the past ten years and introduces a new element—prophecy. For native peoples, and for Hawaiians in particular, prophecy
is as much a part of everyday life as science. Prophecy, oftentimes, is science. Dreams provide connection between past and present, the living and dead, ancient wisdom and modern methods. For those engaged in the Hawaiian struggle, prophecy can drive action when acknowledgment is made of the role of ancestors in present day activities. As Sponsel notes, “prophecy provides an alternative path to knowledge, understanding and wisdom.”

Among other things, this paper is an attempt to tell the story of Hawaiian people in struggle, impacted by a wave of foreign ideas and ways of being that came to Hawai‘i’s shores packing power and violence for which Hawaiians were ill prepared. This is not a new story. Rather this is the story of all native peoples who have been consumed by the West, by the desire of Europeans and Americans to take and own and control. But resistance has always been present, although glossed over by non-native writers who, in different ways, also consumed and owned and controlled.

Resistance in Hawai‘i has shifted toward nation building, toward a clearer understanding of history and an acceptance of history as sacred. While the dissertation focuses on a relatively short period of time, many of the issues from a century ago are still issues today, unresolved and not forgotten. What has

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changed, however, is that Hawaiians today believe they can shape their own
destiny, and that history has given them the tools to do so.

One thing should be mentioned: in many ways this is also the story of a people
trying to reconnect to history in the firm belief that history can help determine
future paths. The voices of the ancestors, as Hawaiians believe, are embedded in
a correct understanding of what came before. Hawai‘i Loa Kulike Kakou was
created to bring people together to find common ground and to hear those
ancestral voices. This dissertation is meant to show how the effort has
contribute d to move Hawaiian activists from resistance to affirmation, with a
recognition that Hawaiians today, politically, spiritually and culturally, are very
much who they were in the past.

Finally, finding ways to allow people in struggle to tell their own stories is often
difficult. The writer very easily ends up telling the story for them. The challenge
is for the writer to step aside and let the stories unfold by allowing the voices of
the individuals to speak at length and without too many interruptions. I have
made an attempt to facilitate this happening. The Afterword allows me to tell my
own story after I've told theirs.
CHAPTER II

Theory and Methodology

A survey of anthropological thought for the last several decades provides several different theoretical perspectives that have application to the study of the Hawaiian sovereignty movement today. My own preference is a selection of elements from different theories that make sense when combined, even though these elements proceed from schools of thought somewhat different in orientation and historical background. Theories I find useful also arise from within the sovereignty movement contributing an *emic* perspective, adding depth and richness because of the inside-looking-out point of view.

Arjun Appadurai,\textsuperscript{11} whose work takes an anthropological approach to problems such as modernity, globalization, consumption, and public culture, provides ideas that are appealing. While these areas may not be traditional anthropological fields of research, his thoughts are useful in developing a theory for looking at Hawaii and at the sovereignty movement. Appadurai believes that the nation-state, which is what ultimately many Hawaiians are seeking to restore, is in crisis because of the huge flow of people, money, technology and ideologies across the globe. The result of this flow has implications for maintaining cultural integrity. Those involved in the sovereignty movement agree that cultural integrity is what keeps the movement in focus. Again, recognizing that direction comes from the past,

\textsuperscript{11} Appadurai 1996:13.
from ancestors whose agendas were not fully known until research uncovered the petition protesting annexation to the United States in 1897, Hawaiians involved in the sovereignty movement today are engaged in creating a clearer understanding about how that movement is to proceed.

Appadurai believes that the nation-state is in crisis. He thus argues that current global processes of migration and communication will lead to the deterritorialization of identities. This will occur in a world that will be "increasingly culturally hybrid by a growth of diasporic public spheres and the global flow of images, finances, technologies, and ideologies." He suggests "thinking beyond the nation." by imagining a form of sovereignty that "replaces territoriality with translocalities."12

Anthropology is for Appadurai an archive of lived actualities.13 Anthropology reminds him that every similarity hides more than one difference and that similarities and differences conceal each other indefinitely. For him anthropology brings with it a professional tendency to privilege the cultural as the key diacritic in many practices. This tendency is crucial for his approach, as he argues for the cultural dimension of processes such as globalization and consumption.

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12 Appadurai 1996a.
13 Appadurai 1996:11.
For example, recently there have been theoretical developments in anthropology among those seeking to explain contemporary processes of cultural globalization and transnational culture flows. This "anthropology of place" approach, as applied to Hawai‘i, does not attempt to polarize autonomous local cultures against the homogenizing movement of cultural globalization. Instead, the emphasis of this line of research is to understand and explain how dominant cultural forms such as modes of resistance are "imposed, invented, reworked, and transformed" in the creation of something resembling the old but now in the service of minority cultures and groups. In order to understand this approach, an ethnographic "look" is required to comprehend the inter-relations of culture, power, and place: place making, identity, and resistance.¹⁴

In the case of Hawai‘i, there is no doubt that global forces and a multitude of cultural layers (Japanese, Chinese, European, American, Filipino, Korean, Portuguese, Puerto Rican, other Pacific islands) have permeated and infused the Hawaiian "place", as well as culture, since the 1850s. A review, for example, of the Registry of Denizens and Naturalized Subjects of the Hawaiian Kingdom (circa. 1840 – 1893)¹⁵ reveals that just over 15% (around 7,500) of those living in Hawaii during the mid-1800s were foreigners who applied for naturalization or denization.¹⁶ These foreigners were part of the larger Hawaiian community.

¹⁴ Gupta and Ferguson 1997:6-7, for example, have focused on more than just the "local".
¹⁵ From the State of Hawai‘i Archives.
¹⁶ Denization was a constitutional prerogative of the Office of the Monarch, whereby a foreigner may have all the rights and privileges of a Hawaiian subject, but is not required to relinquish his
They brought, in addition to diseases and different philosophies, new kinds of food, plants, cooking utensils, tools, musical instruments, animals and forms of governance. Hawaii’s geographic location in the middle of the Pacific, the most remote spot on the planet, made it a natural for ships in need of refueling, ships that brought with them a ‘manifest destiny’ mindset, but also things of value to the ordinary Hawaiian person.

For Europeans, Hawai‘i was the place in the center of the world where foreign (Hawaiian) dominant cultural forms already existed. Hawaiians were foreign to Europeans. Europeans reworked Hawaiian forms of dominance until they fit European standards, transforming the foreign into European models and ethos, which then became both ordinary and dominant. In essence a double transformation took place in Hawai‘i, first with Europeans shifting Hawaiian forms of dominance to European forms in a Hawaiian place. And then, with the knowledge and agreement of Hawaiians themselves, who saw transformation as a survival strategy, a second reworking took place, allowing Hawaiians to transform themselves in their own place to meet the challenges of the future. The most obvious transformation was in the form of the Hawaiian monarchy.

allegiance to his native country, as is required under naturalization. Denization was dual citizenship, accompanied by an oath of allegiance to the Hawaiian Kingdom. It was reserved to those foreigners who may not have resided in the Kingdom for five years or more, but their services were necessary in the affairs of government, both local and abroad. The children of Hawaiian denizens born on Hawaiian territory were considered Hawaiian subjects. Examples of Hawaiian denizens were special envoys who negotiated international treaties, and officers serving in the Hawaiian government. A direct descendant of a child of a Hawaiian denizen born in the territory of the Hawaiian Kingdom possesses Hawaiian nationality unless shown that such nationality was legally extinguished.
In the next one hundred years, changes in the power structure brought about by political and economic conflict spurred by American hegemony introduced other dominant forms such as military power, Christianity, and new technology—and new forms of resistance. Resistance to taxation without representation, resistance to bad government—these were active processes used by Europeans for keeping government in check. Hawaiians adopted new ways to respond to external pressures as the Hawaiian nation moved into the global arena, and methods of resistance naturally came along with these new ways of thinking.  

From the time of missionary presence in the islands in 1820, to the creation of the first constitution in 1840 (and the Declaration of Rights that preceded it in 1939), Hawaiian leadership appropriated European and American political and economic strategies to protect the nation against foreign takeover, insuring the support of the populace by giving the people basically the same rights which Americans waged war with Britain to obtain.

In this process, the borrowing of Western political ideas for situating place in the global context, Hawaiians well recognized the wisdom of not reinventing the wheel. European advisors helped the monarchy to place itself in the world.

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17 One mode of resistance used by Hawaiians during the Kingdom era was the petitioning of the monarch to call attention to the needs and desires of the people. A good example was the petition of 1897 signed by more than 17,000 people to protest the annexation of Hawai‘i to the United States.

18 Hugill 1996:344.
Adopting foreign political and economic strategies assisted in preparing the monarchy for entry into statehood. As a result, cultural changes also occurred that increased similarities between European/American culture and Hawaiian culture, certainly outwardly. While it may be argued that the process was reciprocal, little documentation, if any, exists in support.

There was, in Hawai‘i, a process of systematic cultural change carried out by an alien, dominant society under conditions of direct contact between individuals of each side. And while Hawaiians for a hundred years after the first Europeans arrived continued to be the majority, soon enough they became a minority culture through a process of acculturation. Eventually, with Hawaiians appropriating political, economic and educational ideologies that aligned with European/American standards, Hawaiians became American-like, taking on the American persona to complete the process of assimilation. Or so it seemed.

Assimilation can be described as a series of stages through which an individual must pass. The stages include: behavioral assimilation (acculturation), structural assimilation (social assimilation), and marital assimilation of individuals of both the minority society and the dominant society. These stages appear to be applicable at different degrees and in different time periods for

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19 Kroeber 1948.
20 Winthrop 1991:82-83.
Hawaiian society. Certainly by mid-1900s, following World War II, most Hawaiians had become Americans, fully acculturated, fully assimilated, and fighting for “their country”, America, in wars across the sea.

Early on, intermarriage of the aliʻi to the haole set the tone for cross-marriages generally, and this marital assimilation helped speed the process along. Socially Hawaiians struggled to find their place in the new society comprised of Americans and Europeans in positions of power in both government and business.

While Hawaiians by the late 1800s were almost entirely literate and able to “fit in” to what had become an American dominated social structure, the process for disenfranchisement had begun. As haole businessmen gained greater control over political and economic spheres, the Hawaiians began to lose ground. The transformation of dominance from Hawaiian to American had begun.

Acculturation and assimilation have most often been studied in European immigrants in the United States during the nineteenth and early twentieth centuries, as well as minority groups already living in the United States. European "white ethnics" have experienced a higher rate of assimilation than nonwhite, non-European, and more recently immigrated groups. These studies have resulted in several important cross-cultural generalizations about the process of
acculturation and assimilation. In Hawaii, the non-white, non-European Hawaiian person faced severe problems in trying to assimilate, despite the fact that this drama was being played out in his own homeland.

By the time of the arrival of the first immigrants, Europeans had “given up” on Hawaiians, seeing them as unworthy and unable to do good labor, a reason for the importation of labor in the first place. Chinese, Japanese and Filipino laborers faced similar racist stereotyping. But the Portuguese and European laborers were given special treatment because of their light skin “similarities.” Europeans brought to Hawaii as contract laborers protested the harsh life and went home.

Regarding acculturation and assimilation, Thompson (1996), suggests some generalizations: First, dominant cultures coerce minorities and foreigners to acculturate and assimilate. This process is slowed down considerably when minorities are territorially or occupationallly concentrated, such as in the case of large native minorities who often become ethnonationalistic. Hawaiians residing in Hawaii may be considered an example of an ethnonationalistic minority. Second, acculturation must precede assimilation. Third, even though a minority may be acculturated, assimilation is not always the end result. Fourth,
acculturation and assimilation serve to homogenize the minority group into the
dominant group.

Winthrop, on the other hand, sees acculturation as contrasting with diffusion of
culture traits, in that it is a process of systematic cultural transformation of
individuals in a society due to the presence of an alien, politically dominant
society. Cultural traits then change as a result of contact.\textsuperscript{26} Certainly Hawai'i
qualifies as a society impacted by cultural transformation of individuals in the
presence of an alien, politically dominating society.

An explanation of the sovereignty movement in terms of cultural relativism may
help in understanding some of the behaviors of activists who use rituals and
practices in gatherings throughout the islands. Both Barfield and Boas lend
perspectives that clarify meaning through observation and participation. The
ceremonies and rituals that occur in Hawai'i are specifically geared to Hawai'i
because of the islands' unique geographical location. Hawai'i is like nowhere
else, and Hawaiians believe much mana (spiritual presence, energy) is embedded
(and physically grounded) in the `ainia, in the wai and kai (land, water and sea),
and in the ancestral spirits which reside here. Barfield notes that the only way to
truly understand the meaning of observations is to place them in historical
context. One way to think of rituals and ceremony in historical context is to

\textsuperscript{26} Winthrop 1991:83.
acknowledge, as many in the movement do, that a present-day ritual activity is the modern day re-creation of something enacted in the past, an ancestral action. There is nothing new in the ritual itself, only new participants in a modern context.

Bernard and Spencer cite Boas' idea of culture arising out of a combination of geographical conditions, resources and accidents of history. Given the belief of many in the Hawaiian sovereignty movement that the purpose of the struggle is specifically to maintain the ground upon which life depends, this theory provides a good fit. Mair adds her concern with public affairs in any given culture, including the contemporary processes of colonization and land tenure. These are ideas that resonate with meaning for Hawaiians trying to make sense of the larger picture in order to plan strategically for next steps.

Conflict and Resolution

A brief discussion regarding Max Gluckman, and what is referred to as the Manchester School of Thought, is appropriate here. In this approach, situations of conflict are contained within an apparent overriding order. That order is continually threatened by the reluctance of individuals to accept compromises that do not fulfill their immediate desires. This interest in conflict, with a focus on

27 Bernard and Spencer 1996:139.
analyzing actual situations, makes sense in terms of studying the conflict in Hawai’i today as it plays out in the sovereignty movement. The movement is not the conflict, but a manifestation of societal conflict that already exists. What appeals in this methodology is a focus that goes beyond conflict and examines resolution.29

In this approach, social problems are seen as the products of colonialism. Those problems are observable in industrialization and labor migration. Gluckman assumed two systems of subsistence existed for native peoples: traditional and industrialized. With the change to a wage economy, traditional peoples were forced to work away from their traditional subsistence methods. Traditional practices were sacred practices, and separation from traditional work meant separation from the sacred.

In Hawai’i traditional subsistence methods were farming and fishing, emphasizing a strong connection to earth, sky and sea, coupled with the continued practice of protocols between man and nature that existed long before the first visitors came to Hawai’i’s shores. As time went on and work changed, other protocols were required. But industrialization presented a problem, as it, too, required protocol. Industrial labor provided wages, but with no recognition of the sacred in the

29 Colson 1979.
exchange. It was an uneven tradeoff. It hurried the Hawaiians into a system of protocols minus *mana*.

Gluckman believed that migrants and laborers tended to select out particular behaviors from either dominant or minority system to suit the specific social situations that they encountered.\(^{30}\) It was a way to balance life. Individual actions within a system were significant reflections of larger processes within the social system. In moving to commercial and industrial centers for wage work, for example, many Hawaiians were cut off from their `ohana, their primary social support systems and from the ground, the `aina, of their birth.

Having family to call upon during economically difficult times meant that there could be movement laterally—Hawaiians had both a home to go back to if necessary, and relatives close by to provide other kinds of support. `Ohana was a kind of built in insurance and a means for providing balance in life. Hawaiians living in a changing world where illness, loss of land, and confusion reigned were striving to be pono in a world that was becoming increasingly unbalanced. Traditional and industrial labor exchanges for Hawaiians was significantly different than for immigrant laborers. Immigrants, during plantation times, either were forced to create new support systems or to bring their support systems with

\(^{30}\) Gluckman 223; 1963
them.\textsuperscript{31} But their connection to their “place” could only be revived by going home to their place of birth or, and this is what actually happens over time to everyone, their place becomes the place they live in.

The problem here was that the place the newcomers chose to live was already someone else’s place. Hawaiians, having no choice, moved over to accommodate immigrants brought in by the haole oligarchy until Hawaiians themselves were displaced. The displacement has continued until today, and Hawaiians now form communities outside of Hawai‘i in cities and towns all over California, Oregon and Nevada. Unfortunately, the protocols that connect the Hawaiian to his place, where his roots are, where his `īwi, his bones, are buried seem no longer to apply.

These ideas formed a central set of analytical concepts for describing what Gluckman believed was going on in a society.\textsuperscript{32} In his view, conflict maintained the stability of the system, its social cohesion, through the establishment and re-establishment of cross-cutting ties among social actors. Perhaps a better way to describe this is to say “the more things change, the more they stay the same.” Seen from afar, the mechanisms of power and the structure of a society remain in place, while the players change. The little dramas that manifest at the lower

\textsuperscript{31} The Japanese immigrants brought with them the practice of selecting wives (“picture brides”) from among their own ethnicity in Japan. Chinese men immigrating to Hawai‘i often married outside their own ethnicity, making new ties in Hawai‘i. Families with names like Akiona, Akui, Apana, Apio carry Hawaiianized versions of Chinese names as a result of intermarrying, and generally are well-known in the present multi-ethnic Hawai‘i community.

\textsuperscript{32} Kuper 1983:148.
levels of this kind of hierarchical model do not change the model, but rather
describe something that solidly exists, in spite of the players or their actions.

In Hawai‘i, subsistence systems played out differently, as Hawaiians were not
migrants, although in the late 1800s and early 1900s they did eventually perform
the same work as migrant laborers. During the time of the plantations,
Hawaiians became laborers treated as migrants, a practice that continues today.
But crosscutting ties did exist at the subsistence level for both industrialized
(city dwellers) and traditional subsistence modes. The islands were small enough
so that Hawaiians in or outside of the city were sure to find relatives nearby.
Moreover, the idea of “rural” could apply to almost any land area outside of the
city proper, or where the roads ended. Hawaiians were definitely rural. In
addition, Hawaiians remained on the land whenever possible and practiced
subsistence living in addition to working for wages. Hawaiians lived close to the
land whether the land was theirs or belonged to their relatives. In the early

33 Fuchs 1961.
34 Professor Emeritus Marion Kelly from the UH Manoa Ethnic Studies Dept. notes that this
practice both exists within and is perpetuated by academia, and calls it the “new plantation”
mentality, or neo-colonialism disguised as education.
35 Gluckman 1963.
36 Mrs. Anna Cazimero (82 years old) from Holualoa, Ka‘u, Kona on the island of Hawai‘i
shared stories about her growing up in Kona. Several aunts and uncles occupied homes nearby.
All the adults worked for the coffee plantation during harvest time. Children also worked,
sweeping the floors, picking up trash and doing other menial jobs. The parents were not unhappy
with the arrangement, as it meant that the children were occupied and nearby, and they also
contributed to the family income. Cazimero’s father was a fisherman and provided fish for all the
‘ohana. She noted that, like many other ‘ohana scattered throughout the area, all the homes
belonged to one or two persons. Her mother’s cousin owned the six or seven little homes where
she and her family lived. One or two homes in the group were usually empty and if a relative
needed a place to stay, they simply moved in.
1900s, Hawaiian families continued to live as ‘ohana without paying too much attention to who owned what.

Gluckman articulated a second position concerning systems management or “spheres of articulation.”37 In relations between village organization and the state, for example, such processes were observable. Paying attention to an “interhierarchical” role38 was one method for understanding political hierarchy. The person in that role, the headman or chief, was subject to conflicting interests and pressures from both the higher political order and those beneath him. By looking at the political activity around someone in this position, and how that individual negotiated different levels of hierarchy, an observer might gain insight into the shifting economy of colonial systems.39 As applied to the sovereignty movement, this perspective provides some insight.

Few, if any, Hawaiians in positions of power in the present day society are activists in the Hawaiian sovereignty movement. For them, the dominant culture is American, and hence they describe themselves as Americans. Activists describe them as U.S. Hawaiians. Two political hierarchies exist. One is the hierarchy of assimilation that focuses on American culture as dominant. This hierarchy includes Hawaiians who have successfully assimilated and have found

37 Werbner, 1984: 157
38 Swartz, Turner, and Tuden 1966
positions of authority and power in the present system. They manage their
“spheres of articulation” successfully and are called upon by the dominant culture
to justify the present order of domination. They generally surround themselves
with others who are similarly assimilated. They either fail to see that the
dominant culture has caused irreparable damage to their own culture, or they have
successfully merged their own culture into the other and, for all intents and
purposes, have shifted cultural affiliation.

The other political hierarchy is found within the movement. Here the “spheres of
articulation” focus on Hawaiian culture as dominant. Those spheres include
cultural grounding, spiritual connection, political articulation and active modes of
resistance.

In colonial situations, what Gluckman refers to as tribal values persist side by side
with industrial values. The internal inconsistency can be best understood using
the concept of situational selection. Situational selection posits that social actors
choose beliefs that seem appropriate to whatever sphere they happen to be
operating in at the time. Hawaiians are challenged daily to exist in more than one
sphere at once.
Sometimes what is appropriate in one circumstance is inappropriate in another. As an example, cultural protocols upon beginning or ending programs or meetings, or when receiving high-ranking visitors from outside of Hawai`i, are often required when Hawaiians host non-Hawaiians. Center for Hawaiian Studies at UH Manoa is generally the site where such protocols are displayed for high-ranking visitors to the University. The Center, on behalf of the university, becomes the host.

Outside of the university, cultural protocols are practiced with or without high-ranking visitors, in ordinary or extraordinary circumstances, in formal or informal ways, by whoever happens to be present and is so moved. Many times protocols are practiced as a regular part of meetings. In such instances cultural protocols function as a reminder about what it means to be a Hawaiian person in Hawai`i, as well as what it means to be a non-Hawaiian person in Hawai`i. Protocols remind those present that ceremony connects participants to ancient practices and grounds them in ways specifically Hawaiian. Such behavior sets Hawaiians apart. Protocols function to draw that line, to make a clear distinction between those who are Hawaiian, and can initiate protocol, and those who are not.
Ritual is generally seen as functioning to displace conflict. "In ritual...the ultimate emphasis is that harmony among people can be achieved despite the conflicts, and that social institutions and values are in fact harmonious--ultimate statements that are belied to some extent by the ritualization itself. Ritual can do this since each ritual selects to some extent from the gamut of moods, of cooperative links, and of conflicts". Gluckman predicted that moral dilemmas were likely to be more complex in less complex societies. He points out that in less complex societies each individual must simultaneously fill a number of varied roles and consequently face the differing expectations of the other members within society. Gluckman characterized simple societies by their multiplex ties. He observed that within the different spheres of relations, for example: political, kin, and religious, a person in a simple society would have ties to the same people in many of these different spheres. On the other hand, he observed that a person in a more complex society would have fewer overlapping relations among spheres. He called simple societies, multiplex and complex societies simplex. He suggested that within the simple multiplex societies ritual functioned best, because it simultaneously marked roles and convinced people that despite their many conflicts, they shared overarching values. In ancient Hawai`i it might have been so. In present day Hawai`i it exists side by side with the other. The sovereignty movement is multiplex and rife with ritual.

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41 Kuper 1983.
Gluckman’s theory on ritual is clearly applicable in describing what happens at events where Hawaiians gather to express group resistance to federal and State policies. Activist rituals include waving signs, chanting loudly and displaying in-your-face attitudes while wearing appropriate Hawaiian attire. These approaches seldom vary and have come to be expected. For example, at a recent demonstration sponsored by the Office of Hawaiian Affairs at the State Capitol, one disgruntled Hawaiian man held a large sign with the words “Fuck OHA” clearly written in large letters. Not too many were offended by the sign, but he was encouraged to remove himself from in front of the Queen’s statue. His placement was inappropriate and a departure from accepted ritual behavior.

Rituals, when appropriately sanctioned, help to remind participants that the activity engaged in is a kind of re-enactment of an ancestral activity—no act is new although variations exist; rather Hawaiians of today stand in the footsteps of their ancestors and re-create the same meaningful activities. This realization serves as a control over behavior, as participants become their own ancestors through action and remembrance. As participants they are mandated to behave with respect. Potential conflict is averted. The ritual provides release of energy.
Victor Turner\textsuperscript{42} focused on the explanation of four central ideas: (1) ritual meanings are coded social meanings; (2) ritual codes have a profound effect on the mind; (3) the social drama is a repetitive set of patterned activities; and (4) \textit{liminality} is the way people stretch beyond limitations of their roles. He further noted that \textit{communitas}, the integrated, individual experience of cultural harmony, allows the social fabric to stay together since it allows for the structure and function of social existence.\textsuperscript{43} For those in the movement, this is an accurate description of every sovereignty gathering, no matter how large or small. All of Turner's explanations apply.

Elizabeth Colson explored the question of how individuals, as part of a dispersed community, ritually associate with the land based political economy and political authority.\textsuperscript{44} She developed the focus of her research on shrines or sacred places, those significant public areas around which people arranged the foundations of public peace. For example, in Hawaii 'Iolani Palace and the Royal Mausoleum on O'ahu, have become places of public peace, safe ground where Hawaiians can congregate, being respectful of one another and of the ancestors, and in remembrance of history. In Waimanalo, on the Windward side of O'ahu, there is

\begin{footnotes}
\item[43] Bohannan and Glazer 1988.
\item[44] Colson 1971.
\end{footnotes}
a place called Pu‘uhonua o Waimanalo, another safe place for Hawaiians and
other activists to gather. Every part of the ‘aina was a safe place once, but
activists now confine themselves to places where there is access.

A Hawaiian Perspective

Hawaiian activists also have theories about the movement, why people
participate, and what potential outcomes can be expected. Poka Laenui, a
Hawaiian activist and attorney from Wai‘anae, examined the work of Enriques,
who outlined six steps in the process of colonization:

Colonization and Decolonization are social processes even more than they are political
processes. Governance over a people changes only after the people themselves have
sufficiently changed. Let's examine the stages of both colonization and decolonization,
beginning with Enriques' steps in the colonization process:

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;

3) Denigration/Beleittlement/Insult in which any practice, observation, or
acknowledgment 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."

45 From a talk given on October 8, 1993, to commemorate the great gathering of people at Palace
Square in 1893 to protest efforts to annex Hawaii to the United States. The talk was titled “On
Colonization and Decolonization.”
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.

Laenui challenged the concept of complete assimilation as the inevitable consequence of acculturation (what Bodley, in *Victims of Progress*, calls “realism”), noting that value systems of the minority or weaker culture are a part of the entire configuration of culture.\(^{46}\) It may not always be possible for the minority culture to take over the complete way of life of the majority culture. Often a period of transition follows where the minority society increasingly loses faith in its own traditional values, but is unable to adopt the values of the dominant culture. During this transition period there is a feeling of *dysporia*, in which individuals in the minority society exhibit feelings of insecurity and unhappiness.

Laenui suggests 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.

\(^{46}\) Titiev 1958:200.
Phase I: REDISCOVERY AND RECOVERY

This phase sets the foundation for 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 ranging from deep anger to exceeding joy.

The Hawaiian society has been in this phase since the late 1960's 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 60's 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 Hawaii'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. Theatrics that 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 are able to lament their victimization. This is an essential phase of healing. Even in individual tragedies where one is a victim of some crime, has experienced death of a close loved one, suffered from a sexual assault, the victim must be permitted a time of mourning.\footnote{The Oglala Lakota nation has the "Wiping of the Tears" ceremony to accomplish the same need for mourning. Source: Interview with Birgil Killstraight, \textit{A Second Glance}, ibid, April 11, 1992}

In Hawai‘i, the symbolic mourning of the loss of the Hawaiian 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 Hawaii 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.\footnote{This event has been preserved by a 9-hour audio cassette album, \textit{Three Days in January, The Overthrow of the Hawaiian Nation}, available through the Hawaiian National Broadcast Corporation.}

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. They can get "stuck in the awfulizing" of their victim-hood.

Phase III: DREAMING

This phase is the most crucial for decolonization. Here is where the full panorama of possibilities are expressed, considered through debate, consultation, and building dreams on further dreams which eventually becomes the flooring for the creation of a new social order.

It is during this phase where people colonized are able to explore their own cultures, their own aspirations for their future, consider their own structures of government and social order that encompass and express their hopes.

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, bringing baby out earlier than its natural time, could prove dangerous if not disastrous.

An examination of the Pacific as well as the world's decolonization pattern may be helpful. There are many instances 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 nations, as well as African nations, and see if they reflect 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 that pervaded the society at the time of foreign departure?

In Hawai‘i, the dreaming is now vibrant. As the intensity in the debate of Hawai‘i’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:

a) Economic ramifications of Hawaiian Sovereignty upon the following:

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

b) International legal principles which apply to the Hawai‘i 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.

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.

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 is 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 important Pacific, African, and Eastern European experiences. Your observations are welcomed.

Laenui offers a theory that comes out of the Hawaiian experience. One problem for those within the movement lies in the use of terms that are now contested. As consciousness spreads throughout the sovereignty movement about Hawaiian history, and the populace is exposed to and understands more about Hawai`i’s
relationship with the United States over the last century, questions will arise about the context of the relationship between the US and Hawai`i.

Was Hawai`i a colony? On paper, perhaps not. Hawai`i was an independent nation. But was the experience of Hawaiians that of a colonized people? Undoubtedly. Hawaiians four generations ago experienced a takeover, a disenfranchisement and a drain of resources, cultural and otherwise, that has continued for 110 years. Hawai`i was and continues to be a resource base for the US. But the term “colony” implies something that is considered by some politically incorrect. The sovereignty movement’s attempts to bring itself current regarding Hawaiian history will likely cause changes in the words Hawaiians use to tell the story about Hawaiian history. Laenui’s theory, however, is useful, and the thinking behind it makes sense.

*Researching Online – Contemporary Research Methods*

Finally, a discussion on method is appropriate, especially in light of the almost instant access to information available through the Internet and email. This is, indeed, the age of technology. Interviews can be conducted and comments gathered through personal exchanges of emails between a researcher and someone in a foreign country simply by typing in questions and waiting for a response, which may come within a few seconds. Access to information shared in
discussion groups on Hawaiian sovereignty is almost instantaneous. Moreover, emails from one email group discussion are forwarded to others in relatively indiscriminate ways, so for all intents and purposes, emails may be considered a form of public presentation or dialogue. Whoever reads what any individual posts, unless specifically asked to hold such writings in confidence, has freedom to quote the words of others by cutting and pasting into a document almost anything anyone writes.

There are, however, protocols to be observed, especially when doing research in a community of activists. Activists, as a group, generally feel free to criticize researchers who take and use information without first asking permission. While I, personally, had access to numerous personal emails and discussion lists, saved over a number of years, as well as to general information from sovereignty and Hawaiian websites, I was careful to ask permission before citing personal revelations. When taking information from a website, I noted which website and cited the web address in my footnotes and in the bibliography.

Researching via the Internet is revolutionary in that libraries of information are now at the fingertips of those who have access to computers and to the Internet. Photographs of current events, such as the war in Iraq, are available at a click. Global politics play out daily through news messages and the newspapers online. Announcements are sent out to hundreds and thousands at once. Organizing
through email notices is steadily becoming easier as notices of interest sometimes circle the world and then return to the original sender through a process of networking that is almost unimaginable in scale. And the cost of sending and gathering information is minimal, once the original investments in hardware and access have been made.

While the downside of this virtual communication may be a lessening of real time (and real fact to face) interaction, the upside is the ability to work at all hours of the day or night, at one's own convenience. A separate benefit is the ability to expand knowledge about local and world affairs without having to look beyond the computer screen.
CHAPTER III

Hawaiian Sovereignty – An Introduction and Overview

"I Liliʻuokalani, 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...Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

What is sovereignty?

Hui Naʻauao Sovereignty Education Project was faced with answering that question when, in 1992, it embarked on the development of curriculum materials to help educate Hawaiians about the issue of sovereignty. First, it

49 In 1992 Hui Naʻauao Sovereignty Education Project gathered together the leaders of every identified sovereignty and Hawaiian organization in the first major effort to bring together proponents of sovereignty from all islands to begin the process of creating a Hawaiian nation. Representatives from 45 organizations sat on their board. Spearheaded by Hoʻōipo Pa, Mahealani Kamauʻu, Keoni Agard, Charles Kāʻaiʻai, Dallas Mossman Vogeler, Davianna McGregor, Dr. Kekuni Blaisdell, Hiko Hanapi, Lehua Napoleon, Kunani Nihilahi, Lurline McGregor and others, the organization developed curriculum based on all the research known to date about Hawaiian history, prehistory, culture, spirituality, language, economics and ways of living that described both the political history and the uniqueness of Hawaiians (Kanaka Maoli) from time immemorial. The curriculum, targeting 7th grade and up, was designed to reach all Hawaiians to instill within them a sense of history and longevity as a people and as a nation that pre-existed before they were 'discovered' by Cook. The guiding principle behind this effort was the concept "if you don't know who you are and where you come from, you won't know where you're going." Hui Naʻauao's task was to empower Hawaiians by giving them back a history and cultural understanding that had been denied them by the colonial overlay of American hegemony. Their task was to help Hawaiians figure out where they were going by sharing with them where they had been.

Hawaiians, from an outsider’s perspective, did not seem to have much direction as Hawaiians. Rather they had, over the last century, assimilated into the American culture as expressed in the State of Hawai‘i, thus the American persona, for many individuals and families, overrode Hawaiian sensibilities. Hawaiian kupuna of the time saw assimilation as tantamount to survival. The next generation thus became American in the deepest sense. The participation, and subsequent deaths, of many Hawaiians in World War II, the Korean Conflict and later Viet Nam cemented even more the connection of Hawaiians to the American identity.
had to define the word. Pukui and Elbert provided a simple definition:

sovereignty is *ea*. What is *ea*? Again, from Pukui and Elbert: 1. Sovereignty, rule, independence, as in *La Ho`iho`i Ea*, Sovereignty Restoration Day. 2. Life, air, breath, as in *Ua mau ke ea o ka `aina i ka pono*, The life/breath/independence/sovereignty of the land is perpetuated in righteousness/rightness.

Sovereignty was defined and described by Hui Na`auao in several ways: political, economic and cultural. Political sovereignty focused on forms of governance. Economic sovereignty dealt with the development of an economic base for the Hawaiian nation. Cultural sovereignty was particularly focused on maintaining the cultural and spiritual values that made Hawaiians and Hawaiian culture unique in the Pacific and in the world. Cultural sovereignty incorporated all aspects of life: language, behavior, and most important, relationships. This way of speaking of sovereignty called attention to a Hawaiian way of being that arose out of the interrelationships developed over time in a particular geographic place called the Sandwich Isles by early visitors, later called Hawai`i by the next group of settlers, and referred to today as *Ka Pae `Aina, ke one hanau*, the homeland, by those involved in the sovereignty movement.
This chapter provides an overview of sovereignty in its various aspects and definitions, and proposes a theory about how and why Hawaiians (and others) who have accepted the different definitions of sovereignty and the justification for it, have expressed their support through various acts of resistance.

Why Sovereignty?

Her Royal Majesty Queen Lili’uokalani left a compelling legacy to “her people”, the subjects of her reign until 1893, and supporters until her death in 1917. That legacy protested American illegalities and pleaded restoration to counteract the wrongs done. Further, it cautioned the Hawaiian people (the ethnically diverse subjects of the Kingdom) to use peaceful means to achieve restoration. In her official protest to the Treaty of Annexation before Congress in Washington, D.C. on June 1897, the Queen stated:

I, Liliuokalani of Hawai‘i, by the will of God named heir apparent on the tenth day of April, A.D. 1877, and by the grace of God Queen of the Hawaiian Islands on the seventeenth day of January, A.D. 1893, do hereby protest against the ratification of a certain treaty, which, so I am informed, has been signed at Washington by Messrs. Hatch, Thurston, and Kinney, purporting to cede those Islands to the territory and dominion of the United States. I declare such a treaty to be an act of wrong toward the native and part-native people of Hawaii, an invasion of the rights of the ruling chiefs, in violation of international rights both toward my people and toward friendly nations with whom they have made treaties, the perpetuation of the fraud whereby the constitutional government was overthrown, and, finally, an act of gross injustice to me.

Because the official protests made by me on the seventeenth day of January, 1893, to the so-called Provisional Government was signed by me, and received by said government with the assurance that the case was referred to the United States of America for arbitration.

Because that protest and my communications to the United States Government immediately thereafter expressly declare that I yielded my authority to the forces of the United States in order to avoid bloodshed, and because I recognized the futility of a conflict with so formidable a power.
Because the President of the United States, the Secretary of State, and an envoy commissioned by them reported in official documents that my government was unlawfully coerced by the forces, diplomatic and naval, of the United States; that I was at the date of their investigations the constitutional ruler of my people.

Because neither the above-named commission nor the government which sends it has ever received any such authority from the registered voters of Hawaii, but derives its assumed powers from the so-called committee of public safety, organized on or about the seventeenth day of January, 1893, said committee being composed largely of persons claiming American citizenship, and not one single Hawaiian was a member thereof, or in any way participated in the demonstration leading to its existence.

Because my people, about forty thousand in number, have in no way been consulted by those, three thousand in number, who claim the right to destroy the independence of Hawaii. My people constitute four-fifths of the legally qualified voters of Hawaii, and excluding those imported for the demands of labor, about the same proportion of the inhabitants.

Because said treaty ignores, not only the civic rights of my people, but, further, the hereditary property of their chiefs. Of the 4,000,000 acres composing the territory said treaty offers to annex, 1,000,000 or 915,000 acres has in no way been heretofore recognized as other than the private property of the constitutional monarch, subject to a control in now way differing from other items of a private estate.

Because it is proposed by said treaty to confiscate said property, technically called the crown lands, those legally entitled thereto, either now or in succession, receiving no consideration whatever for estates, their title to which has been always undisputed, and which is legitimately in my name at this date.

Because said treaty ignores, not only all professions of perpetual amity and good faith made by the United States in former treaties with the sovereigns representing the Hawaiian people, but all treaties made by those sovereigns with other and friendly powers, and it is thereby in violation of international law.

Because, by treating with the parties claiming at this time the right to cede said territory of Hawaii, the Government of the United States receives such territory from the hands of those whom its own magistrates (legally elected by the people of the United States, and in office in 1893) pronounced fraudulently in power and unconstitutionally ruling Hawaii.

Therefore I, Liliuokalani of Hawaii, do hereby call upon the President of that nation, to whom alone I yielded my property and my authority, to withdraw said treaty (ceding said Islands) from further consideration. I ask the honorable Senate of the United States to decline to ratify said treaty, and I implore the people of this great and good nation, from whom my ancestors learned the Christian religion, to sustain their representatives in such acts of justice and equity as may be in accord with the principles of their fathers, and to the Almighty Ruler of the universe, to him who judgeth righteously, I commit my cause.

Done at Washington, District of Columbia, United States of America, this seventeenth day of June, in the year eighteen hundred and ninety-seven.
Hawaiians unaware of Hawaiʻi’s history in international matters or its status as a nation-state will give any number of reasons why they are involved in the movement. And sympathetic outsiders looking in have shared thoughts about why people should be involved in the movement, or why a sovereign entity must be created. A news editorial, for example, noted in *Maui News* for Sunday, October 13, 2002:

Last week the trustees of the Office of Hawaiian Affairs took a logical and needed step by approving a "strategic plan" aimed at achieving "nationhood" for Native Hawaiians.

Since the 1890s, Native Hawaiians have been outsiders in their own land. In 1900, nearly two-thirds of Hawaii's 154,000 residents were born somewhere other than in the islands, and not all the island-born were Hawaiians. With a state population of more than 1.2 million in 2000, there were 80,137 Native Hawaiians, or 6.6 percent of the total. Maui County's 128,000 population in 2000 included 11,410 Native Hawaiians, or 8.9 percent of the total.

The numbers indicate how little control Native Hawaiians have had over the use of the islands. In 1978, a growing awareness of the need to respect and cultivate Hawaiian culture resulted in the creation of the Office of Hawaiian Affairs by virtue of an amendment to the state Constitution.

From inception, OHA was seen by Constitutional Convention delegates as a vehicle to promote self-government for Native Hawaiians. According to Haunani Apoliona, who chairs the OHA board, the trustees want OHA to take a lead role in efforts to achieve self-determination, federal recognition and nationhood while assisting others to determine what kind of process should be used. OHA's "strategic plan" includes bringing together experts on ceded lands, self-determination of indigenous people, native rights and international law.

The OHA initiative is overdue. Years of inaction on the "sovereignty issue" created a vacuum that encouraged the growth in the Hawaiian community of competing monarchists, separatists, reparationists and those who believe everything since 1893 is illegal, including OHA.

OHA, governed by an elected board of trustees, has the money, the staff, the political power, and now the apparent will to forge a Hawaiian "nation" that would benefit Native Hawaiians, Hawaiians and everyone who loves the islands. It will be a struggle, first to unite the Hawaiian community, and then to find the legal mechanisms to give the descendants of the islands' first settlers a place to stand with a sense of pride, security and hope for the future. OHA is the agency to lead that struggle.
The urgency for moving forward is different for non-Hawaiians and for Hawaiians, but those differences are neither new nor unexpected. Most activists will say that unification is a good thing, and finding legal grounds on which to stand is even better. But who should lead that struggle is, perhaps, where the greatest contention will arise. The struggle in the last ten years, since 1993, has evolved to include a much clearer understanding and agreement about the need for spiritual grounding. Dialogues around only the political continue to fall by the wayside, as Hawaiians strive to maintain a cultural-political balance in how they approach sovereignty movement work.

Uncle Buzzy Agard\textsuperscript{50}, a current employee of the Office of Hawaiian Affairs, provides a balanced response to the Maui News editorial:

\begin{quote}
I can agree with the spirit of the Maui News editorial on how "good" is federal law in regard to tribal governments. However, I can only trust the acts of my great-grandfather, Kepohoni Kealoha's, and great grandmother, Lilia Kahu's decisions to sign the Ku'e petitions of 1897, the first petition of 21,000 signatures to protest the treaty of annexation, and the second petition of 17,000 signatures to retain their own government. This was a total of 38,000 signatures. In addition there were 8,000 signatures of the Hui Aloha Aina protesting and several other petitions with hundreds of signatures, or about the total population of the time protesting the proposed annexation. The protests ended with the Congress not annexing Hawaii by a treaty. And the rest is history when the end came with the 1898 Newlands resolution of annexation. I am not only making my own judgment on the taking of Hawaiian sovereignty but realize that my ancestors and all our ancestors who experienced the landing and seizing of Hawaii went through the pain and humiliation of the 1893 coup.

In the 1971 Alaskan settlement Act the native Alaskans were to receive a reported $3.00 per acre. But Hawaiians did not receive a cent for their 1.8 million seized acres. Further in the 1959 Statehood Act when the federal government "ceded" back to the new State of Hawaii about 1.4 million acres of Hawaii lands, the Hawaiians did not receive a single acre for their own needs.
\end{quote}

\textsuperscript{50} Uncle Buzzy Agard posted his response to the Maui News editorial on an informal email group list on Oct. 14, 2002.
These activities demonstrate that justice cannot be expected as long as Hawaii is occupied by the federal government forces and its slanted laws against indigenous people or what the Akaka Bill would represent.

Not to recognize the pain and trauma that our ancestors sustained after creating their own internationally recognized and peaceful government, would be to deny our ancestors their glory, honor and justice.

While there are numerous reasons activists may provide for their involvement in the movement, for many the overriding reason appears to be rooted in past directions laid out by ancestors. Thomas Ah Yee\textsuperscript{51}, for example, notes that for him,

\begin{quote}
... the act of war against the Hawaiian nation has never stopped. It continues. But that war has been one-sided because we, the people, have never picked up our banner of war. Now we are beginning our battle and we have a long way to go. But the battle can only be won if we, the people, unite and become one nation as did our ancestors. Our ancestors told us what to do.
\end{quote}

Sovereignty proponents often remind themselves about Queen Liliʻuokalani’s goals for the nation: that it be restored and that she be reinstated as rightful ruler. The Queen based her statement on rules of international law. It was

\textsuperscript{51} Thomas Ah Yee, a Hawaiian who resides in Modesto, California. Ah Yee posted this comment on Oct. 21, 2002. He also provided some of his genealogy with permission to share with others: I was born Thomas Eugene Ah Yee. I was raised and educated in Honolulu, and graduated from McKinley High School in 1962. Ever since I was young and growing up, I had always had the feeling of wanting to do something for our nation, but I was always on the move, never realizing that there was a movement going on. I was not made aware of this until 1993 when my mother introduced me Ka Lahui Hawai‘i, it was then that I realized that there was a big sovereignty movement going on, and I jumped on board. My mother, bless her heart, could not tell what this was all about, only what she knew through Ka Lahui. It wasn’t until I came on board that I realized what the movement was all about and I explained this to my mother. Since then I decided to become independent. I felt that we needed to be independent, completely independent, even though that was not the view of most people at the time. I have a rich heritage on both sides of my grandparents. From my grandfather, I am of the same line as Kalakaua and Liliʻuokalani. From my grandmother, I am from the line of Kaumualiʻi. I am also from the Kamehameha line from my great, great, great granduncle who married into the Kamehameha line. I live now in Modesto, and look forwarding to returning home as soon as can afford to. In the mean time I can only do what I can from a long distance.
less a question about correct action, as there was only one proper action to take, and more about honor between nations, something the Queen wholeheartedly believed was fitting behavior among states bound by the same covenants. For many in the movement today, there is a sense that when America recognizes its honor as a nation has value, a process of reconciliation will then be invoked. Unfortunately honor comes with a price. American economic investment in its own revisionist history seems to prevent it from dealing honorably with the Hawaiian issue.

Political Sovereignty

In the late 1980s and early 1990s the number of what are called Hawaiian Kingdom groups was significant. These were groups that cited Hawaiian Kingdom laws to support the return of Hawaiian sovereignty, and who used those laws to challenge the State of Hawai‘i and the US government on issues of jurisdiction. The groups used as much as they understood about Kingdom law as legal grounds for challenging the federal government and demanding reparations.

They presented their ideas using historical documents to support claims for restoration of the Hawaiian government. There was not necessarily a desire to create a new government. The thrust was to release from bondage Hawaiian history, with the assumption that the “truth would set the people free.”
truth about history would bring awareness among the Hawaiian population and foster resurrection of a sovereign entity. These groups were the forerunners of other organizations that focused on law as the basis for a reconstituted sovereign nation. The organization Kaona,52 for example, active taught the Law of Nations, with compiled legal documents that placed Hawai‘i in the international arena. One member of the organization now called the Reinstated Hawaiian Government commented that:

After the apology bill was signed into law, an international lawyer came to Hawaii. He told us he came to warn us that the apology bill was more than just an apology. He told us that in the international arena the apology bill would be used to show the U.S. was giving the Hawaiian nation notice of adverse possession and that the Hawaiian nation had 7 years to come out of exile and answer the notice or forever lose title to our homelands. He explained the international laws we needed to utilize to reinstate our inherent sovereignty, also the Hawaiian kingdom laws necessary and American domestic law. He told everyone only the lawful Hawaiian government that was taken away from Queen Liliuokalani could answer the notice of adverse possession and stop that process. Those of us who found this information then worked very hard to fulfill the law and bring our Queen’s government out of exile, and I am glad to share that the deadline to answer the notice of adverse possession was met 3-13-‘99, further preserving our Hawaiian nation’s perfect rights.53

By the mid-1990s, a new group had entered into the dialogue, focusing not strictly on legal aspects, but promoting the idea that understanding history was the key to resolving issues regarding Hawaiian statehood, a historical reality.

The Hawaiian Patriotic League was formed in 1997, modeled after the Hui Aloha ‘Aina, a political action committee in support of Hawai‘i’s last Queen, Lili‘uokalani. Hui Aloha ‘Aina petitioned in 1897 against annexation to the U.S. The Hawaiian Patriotic League resurrected the work of Hui Aloha ‘Aina

52 Kaona, under its leader Henry Noa, later became the Reinstituted Hawaiian Government, which returned from exile on March 13, 1999.
53 Donna Hanohano Medeiros gave permission to include her email statement, 2/18/03.
in supporting the Queen and resisting annexation, providing educational outreach and teaching Hawaiian Kingdom law to hundreds of people throughout the islands.
CHAPTER IV

Some Key Players in the Sovereignty Movement

Kekuni Blaisdell

At the same time that challenges were being made using legal approaches based on Hawaiian Kingdom law, Dr. Richard Kekuni Blaisdell\(^{54}\) was engaged in the writing of a report on Native Hawaiian Health based on data he had collected on Hawaiian health and economic and social statistics. Dr. Blaisdell’s entry into the sovereignty movement came about as a result of information gathered through research that correlated economic, social and other indices with the poor health of Hawaiians. Dr. Blaisdell’s further research showed that the reason for dire economic straits for Hawaiians, and for their inability to do well in the American or Western system, was because Hawaiians had been disenfranchised and disconnected from the land of their ancestors and, therefore, from the ancestral and spiritual history that resided in those lands.\(^ {55}\) In other words, as the settlers from America and Europe took more and more land from the Hawaiians, the Hawaiians fell ill, denied access to all the things of nature that had allowed them to thrive in a former time.

Sponsel notes that this way of thinking and behaving, where health and wellness of the people are directly connected to health and wellness of the land, is the practice of a spiritual ecology. In this view, all the places on the

\(^{54}\) Dr. Richard Kekuni Blaisdell has been a practicing physician and internist at St. Francis Medical Center in Honolulu for 32 years.

\(^{55}\) Personal communication, March 9, 2003.
land are sacred and, by extension, all the people, who come forth from the land and are returned at death.

Dr. Blaisdell, representing Ka Pakaukau (literally, a table upon which food was placed), for years regularly convened meetings at his home in Nu‘uanu on Thursday evenings. In an interview with Hui Na‘auao board member, Puhipau, he shared the following:

I am Kekuni, a citizen of the Kanaka Maoli nation. And I think it is essential that all of us Kanaka Maoli identify ourselves in that way. Because that’s the way our ancestors, our kupuna, identified themselves. Kanaka Maoli. Kanaka means human being, person. Maoli means true or real.

So that’s the name they gave to themselves and we gave to ourselves. Because when they were first asked by the first foreigners who they were, that was their answer. We’re the real people. We don’t know who you are; you don’t look like us; don’t talk like us; don’t behave like us. Therefore you must not be real. We’re the real people.

We’re not Americans. We’re not even Hawaiian or part-Hawaiian or native Hawaiians, because those terms are all foreign terms. And we should be not using foreign terms to be identifying ourselves. And one of our goals should be maka ‘olelo makahine wale no. That is, we should be speaking our own language.

And others, if they really respect us in our homeland, should be speaking our language also. So that’s one of our goals, in which we assert our identity, our sovereignty and return of our independence. It’s a goal that’s a long journey. And of course there are three main reasons for defining that goal and starting on that long journey.

The first reason is that we Kanaka Maoli in our own homeland right now, are at the bottom. We have the worst health, economic, social indicators of all ethnic people in our homeland. The situation is getting worse, not better. So there’s no point in tinkering with the existing establishment.

What we need to do is ho‘ohuli. Ho‘i ku‘oko‘a—that is, pursue complete re-independence. And that means empowering ourselves so that we can regain our lands, our waters, and our ocean resources. So we can use these resources just as our ancestors did—for our own livelihood. And they are essential for our living as kanaka Maoli.

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Our environment—we belong to it. It doesn’t belong to us. And it is essential for our culture, our language, and our religion that we closely interrelate with all of the forces and physical elements in our environment. This is what our ancestors did. Because we are all products of the conception of Wakea, our sky father and Papa, our earth mother. This is told to us in the Kumu Lipo: “O ke au i ka huli wela ka honua; o ke au i ka huli lole ka lani.” The opening lines of the Kumu Lipo are the most powerful words, images and feelings in the whole corpus of our traditional literature. It is our heritage. Literally those terms mean hot, fiery earth turning against the changing sky. But the metaphor, of course, refers to the mating of Wakea our sky father and Papa our earth mother.

And out of that mating came and continues to come, everything in our cosmos. And since we all have the same parents, we’re all siblings. And since our parents are living, everything is living. Even the rocks and the wind, the clouds and the ocean, the streams, as well as the birds and the fish—everything is living.

Not only that, but conscious. Everything is conscious, capable of feeling. And even more than that, communicating. So we need to return to communicating with all of these forces in our environment. And that’s the essence of being kanaka Maoli, which means that we share. That’s what everything is for—to share the bounties of our native gods with others, rather than conform to the dominant western way, which is to take, to exploit, to use others and the environment just for personal individual desire. Not need—just desire.

And that is a destructive and innately evil, harmful way of life. But because we are compelled to conform to that way of life in order to survive, we kanaka Maoli are constantly in conflict between our traditional ways of sharing and the dominant western way which is to take and exploit others. And because of that conflict, too many of us despair. We give up. And we take it out on our spouses and children. We eat too much saturated fat, cholesterol, salt. Blood pressure goes up. Get heart attacks, too much stress. These factors also account for inu loa, drink too much alcohol, smoke too much tobacco.

Those are the main factors responsible for the major causes of death, the so-called diseases of western civilization. Heart disease, cancer, stroke, diabetes, accidents—mainly high speed driving on highways and freeways. And we kanaka Maoli also have the highest rates for suicide.

So all of this despair and cultural conflict leads to self-destructive behavior. And psychologically, because we are victims of coercive assimilation by the dominant western society, we begin to learn to hate ourselves. Because we’re not white. And we’re not accepted as white, and we are put down because we are natives of color. And we begin to believe that and take it out on ourselves.

So we have to overcome this being put down by the dominant society. And we need to develop pride, ha’aeo, self confidence; enhance self esteem so that we can and should empower ourselves be revitalizing our own culture and returning to a confident conviction that we are kanaka Maoli.

That’s something to be proud of, for our nation was founded here by our ancestors in time immemorial. Western archaeologists say that was at least two thousand years ago. We’ve been here ever since. And though our extinction has been repeatedly projected, we’re still here. And those of us in the sovereignty movement, of course, are determined that those projections will never take place. We have to reverse it.
So that’s the main reason for sovereignty, the complete independence movement. And that is to relieve the plight of our people. Under the current establishment, we’re on our way up. So we have to seize power for ourselves. And that means regaining all of our stolen kanaka Maoli lands. And that means reestablishing our government in order to control these lands so we have a source for a self-sufficient livelihood.

That is really the essence of our movement, promoted in two organizations that I am closely associated with: Pro-Hawaiian Sovereignty Working Group, devoted mainly to education and research. We meet every Thursday, 5 pm, in the University Ethnic Studies resource room. And the other organization of which the Pro-Hawaiian Sovereignty Working Group is a member of is Ka Pakaukau, a coalition of twelve organizations committed to the full exercise of our inherent sovereignty and pursuit of complete independence.

Sovereignty flows not from the outside, such as the United States or any other country, or the United Nations. Sovereignty to us is in our iwi, in our bones...got there from our kupuna, our ancestors. So it’s within ourselves and it’s up to us to assert this sovereignty. To do this, we have to have control of our lands, establish our government in order to maintain control of the lands.

The establishment, of course, is determined to thwart, to derail the sovereignty movement. And their current approach, of course, is a very clever one. Their approach is to co-opt the movement. And that’s why OHA was established in 1978. And in 1980. And that’s why OHA is proposing a sovereignty bill.

But it’s not OHA’s sovereignty bill. It’s the bill drafted by Senator Daniel Inouye, a federal official.

While the common threads of sovereignty (which translates into both political power and wellness, including utilization of land and water for growing food or simply living) wove throughout the philosophies of most of the organizations actively in pursuit of some kind of restoration or recognition of Hawaiians’ special place in Hawai‘i, it soon became quite clear that not all organizations were attempting to resolve issues in the same way.
Blaisdell’s organization, Ka Pakaukau57, convened regularly every Thursday evening, first at the Dept. of Ethnic Studies, U.H. Manoa, then at his home in Nu‘uanu. These meetings were and continue to be regularly attended by sovereignty activists and other interested persons from Hawai‘i and abroad, most of whom support independence, rather than federal recognition by the U.S. government. Interestingly, although Blaisdell advocates for independence, his doors remain open to all. Participants are regularly asked to provide updates on the current state of affairs in their homeland and/or in their communities. Ka Pakaukau’s primary focus was the removal of Hawai‘i from the United Nations decolonization list by the US in 1946.

In 1992, Dr. Blaisdell convened the Komike Ho‘okolokolonui, which organized the Kanaka Maoli Tribunal Komike: People’s International Tribunal Hawai‘i, August 12-21, 1993. The organization’s *Interim Report*, *Kanaka Maoli Nation, Plaintiff v. United States of America, Defendant,* was

57 Ka Pakaukau is a coalition of Kanaka Maoli organizations committed to the exercise of Kanaka Maoli inherent sovereignty. The group recognizes that the ultimate authority for actions of self-determination resides in the people indigenous to Hawai‘i since time immemorial. This was a sovereignty understood in terms of tradition, natural law and international law, with special rights for the Kanaka Maoli in their own homeland. Sovereignty means that Kanaka Maoli accept no higher human authority over the lives of the people, land, ocean resources, and the future, other than the people themselves. Politically, the group advocates 1) occupation of Kanaka Maoli lands and resources, and becoming practitioners on the land, 2) opposition to legislation that violates inherent sovereignty as acts of continued subjugation and maintenance of a wardship status for Kanaka Maoli, and 3) resistance to destruction of the land and resources, and of natural resources, sacred historical sites and the iwi (bones) of the kupuna. Ka Pakaukau supports the legal recognition of the right to de-colonize under Article 73 of the United Nations, and the right, also under the UN, as an indigenous people to secure a Kanaka Maoli land base and resources so as to maintain spiritual, cultural and biological existence.
issued on August 20, 1993, as a summary of general recognitions, findings
and recommendations.

The opening statement of this report noted the efforts by people and nations of
the world to reclaim their sovereignty and the rights inherent in sovereignty.
It further cited the difficulties in carrying out such reclaiming activities
because of oppressive practices and structures, particularly military force,
economic and religious intrusions, and the continual victimization through
patterns of domination and the appropriation of law at the expense of the
people. Clearly, the thrust of the Tribunal was to call attention to issues of
historic injustice and to raise consciousness among other Hawaiians and non-
Hawaiians in both the national (U.S.) and international spheres.

The Tribunal put the U.S. on trial for more than a century of theft and
wrongdoing. Internationally recognized attorneys and spokespersons from
creditable non-governmental organizations (NGOs) sat as judges in the
tribunal. The U.S. declined to participate, but a sign with the words “U.S.

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58 The report goes on to state that the People’s International Tribunal convened specifically to
address the rights of the indigenous (Kanaka Maoli) people of the Hawaiian Archipelago, and
one expression of this struggle was reclaiming the past to create the future. In addition, one
preferred outcome was to come up with recommendations to achieve redress.
59 Judges included Milner Ball, Professor of Constitutional Law at the University of Georgia;
Hyun-Kyung Chung, Assistant Professor of Theology from Ewha Women’s University,
Seoul, Korea; Ward Churchill, Rapporteur, Associate Professor of American Indian Studies at
the University of Colorado at Boulder; Richard Falk, Professor of International Law and
Practice at Princeton University; Lennox Hinds, Professor of Law at Rutgers University; Te
Moana Nui a Kiwa Jackson, Chair, Director of Maori Legal Services, Wellington, Aotearoa;
Asma Khader, attorney, member of the Palestinian Rights Society in Amman, Jordan; Oda
Representative” was placed prominently on one of the empty chairs. HAWAIIANS AND OTHER EXPERTS IN VARIOUS FIELDS PROVIDED TESTIMONY ABOUT INJURIES SUFFERED.

The Tribunal focused on law: 1) Kanaka Maoli Law as a set of ideas that embraced right action and righteousness on political, economic and social relations, especially relationships to land and water as the basis on which identity is formed, and which conferred special status to elders and spiritual leaders to clarify the essence of the law; 2) International Law as obligations of states and rights of peoples and their nations, especially as the law pertains to human rights, self-determination, sovereignty, democracy and intervention in the internal affairs of foreign nations; 3) Constitutions of the United States and of the State of Hawai‘i that challenge the validity of U.S. authority in Ka Pae‘aina and the failure of both the federal and state governments to uphold their own laws with regard to Kanaka Maoli people, lands and water; 4) the law of peoples as nations and the experience of people’s tribunals as itself a source of law; and 5) finally, a higher law based on justice in the relations among persons and peoples and their nations, establishing the conditions for harmony between human activity and nature as embodied in the cultures of indigenous peoples.

Makoto, visiting Professor of Comparative Studies at the State University of New York, Stony Brook; Sharon Venne (Cree), Attorney, human rights advocate at the United Nations, author of “The New Language of Assimilation: A Brief Analysis of ILO 169” and other essays.

60 The U.S. was formally invited to participate in these proceedings by a letter from Dr. Blaisdell to the President of the United States, dated July 31, 1991. The invitation was renewed periodically throughout the sessions, but no response was forthcoming.
In the Tribunal, law was seen as a great river that was fed by the preceding sources, and it was in this spirit that the Tribunal was conducted, guided in such a way as to empower the Kanaka Maoli in their struggle for self-determination, survival and cultural and spiritual validity. In effect, the Tribunal’s definitions of law and the law’s application throughout the Tribunal process was meant to facilitate the healing of Kanaka Maoli produced by colonial rule.

Mililani Trask

Ka Lahui Hawai‘i, under the leadership of Mililani Trask, pursued self-determination through a system of governance laid out in their master plan called “Ho‘okupu to the Nation.” Ka Lahui Hawai‘i supports the concept of nation-within-a-nation, with Hawai‘i having a nation-to-nation relationship with the United States, the same as the Navajo or any other recognized tribe.

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61 Membership in Ka Lahui Hawai‘i (meaning the nation, or the people of Hawai‘i) numbered in the tens of thousands in the early 1990s. At the time of the 1993 Onipa‘a march from Aloha Tower to ‘Iolani Palace, Ka Lahui signed up thousands to their registry and distributed buttons with the words “‘Ike Pono” printed on them to sovereignty supporters. Photos of the event appeared in local newspapers and video footage on television news, with Ka Lahui Hawai‘i members at the front of the Onipa‘a march. Ka Lahui Hawai‘i was arguably the most well known of the sovereignty groups during that period. A self-description of the organization in 1993 notes that Ka Lahui is “a grassroots native initiative based on a democratic constitution with citizenship open to all Hawaiians honorary citizenship offered to non-Hawaiians. Ka Lahui Hawai‘i’s position is that sovereignty needs to be asserted, and this would be done through community education and citizen enrollment. Moreover, the inclusion of the Hawaiian people in the existing US federal policy, such as that afforded to Native Americans to be self-governing and to have access to federal courts for judicial review, is the first step toward resolution of claims relating to the native trusts and other entitlements. Ka Lahui’s view is that the nation must be created first, before native entitlements are negotiated, as the sovereign entity has the right to advance the claims of the people and find ways to resolve conflicts with the State of Hawai‘i and the US. [After 100 Years: A March for Hawaiian Sovereignty, January 9, 1993, Kaua‘i]
The Hawaiian nation in such a relationship would be dependent on U.S. recognition.

Interviewed in 1993 Trask noted the following [exerpts]:

In Ka Lahui Hawai'i we define sovereignty as the right of a people with a common culture, history and tradition to govern their lands, to live in a traditional way, to develop a sound economic base in order to achieve self-sufficiency. We look at sovereignty as having five elements. The first is a strong and abiding faith in the Akua. Spirituality is the wellspring of the mana, of the nation, and of the people. Traditionally, Hawaiian people have always been very religious. In fact, in traditional times, every facet of the social structure, of the social fabric, was governed by the kapu or moral and religious code.

Even in modern times, we see that many Hawaiians are very devout Christians, are practicing their traditional faith as well. So the first element of sovereignty, a strong and abiding faith in God, is one that is fundamental if we are to strengthen ourselves, heal our nation, and also maintain a close contact with our tradition.

The second element is the people themselves. We have about twenty percent of the State population that are kanaka Maoli, native Hawaiian people. And when we say native Hawaiian, we mean those of fifty percent blood and their lineal descendants. Because Ka Lahui Hawai'i rejects the blood quantum as imposed by the federal government, in our government structure, we provide benefits to native Hawaiians and those that are their children and their mo'opuna (grandchildren). We have a thriving population of native people and as we've seen demonstrated at the Onipa'a march and rally, there are many thousands of Hawaiians coming to the forefront now to support the concept of sovereignty. So we certainly have the second element of sovereignty—thriving native people.

Third element of sovereignty is a land base. You can’t have a nation that is on paper. You have to have a place in which you can live and practice your culture and tradition. Ka Lahui views the native trusts as being the property of the Hawaiian people. We’re talking about two hundred and three acres of Hawaiian Home lands set aside by the US Congress that have been categorically withheld from Native Hawaiians since 1920. We’re also talking about what is known as the ceded land trust, or the 5 1/2 trust, which was created in 1959. At that time the federal government set aside 1.6 million acres to better the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act. To this day, there has never been an allocation of ceded lands for the native population. There has never been an allocation or distribution of a single dollar of the ceded land revenues.

We view these trusts as being the rightful property of the Hawaiian nation. And in addition to that, we feel that there is valid claim under western law for a share and profit from the right to benefit from the private trusts. Queen’s Hospital, Kapi'olani Hospital, the Bishop Estate, the Kamehameha Schools, Lunalilo Trust, and Lili'uokalani Trust are all trust assets set aside to meet specific needs of our people. Education, health, care for the indigent, care for the orphan, and care for the elderly.
These trust assets also should be available to the native people. So we certainly have more than sufficient trust lands, land base, element three of sovereignty.

Element four in Ka Lahui’s definition of sovereignty is a government structure, one of the things that we lost in 1893, along with our right to have a national body exert sovereignty. Because we certainly never lost inherent sovereignty as native individuals. But the corporate sovereignty, the sovereignty of the nation was lost, and with it the structure. You cannot have a native nation that is not bound together in some way; that is not organized in some way. And when you look at the structure of a government, that is where you look to see if that nation is self-determining. Self-determination is not the same thing as sovereignty. Self-determination is the right of the people themselves to participate in a government.

Some nations don’t afford self-governance—fascist regimes, communists, the people have nothing to say. In order to have self-determination, the government structure must provide for the meaningful participation of people.

And, of course, the last element of sovereignty is an economic base. A nation has to be independent of other sovereigns, which means that it has to be able to feed itself—to house, clothe, provide for the needs of its people, including educational and medical needs.

We have 22,000 Hawaiians on lists for Hawaiian homelands. The native people should be allowed to proceed with their own affordable housing initiatives. In order to do that, we need the power to tax those who are doing business on our lands to generate revenue. And we also need the ability to be exempt from State taxes when we conduct programs of national import—national education, national health.

There’s a lot of concern about who’s going to pay for sovereignty. The viewing public should be more concerned with who’s going to pay if we don’t have it. Right now the debt for settling the 22,000 on the list is $2 billion. That rests on the shoulders of State taxpayers.

Ka Lahui is looking for a better alternative. Ka Lahui’s initial proposal is that we go to the United States and demand equity, fair treatment with other classes of Native Americans. There’s a federal policy that has been on the books for 80 years. It allows other classes of Native Americans to establish governments, to control their lands, to develop businesses, to enjoy a tax exempt status, to run their own public services, to joint venture with private sector, and to give to private sector developers tax incentives to meet their housing and other economic needs.

Native Hawaiians are the only Native Americans that have been excluded from this policy. When we look at the history of State graft and corruption, it is plain to see, based on the U.S. Commission on Civil Rights Report, how for 70 years our human and civil rights have been violated. We feel that the time has come for America and the State to realize that America made us citizens. America created a native policy for self-determination. And now is the time for America to afford us, as a first step, the right to have our nation recognized, to control our lands, and to develop them to meet our needs. That’s a fundamental principle that is not being applied to Hawaiians.

I also wanted to take a look at some general questions that are always asked about Ka Lahui. One is our position on violence. Ka Lahui is opposed to violence in all forms, including domestic violence. We are trying to restrain violence in our local
community. We believe as a practice and in our constitution, in disarmament and non-violence. That is why we oppose military uses of native trust lands. But we are committed to non-violence. We practice non-violence and we are now training our community about non-violence. Violence begets violence. However, we do understand what occurs when people's integrity, their family, their lives are threatened. So we do have provision in our constitution for a standing militia to defend the nation, the property, the lives of the nation if we are threatened. But our commitment is to non-violence.

A second general question is, "If I join Ka Lahui, will I lose my federal or state citizenship?" The answer is no. Under federal policy, citizens of federally recognized native nations hold three classes of citizenship. The first is "national." That is, they belong to the native nation. They still are citizens of their state, and citizens of the United States. They don't lose their citizenship or benefits. They don't lose their social security or federal retirement. None of the state or federal entitlements are curtailed in a federally recognized native nation.

Here's a practical question. Why go with the format nation-within-a-nation when we look at the history of America and we can see that other native classes have not fared well. This is certainly the truth about America's history. But we're coming from a position of practical political reality. We know America's history. Insular minorities that have tried to break away from the United States have been killed. That's what the U.S. Civil War was about. That's what the campaign of the American cavalry against the American Indian was all about. Anticipating violent response from the United States, it is our considered opinion that it would be better to take a frontal approach to the U.S. under its own existing policies as a first step.

We do believe that there is a viable native claim that needs to be addressed in the international arena. In 1993 we worked with the Center for Constitutional Rights to bring a claim against the United States in the international arena for human and civil rights violations. We believe that Hawai‘i should be re-listed on the list of non-self governing territories and that the United Nations should begin to inquire formally into the violations of our human and civil rights.

In 1998 Trask ran for and was elected Trustee to the Office of Hawaiian Affairs. Following her win for the OHA seat, she resigned as Kia ‘Aina (governor) of Ka Lahui Hawai‘i. She did not win her seat at the next OHA special election in 2000, and returned to her job as Executive Director of the Gibson Foundation on the island of Hawai‘i. She continues to be seen as a major player in native rights and Hawaiian issues. In a newspaper interview

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in 2000, Trask commented on the re-listing of Hawai'i on the UN Decolonization list:

A handful of nations first would be needed to introduce the resolution, after which lobbying and debate would continue until there were enough votes to pass it. If Hawai'i returns to the list -- it was placed on it in 1946 but removed in 1959, at statehood -- it could then seek a U.N.-sponsored plebiscite to give Hawaiians and possibly others a chance to vote on a form of self-governance. And on that vote there will be, under U.N. regulations, many options, not just statehood, which is all they gave us (in 1959). The issue needs to be one of human rights and social justice, not of racism. And Hawaiians here need to be clear what they want before they seek international help.

In March of 2000, Trask further elaborated on self-determination and sovereignty:

If we don't walk in the path of the spiritual foundations of our culture, then there's no reason for us to work on sovereignty. First make strong the path to our creator, then sovereignty after. There's a lot of sovereign nations in the world; go to the UN, you see all kinds of sovereign nations there, but most of them don't provide for self-determination for Indigenous peoples.

Self-determination is not sovereignty. Sovereignty has to do with nations - self-determination does not. Self-determination is not a right of nation states - self-determination is a human right. The international human rights covenants - the ICCPR, the International Covenant on Civil and Political Rights, and the International Covenant on Social and Economic Rights - define self-determination. Self-determination you will find in the UN charter. But the definition is not there, the definition is in the International human rights covenants. And the definition is simple, basically one sentence - All peoples have the right to determine their political status and by virtue of that right, their social, economic, and cultural development.

So when you understand the concept of self-determination, the first thing is the people's collective right to determine their political status. And when you have achieved that right and you have that political power to use your structure of government through your sovereign entity and form, then you have the additional right as peoples to say what economic development is going to be, what your social and political development is going to be. So we distinguish between self-determination and sovereignty.

When you look at the nations sitting at the UN you can see that they're all sovereign, but nobody wants to give self-determination to Indigenous peoples. Why? Because with our history of colonisation, our peoples were placed in a different political
status from those of the dominant society. And that old colonial format was maintained by social mechanisms of power that exist to this very day.63

In 2002 Trask visited Wellington, Aotearoa as the Pacific Basin representative of the newly established 16-member United Nations Permanent Forum on Indigenous Issues, a subsidiary body of the United Nations Economic and Social Council (ECOSOC). The Permanent Forum’s mandate is to provide expert advice and recommendations on indigenous issues to ECOSOC, raise awareness and promote indigenous issues within the UN system, and prepare and disseminate information on indigenous issues.64

While Ka Lahui Hawai`i, as an organization, has been less active in the new century than in years past, their members continue to work on educational and legislative issues. On January 17, 2003, Ka Lahui Hawai`i sent a substantial delegation to participate in The Living Nation march and rally commemorating the 110th anniversary of US intervention in the affairs of the Hawaiian Kingdom (what has been commonly called the ‘overthrow`).

Pu’uhonua Bumpy Kanahele

Dennis Pu’uhonua “Bumpy” Kanahele holds a special place in the Hawaiian sovereignty movement. For years considered by mainstream media as the

63 Newsletter, FAIRA Aboriginal Corporation, March 2000.
64 Honolulu Advertiser, March 7, 2002.
movement’s “Bad Boy,” Kanahele has managed to accomplish what few others have dared to try. Ed Rampell’s compelling article on Kanahele’s popular media persona gives a quick overview of Kanahele’s adventures over the last ten years, and captures some of the concerns of the police and other authorities.65

Dennis “Bumpy” Kanahele was kidnapped by federal authorities at Honolulu International Airport on August 2. From that time until his release on November 14, the Head of State of the Nation of Hawai‘i (NOH) was held without bail for three full months, and 12 days. This, despite the fact that on October 31, Judge Helen “Hang 'em high” Gillmor declared a hung jury and a mistrial in Mr. Kanahele’s court case, wherein he was charged with harboring a fugitive, Native Hawaiian tax protester Nathan Brown, and obstructing justice in the attempted arrest of Mr. Brown. Mr. Kanahele reportedly could have faced up to 11 years in prison.

In other words, Mr. Kanahele was imprisoned, despite the fact that he has not been convicted of any crime as of late. This flies in the face of the traditional American judicial standard that in the United States, one is considered innocent until proven guilty beyond a reasonable doubt by a jury of one's peers. However, keeping a dark-skinned person who has not been found guilty of a crime behind bars is in keeping with another old American tradition called slavery. And the plight of brown political prisoners, like Robert Wilcox and Queen Lili`uokalani, is a century-old repressive tradition in Hawai‘i.

The prosecution, of course, contended that Mr. Kanahele is Dennis the Menace to society, and they pointed to previous convictions on other offenses as evidence that the Sovereignty activist is a threat to mom, apple pie, and civilization as we know it, not to mention the community-at-large. Mr. Kanahele is the first to admit that he is an ex-con who, in his wayward youth, committed criminal offenses that he was convicted of.

Although NOH contends that it pursues non-violent methods, somewhat similar to Ghandi and King, in its struggle for independence from the U.S.A., it does seem that the NOH poses a threat to the U.S.'s ruling class.

And that is the core of the matter. Dennis Kanahele appears to be a reformed ex-con. Nobody in Waimanalo has to be afraid of Mr. Kanahele swiping their vehicles or busting into their homes. But in another, very real sense, as far as the federal/state powers-that-be are concerned, he is Dennis the Menace to society.

Mr. Kanahele has stated that during the 1987 Native land occupation at Makapuʻu, Oahu, he armed himself and that a shootout with SWAT team was narrowly averted when he saw keikis and wahines in the line of fire. Mr. Kanahele dropped his gun and surrendered. He was reportedly convicted of terrorist threatening, although he was released from prison early due to good behavior and was not subsequently

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charged with violating the conditions of his parole.

"Bumpy" Kanahele is a 300 lb. (well, before he lost so much weight in prison) unafraid brown man who is now armed with the UN charter, and U.S. Public Law 103-150, detailing the guilt and complicity of the U.S. in the illegal overthrow of an independent Hawai’i which the NOH is seeking to restore.

In the unstable era of widespread discontent in the U.S. (don't forget, the biggest unrest and worst domestic terrorism this century has taken place in just the last few years), as militias sprout up across the Continent, the authorities view the Nation of Hawai’i as another militia-like challenge to the federal and state government.

Indeed, at the August 4 hearing, Assistant U.S. Attorney Les "Wizard of" Osborne brought out a deputy "dawg" U.S. marshal's allegations against NOH that it had links to the "Independent Patriots" group and was stockpiling weapons at its Waimanalo site, setting the stage for a Waco or Ruby Ridge-style confrontation and siege. This was denied by NOH, and federal magistrate Barry Kurren said he wouldn't consider the unsubstantiated charges while considering Mr. Kanahele's bail (which was denied anyway).

If the Nation of Hawai’i is the 50th State's equivalent of a continental militia, it is certainly a militia with a difference. NOH is certainly not composed of angry middle-aged white males, but of brown people who were dispossessed by illegal U.S. covert actions and military invasion that helped maintain an illegal white, elitist government in the aftermath of the 1893 coup. Furthermore, while the Michigan militia, among other militias, hysterically oppose the United Nations and its supposed goal of imposing "one world government" that would take away U.S. sovereignty, the NOH sees the U.N. as a source in the decolonization process that could help restore Hawaiian sovereignty.

The NOH's contention that the federal and state government has no authority over it and other Hawaiians is a more legitimate claim compared to the Continental militias'. But similar to those militias, NOH has organized a uniformed "peace" or "security" force. The state, in particular, is terrified that Hawaiian militancy, even the guerrilla warfare that was predicted in Kiana Davenport's novel, "Shark Dialogues", would destroy the tourist industry. NOH's "security" force delivered "warrants" against politicians and judges (including Magistrate Kurren), warning them that they would be held accountable for "war crimes" and "genocide" against Kanaka Maoli. In this context, it is interesting to note that Mr. Kanahele's co-defendant (solely on the misdemeanor charge of interfering with federal authorities in their attempt to arrest Mr. Brown) is Gordon Ka'aihue, who is head of NOH's uniformed "peace" force and played a personal role in issuing the "warrants."

During the trial, the defense fought back with one hand tied behind its back by the feds. It's clear that these charges stemming from incidents almost two years old against someone publicly known who could have been arrested innumerable times over the past many months are politically motivated. Lawyers Hayden Aluli and Syd Quintal were forbidden by Judge Gillmor from making courtroom arguments regarding sovereignty. Furthermore, Judge Gillmor consistently sided with the offense when it objected to the defense, sustaining their objections and regularly overruling the defense's objections to the prosecution.

Upon his November 14 release, without having to pay bail, Mr. Kanahele is required to follow conditions set down by the state as a part of restricting his movements: In what apparently is a forced exile, Mr. Kanahele has to stay at the Miller Halfway
House in Makiki, and is not allowed to set foot on any site in Waimanalo as well as being forbidden to visit the NOH.

In conclusion, kanes and wahines of the court of public opinion: Not only must these restrictions against Dennis Kanahele be lifted, but all charges against him must be officially dropped. Hayden Aluli's double jeopardy motion should be upheld. If not, the defense should look into charges of prosecutorial misconduct, and overzealous and malicious prosecution, against "Bumpy" Kanahele's persecutors. Remember, "If you don't convict, you must acquit."

Kanahele's trial was attended by huge numbers of activists, attorneys and the curious. Those unable to find seating were asked to wait outside. Those in the courtroom were able to hear his statement to Judge Helen Gilmor prior to sentencing on February 2, 1998.

Before I go any further, by no means is this an excuse to justify my actions to the crime that I have committed and plead guilty to, under the laws of United States of America nor is it being disrespectful to you, your Honor, in any way.

The Kanaka Maoli (indigenous Native Hawaiian) as a Culture of people have endured some of the worst Human rights violations in the world. The challenges that we face in today's western society would have been incredible, if not impossible for a Kanaka Maoli of old to tolerate and accept. I realize that I am that Kanaka Maoli of old, now having the full knowledge of my Kupuna, of the past history, walking and talking about the journey that they've suffered and endured for so long.

As I look back at my childhood and think about my past history while growing up, I was very hardheaded, somehow, somehow always getting in trouble with the authorities. Although I must admit some of the things I've done in the past were very ugly and wrong, I have paid the price for it, in one way or another. Since then I have searched within myself constantly for the reasons why I think, do and feel this way, and also wondered why these patterns of my life's journey are so familiar amongst the Kanaka Maoli community. Could it be the Political ignorance leading to distrust in government? Is it the Economic depression creating extra-curricular financial opportunities and activities? What about the social disasters that we face today, in our health, housing, education and environmental society which continue to plague the Kanaka Maoli community, resulting in drug, alcohol and spouse abuse leading up to the highest percentage of inmates being of Kanaka Maoli ancestry in the correctional facilities of this state. The root of these common problems in the Kanaka Maoli community is the conflict between western society and the inherent vested rights of the Kanaka Maoli people that have never been extinguished to the present.

In the beginning, as I started to educate myself and learn more about our history, I became very angry at what had happened to my ancestors; I felt cheated, like them, of all my Human and Civil rights, and eventually, because of my beliefs, and actions that followed, I got in big time trouble for it. The educational limitations and suppression placed upon our people generations after generations, of our historic
chronology, its evolution and the advancement in our Political, Economic, Social and Cultural development in my opinion has been the main factor to all of these problems.

Today I've taken a lot of criticism by my constituents as to the change in direction of working with and in the current system of government. Although the almost four months of incarceration at Halawa Correctional Facility and the two long years of monitoring device and curfew has brought a lot of humiliation to my ego, it has also set my priorities in order and brought a lot of discipline to my life.

As you know I'm married, have been for almost 22 years. I have 3 children, and one of them has blessed me with a daughter-in-law and my only granddaughter of a year and a half. Although I have been actively involved in the sovereignty movement, my wife and children have been law-abiding citizens.

Currently I sit on the Board of directors of the International Indian Treaty Council, a non-governmental organization with NGO status to the United Nations. I also sit on the board of directors for the Waimanalo Health Center. I am a member of the Waimanalo Neighborhood Board and I am the Executive Director for Aloha First, a non-profit organization with a 501-c3 status. As for my job, I am an independent consultant for Golf Connections, dha `Ohana Golf.

In the near future, I hope to be able to run for public office unless restrictions strip me of that right also.

In closing I hope you will take all of these things into consideration, for my life is now in your hands to decide my fate.

On February 5, 1998, Pu`uhonua Dennis "Bumpy" Kanahele was sentenced to four months in prison, but he had already served all but seven days while awaiting trial without bail in 1995. He was also fined $500 and ordered to spend another four months under restrictive conditions with an electronic monitoring device around his ankle. The federal government's original charges could have resulted in up to ten years of prison for Kanahele, but instead he has been able to remain in his community as an active voice for Hawai`i's freedom. The government's abusive political prosecution has finally come to an end. On July 13, 1998, the government's monitoring device was finally removed, almost three years after his initial arrest, and Kanahele is able
to resume his normal life, including the peaceful political pursuit of Hawaiian independence.

Kanahele was once considered the most militant of sovereignty leaders, often challenging local and federal laws. But following his release he took a different approach to reach his goals. In an interview with Curtis Lum, in the Honolulu Advertiser, Kanahele stated, “I’m never going to give up sovereignty. But I’m going to go about it in a different way. I have to go through the political process and work within the system.” In 1998 he became a member of the Waimanalo Neighborhood Board and considered seeking a seat as a trustee for the Office of Hawaiian Affairs.

Kanahele continues his activities on behalf of the sovereignty movement in Hawai‘i and in support of native peoples elsewhere. In 1998 Kanahele sat on the planning committee for Hawai‘i Loa Kulike Kakou’s 1998 Anti-annexation march and rally. In May 2001, Kanahele and supporters participated at the Asian Development Bank Conference at the Waikiki Convention Center, while a thousand marchers rallied outside the Center in protest of ADB economic policies that have negatively impacted native peoples across Asia, the Pacific, and the third world. At the same time Kanahele and associates were at the conference, a group of Hawaiian supporters from Sacred Times and Sacred Places stood across the street with

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the Hawaiian National flag, waiting for marchers to arrive for the rally, and lending support to the Hawaiians in Kanahele's group.

**Poka Laenui (aka Hayden Burgess)**

Back in 1993, Puhipau (Na Maka O Ka 'Aina) interviewed Poka Laenui on his concept of sovereignty. In answer to the question, "What are your thoughts on sovereignty?" Laenui replied:

...let me go back into history and back into a different arena, into the international arena. And we go into the United Nations and ask ourselves, what was the United Nations all about?

At the end of the Second World War, the winners of the war got together and said, ok, we have to stop the third world war from happening. So how do we develop a new set of rules in which people will not continue to fight with one another. And they said, ok, the basic underpinnings of international law must be a concept of self-determination. That is that each people run their own lives, determine their own future.

So in 1945 the United Nations formed in San Francisco and created a charter. And under that charter there was something called Article 73. And in that Article, all of the countries that now govern non-self governing territories must begin to move these non-self governing territories to a position of self-determination. Okay.

In 1946, the United Nations General Assembly passed a resolution that the United States is specifically charged to bring about self-determination for places such as Puerto Rico, Virgin Isles, American Samoa, Guam, Panama Canal, Alaska, and Hawai'i.

Another interesting thing happened in 1953. The US went into Puerto Rico took a vote, and then reported to the UN that the Puerto Ricans had exercised self-determination. And as a result, the UN pulled Puerto Rico off the list of places to be decolonized.

In 1959, and this is very important for Hawai'i, the Americans came into Hawai'i and placed a plebiscite for the people. They said, shall Hawaii be immediately admitted into the union as a state? It's a very important phrase to remember. Shall Hawai'i be immediately admitted into the union as a state? You either vote yes or you vote no.

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And then they said that the qualified voters for this plebiscite are American citizens who have lived in Hawai'i for at least one year.

They took a vote and in 1959 the US reported to the UN that Hawai'i had exercised self-determination and had elected to become part of the US union as a state. And as a result, the UN took Hawai'i out of the list to be decolonized. The same thing happened for Alaska in 1959.

In 1960, the UN said, you countries that are supposed to be reporting are not reporting as you should. So they passed a resolution on decolonization called Resolution 1514. And in that resolution it said that as you give the choice of these areas, these so called non-self governing territories—another fancy way of saying 'colonies—a choice, what you have to do is give them a range of choices. On one side of that range is a choice of being integrated within that country, within the colonizing country.

On the other end of that choice is a right to independence, to emerge as an independent nation. So that's in 1960. In 1960 they also set up a special committee on decolonization to watch over these other metropolitan countries or colonizer to inspect and be sure that they are moving their colonies to self-determination.

Laenui clarified this in August 1998 on his radio program "A Second Glance", presenting a perspective of Public Law 103-150 within the context of the US civil rights discourse:

It's been almost five years ago, when on November 23, 1993, President William Clinton signed into law, the apology resolution in which the United States confessed to its invasion of Hawai'i and participating in the overthrow of the Hawaiian monarchy. But what has come of it since then?

I have chosen for this week's program, an extended look at the apology resolution framed within the United State's civil rights approach, testing to see the adequacy of that approach, and what other directions need to be taken to resolve injuries caused by this illegal act of invasion.

Like the generational development in international law over the concept of Human Rights, the first generation being the development of the Universal Declaration of Human Rights, the second being the International Conventions on Civil and Political and on Social, Economic and Cultural Rights, the third being the rights of women, children, etc., the concept of civil rights seem to have evolved, at least in my mind, into a similar generational approach beginning with the U.S. Constitution and the Bill of Rights, followed by the birthing of additional rights and protections as this North American nation matures or, at least, gets older.

More recently, we find that the concept of civil rights has developed into legislation based upon an application of basic constitutional principles to historic or contemporary conditions of the societies over which the U.S.A. exercises authority. As a result of the focus of racial discrimination in the southern societies of North
America, led largely by Dr. Martin Luther King, we saw new civil rights legislation attempting to address that situation. As a result of the general admission to a racist policy followed during the 2nd World War against Americans of Japanese ancestry, new legislation also followed, attempting to address that historic injustice. But the historic field of national dishonor and shame has not yet been cleared.

The recounting of conditions still existing as a result of inadequate remedies to such dishonor and shame, I leave for another time. Instead, I will focus on one case, here in Hawai‘i.

A hundred years ago, the United States undertook its imperial venture, under the pretense of defending the sovereign integrity of the Cuban people against Spanish abuse, and declared war against Spain. In a matter of a few months after that declaration in 1898, the U.S. acquired the territory of Guam, the Philippines, Wake Island, Puerto Rico, portions of Cuban territory and control over Cuban government, and Hawai‘i. Most of it is in the Peace Treaty of Paris with Spain. But for Hawai‘i, in a step transaction of puppetry, the establishing of a puppet government (the Provisional Government established for the sole purpose of ceding Hawai‘i to the United States of America), having it change its clothes to look otherwise (the formation of the Republic of Hawai‘i in a process by which the vast number of Hawaiian citizens were prohibited from participating), and finally engaging in a "treaty" of annexation, bringing into U.S. domination, the territory and citizens of an independent nation.

This American excursion into foreign waters, invading an independent nation militarily, giving not even the courtesy of advance warning or a declaration of war, (something they accused Japan of doing half a century later), wresting the constitutional democratic form of government from power and placing in its stead, an oligarchy of primarily white/American descendants (something they accused Iraq of doing a century later), and in 1898, five years later, annexing that national territory and citizens into its own - this was not merely a discriminatory practice of the government among its citizenry, it was not the mere extension of governmental authority upon the private rights of its citizens, such as the civil rights movement of the 60's or the concentration camps for the Japanese-Americans in the 40's. It was instead a multi-layered incursion of rights upon the sovereign integrity of an independent nation as well as a suppression of individual rights recognized to exist in both Hawai‘i and the United States.

To begin addressing the appropriate remedy for this historic and this on-going violation of rights, let us examine some of those injuries which resulted by what the U.S. Congress as well as two American Presidents called an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress" and by "such acts, the government of a peaceful and friendly people was overthrown."

First, let’s review the folds of governments over this land of Hawai‘i. Following the invasion and overthrow of the constitutional monarchy of Hawai‘i, a provisional government was established on 17 January 1893 and continued its existence until July 4, 1894 at which time the "Republic of Hawai‘i" was established and continued its existence until 1900 at which time the Territory of Hawai‘i was established and continued its existence until 1959 at which time the State of Hawai‘i was established and has continued its existence to the present time.

The explicit political injury imposed upon the Hawaiian nationals from then to now, covering a period of 105 years includes the denial of our nationality, our
government, our control over our national lands, our control over immigration, our control over taxation, our control over banking and finance, the right to print our own money, the right to control foreign trade and foreign relations, the right to protect our 'āina from environmental pollution, the right to control our own education system, the right to exercise jurisdiction over all of Hawai‘i and territories under Hawai‘i’s jurisdiction in 1893, the right to control our air space, to exercise jurisdiction over print, radio, television and satellite communication, the control over the ocean to the full extent recognized under the Law of the Sea Treaty, and membership in international governmental organizations including the United Nations. (Is this enough for now?)

Attached to this political injury came associated injuries to our health and welfare, cultural identity, education, economy, cultural practices, language, self-esteem, etc.

Thus, a wrong was done by the United States of America to the Nation of Hawai‘i and her individual nationals and residents. We have suffered a long list of injuries, political, personal, social, economic, cultural, environmental, etc. Such injuries were both collective, that is, as a nation, and individual.

What are the appropriate remedies adequate to address the initial wrong and the resulting injuries? Is the remedy of according appropriate civil rights protections adequate? Are American Civil Rights remedies limited to the internal/domestic arena of the United States while the actual controversy is really one of an international nature, thus requiring an international remedy? Is the right of divorce "on the table"? Is it part of the discussion - in view of the fact that the Hawaiian side never willingly engaged in the marital relationship in the first place? If it is not part of the discussion, then is the U.S. government truly acting in good faith, really wanting to achieve a remedy appropriate to the injustice?

Is the United States and its special study commissions the appropriate bodies to determine the remedy? Should a thief sit in judgment of itself? Should the U.S. define the process by which we reach an amicable resolution or should the process toward justice be agreed upon by both the American and the Hawaiian side, or by a third, international voice?

And until proper remedies are put into place, what immediate actions should be taken to prevent the continuing injury from continuing? If we were to divide the injuries to those of the past and those of the present, should the U.S. begin to define those practices which they are engaged in today, which practices are the fruits of the illegal historic activities, and end such practices immediately?

One of the major failures of the U.S. is its twisting the issue of Hawaiian sovereignty from a national to a racial question. The Congress says, for example that the U.S. acknowledges and apologizes for the illegal overthrow of the Kingdom of Hawai‘i on January 17, 1893, which resulted in the suppression of the inherent sovereignty of the Hawaiian people and the deprivation of the rights of Native Hawaiians to self-determination. It continues by declaring its commitment to acknowledge the ramifications of Hawai‘i’s illegal overthrow, in order to provide a proper foundation for, and to support reconciliation efforts between the United States and Native Hawaiian people. In those few words, the Congress has taken the act of overthrowing the government of an independent nation/state and suggests reconciliation only to the Native Hawaiian people. In those few words, the Congress has itself acted against principles of non-discrimination by race, by doing exactly that among Hawaiian nationals.
Prior to the American invasion in January 1893, Hawai‘i was a multi-racial nation/state just as the U.S. was at that time, and is today, a multi-racial state. If a foreign country should injure the U.S. nationals, would it be permissible for that foreign country to choose among what race of these American nationals it should give a remedy? Should a foreign country that mistakenly shoots down an American passenger plane killing Americans of various races, religious or social status - should that foreign country have the right to say they will pay only for the injuries to the American Indian victim?

One of the reasons for this problem in American distinction is the strong indigenous rights movement occurring here and in America and in the rest of the world. This movement calls for the recognition of special rights of the indigenous people within their traditional homelands, such as the right to retain their culture, their traditional language and religion, to educate their own children based upon their own traditional beliefs and within their own social systems, to maintain their own economic practices, and so forth. In the Hawai‘i case, that struggle for indigenous rights, starting about the 1970's, was also intertwined with the Hawaiian sovereignty movement which dealt with not only the practice of indigenous rights, but raised the whole question of the illegal overthrow of the Hawaiian government. Many people, including Native Hawaiians, have not understood the distinction, and speak of both indigenous rights and Hawaiian sovereignty as if they are one and the same.

They are not the same. But they are not a matter of either/or, as well. It's not a question of choosing in favor of Native Hawaiian rights or Hawaiian sovereignty. Both rights should be available. But both must be clearly understood and distinguished. Native Hawaiian rights are the rights of indigenous peoples in their own homeland - to language, culture, traditional lands, right of access, reclamation of burial and other sacred sites, and so forth. Hawaiian sovereignty rights are rights accorded beyond the race line addressing questions of developing an independent government, reclaiming the international stature as before the U.S. invasion, and the debt owed the U.S. for its years of governance and occupation over Hawai‘i.

Let's take a look at how the U.S. has chosen to proceed in addressing its historical injustice. We have two current events to make an interesting comparison, between limiting the issue to an internal/domestic - national question or expanding it to an international relations question.

The U.S. Commission on Civil Rights, through its Hawai‘i Advisory Committee, under the chairmanship of Charles Kauluwehi Maxwell, is now undertaking to ask questions about the progress taken so far in bringing about appropriate civil rights remedies for Native Hawaiians. But the competence of the Civil Rights Commission extends only to matters relating to discrimination or denials of equal protection of the laws under the Constitution of the United States because of race, color, religion, sex, age, or national origin, or in the administration of justice. Therefore, the acts of the United States and the consequences called for in international law is seen as one beyond the competence of the U.S. Civil Rights Commission.

The second recent event was the filing of the U.N. expert’s report calling for the re-inscription of Hawai‘i on the Special Committee on Decolonization. The U.S. response to this call was the remark that this report would be nothing more than a small footnote in history written by a small man. The substance of the expert’s conclusion is here given no regard. Instead, the government’s only response is to denigrate a U.N. expert.
Thus we see the U.S. pretense of "coming clean" with its Apology resolution, an admission of guilt to the invasion of Hawai‘i, yet refusing to bare itself to the standards of the international community, insisting that a resolution of the case should be only within the confines of the United States system. It's like saying I'm sorry I did you wrong but I will decide the punishment for myself.

No wonder people are saying, it's like a thief in judgment of itself.

In the face of this predicament, what are the ways in which people are attempting to resist this injustice?

One tactic is to find haven in the cultural continuity of Hawai‘i and to embed the national life there. The oral and movement cultures found in language, chants, stories, genealogies, hula and lua are expanding in Hawai‘i in fantastic proportions. Use of the changing technologies that have influenced the forms of cultural expression have also found their way in preserving the national consciousness. We find more songs and poetry, records, tapes, compact discs, video and radio programs—a profusion of these technological uses aimed in this direction of cultural practice.

And those engaged in these practices are not limited to only the Hawaiian race.

Another form of resistance is the increase of people now refusing to voluntarily contribute income taxes to the U.S. or Hawai‘i State government. One particular case is of a retired Honolulu Police Department officer who simply said, "I'm a Hawaiian, not an American. Why should I have to finance my own colonization by the U.S.?'" For his refusal to pay, John Marsh was indicted for three counts of willful failure to file income taxes. In 1995, a Federal Jury found John Marsh not guilty on all counts. He subsequently brought the matter before the U.S. Tax Court, challenging the jurisdiction of the U.S. taxing laws over Hawaiian citizens who gain income within Hawai‘i. His case is now pending legal briefs and decision by the tax court. John Marsh is not the only one challenging U.S. jurisdiction. Many others, in many different forums are doing the same thing.

While John Marsh and others are taking individual action to express their national life, there is another, more widespread attempt to formalize the creation or recreation of a Hawaiian government. This is the process begun by the Native Hawaiian Vote in 1996 in which Native Hawaiians voted to begin the process of forming the government, starting with an election of delegates from throughout Hawai‘i in January 1999, to begin meetings and drafting of a basic document under which Native Hawaiians can pull together under common agreement and speak with one common voice. Presently, this process is limited to only native Hawaiians, but it is hoped that the process may be the wedge to expand the rights to those of other races as well.

What we are witnessing in Hawai‘i is not only very interesting, but it is a very important phenomena in human development. We are watching the unfolding of a decolonization drama in which the people under colonization, since the original armed invasion over a hundred years ago, have and continue to rely upon peace, reason, a faith in justice, a strong trust in God and aloha to bring about their salvation. We in Hawai‘i are blessed and burdened, as actors and as witnesses, to this great human experience. Savor these moments.
Laenui's question: Who is the “self” in self-determination is perhaps better understood in the context of the Hawaiian Kingdom as a country. If the “self” constitutes nationals of the Hawaiian Kingdom, i.e., subjects of the Kingdom, and the Hawaiian Kingdom was “overthrown”, then it would stand to reason that the “Apology Bill” would apologize to all subjects of the Kingdom. It clearly did not apply to any but native Hawaiians whose descendants are living today. A reason for the way the bill was worded may have been the desire of the U.S. to extend recognition only to native Hawaiians as a way to avoid the legal implications inherent in improper conduct of the US under international law in dealing with the taking of the Hawaiian Kingdom, not to mention the obvious, that it was done entirely without the consent of the people.

The Puerto Ricans were not permitted to talk about independence or sovereignty. As a result, they should have the right to exercise self-determination again. The special committee said, “You’re right. We’re going to reopen the question.” The United States said, “No way you’re going to reopen the question. The issue of Puerto Rico is beyond your competence.” The special committee came back again and said, “No, we’re going to leave the question open.” As a result, today the US is trying to address how they are going to resolve this question because at the UN it was reopened.

The same process applies to us here in Hawai‘i. In 1959, a fraud was committed against the United Nations and against our people. We had the right and we still have the right to choose between integration within the United States—and that is either becoming a state or remaining a territory—or the right to independence. We still have that right.

For me, Hawaiian sovereignty is the right to choose not only to exercise self-determination, but in that exercise to choose independence. One hundred years ago we had an independent nation, equal in stature and human rights as any other nation had. That nation was overtaken by a colonizer, the United States. Why should we remain under the United States and have them define for us who we are and what we can do, to set the parameters around how we are to regard ourselves as indigenous people?

No. We should have the right to be as equal as any other nation. And that, in essence, is the right to self-determination as exercised in Hawai‘i.
Now the second point about self-determination is the question, “Who is the self?” In 1959 when they said all Americans could vote and all you needed was to have lived in Hawai‘i for at least one year, what they did was altered the self. So it wasn’t really a Hawaiian choice.

Over the years they had infiltrated the American citizens into Hawai‘i. They controlled our education system; they controlled the economy. They’ve brainwashed us into believing that we were American citizens. And by infiltration, I mean they brought in all of the American citizens so that when the vote was taken they could participate in the vote—and they overwhelmed us.

So a lot of people say, well is it only the indigenous people who should be exercising the vote? And I come on the other side of that question. I say, no it should not only be the indigenous people. A hundred years ago an independent nation was overthrown, a nation whose citizens were made up of many different races. It was never a racial issue. It was a political issue. All of us who were citizens of the nation of Hawaii were robbed from that human right to determine our destiny. So all of us who can show ancestry, who can show citizenship, or who had ancestors who were citizens of the nation of Hawai‘i have the right to participate in this vote.

Ten years ago, Laenui may have been the most articulate person voicing concerns about historical accuracy on issues such as defining the ‘self’ in self-determination and identifying who suffered loss in the loss of sovereignty.

Today, ten years later, Laenui has identified the “fork in the road” as more than one fork. Laenui notes three historic times that constitute “forks”: 1893, at the time of the taking of the Hawaiian Kingdom by haole businessmen with the assistance of US military forces, 1898 with the proclamation of annexation of Hawai‘i by the United States, and August 1959 at the time of the vote for Statehood.
CHAPTER V

Expressions of Cultural Sovereignty

Of Sacred Times and Sacred Places

In 1996, the organization “Of Sacred Times and Sacred Places” (STSP) was formed at the urging of James Bartels, then-Curator of `Iolani Palace. Bartels, mindful that the State of Hawai`i had access to any number of sites for cultural activities, shared his concern about then-Governor Ben Cayetano’s efforts to use the Palace grounds for multicultural, rather than just Hawaiian activities.

STSP started as a coalition of individuals and organizations committed to maintaining the Hawaiian national consciousness by identifying and observing historic times and places of Hawai`i. Founding members68 sponsored a number of activities to honor Kamehameha I, Pai`ea Kunuiakea, as “The Father of Our Country” on his death day, May 8; Kamehameha III, Kauikeaulu, on his death day, Dec. 15; and Timoteo Ha`alilio on Nov. 28, Hawai`i’s Independence Day, La Ku‘oko`a. In addition, STSP assumed the role of caretaker for Pohukaina, the Royal Mound, located on the Palace

68 Founding members included Poka Laenui, Baron Ching, Jim Bartels, Fran Orian, Sylvia Krewson-Reck, Marsha Joyner, June Shimokawa, Leon Siu, Kalani Po`omahealani, Moana Chincio, Niklaus Schweizer, Kat Brady, Henry Curtis, Hoku'Lani Loyd, and myself.
The significance of this organization and the role it played in the sovereignty movement was its focus on maintaining the national consciousness of Hawai‘i as a nation-state through conscious acts of *malama*.

In 1998 a letter was sent to Alice Guild, Executive Director of the Friends of Iolani Palace, requesting permission from the Friends to assume curatorship of Pohukaina. This would include learning the history, practicing proper protocols when entering and exiting the area, cleaning, watering and trimming the ti plants and grassy area within the mound, and providing care for the mound and the shaped stones fronting and to either side of the Old Archives Building (Kana‘ina). At the advice of the Friends, a second letter was sent to Slate Parks, also requesting curatorship. Guild later sent a letter to Ralston Nagata, Administrator for State Parks, advising him that the Friends Board of Directors supported the request made to DLNR by Sacred Times to care for the Royal Mound and the Liloa Stones on the Palace Grounds. Nagata, rather than recognizing the special nature of the place as it related to Hawaiians (as opposed to Park staff), and welcoming the offer to care for the Royal Mound, instead attempted to draw the Sacred Times group into the Historic Preservation Division of State Parks as volunteers to assist State Parks staff in providing maintenance, to be done through a Special Use Permit which Sacred Times could apply for. Five years have gone by and the group continues to care for the Burial Mound, minus permit, which today is in much better condition with healthier plants and a well-tended look that did not exist prior to the group’s activities. Sacred Times, exercising its sovereignty, committed to caring for the Royal Burial Mound and the sacred Liloa Stones without formal approval from State Parks. The group understood that the State could not recognize that the commitment to care for such a sacred place could not be made to the State or any organization (such as the Friends of Iolani Palace), but commitment was made to the ancestors to care for them.

Of Sacred Times and Sacred Places posted their mission statement and an explanation of one of their activities in their printed program in celebration of La Ku‘oko‘a, Hawai‘i’s Independence Day, on November 28, 1999. The program, adopted from an article by Noenoe Silva titled “Thanksgiving From an Indigenous Perspective” reads in part, “La Ku‘oko‘a - Hawai‘i’s Independence Day - was celebrated around the same time as Thanksgiving from about 1844 until 1893. It marks the day, November 28, 1843, that Ke Ali‘i Timoteo Ha‘alilio succeeded in obtaining the signatures of the authorities of Great Britain and France on a treaty recognizing Hawai‘i as a sovereign nation. After meeting with US President Tyler in Washington, DC, Ha‘alilio and his secretary traveled to Belgium, Paris and London where the treaty was finally signed. They returned to the US to cement US agreement. On the journey, Ke Ali‘i Timoteo Ha‘alilio died, on Dec. 3, 1844. Although the treaty of independence did not solve Hawai‘i’s problems, it was a substantial achievement under international law, and recognized by the government of the Hawaiian Kingdom through the official celebration of La Ku‘oko‘a. The program goes on to state the mission of Sacred Times: It is in the cherishing and observing of their Sacred Times and Sacred Places that a people are most able to nourish their national consciousness. The continuity of this spiritual and cultural consciousness is the taproot of any nations’ survival. A nation’s conquest is completed, not by military subjugation, however thorough, nor by the creation of economic dependence, however extensive. The conquest of a nation is only completed with the destruction of the national consciousness within its people. Of Sacred Times and Sacred Places is a working group of various organizations and individuals dedicated to caring for, observing and celebrating our Sacred Times and Sacred Places as a central part of the continued Hawaiian national existence. Hence the celebration of significant historical times in places of historical importance.
"aina and malama kupuna.71 Part of promoting the national consciousness was the practice of honoring prominent aliʻi during the monarchy period, as well as facilitating the re-creation, whenever possible, of protocols practiced during those times. Thus the maintenance of Pohukaina, according to James Nakapaʻahu,72 became a sacred act and a sacred responsibility as well as an act of resistance against the State of Hawaiʻi (through Dept. of Land and Natural Resources which provided oversight of the Palace grounds), illustrating the distrust of this organization for the state’s ability to care properly, and with appropriate protocols, for any site of significance to Hawaiians.

Further, STSP promoted discussion around points of historical interest such as the adoption on October 10, 1997 of a memorial commemorating the similar adoption of an almost identical memorial on October 10, 1897, specifically to protest against the consummation of this invasion [by the United States] of the political rights [of Hawaiian nationalists]; [with an earnest appeal] to the members of the United Nations, as well as the President, the Congress and the People of the United States, to refrain from further participating in the wrong which has been permitted to persist for over 100 years; and invoke in support of this memorial the spirit of that immortal Instrument, the Declaration of American Independence; and especially the truth therein expressed, that Governments derive their just powers.

71 Malama 'aina simply refers to caring for the land, for the earth, by giving service to the ground itself. At Pohukaina STSP members regularly cut and water the grass, prune dead leaves from the ti plants, weed, offer prayers, practice appropriate protocol and bring hoʻokupu, or offerings of flowers and greenery. At Kaniakapupu, STSP members assist Malama O Kaniakapupu (a separate group) in caring for the grounds of Kamehameha III’s summer house, now an archaeological site. Malama kupuna refers to the care of the kupuna (elders) no longer living, whose bones are located in both Pohukaina and Kaniakapupu. While the bones themselves are not seen, the mana of the kupuna remains, and this is recognized and honored.

72 Nakapaʻahu is Chief of Security for 'Iolani Palace, and a volunteer who, since 1998, regularly brought his own equipment to cut the grass and water the Royal Burial Mound and areas surrounding it, including the ahu and sacred Liloa stones.
from the consent of the governed, and here repeat, that the consent of the people, subjects of the Hawaiian Nation, to the forms of Government imposed by the so-called Republic of Hawaii and the United States of America, had never been asked by and is not accorded to, those governments.\footnote{The Memorials of both 1897 and 1997 can be found in their entirety on Poka Laenui's website at http://www.opihi.com/sovereignty/}

On December 15, 2001, STSP honored Kauikeaouli, Kamehameha III on his death day, combining it with Memorial Day, Dec. 30, an official holiday during the 1850s.\footnote{Reference was found in the writings of Samuel Kamakau to the first observation of Memorial Day in 1850, following the death of Nahienaena, beloved sister of Kauikeaouli.} Kumu hula, John Keola Lake, provided an excellent review of that holiday and talked extensively of Kauikeaouli, the man and the monarch, his relationship with his peers in a time of upheaval, and the friends who helped him during his mourning period following the early death of his sister. Kumu Lake added a cultural and spiritual dimension to his description of history during this period, a reflection of what Hawaiians have sought to do regularly in presentations of a historical nature, no matter what the occasion or who the audience. Kumu Lake did what Hawaiians have always done in presentations—he told a story about Kauikeaouli's birth as a stillborn child who was given the ha, the breath of life. Along with the ha came a responsibility and a life's work. The telling (and expected retellings in the future) of this story was a sacred activity, as sacred as the actual birth, to those who, generations later, celebrated his life.
Throughout the years from 1995 until the present, STSP continued its activities by bringing to the attention of the general public the activities of Hawaiians of times past, and by framing those activities in terms of personal interactions with historic figures through storytelling. STSP encouraged the interaction of present day Hawaiians with historic Hawaiian figures through drama, remembrances and re-enactments.

Ka Lei Maile Ali`i: The Queen’s Women

One very interesting and well-received activity was a dramatic re-enactment based on an article called “Strangling Hands Upon a Nation’s Throat,” published on August 17, 1897 in a newspaper called The San Francisco Call. STSP assisted the American Friends Service Committee Sovereignty Education Subcommittee in its production of a play titled “Ka Lei Maile Ali`i: The Queen’s Women” on Sept. 2, 2000, to honor Queen Lili`uokalani, Hawai`i’s last reigning monarch on her birthday.

The play was performed first at the Kana‘ina Building (Old Archives), on the grounds of 'Iolani Palace, to a standing-room-only audience. Dr. Noenoe Silva presented a brief description of the Great Petitions and of the meeting in

73 The play was adapted from the news article and directed by Helen “Didi” Lee Kwai, a member of the Sovereignty Education Subcommittee (AFSC Hawai‘i). Other members of the subcommittee were Noenoe Silva, Professor of Political Science at UH Manoa, who discovered the Hui Aloha 'Aina petition protesting annexation of Hawai‘i to the US while doing research at the US National Archives in 1997, Hokulani Loyd, Anne Keala Kelly, Maria Ka‘imipono Orr, June Shimokawa, Stu Dawrs, Gordon Lee, AFSC staff members Kyle Kajihiro and Mohala Aiu, Doug Minnick, Gabrielle Welford and myself.
Hilo where Hawaiians who had gathered at the Salvation Army Hall were asked to sign a petition against annexation as described in the San Francisco Call article. Silva’s retelling focused on the relationships that had developed between the Queen (Ka Maile Ali‘i) and the women who supported her (Ka Lei Maile Ali‘i) while she was in Washington, DC, and who traveled to different Hawaiian islands collecting signatures of those who would support the Queen in resisting Hawai‘i’s annexation to the U.S.

The audience at the re-enactment wept at the end of the performance, moved by the speaking aloud of words that were captured by the journalist present at the historic gathering in Hilo and who wrote the article for the Call. For a moment, everyone present had stepped back in time, aided by the fantastically designed set and emotional presence of those within the sovereignty movement who seemed no longer to be ‘acting’, but instead became their own ancestors, resisting 100 years later by speaking the words of their ancestors with all the emotion and force of their original forebears.

76 Meleanna Meyer, filmmaker, artist and activist, designed the set for the re-enactment. The stackable chairs were lined up side by side and made into ‘pews’ with painted boards attached to the chair backs. ‘Windows’ were hung on the side draperies, and signs were posted on the walls with religious sayings as described in the Call article. ‘Floor boards’ were laid on the carpet, from the entrance to the room to the table where the Queen’s women sat. In the darkened building the effect was eerily realistic, with actors in costume helping to carry the audience to a time past.
Ongoing dialogue within the sovereignty movement has frequently focused on the need to develop a strategy that takes into account the role of allies, who support not just the aims of the sovereignty movement, but also the methods by which the movement chooses to express its resistance to oppressive policies of the State of Hawai‘i and the federal government.  

Alleys frequently support expressions of cultural sovereignty, especially in areas of social policies, land and water use, language preservation, and perpetuation of cultural practices through advocating for access to traditional areas.

Ally organizations are also generally not directly involved in the movement, but are sympathetic and can relate to issues of concern to Hawaiians in struggle. A number of such groups have been active in the last ten years, for example Life of the Land, a long-time land rights organization whose environmental focus nearly parallels Hawaiian concerns about land and water. Other ally organizations include The People’s Fund, a foundation that supports grassroots initiatives that challenge the power structures in Hawai‘i and abroad; Pacific Women’s Network, an educational initiative that has served as a pass-through organization by providing fiscal sponsorship to informal ad hoc organizations doing on-the-ground organizing for social justice issues; KAHEA, the Hawai‘i Environmental Alliance, whose focus is...
on advocacy for protection of North West Hawaiian Islands Fishing Reserve and other environmental and social justice issues; and 'Ilio'ulaokalani Coalition, a consortium of hula halau from all parts of Hawai'i who support the protection of traditional and customary gathering rights.\(^78\)

*Kupa'a*

In 2002, Honolulu City Councilman John Henry Felix introduced Bill 53.\(^79\)

The Bill’s purpose was to mandate a lease to fee conversion of privately

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\(^78\) Takamine testified during an Office of Hawaiian Affairs Board of Trustees Meeting, Feb. 8, 2001, that 'Ilio'ulaokalani’s concerns were about cultural rights as property rights that are vested in the land. While not strictly a push for sovereignty, the focus on rights and responsibilities toward the land reflect the sentiments of nearly every sovereignty group that has publicly entered into the movement.

\(^79\) From the Kupa'a website: Bill 53 advocates mandatory leasehold conversion, a euphemism for condemnation. Traditionally, condemnation allows government to take private property to be used for a public good such as a road or park. The courts have allowed government to take leasehold residential land and transfer ownership to lessees, so long as there are substantial numbers of lessees who qualify (i.e., they need to be owner occupants). The City Council of Honolulu is seeking to amend Revised Ordinance of Honolulu 38 2.2 (Chapter 38), which currently requires the lesser of 25 owner occupants or owner occupants occupying at least 50 percent of the units. The City has introduced Bill 53 in reaction to a recent Hawai‘i Supreme Court ruling that held the City was illegally applying its mandatory leasehold conversion ordinance to condominium properties that do not have enough owner occupants to qualify for condemnation. The passage of Bill 53 would allow for "50 percent of the owner occupants" rather than "50 percent of the units" to initiate the condemnation process. Under the proposed Bill 53, if there were only 4 owner occupants in a 100 unit building, the lessor would be forced to sell their land if just 2 lessees applied for condemnation. The modified standard creates a very low threshold. This is directly counter to the public purpose of both the Land Reform Act and Chapter 38, that the law is supposed to give the opportunity of subdivision tracts/projects the right to convert only when there are substantial numbers of qualified lessees. The amendment will primarily benefit those buildings that have only a few owner occupants and many investor owners, since they will be most likely to qualify for condemnation under the new standard proposed by the City under Bill 53. When the City first passed the condominium condemnation ordinance, it stated that it would only be applied to buildings where there were substantial numbers of owner-occupants. However, very few owner occupant buildings attempted to take advantage of the law. Instead, it is those buildings that are dominated by investors that have been the primary buildings interested in conversion. Although investor owners do not qualify to buy the fee, there is potential benefit to them as many small landowners sell to all owners rather than face the prospect of losing their land a couple of units at a time. Despite warnings by landowners and their attorneys that this was an improper use of the ordinance, the City continued to condemn buildings that did not meet the
owned lands, but the specific land targeted was land that belonged to Hawai‘i’s last reigning monarch, Queen Liliʻuokalani. The Hawaiian community was in an uproar, as it saw the bill as another attempt at land theft.

A response to Bill 53 was the formation of a new organization called Kupa’a Makou Mahope O Liliʻuokalani (Stand Firmly Behind Liliʻuokalani). The group’s mission was to advocate for and defend the Ali‘i Trust of Queen Liliʻuokalani, and her legacy to the children of Hawai‘i. Information from their website clearly states their philosophy:

*The legacy trust lands of our beloved Queen Liliʻuokalani are again being threatened by leasehold conversion or reform has been the modern means of rationalizing the taking of lands from Hawaiians as well as many other small landowners. When will this end?*

Kupa’a assisted ʻIliaʻulaokalani’s efforts to call attention to the City Council’s attempt at modern day ‘land theft.’ On September 2, to honor the Queen on her birthday, a tremendous march and rally was held. Marchers gathered at Maunaʻala, the Royal Mausoleum and burial site of Hawai‘i’s last monarchs. The event was called *E Lili’u E* and some 5000 people attended both the march and rally. While it was uncertain at the time what the outcome would be at the next City Council hearing on Bill 53, there was no doubt that Hawaiians had given it their best shot and that this outpouring of resistance to legal requirements. The Hawai‘i Supreme Court has now held this was illegal, thus exposing the City to damage claims and lawsuits by injured landowners. The City believes if it changes the standard, it can bypass the Hawai‘i Supreme Court and claim constitutional compliance. Instead of benefiting owner occupants, it is benefiting primarily investor buildings. Also, it attempts to get around the Hawai‘i Supreme Court’s ruling that it was acting illegally. By using this tactic it exposes the City to a renewed challenge that the whole condominium condemnation program is unconstitutional.
continued land theft and support of things Hawaiian sent a message to
decision-makers that if Hawaiians were of a mind, they could rally the
numbers needed for a major show of resistance. Whether that resistance
would result in changed policies could not be known at the time.

While not a sovereignty organization, the group’s focus attracted sovereignty
activists whose interests spanned the spectrum from total independence to
global environmental justice. The issue, the taking of trust lands, was a
reminder to all that legal land theft was not new, but rather just one more
attempt on the part of government to strip Hawaiians of what little of their
heritage and resources remained. Under the leadership of Evem Emalia
Williams, the organization drew tremendous support from throughout the
sovereignty movement. Groups and individuals alike were drawn together to
defend not just the lands in question, but the Queen, herself. It could be said
that the success of the effort rested on the respect and love that Hawaiians had
for the Queen.

*Japanese American Citizens League*

In 1992 at their national convention, the Japanese American Citizens League
(JACL) adopted a resolution in reaffirming support for the restoration of

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80 The Japanese American Citizens League, the nation’s oldest and largest Asian American
civil rights organization, was founded in 1929 to address issues of discrimination targeted
human, civil, property and sovereign rights of Hawai’i’s indigenous people.

The resolution was put forth in support of the upcoming commemoration of the 1893 taking of the Hawaiian government. In part the resolution stated:

*Whereas, in January 17, 1893, the United States government through its military forces, under the authority of U.S. Minister John L. Stevens, aided in the overthrow of the constitutional Hawaiian government, headed by Queen Lili‘uokalani, and helped to establish a Provisional Government, which took full possession of all government functions and buildings of the Hawaiian Islands; and*

*Whereas, on December 18, 1893, President Grover Cleveland submitted to the Congress of the United States a full report that condemned the role of the American minister and the U.S. Marines in the overthrow of the Hawaiian monarchy and called for the restoration of the Hawaiian monarchy; and*

*Whereas, in 1898, Congress ignored President Cleveland’s previous request and annexed the Hawaiian Islands through the “Newlands Resolution,” which was legally questioned as to whether the U.S. Congress had the authority to admit territory in the union by joint resolution, for it is not specified that Congress had the power to acquire territory through any means other than conquest or treaty; and*

*Whereas, the Japanese American Citizens League recognizes that the actions taken by the United States in the illegal invasion of 1893 are the basis for legal claims for the restoration of human, civil, property and sovereign rights of Hawai’i’s indigenous people; and*

specifically at persons of Japanese ancestry residing in the United States. In California, where the majority of Japanese Americans resided, there were over one hundred statutes in California that proscribed the limits of rights of anyone of Japanese ancestry. Organizations like the Grange Association and Sons of the Golden West exerted powerful influence on the state legislature and on Congress to limit participation and rights of Japanese Americans, and groups like the Japanese Exclusion League were established with the sole purpose of ridding the state of its Japanese population, even those who were American citizens by birth.

Amidst this hostile environment, the JACL was established to fight for the civil rights primarily of Japanese Americans but also for the benefit of Chinese Americans and other peoples of color. Although still a small, California-based organization, the JACL was one of only a few organizations in the 1920s and 1930s willing to challenge the racist policies of the state and federal governments. With limited resources and virtually no experience in state or federal politics, the JACL nevertheless took it upon itself to set the course for civil rights for persons of Asian ancestry in the West Coast region of the United States as well as at the federal level by combating congressional legislation aimed at excluding the rights of Japanese Americans and Asian Americans. While the JACL’s founding mission was focused on protecting the civil rights of Americans of Japanese ancestry, today the organization is committed to protecting the rights of all segments of the Asian Pacific American community. [http://jacl.org/about.html]
Whereas, such a loss of independence and self-determination of the indigenous Hawaiian people remains an important cultural and political factor today; and

Whereas, the JACL recognizes the increasing discussions and debate in Hawaii and in the Congress of the United States of the adverse consequences of such overt acts of military aggression against a peaceful, independent nation, and to the citizens and descendants of that nation today; and

Whereas, the JACL shares, endorses and encourages American ideals and principles of justice through law, and profoundly believes that the unresolved injustice to one is a harm endured by all; and

Whereas, the JACL in 1984 at its National Convention adopted a resolution in support of sovereignty for the indigenous people of Hawaii, and in 1986 at its National Convention, reaffirmed its support of Hawaii’s indigenous people;

Therefore, be it resolved that the JACL determines that 1993 should serve Hawaii, our nation and the world as a year of special reflection on the rights and dignities of the indigenous people of Hawaii; and

Be it further resolved that the JACL recommits and reaffirms its efforts and support of indigenous Hawaiians in their struggles to address the federal government’s illegal and immoral wrongdoings committed against them; and

Be it further resolved that the JACL call upon the government of the United States of America to recognize the sovereign nation of Hawaii to correct the injustices of one hundred years ago; and

Be it finally resolved that certified copies of this resolution be transmitted to the President of the United States, the President pro tempore of the US Senate, the Speaker of the U.S. House of Representatives, the chairperson of the U.S. Senate Committee on Interior and Insular Affairs, the chairperson of the U.S. Senate Select Committee on Indian Affairs, the members of Hawaii’s Congressional Delegation, the Secretary General of the United Nations, the Governor of the State of Hawaii, and indigenous Hawaiian organizations in Hawaii and throughout the United States of America.

JACL board members currently span the whole United States, from California and Alaska to Virginia and Utah. There is a Honolulu Chapter of JACL.
The Hawai‘i office of the American Friends Service Committee in 1995 developed a strategic plan with four focus areas: Gay Liberation, Economic Justice, Demilitarization and Hawaiian Sovereignty.

Under the leadership of first Roger Furrer, and then June Shimokawa, the Sovereignty Education Subcommittee was formed to educate the general public about issues relating to sovereignty. This was done through public presentations, videotaping for showing on public access television, articles in the AFSC newsletter, Maluhia me ka Pono (Peace with Justice), testimony to the State legislature, the drafting of a Testimony on Self-Determination, and what Shimokawa termed ‘acts of solidarity’ with Hawaiians in struggle.

In 1998, AFSC-Hawaii sponsored a dialogue on the issue of colonization. Titled “Decolonizing the Mind,” the public forum featured Hone Harawira from Aotearoa, Kaleikoa Ka‘eo and Kihei Soli Niheu. The forum took place at UH Manoa and was videotaped for showing on public access television. Harawira’s focus was on the dialogue between Hawaiians as an essential ingredient to decolonization. While allies played an important role in making

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81 AFSC-Hawai‘i is a Quaker-based peace and justice organization that has been present in Hawaii since World War II. In 1999, the national office evaluated the Hawaii program noting that while sovereignty education work was seen as both a unique opportunity and a tenuous challenge, providing a forum for open discussion, the challenge was to support the right of the native people to self-determination because the alternative was to support the status quo, which would be inappropriate for AFSC.
strides toward justice and resolution, the final dialogue must always be
between ‘brothers’ and ‘sisters’, the native people who suffered as a direct
result of oppression in their own homeland. Kaleikoa Ka‘eo, however, may
have shared the most profound statement, and a rephrasing of an important
idea: ho‘ohemo kolonaia. Ka‘eo talked about decolonization in a play on
words as a kind of ridding of the body politic of ‘pinworms’—ho‘ohemo = to
remove, kolonaio = pinworms. The description, in addition to causing much
laughter in the audience, did much to bring about understanding through
metaphor (a thoroughly Hawaiian way to call up visual images to convey the
kaona (hidden meaning) of a thought or expression). The audience
appreciated the playfulness, spontaneously laughing in appreciation of the
humor.

An even more important undertaking was a teacher training in the summer of
1998 titled “1898-1998: Rethinking the U.S. in Paradise”. The credit course
was taught at U.H. Manoa as part of Educational Foundations. Its focal point
was the historical role of the U.S. in the Pacific, from the era of expansion
through the present, and a review of the history of contact between European
and Pacific, Southeast Asian and Caribbean peoples and cultures. It further
explored the dynamics of conflict, change and continuity over the major sites
of contention between native and colonial social systems: spirituality, land
and nature, natural resources, economic livelihoods, education, language,
health care, cultural beliefs and customs, and history. The two-week course
was facilitated by two teachers and included 15 student/teachers from Hawai‘i, the Pacific and California. 

In many ways this last project was an excellent example of the useful role of allies in the Hawaiian struggle for sovereignty and self-determination. As 1998 marked the hundredth anniversary of the taking of Puerto Rico, Guam, American Samoa, Philippines, Cuba, and Hawai‘i by U.S. military forces, it seemed fitting that teachers unfamiliar with this history be provided with curriculum and reference materials from an indigenous perspective, allowing them sufficient information to teach this little known or acknowledged history from an indigenous point of view. The course was meant to give teachers a sense of the significant impact of this action on the peoples, cultures, environment and political status of these countries, and the consequences that continue to be felt and manifested in the present day. AFSC-Hawai‘i pledged resources and support to an effort that continues to bear fruit today, raising consciousness among teachers who continue to use the 1898-1998 curriculum guide as source material.

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82 The teacher training project was conceived by Kilali Alailima, AFSC-Hawai‘i staff for the Pacific Program and implemented by Nancy Aleck, Project Director. Aleck secured funding from the Hawaii Fund for the Humanities to cover all costs related to the project. The course was taught by Fata Simanu-Klutz and myself.

83 The course guide, 1898-1998: Rethinking the US in Paradise, was modeled after the 1992 publication of the highly transformative Rethinking Columbus, a curriculum guide that ran through four printings and was used extensively by over 30 school districts, indigenous organizations, university/college teachers education programs, and community and religious groups across the US. Rethinking Columbus articles were reprinted in numerous books, magazines, and newspapers, and served as catalyst for education and organizing efforts around native peoples’ rights.
In 1995, the Sierra Club Legal Defense Fund (SCLDF, now known as Earthjustice Legal Defense Fund) created the Ahupua’a Action Alliance, an initiative for bringing together grassroots and environmental organizations supportive of access rights for the continuance of traditional and customary practices. In addition, the Alliance membership was to serve as a pool of potential litigants.

Initially the group, under the guidance of then-Managing Director Denise Antolini, mobilized more than 75 organizations islands-wide to identify issues, both environmental and cultural, which would potentially need the support and expertise of legal experts. The founding of the group came about after the 1995 PASH/Kohanaiki Decision, in which SCLDF played a key role. The PASH/Kohanaiki Decision affirmed the right of native Hawaiians to gather natural resources on undeveloped land, a landmark decision that went all the way up to the State Supreme Court.  

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84 In August 1995 the Supreme Court of Hawai’i issued its decision in Public Access Shoreline Hawai’i vs. County of Hawai’i County Planning Commission, which read in part: The CZMA (Coastal Zone Management Act) requires the HPC (Hawai’i Planning Commission) to give the cultural interests asserted by PASH ‘full consideration’. In addition, both the CZMA and Article XII, Section 7 of the Hawai’i Constitution obligate the HPC to ‘preserve and protect’ native Hawaiian rights to the extent feasible when issuing a Special Management Area permit (an SMA permit is required when building within an area designated for special management).
The Alliance was created, initially, to organize around the issue of ahupua`a resource management, and to provide information and assistance to its various members on all islands who had, for the most part, limited knowledge about ahupua`a systems. The Alliance’s mission was to protect, preserve, and restore the ‘life of the land’, and to perpetuate aloha, malama `aina and the rights of native tenants as defined in Hawaiian Kingdom law. ‘Life of the land’, in this sense, referred to the well-being and overall health of the lands (‘aina) and waters, both fresh and seawater (wai and kai), from the mountains to the sea. To malama the ‘aina meant to care for and nurture the land as one would care for and nurture a family member.

The Alliance was necessarily political because issues of land and water were political issues (who owned the land and water, who had access to land and water, and how these lands and waters were acquired by their present owners). The group found it easy to connect to the sovereignty movement because many of its members were Hawaiians engaged in struggle.

Early on, because of its connections to the more activist sovereignty groups, the Alliance was seen as a threat by at least some members of SCLDF. Its political nature and the willingness of the Alliance’s steering committee to back issues raised by sovereignty groups, as well as to engage in discussion that challenged not just the State of Hawai`i and the federal government, but
also SCLDF itself, proved to be more than the legal fund could handle. In 1997 the Alliance was asked to remove itself from the offices of SCLDF, which had just taken its new name, Earthjustice. The separation, over time, proved useful in that the Alliance, while lacking the financial support afforded them by Earthjustice, moved forward to make its own way with its own reputation as “advocates before the fact.” In other words, the Alliance continued its advocacy on behalf of Hawaiian issues and natural and cultural resource management in terms of prevention, rather than after-the-fact litigation.

In this regard, Ahupuaʻa Action Alliance was extremely successful as an ally to the movement because its focus was on solutions rather than lawsuits, and on education and training, rather than dependency. As an ally to the sovereignty movement, Ahupuaʻa Action Alliance raised consciousness at the grassroots level about issues related to sovereignty, land management, appropriate protocols, and the training of large numbers of people over a five year period as on-the-ground practitioners.

The Alliance's mission statement also touched on the issue of tenant rights.\textsuperscript{85} Within the movement, those who claimed knowledge of tenant rights defined

\textsuperscript{85} Stephen T. Kubota, program director for Ahupuaʻa Action Alliance, provided much of the research material and actual citations in his community presentations about Hawaiian Kingdom law relating to ahupuaʻa management and the history of ahupuaʻa from available resources.
them as those rights extended to Hawaiians from the time of the Mahele in 1848. These knowledgeable Hawaiians pointed to the fact, as stated in documents retrieved from the State Archives, that the words “subject to the rights of native tenants” appeared on every land transaction deed. And even though, over time the words had been left out of deed transfers, under Hawaiian Kingdom law the claims still prevailed.86 As more and more Hawaiians faced eviction from homesteads, and as homeless Hawaiians were threatened with arrest because they lived on beaches along the leeward coast, it became apparent that there was a growing need to know about history and about what had been in place before 1959, before the creation of the State of Hawai‘i. While Hawaiians felt a right to claim something that belonged to them historically, they were unable to clearly articulate their claims until the documents about land transfers became widely available.

Tenant rights tied directly into the proposed wording for the State of Hawai‘i’s Special Management Area Rules and Regulations, as required by the federal government’s Coastal Management Program, and in compliance with the Supreme Court’s ruling in the PASH/Kohanaiki Decision. In terms of tenant rights, definitions were offered by a coalition of County Planning Departments throughout the State of Hawai‘i, Hawaiian community

86 Attorney Alan Murakami with Native Hawaiian Legal Corporation gave a presentation in 1995 at Hawaii Pacific University about the issue of land titles in Hawaii. According to Murakami, in Hawaii all titles must trace back to 1848 and the Mahele (land division during the time of Kamehameha III). The State of Hawaii, however, is exempt from having to trace titles of lands it holds to 1848. The State need only trace its own titles to 1893, the time when Hawaii’s last Queen was dethroned.
practitioners, landowners and developers on several islands, the Office of Hawaiian Affairs and the PASH Rights Study Group. This group decided what terms to recommend regarding the specific rights and responsibilities of native Hawaiians. What is interesting to note is that prior to the challenges by Hawaiians in conflict, and surfacing of documents of title and transfers, there was no need for clarification about tenant rights. Prior to PASH/Kohanaiki, the State of Hawai‘i did not see a problem, regardless of the fact that Hawaiians lived in marginal conditions, were being evicted from lands that were supposedly Hawaiian lands, and, as a group, consistently fell into the category of ‘extremely needy.’

Two definitions were offered for consideration:

“cultural” – pertaining to traditional and customary usage and rights of *ahupua‘a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Island prior to 1778;87 and

“Native Hawaiian rights” – those rights defined in HRS 1-1, HRS 7-1, Article XII, Section 7 of the Hawaii State Constitution, and in rulings of the Hawaii State Supreme Court.88

87 This definition is based upon the language of the Hawai‘i State Constitution, Article XII, Section 7 and the PASH/Pilago Supreme Court decision. This language is suggested to have the SMA process give full consideration to Native Hawaiian usage and rights as mandated under law.

88 The PASH/Pilago Supreme Court decision defines Native Hawaiian rights as those provided for in the Hawaii Revised Statutes and the Hawaii State Constitution. The rulings of the Hawaii State Supreme Court have further defined these rights.
While the Alliance was able to assist in helping this effort along by providing some of its own documentation and experiences with communities in action, the Alliance also recognized that underlying the discussion about tenant rights and land titles was the unspoken (perhaps by agreement) acceptance of wrongs done to the Hawaiian people and the unwillingness to focus on making right those wrongs as opposed to supporting an infrastructure that refused to admit guilt or to take steps to repair the damage. While some in the movement felt that this effort was about repairing damage, it was generally believed that no amount of talking around the issues would help to repair.

From 1997 – 2003 the Ahupua‘a Action Alliance conducted numerous educational outreach programs on all islands, with primary work on O‘ahu. Their educational effort was developed based on a system of traditional Hawaiian resource management that pointed at ways of knowing the land developed by ancient Hawaiians, and working with the land to resolve conflicts. The curriculum developed in the first two years took into account the need for participants in the educational program to become more than just intellectually involved.

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89 Out of the ahupua’ a system developed specific kanawai (laws/rules) pertaining to the use of water within the ahupua’ a and the right of those needing water for their lo’i (wetland taro fields) to have access (along with others) to water in the ‘auwai (irrigation ditches). This same system of laws gave the responsibility to those upstream to keep clean the water flowing down to those below. Eventually this same water would enter into the fishponds at the shoreline, and the water would flow cleanly, an important requisite, as all water was involved in food production [Stephen Kubota 1996].
During that time, a two-part program was established: an in-house lecture with overhead (and later Power Point) presentation, and an _ahupua`a_ field trip to acquaint students and other participants with _ahupua`a_ concepts in terms of becoming familiar with the landscape.

Farmers at Kahana Valley hosted participants ten or twelve times a year for the first three years (1997 – 2000). As the demand for these kinds of experiences expanded with Kahana farmers hosting students from Brigham Young University, Kamehameha Schools and different programs throughout O`ahu, the numbers of field trips to Kahana Valley became fewer in number for the Alliance (approximately four to six times per year). But there was a corresponding rise in number of field trips, developed along the same lines, to other areas such as Kaniakapupu (Kamehameha III’s summer palace), in Nu`uanu, and Makua on the Leeward coast of O`ahu (hosted by the Malama O Makua community organization and, whenever possible, with entry into the Open Burn/Open Detonation area held by the US Army).

The _Ahupua`a_ Action Alliance’s work on behalf of the `aina, wai and kai (land, fresh water and ocean resources) was work on behalf of the sovereignty movement. The goals were the same. The Alliance demonstrated that the movement itself was so broad, with so many facets, that any education that the Alliance could provide, especially about the history of land and water in
Hawai‘i, was needed. The Alliance’s work with communities, offering people a hands-on approach to a lifestyle that was quickly changing because of community loss of its own resources, also resulted in raised consciousness about Hawaiian history and about community management strategies used during the Hawaiian Kingdom.90

In essence, the Alliance offered all participants an opportunity to become practitioners in the restoration of the land and its resources, an involvement that sovereignty proponents encouraged as political expression through community action. The idea was to raise consciousness by helping communities challenge rules and regulations that did not make sense, and thereby introducing them to social justice issues, environmental racism, and people’s liberation. From there it was only a short step to understanding the need for sovereignty for Hawaiians.

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90 The hui system was practiced in Kahana Valley and elsewhere. Erline Sunny Greer, a long time Kahana Valley resident, shared stories and documents from the time of her grandparents that told of the creation of “hui” or clubs to manage Kahana Valley during the late 1800s and early 1900s. Farmers and fishers belonged to the hui. After a large harvest, or a successful hukilau or fishing trip, children were sent with fish or produce to those who were ill or house bound. After the food was divided to everyone’s approval, the leftover goods were sold and the funds used to pay the secretary and treasurer of the hui for keeping the minutes and paperwork straight and paying the hui’s bills. Certain rules were laid out for the hui, such as the admonishment against keeping pig pens close to the stream because of concerns about water pollution.
Tony Castanha, a student in political science at UH Manoa, contributed his master’s thesis to the dialogue about allies. Titled “The Hawaiian Sovereignty Movement: Roles of and Impacts on Non-Hawaiians,” Castanha’s thesis attempted to explain how non-Hawaiians can become allies in the struggle for sovereignty:

Since 1993 the Hawaiian movement for sovereignty and self-determination has gained much strength and attention. As non-Hawaiians in Hawai‘i comprise approximately 80 percent of the total population, many have become concerned as to where they might fit into the sovereignty picture and how Hawaiian sovereignty will affect them. This thesis examines roles and impacts of sovereignty on non-Hawaiians in four models of Hawaiian self-government. The models have been proposed by the Hawaiian community in an effort to relieve the plight of the Kanaka Maoli people. The work presents the views of fifteen sovereignty leaders interviewed on roles of non-Hawaiians in seven major areas. The effects of the movement on non-Hawaiians, particularly in the area of property, are analyzed. The results indicate there are definitely roles for non-Hawaiians to play, and the progress of the Hawaiian sovereignty movement may likely affect all residents of Hawai‘i.

One expression of that support was manifest in the creation of an online discussion list called “Kanaka Maoli Allies (kanakamaoliallies-l@hawaii.edu).” The idea for the list came as the result of a request from Ron Fujiyoshi, a Big Island activist and minister in the United Church of Christ. In December 1996, Fujiyoshi sent an email inquiry to sovereignty activists and church leaders requesting support for such a dialogue:

Dear Friends:
Enclosed is a proposal for you to consider. Awaiting your response. Aloha,

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91 A list of useful sovereignty-related Internet resources is listed in the Bibliography.
A PROPOSAL

To form an organization, "N.K.M.F.K.M.I." which stands for Non-Kanaka Maoli For Kanaka Maoli Independence.

Why?
1. Injustices were done to Kanaka Maoli. The Kanaka Maoli were dispossessed of their lands with the Mahele of 1848, the Bayonet Constitution, the Overthrow of 1893, Annexation in 1898, Statehood in 1959.
2. The Kanaka Maoli are the indigenous people of Hawai'i. The rest of our ancestors/us immigrated to Hawai'i.
3. Sovereignty is also a non-Kanaka Maoli issue. Non-Kanaka Maoli overthrew the independent nation of Hawai'i. Immigrants were brought in to outnumber the Kanaka Maoli.
4. Non-Kanaka Maoli need to be educated about sovereignty issues.

Castanha, (a Taino, descended from the native people of Puerto Rico), in discussion with others in Hawai'i wishing to be allies to Hawaiians in the sovereignty movement, moved the creation of KMA forward by contacting Richard Salvador, also a student in Political Science at UH Manoa, to assist in the creation of the discussion list. Both were interested in finding ways for Hawaiians and non-Hawaiians to dialogue to come up with strategies for allies to assist in the sovereignty movement. While Richard Salvador is a Pacific Islander, and native of Belau, he felt it inappropriate, as a non-Hawaiian, to begin a discussion list on this issue. My agreement to be co-owner helped to make the discussion list a reality. That was in 1997. The list was called kanakamaoliallies-l and it made its debut on Jan. 3, 1997.
When Salvador put out the first call for subscribers, approximately 200 people responded. Most of them are residents of Hawai‘i. A number of subscribers are in the U.S. and other foreign countries. Most of them are Hawaiian by ethnicity or have lived in Hawai‘i before and support the sovereignty movement. From the list distribution and from attempts at online introduction, most people on this list are engaged because they have an emotional tie to Hawai‘i and Hawaiian culture, and a memory of this land that calls them spiritually. Emails affirm that they support the desire of Hawaiians to be sovereign in their homeland.

In 1997 Salvador posted the following invitation:

The Hawaiian Sovereignty Discussion List (kanakamaoliallies-l@hawaii.edu) was created to further the on-going discussions about the Hawaiian Sovereignty Movement, and all other issues related thereto. It is dedicated to the rational exploration, consideration, and discussion of the political nature of the sovereignty movement: as such it seeks to incorporate both the academic and non-academic areas of the sovereignty movement.

A group of people has pursued these discussions online for some time, and it was only natural that we would eventually create the list to better accommodate the on-going effort. Some of the fundamental questions/issues touched upon have been the meaning of self-determination in an on-going Indigenous Peoples' struggle here in Hawai‘i, and elsewhere. Issues explored included the identification of the "self" in "self-determination," i.e., who is that particular "self," how has it been historically constituted by colonization, how is that "self" to be defined amidst the different migrations into and out of Hawai‘i? Accordingly, what is to be the role(s) of each "ethnic" grouping presently constituting Hawai‘i? This fundamental question seeks to investigate the emerging role(s) of the Non-Hawaiians in the articulation of the larger sovereignty movement and decolonization of the Kanaka Maoli (the Indigenous Peoples of Hawai‘i)? The motives of such queries are to explore the potential contours of an emerging (post)colonial society, the fair distribution of what are obviously the economic consequences of an illegal overthrow of an Independent Nation (by the United States of America), and the possible political formation of entity(ies) designed to reconcile the compounded historical injustices against the Kanaka Maoli.

KANAKAMAOLIALLIES-L seeks participation from both the academic as well as non-academic standpoints (the social activism portion of the larger struggle here as
well as in other areas that are potential sites of comparative understandings. Participants are encouraged to post queries, comments, critiques, reviews and/or concerns related to List discussions. The List can also be used to announce other comparable activities taking place here and elsewhere, i.e. conferences, meetings, workshops and seeks the inclusions of other related disciplines that have wider relevance to issues discussed here.

The List is partly an initiative of the Department of Political Science at the University of Hawai‘i at Manoa, in furtherance of one of its scholarly responsibility toward the articulation of political conditions of the larger Hawaiian community.

The kanakamaoliallies list is now entering its sixth year. Participants still number approximately 200 at any given time. An attempt was made in the first few years to create an atmosphere of 'Ohana (family), as new subscribers entered the list and were asked to introduce themselves. A website was created by Scott Crawford and linked to the Hawaiian-nation.org site, one of the more well known sovereignty sites on the Internet; on this website were highlighted introductions, as well as the various issues discussed over the years, and photos, announcements, links and publications significant to the movement.

In 1998, to mark the centennial observation of the so-called annexation of Hawai‘i to the United States, and to show continuing support to those in the sovereignty movement, a commemorative t-shirt was created by non-Hawaiian allies that contained the words “Kanaka Maoli Allies” in bold letters above a picture of the upside-down (signaling distress) Hawaiian flag. Within days the shirt was sold out, although very few people in Hawai‘i seemed to
have purchased them. Allies across the US ostensibly are proud owners of these shirts.

Perhaps the greatest contribution of the kanakamaoli allies list has been the tremendous sharing of information about Hawai‘i and Hawaiian issues to a constituency outside of Hawai‘i. While many have come and gone on the list, including those who did not favor sovereignty and made concerted efforts to derail the movement by posting false information or making derogatory remarks about certain identified leaders in the movement, the list continues to function as a clearinghouse of information. A secondary function has been as a welcoming committee for those on the list traveling to Hawai‘i. Throughout the years, when list members visit friends or relatives in the islands, local list members have hosted them at local style dinners. One reason for this was to continue cultural practices instituted online, a practice entirely in keeping with the spirit of ‘ohana identified earlier.
CHAPTER VI

Contention Within the Sovereignty Movement: Federal Recognition vs. Independence

On the issue of Hawaiians and our land, I see great inconsistencies in our state administration. For example, two important recent events prove the irony of it all:

* State sheriffs forcefully evicted and arrested Hawaiians living on homestead land on the Big Island for "deliberately" not paying what they supposedly owe the state for the use of that land and its water.

* The state paid the Office of Hawaiian Affairs a small portion of the long-overdue ceded land revenue it owes to the Hawaiian people for the use of land that the Hawaiian people rightfully own, not the state.

The state has been in arrears to the Hawaiian people since the former governor, Ben Cayetano, deliberately stopped making payments to OHA during his administration. Now where were those state sheriffs when our former governor stopped making those payments?

Shana Fischer
Ka'a'awa

Since 1993 the dialogue over models of sovereignty has changed dramatically. Within the present sovereignty dialogue two options are discussed: federal recognition and independence. So much has been discovered in the last ten years that proponents no longer consider "status quo" or "free association" as either workable or desirable. Much of it has to do with the newly understood revelations of history and accessibility of information to the general public, including Hawaiians. Among independence advocates there are also disagreements about whether independence is something to be achieved, or whether the Hawaiian Kingdom still exists.

93 Status quo refers to the continuation of the relationship Hawaiians presently have with the State of Hawai‘i. Very few, if any Hawaiians, support this option.
The Office of Hawaiian Affairs, created to serve Hawaiians in the State of Hawai‘i, recently (November 2002) posted their strategic plan. Goal 6 is nationhood. Strategies to meet that goal include creating a plan and process for unification, and developing a voter education campaign. OHA’s Board of Trustees voted to support federal recognition as laid out in the most recent federal recognition bill, S. 746, more commonly known as the Akaka Bill, after Sen. Akaka, who introduced the bill in Congress. S. 746 provides a process for the recognition by the United States of the Native Hawaiian governing entity.

The bill for federal recognition was introduced in 2000 as S.2899, and has gone through several changes. It was reintroduced in the 106th Congress by Hawai‘i Senator Daniel Akaka the following year, 2001. In August of 2002, Hawai‘i’s federal delegation scheduled public hearings for the six major islands. However, last-minute changes limited the hearings to the island of O‘ahu, effectively preventing full public testimony, as many who wanted to testify were denied access.

Hawai‘i’s Congressional delegation, perhaps fearing public resistance, made no effort to collect neighbor island testimony by electronic transmission or video. Those that were able to testify on O‘ahu were limited to five minutes per testimony.
The following year the Akaka Bill was reintroduced in the 107th Congress, designated, again, as S.746. The bill still did not accurately reflect the public comments from the August 2000, hearings. On November 22, 2002, a draft of S.746, with amendments, was created by the “Breakfast Club,” a group of individuals in support of the Akaka Bill. This draft included amendments to improve local support for the measure.\textsuperscript{94}

Within the Hawaiian community there is confusion. The Council of Hawaiian Civic Clubs, serving several thousand members in Hawai‘i and on the continent, met in October 2002 to adopt an action plan for nationhood. They met again in December of that year to propose a process for forming a government entity. Step one in their seven-step plan focuses on education. Assuming that their educational needs coincided with that of the Office of Hawaiian Affairs, Charlie Rose, president of the Council, attempted to work with OHA and a broad coalition of sovereignty groups to create a plan to present to the larger Hawaiian Civic Club group at their next meeting in March 2003. Civic club members had agreed to support federal recognition, but the Council requested educational outreach for their members who were, no doubt, as confused as everyone else.

\textsuperscript{94} From notes sent out from Center for Hawaiian Studies to members of the Breakfast Club subcommittee on the Recognition Bill.
At a subsequent meeting at the OHA offices on Feb. 7, 2003, OHA put forth a plan called “Building a Hawaiian Nation” and proposed that it take the lead role in launching and guiding a process for self-determination. Coalition representatives at the meeting objected to OHA’s proposal. A second meeting, on Feb. 13, drew a much larger group of fifty people, nearly all of whom objected strenuously to OHA’s taking the lead because the education that OHA proposed was specifically focused on gathering support for federal recognition. As OHA was preparing to present testimony in support of the Akaka Bill in Washington, D.C., participants at the meeting insisted that their presence not be counted as a sign of support for federal recognition.

During that same time period, members and supporters of the Living Nation Campaign gathered to support the living Hawaiian nation by honoring the ancestral call to unify around the Queen. While the Living Nation Working Committee welcomed all to the table, its primary focus was on unification around a clear and common understanding of history and a need to go forward based on consensus regarding historical direction.

Members of the group, representing different sovereignty organizations, as well as individuals strongly in support of independence for the Hawaiian nation, were vocal in their rejection of OHA’s position regarding federal recognition. While members of the Living Nation sought opportunities to
educate on issues of Hawaiian history, it was evident that the line had been
drawn between those who favored federal recognition as a way to continue
entitlement programs and the flow of money into Hawai‘i for native
Hawaiians, and those who had some knowledge of history and law and, in
defining the independent nation-state as inclusive, wished for separation from
America and the reestablishment of a lawful Hawaiian government.

Understanding Hawaiian history

Within the movement there has been a struggle to define the self, as Laenui
has noted. U.S. Public Law 103-150, what has been called the “Apology
Bill”, was passed on Nov. 23, 1993, and came at a time when Hawaiian
consciousness was elevated enough to support the growing sense of
nationalism. Enough momentum was generated for both the federal
government and the State of Hawai‘i to take notice and to participate in
acknowledging in some small way that a wrong was done. In 1993, U.S.
Congressional delegates, Senators Inouye and Akaka, introduced PL 103-150,
a joint resolution acknowledging the “100th anniversary of the 1893 overthrow
of the Kingdom of Hawai‘i,” and offering “an apology to Native Hawaiians on
behalf of the United States for the overthrow of the Kingdom of Hawai‘i.”

Following its passage in November 1993, and for several years after, nearly
every meeting where Hawaiians gathered to discuss nationhood and related
issues included a discussion on the “Apology Bill.” At the time, the bill was seen as *pono*, the right thing to do, given the dispossession of Hawaiians of their lands, water, culture, and sense of self. Even though most Hawaiians were now Americans, some Hawaiians agreed that the way to make right the wrongs of the past was, first and foremost, an acknowledgement and an apology. Both of these aspects were present in the “Apology Bill.” While some Hawaiians were suspicious, most were grateful for the apology and looked forward to a time when acknowledgement would lead to reconciliation.

This was an *`ohana* thing, about families and reconciliation. Family members in dispute practice *ho`oponopono*, acknowledge, apologize and then fix the problem, after which life goes on. This was, culturally speaking, an agreed upon mode for resolving conflicts. There was the sense that America and Americans who lived on the continent had finally understood that the family in Hawai`i had been wronged and that an apology was in order. Within the movement there was a sense of history being corrected, and a hope that the problems faced by many Hawaiians would somehow be resolved. Indeed, Hawaiians were convinced that this was clear evidence of the beginning of reconciliation with the U.S., and that the tensions between Hawaiians and the U.S. government would lessen as the U.S. lived up to its ‘national character.’
By the year 2000, many Hawaiians, especially those favoring independence, and who had spent much time pursuing legal documentation of the events that occurred in the 1890s, began to re-read the "Apology Bill," and found that the bill may not have been what they thought.

To understand the impact of this second reading requires, perhaps, a better understanding of the concepts of Hawai‘i as a nation-state. A brief but comprehensive history is outlined below.95

- The Hawaiian Kingdom, governed until 1838 without written laws, was based upon a system of common law, partly ancient kapu and traditional practices of the ali‘i that had been passed down by tradition since time immemorial.
- Kamehameha III, son of Kamehameha I who united the Islands, succeeded his brother, Kamehameha II and assumed the throne in July 1824. Kamehameha III proposed and signed a Declaration of Rights on June 7, 1839. In this Declaration he recognized three classes of persons having vested rights in the lands: the government, the chiefs, and the native tenants. The Declaration was to protect the rights of both the Chiefly and Tenant classes. These rights were not limited to the land, but also included the right to "...life, limb, liberty, freedom from oppression; the earnings of his hands and the productions of his mind, not however to those who act in violation of the laws."
- On Oct. 8, 1840, Kamehameha III voluntarily divested himself of his absolute powers by establishing a constitution that recognized three grand divisions of a civilized monarchy: the King, as Chief Executive, the Legislature, and the Judiciary. The Legislative Department of the Kingdom was composed of the King, the House of Nobles, and the House of Representatives, "each of which has a negative on the other." The King represented the vested right of the Government class, the House of Nobles represented the vested right of the Chiefly class, and the House of Representatives represented the vested right of the Tenant class.
- The Constitution generally defined the duties of each branch of government. At a civil or municipal level, the laws embraced the usual

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rights and duties of the social relations between the three classes of people, and initiated the internal development of the country, with the promotion of industry and commerce. In these laws, "...the fundamental basis of landed tenure was declared, and cultivation of the soil, under a feudal tenancy not much differing that of ancient Europe, was encouraged by relaxing the vassal service..." of the Chiefly and Tenant classes. By 1859, the Hawaiian Kingdom had established a complete system of laws, both civil and criminal, defining rights and affording remedies.

- On November 28, 1843, at the Court of London, the British and French Governments entered into a formal agreement for the recognition of Hawaiian independence. As a result of the recognition of Hawaiian Independence in 1843 the Hawaiian Kingdom entered into treaties and conventions with the nations of Austria, Belgium, Bremen (presently Germany), Denmark, France, Germany, Hamburg (presently Germany), Italy, Hong Kong (former colony of England), Japan, Netherlands, New South Wales (former colony of England), Portugal, Russia, Samoa, the Swiss Confederation, Sweden, Norway, Tahiti (colony of France), United Kingdom, and the United States of America.

- On April 6, 1853, Alexander Liholiho was named successor to the office of the Constitutional Monarch by Kamehameha III in accordance with Article 25 of the Constitution of 1852. Article 25 provides that the "...successor (of the Throne) shall be the person whom the King and the House of Nobles shall appoint and publicly proclaim as such, during the King's life..." One year later on December 15th, Kamehameha III passed away and Alexander Liholiho ascended to the office of Constitutional Monarch. He was thereafter called King Kamehameha IV.

- The nationality or political status of persons ancillary to the Hawaiian Kingdom are termed Hawaiian subjects. The native inhabitants of the Hawaiian Islands became subjects of the Kingdom as a consequence of the unification of the islands by King Kamehameha I at the turn of the 19th century. Since Hawai'i became constitutional, foreigners were capable of becoming Hawaiian nationals either through naturalization or denization.

- On November 30, 1863, Kamehameha IV passed away unexpectedly, and consequently, left the Kingdom without a publicly proclaimed successor. On the very same day, the Kuhina Nui (Premier) in Privy Council publicly proclaimed Lot Kapuaiwa the successor to the Throne, in accordance with Article 25 of the Constitution of 1852. He was thereafter called King Kamehameha V. Article 47, of the Constitution of 1852, provides that "...whenever the throne shall become vacant by reason of the King's death the Kuhina Nui (Premier) shall perform all the duties incumbent on the King, and shall have and exercise all the powers, which by this Constitution are vested in the King."

- When Kamehameha V ascended to the throne, he refused to take the oath of office until the Constitution was altered. This refusal was constitutionally authorized by Article 94 of the 1852 Constitution which
provided that "...[t]he King, after approving this Constitution, shall take
the following oath..."96

- On December 11, 1872, Kamehameha V passed away without naming a
  successor to the office of Constitutional Monarch. As a consequence to the
  passing of the late King, the Legislative Assembly readied itself to
  exercise the constitutional authority it possessed to elect, by ballot, a native
  Chief to be the Constitutional Monarch. Article 22 of the Constitution of 1864 of the

96 This provision implied a choice to take or not take the oath, which Kamehameha V felt
should be constitutionally altered. Another provision of the 1852 Constitution needing
alteration was the sovereign prerogative provided in article 45 which stated that "...[a]ll
important business of the Kingdom which the King chooses to transact in person, he may do,
but not without the approbation of the Kuhina Nui (Premier). The King and Kuhina Nui
(Premier) shall have a negative on each other's public acts."

This sovereign prerogative allowed the Monarch the constitutional authority to alter or amend
laws without Legislative approval. These anomalous provisions needed to be altered along
with the instituting of voter qualifications for the House of Representatives. His Majesty King
Kamehameha V, in Privy Council, resolved to look into the legal means of convening the first
Constitutional Convention.

On July 7, 1864, Kamehameha V called for a Convention to draft a new constitution. The
Convention was not comprised of delegates elected by the people with the specific task of
altering the constitution, but rather their elected officials serving in the House of
Representatives, together with the House of Nobles and the King in Privy Council who would
convene in special session. Between July 7 and August 8, 1864, each article in the proposed
Constitution was read and discussed until they arrived at Article 62. Article 62 defined the
qualification of voters for the House of Representatives. After days of debate over this article,
the Convention arrived at an absolute deadlock. The House of Representatives was not able to
agree on this article. As a result, His Majesty King Kamehameha V, in exercising his
sovereign prerogative by virtue of Article 45 of the constitution, dissolved the convention and
proclaimed a new constitution on August 20, 1864.

In Kamehameha V's speech at the opening of the Legislative Assembly of 1864, he explained
his abovementioned action of dissolving the Convention and proclaiming a new constitution.
He stated that the "...forty-fifth article (of the Constitution of 1852) reserved to the Sovereign
the right to conduct personally, in cooperation with the Kuhina Nui (Premier), but without the
intervention of a Ministry or the approval of the Legislature, such portions of the public
business as he might choose to undertake..."

This public speech before the Legislative Assembly occurred without contest, and therefore
may be construed as a positive statement of the approbation of the Kuhina Nui (Premier) as
required by Article 45 of the said Constitution of 1852. However, this sovereign prerogative
was removed from the 1864 Constitution, thereby preventing any future Monarch of the right
to alter the constitution without the approval of two-thirds of all members of the Legislative
Assembly. All articles of the constitution previously agreed upon in convention remained,
except for the voter requirements for the House of Representatives. The property
qualifications instituted in Articles 61 and 62 were repealed by the Legislature in 1874.
Hawaiian Kingdom provides such authority and states "...should the Throne become vacant, then the Cabinet Council, immediately after the occurring of such vacancy, shall cause a meeting of the Legislative Assembly, who shall elect by ballot some native Ali‘i (Chief) of the Kingdom as Successor to the Throne..."

- On January 8, 1873, William Charles Lunalilo was elected as successor to the office of Constitutional Monarch in accordance with Article 22 of the Constitution of 1864. One year later on February 3rd, 1874, King Lunalilo died without naming a successor. The Hawaiian Legislature once again met in special session and elected David Kalakaua to the office of Constitutional Monarch on February 12th, 1874. In accordance with the Constitution, His Majesty's first royal act was to nominate and confirm his younger brother, William P. Leleiohoku, as successor.

- On April 30, 1878, following the death of William Leleiohoku, King David Kalakaua publicly proclaimed Lydia Kamaka‘eha Dominis to be his successor to the office of Constitutional Monarch in accordance with Article 22 of the Constitution of 1864.

- In 1880, the Legislative Assembly passed an Act to Provide for the Codification and revision of the Laws of the Kingdom. His Majesty's Ministers requested an opinion of the Justices of the Supreme Court, in regard to the 1880 Act, to determine what needed to be done. The Justices stated there was no need to establish another code, but rather a compilation be made of the laws, then in force, and as they stood amended, but without any changes in the words and phrases of statutes. Pursuant to the opinion of the Justices and in accordance with the 1880 Act, a book was published in 1884 entitled the "Compiled Laws of the Hawaiian Kingdom."

- On October 16, 1886, the Hawaiian Legislature was adjourned by King Kalakaua after it met in Legislative session for 129 days. The Legislature was not scheduled to reconvene until April, 1888. According to Article 46 of the Constitution of 1864 the "...Legislative Body shall assemble biennially, the month of April, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the nation."

- In 1887, while the Legislature remained out of session, certain naturalized subjects of the Hawaiian Kingdom and foreign nationals, which included citizens of the United States, met in a mass meeting to organize a takeover of the political rights of the native population in the Kingdom. These individuals threatened King Kalakaua to accept a new Privy Council of State. Organized under the name, "Honolulu Rifles," on July 1, 1887, these individuals threatened King Kalakaua with bodily harm if he did not accept a new Cabinet Council. On July 7, 1887, a new constitution was forced upon the King by the members of this new cabinet. This new constitution obtained neither the consent nor ratification of the Legislative Assembly who had remained adjourned since October 16, 1886.

- Under this so-called constitution deriving itself from the Executive branch and not the Legislative branch, a new Legislature was elected while the lawful Legislature remained out of session. The voters, which for the first time included aliens, had to swear an oath to support the so-called constitution before they could vote. The insurgents used the alien vote to offset the majority vote of the aboriginal Hawaiian population in order to gain control of the Legislative Assembly, while the so-called 1887 constitution provided the self imposed Cabinet Council to control the Monarch. This new Legislature was not properly constituted under the Constitution of 1864, nor the lawfully executed Session Laws of the Legislative Assembly of the Hawaiian Kingdom.

- In spite of the illegal efforts to promulgate this so-called constitution, the 1886 Legislative Assembly did not ratify this so-called constitution pursuant to Article 80 of the 1864 Constitution. Article 80 states "Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or the next election of Representatives; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all members of the Legislative Assembly, and be
approved by the King, such amendment or amendments shall become part of the Constitution of this country.

- Organized resistance by the native subjects of the country resulted in the creation of the Hawaiian Political Party, also known as the Hui Kalai‘aina, who protested against the so-called constitution of 1887. Hui Kalai‘aina consistently petitioned His Majesty King David Kalākaua to resort back to the 1864 constitution because it was the legal constitution of the Country.

- Notwithstanding the extortion of the so-called constitution of 1887, commonly known as the "bayonet constitution," the Constitution of 1864 and the Session laws of the Legislative Assembly enacted since October 16, 1886, still remain in full force and have legal effect in the Hawaiian Kingdom until today. Article 78, of the Constitution of 1864, provides that all "... laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void."

- On January 29, 1891, King Kalākaua died, and his named successor, Lydia Kamāka‘eha Domingas, ascended to the office of Constitutional Monarch and was thereafter called Queen Lili‘uokalani. The effects brought about by the extortion of the Constitution of 1887 severely affected both her ability to execute her constitutional authority and the ability of the native population to exercise its political rights.

- In an attempt to counter these effects, the Queen, on January 14, 1893, drafted a new constitution that embodied the principles and wording of the Constitution of 1864. In order for this constitution to be enacted into law and replace the Constitution of 1864, ratification of the Legislative branch of the Kingdom was required. However, the Legislative Assembly had been out of session since October 16, 1886.

- In response to the drafting of the new constitution by the Queen, a “Committee of Safety” was formed that represented the American and European sugar planters, descendants of the missionaries and financials who resided in the Kingdom.

- On January 16, 1893, United States diplomatic and military personnel conspired with a small group of individuals to overthrow the constitutional government of the Hawaiian Kingdom, and landed troops purportedly to defend American interests in Hawai‘i. The troops were supported by the SS Boston, a US state of the art warship that berthed in Honolulu Harbor with guns pointing at Iolani Palace.

- On the afternoon of January 17, 1893, the self-proclaimed “Committee of Safety” committed the crime of high treason as defined under Section 1, Chapter VI of the Hawaiian Kingdom Penal Code, by deposing the Queen and her Cabinet and proclaiming the establishment of a provisional government, until terms of annexation with the United States of America have been negotiated and agreed upon. A US diplomat assigned to the Hawaiian Kingdom, Minister John L. Stevens, conspired with these traitors and authorized American troops to land on Hawaiian soil against the protest of the Queen and her Cabinet. The revolutionaries who actively participated in the extortion of the so-called 1887 constitution were also the same perpetrators affiliated with the unsuccessful revolution of January 17, 1893. Between 1887 and 1893, the self-imposed government officials who were installed under the so-called 1887 constitution became an oligarchy, as they tried to combat the organized resistance within the Kingdom.

- Under Kingdom law “treason” is defined to be “...any plotting or attempt to dethrone or destroy the King (Monarch), or the levying of war against the King’s government, or the adhering to the enemies thereof, giving them aid and comfort, the same being done b a person owing allegiance to this kingdom.”

- That same day, when informed of the risk of bloodshed if there was resistance, the Queen issued a statement temporarily yielding her executive authority as the Constitutional Monarch of the Hawaiian Kingdom to the US government, by its President as a fact finder, rather than to the Provisional Government. Her letter of protest stated, “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 this under protest and impelled by said force yield my authority until such time as the government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Kingdom."

- On January 16, 1893, United States diplomatic and military personnel conspired with a small group of individuals to overthrow the constitutional government of the Hawaiian Kingdom and prepared to provide for annexation of the Hawaiian Islands to the United States of America, under a treaty of annexation submitted to the United States Senate, on February 15, 1893. Newly elected U.S. President Grover Cleveland, having received notice that the cause of the so-called revolution derived from illegal intervention by U.S. diplomatic and military personnel, withdrew the treaty of annexation.

- President Cleveland initiated an investigation by appointing former US Congressman James Blount as Special Commissioner and sending him to Hawai’i to investigate the terms of the so-called revolution and to report his findings. Cleveland’s report, based on Blount’s review, concluded that the United States legation assigned to the Hawaiian Kingdom, together with United States Marines and Naval personnel, were directly responsible for intervening in the affairs of the Hawaiian Kingdom government, for forcibly removing the Queen from the throne, and for violations of international law. The report detailed the culpability of the United States government in violating international laws and the sovereignty of the Hawaiian Kingdom. However, to this day the United States Government has failed to follow through in its commitment to assist in reinstating the constitutional government of the Hawaiian Kingdom.

- In a message to Congress on Dec. 18, 1893, President Cleveland reporting fully and accurately on the illegal acts of the traitors, described an “act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress,” and acknowledged that by such acts the government of a peaceful and friendly people was overthrown. He reminded the US Congress of the special conditions of the Queen’s surrender of Hawai’i’s sovereignty, where she “…surrendered not to the provisional government, but to the United States. She surrendered not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States.”

- President Cleveland further stated that 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” and called for the restoration of the Hawaiian Government.

The United States allowed five years to lapse, and a new United States President, William McKinley, entered into a second treaty of annexation on June 16, 1897, with the same individuals who participated in the illegal overthrow with the U.S. legation in 1893. But the treaty was unable to be ratified by the United States Senate due to protests that were lodged at the U.S. State Dept. by Queen Lili‘uokalani, as well as two different signature petitions protesting annexation by 21,169 Hawaiian nationals. The second
treaty of annexation was defeated. The Congress then passed a simple
resolution, known as the Newlands Resolution, a municipal law and internal
to the U.S., “annexing” the nation-state of Hawai‘i.

Interestingly, the history that has come down to scholars and researchers today
notes that President McKinley has been credited with moving the annexation
of Hawai‘i forward by a Treaty of Annexation. McKinley’s statue, fronting
McKinley High School in downtown Honolulu, depicts a document in his
hand called “The Treaty of Annexation.”

Significant actions in the movement

Perfect Title Company

In 1995, Perfect Title Company (PTC) was created by Donald A. Lewis and
David Keanu Sai as a partnership under the Hawaiian Kingdom. Perfect
Title’s mission was in its name—to perfect title of land ownership by
repairing defective titles based on Hawaiian Kingdom law.

The business performed searches of public records, primarily at the Bureau of
Conveyances, to determine whether any person other than the seller had a
right, lien, claim or encumbrance to the property in question. Once rights and
claims were clearly determined, the company issued a title product called an
Abstract of Title. Title companies are required to trace properties to the origin of title. In Hawaii all properties must be traced to the Mahele in 1848.\textsuperscript{97} Perfect Title, however, was the only title company in Hawaii tracing titles back to the origin of title.

By 1997, Perfect Title had a professional staff of 13 individuals whose work entailed processing claims, and included a title search department, translators, and an escrow service. Title abstractors were required to have a thorough understanding of "freehold tenure," as adopted in 1848 by the Board of Commissioners to Quiet Land Titles, coupled with an understanding of the history of Hawaii as it applied to land.

Title reports contained a complete historical summary of all recorded instruments and documents affecting the title to property under a freehold tenure since the year 1845. As every parcel of land in the Hawaiian Islands has had many previous owners, and facts pertaining to the compliance or non-compliance of specific conditions can affect title today, Perfect Title's reports were to help the claimant to remedy a claim to fee-simple title in order to make the title 'perfect.'

\textsuperscript{97} Interestingly, the State of Hawaii does not need to trace titles held by the State to the Mahele. They need merely trace title to 1893.
By 1997 Perfect Title Company had been contracted to investigate over 400 parcels of land throughout the Hawaiian Islands, and of the 142 completed investigations found none to have a valid claim. Title defects included: ‘life estates’ being treated as fee-simple titles, ‘trust agreements’ not properly adhered to, ‘leasehold’ property being sold as fee-simple, and past owners remaining subject to criminal proceedings for the crime of ‘treason’ against the Hawaiian Kingdom, thereby affecting their ability to invest clear title.98

Within its first two years the company had become notorious because of challenges to poorly done title searches prepared by other title companies in Hawai‘i. Perfect Title principal, Don Lewis, noted in an interview on July 23, 2001:

I think what happened with Perfect Title is that we didn’t understand at that time how important and big it was. Hawaiian Kingdom Trust Company had done the one thing that no one wanted to hear about in Hawai‘i. The Kingdom of Hawai‘i, and the simple property rights of the Hawaiian nationals, were being reasserted. Hey wait a minute, if the real sovereign comes back, we’re in deep doo-doo, because we’re holding the land as ‘bailee’. Not even as trustee, but as bailee. Bailee is like a person who holds things. Like in the police evidence room, the police hold it, but they don’t really ‘have’ it. Nor are they trustees. They just hold it.

All these years crown land, Hawaiian government lands, have been sold, exchanged, leased without any accounting to the Hawaiian nationals. If you go back to the Constitution of 1840, you will see that it expounds on the title of Kamehameha I. Kamehameha I had control of the property but he did not own it as a private owner, it belonged to the natives—to the chiefs and the people in common. What that means is that title to all the lands in Hawai‘i is for the chiefs and the people.

Kamakau’s book, Ruling Chiefs, talks about the stones as the people. And it talks about the Hawaiian saying that if something comes along like water or wind, it is the top stone that rolls away. The bottom stone remains, meaning the people, and this saying affirms that the common people were, in fact, the owners of the land—all the people.

98 From “Quiet Title to Perfect Title”, a paper prepared by Perfect Title Company staff for publication in the Developer’s Council Magazine, July 1997.
Now, the Constitution of 1840 merely recognizes that fact, and declares the people to be the holders of the land. So all titles in Hawai‘i are inured titles. They should not be spoken of as titles, but as rights in the land. So I have a lease, a life estate or a title of inheritance, that only reverts to the original owner upon no kindred. That is why the land has never been lost, cannot be lost. People’s titles in Hawai‘i are not like American titles. They never will be. They can’t be, because someone else already owns the land.

During the time we worked with Perfect Title, our focus was much more narrow. We were talking about individual properties...a narrow focus. It wasn’t the focus of today. Because of all the pressure, we were forced to broaden the scope. We couldn’t just sit there and do individual titles. If we did, the steamroller would run over us.

I believe that the State knew far more than they said. Because of the attack on Perfect Title, you would think that, if they were truly sovereign, if the United States had a Treaty of Cession, if the State of Hawai‘i were actually located here, do you think they would bother with a Mickey Mouse company like Perfect Title? Perfect Title would be like the Keystone Cops, you know what I mean? They would go, ‘come on.’

But they didn’t ignore us. They launched a massive media, government, private industry attack on Perfect Title. Purpose? To destroy the whole idea and image behind the company so that no one would take this quiet title action seriously. Because if they did, it’s all over. They discredited us through very clever means, mostly through calling things ‘ridiculous’.

Even bigger than the native tenants still retaining a right in the lands under the tenure, the bigger thing, which at that time we didn’t push because that wasn’t our purpose, was the fact that they, the native tenants, the hoa‘aina, owned the land. So when we said in the reports at that time that Kamehameha III was the possessor of the land, that meant he controlled the management of the land, not the ownership of the land.

The ultimate source of every single title in Hawai‘i is the hoa‘aina. The chiefs are gone. No more chiefs, already. Today, only hoa‘aina remain. So we don’t have chiefs—245 recognized chiefs in the Mahele...kaput. There were heirs, but the heirs were just heirs and not chiefs. They were hoa‘aina. They carried the responsibility, though, of that chief.

During that time there was much pilikia between the hoa‘aina and the chiefs. The chiefs wanted to restrict the hoa‘aina from taking land; the hoa‘aina wanted to take more. Surveyors were very, very much against the native tenants of Hawai‘i. Surveys were done at a time when ahupua‘a were not surveyed. Really, the surveys were really measuring what the guy had or claimed to have. The surveyors often had the konohiki behind them, so the hoa‘aina didn’t dare come forth or the konohiki might hit him in the head with his club. So the whole issue was: where is this kuleana located? Oh, by the marker here, and the tree here, by the...and on and on.

But, when the hoa‘aina leased his land to someone, those markers were removed. And where then was his kuleana? Most of the kuleana markers were lost on the plantation lands, not that those plantation guys bought it; they leased it at first. Then, the markers were lost. There was no way the hoa‘aina could go back and find the markers again.
So would that be something that was fair to the tenant who had leased his land? No. The law clearly stated in the Declaration of Rights in the Constitution of 1840 that there would be no laws passed that favored the chiefs over the hoa’aina.

Second, there is no way that there shall be retrospective laws. Then the third thing was in the Compiler’s Preface of 1845-1846 laws, John Ricord wrote down that once these rights are vested, even if a law is repealed, the rights are still there. They can’t be changed because they are vested. And yet the Hawai‘i Supreme Court constantly will do that—take away the vested rights of the tenants when actually, even if the law had been repealed, the Hoa’aina Act of 1847 confirms that the rights of the descendants are still there.

One of the great evidences of that is the United States never sells ceded lands. They give or exchange it, and get rid of land that way, but the United States never sells land. They gave land to this entity, the Territory of Hawai‘i, and then later to the State of Hawai‘i. And remember these entities are not located in Hawai‘i.

Look at Waimanalo, for instance. They show hundreds and hundreds of acres there. The ahupua’a of Waimanalo is clearly crown lands. By what authority, since there is already a right here, does the State of Hawai‘i have to remove Hawaiians from the land? And you have to remember the ultimate owner of the crown lands is the hoa’aina. The King only had the control of the ahupua’a. The people owned the land.

Now the even bigger question is: if the United States never acquired the Hawaiians Islands, the sovereignty of the Hawaiian Islands, in the last 100 years, something very big happened. We have a situation in which the owners of the land needed their government, which was the control of the land, to operate for their benefit. Without the government, you had a foreign government now operating on the lands, but a foreign government without authority.

Under international law and the law of the United States, when a sovereign is changed, private property is not an heir. That means the hoa’aina rights cannot be changed. Hoa’aina were still the owners of the land. And my personal feeling right now is the hoa’aina is going to come up to the ‘big house’ of the government and the chiefs now, and take control of both sides—the ownership of the land and control of the management of the land.

And that’s why, when we did the quiet title action, I don’t think we even saw how big that was. What in essence we said was that these seven Hawaiian nationals had the right to come in here and execute this quiet title action because they are the owners of the land—not the individuals themselves, but these seven as representatives for all the hoa’aina. They represent the Hawaiians and they will operate for the benefit of the hoa’aina, which might mean that a lot of the people who have property today will continue to maintain their property within the rules set down by the hoa’aina.

So could we really be in the situation whereby old/new mahele could be done, this time under the control of the hoa’aina? That’s what I see. It has to follow, because the last 100 years of what has happened on the land is so destructive; because of the original concepts of private property rights, it can’t be fixed. It has to be started all over again. Do you know how radical that would be?
The impact of this work on my family and myself has been tremendous. Financially it destroyed me. I paid a heavy price. And because of what happened I have a hard time doing things now because people know who I am. As soon as they know who I am, they get scared.

So it’s been a very tough time. It’s probably been the toughest thing I’ve ever done. Spiritually and culturally, however, it has benefited me greatly. It only hurt me financially. What I know today and what we did...I wouldn’t give it up and I wouldn’t back track, mostly because there was a chant given to our family a long time ago by Tutu Mele. And it says *Ke amo iaela o ka’aaoa*. Iaela is my grandmother. *Ka kaheala ka hinu l e ke‘e nui kanana-ia-maila. E mau loa, ve ke kane, ve ka wahine*. *Palikapu, palikiekie, palinui, pali-a-keawe i lele ai a make*. Ka’aaoa is her cousin. Reference is to the high bloodlines, sacred bloodlines, the chiefs, the political bloodlines...the nui is more like an agreement, an assembly of the chiefs, descendants of Keawe, serving Kamehameha. They have all jumped and fallen.

Now, my grandmother, who is Iaela carries the burden that her ancestor Ka’aaoa carries, and many before her from the ancient path to the heavens. The command is given —*kanana ia maila* is a coming forward of Mauloao. The everlasting man, the everlasting woman, they cry for joy at the return of Mauloao.

What I mean when I say the everlasting man and woman, is that they are the common people who cry for joy because Mauloao is coming. This is an epic time period, the end of an era. My feeling is that it talks not about individuals but about the people because the people are everlasting, as Kamakau wrote. The people are the stone below, and the tide of history has come to roll over the top stone.

Funny thing, ‘cause I never really understood this thing, but I always saw it there. It was always there. I didn’t know what it was about. But as I began to see this thing, then I heard about John Kaimikaua’s talk about prophecy on Moloka‘i and the Kanaka Maoli, the hoa‘aina, returning. And basically the ‘e Mauloao, ve ke kane, ve ka wahine’, says that the common people are returning. It’s basically our job to help Mauloao to return.

In the modern world of today, in the way we think of the west, the whole thing seems stupid. People say, why would you do this work? You don’t make any money. But it’s a bigger issue than that. It’s more like, even if I wanted to, and many times I’ve thought ‘this is too much’, I couldn’t not do it. It’s almost like I have to take the next step and the next step, because the people before me carried the burden and I, too, have to carry it. It’s about genealogy, and in that genealogy the burden is carried by certain people.

*Ke amo iaela* is about that. This prophecy was carried over thousands of years of our genealogy by certain people. It just happened to fall to me, not because I knew about it, because I didn’t know about it.

It’s a big subject. It’s a joyful work from the standpoint of seeing the Hawaiian culture return. And I will be most happy when I see the hoa‘aina can return to their place with the rights and controls that is theirs. Once that happens then I will have done the job. Not that I’m doing the job. It just has to be maintained. Many people are contributing. My main thought, however, is the control of the land. I had to get to the point where I could see clearly that it was the hoa‘aina that owned the land.
Returning the hoa'aina to their rightful place is going to be the true work. I think Leialoha told me that Pilahi Paki said, 'oh, don't worry about the land; it's still here. They can't take it.' But how does it come back? That's the trick. There has to be someone who knows how to do that. The thing is, we don't know. How does it happen? What guides this thing through this labyrinth of all kinds of problems, and gets it right to the point here? I really think it's going to be good for everyone. Everyone will benefit because the righteousness of the land is coming back.

There's something wrong and everybody knows it. I think the United States, itself, wants to set it right. But you know, when you've done something that isn't right for more than 100 years, it's difficult to accept what's going to change. I think that's the issue for today. We're in that issue right now. It will happen in my lifetime, quicker than we think.

The words 'kanana ia maila' are not used today. It is not us calling Mauiloa. It is us going out there to get him to come to us. So this thing is on its way. It's been on its way for a long time. It's getting powerful, very powerful. It's calling everyone. I just happen to be a person who sees it earlier, maybe, but other people will see it. Like Keanu, who's doing his part. Everybody will dispute everything, saying 'well I think this and I think that'. But the essence is that Keanu has his heart in the right place. Personalities may clash—him, Henry Noa, and others, but they're still good people. They still have the best interest of the Kingdom at heart. And when I say the Kingdom I don't mean the political entity. That's not it. I see the Kingdom as being the hoa'aina—that's the kingdom.

Many, many people, the hoa'aina plus Hawaiian nationals, not of the blood, many of them will come to the fore to give, because they love the land as much as we do. You know the love of the land has been kind of murky because the hoa'aina have lost their connection to the land. But it will come back in a flash. It's part of them. I don't see how they could possibly lose it.

We've seen the power of the modern economy that requires people to move, to leave their land. What I liked about what Kamakan was saying, that when the people passed away or when they were near the end, they went back to their ancestors, back to the land. And I think that's what you're going to start seeing. Once people understand where they came from, they're going back there.

You know I didn't know where my grandmother, Isela Forsythe, came from. I knew they lived in Maui, but I didn't know where. But my mother told me it was in the Kula area, near Makawao. And I remember that when I was married, I drove through the Makawao area, and I had a pressure on me like I never had before. It was so powerful that I couldn't even breathe. This was in 1967. I didn't know about this thing, this pressure. I knew it was related to something Hawaiian. I just couldn't breathe, it was so powerful. That was the first time the ancestors made themselves known to me, when I went back into the homeland. That's what happened. They jumped on me right away. It was the first time I really was brought back to the old times.

I had been in this modern economy and all that stuff. I had lost my culture. My mind was far gone from Hawaiian things. But it was a funny thing. I'm kinda hoping that the rush of the changes is gonna happen sooner than later. I believe it will because I can feel the power of this happening more and more. These are all little signs of what will happen. The past is the past. It will never be like that again, but the essential principles of the past, that will come back, not the individual little things. It's like when you guys were working in the ahupua'a. It will come back. In
fact you see the first signs of it already. The State of Hawai‘i is in court. They see that the water has to go back to the streams. Nobody wants to argue it. There’s no money. But the issue is the thing. It’s starting to go forward.

Perfect Title is also connected with the Hawaiian Kingdom Trust Company. The two companies are interconnected. One of them, the Hawaiian Kingdom Trust Company, hired Perfect Title under the quiet title action that was instituted by them. I think if we started from the beginning, the basic thing behind everything was that it was our belief at the time we began it that the Kingdom of Hawaii was still the sovereign in the islands. That was the basic thing.

I guess the real beginning of my story is with me. I was born on January 9, 1936, on O‘ahu. I’ve been here for some time now. When I was young, my grandfather was still living at that time. He was born in the Kingdom. His name was Edward Aki Forsythe. My grandmother, Mele Iela Giles, was born in November 1879. Both of them were Hawaiian Kingdom subjects, and they both came from long lines going back into the history of Hawai‘i.

The genealogy we have actually goes to the beginning. Some of the notable people in our line over the years, Paumakua, La‘amaikahi, coming down into more modern times…I, the I family from Hilo, Akana, Kihawahine, so it’s an old line. We’ve been here for a long, long time. I married Ho‘oleali‘i. Their son was Kua‘ana. I believe Kua‘ana died in the battle of Wailuku against Kahekili. He was head of the I family, one of six separate divisions of the alapa, and most of them were killed in that battle. It’s in our blood.

When we were young I used to hear the kupuna talk about the land and the kingdom and all the things that they thought weren’t right. But at ten years old it was really difficult to understand what they were talking about. And then when we went to school there was hardly any Hawaiian history. We knew nothing. The overthrow was covered only slightly, if at all. The school I went to was McKinley High School for a short time, which I didn’t even know myself, and then it went over to the new site.

I then went to Robert Louis Stevenson Intermediate, then to Roosevelt High School. Here we have all these names—right next to Roosevelt was Dole Park—all these people associated with the overthrow had their names in parks and schools. But at that time nobody thought about it. But then later, I went into real estate. First I worked for the State of Hawai‘i for a while, at the Dept. of Planning and Economic Development. I was one of the people who worked on the foreign trade zone.

I went into real estate in 1968, first with Thomas Giles Realty, and then with Locations. I was one of the three founding partners of Locations, Inc. We had gone into the business and our goal, of course, was to build it into the biggest real estate business in Hawa‘i. We achieved that, as far as the volume of business we did. Locations, Inc. grew and grew. In about 1990 I kind of left the business. I knew there was something about the business that no longer…well, you know everybody in the business, except maybe for people who come from away. The people in Hawai‘i really all kind of know there is something wrong with land titles here.

In the meantime I had raised a family. My daughter Nai’a was born in 1969; my son Keoho was born in 1973. So we had started the business in 1965 and I kind of left it in 1990. I was in the real estate business for a long time. But something was pushing me to do more things Hawaiian.
The sovereignty movement was growing. And I knew that something wasn’t right. And of course after that I met Keanu Sai who was the other partner in Perfect Title. Financially I was quite well off. We, my partners and I, of course, had done like everyone else in Hawai‘i in the ‘70s and ‘80s. We speculated on property, bought and sold, and from the business and everything I was financially fine.

But something wasn’t right. I felt in my naʻau that something wasn’t right. One day Keanu and I met and in 1995 we started to work more on the land. Then we formed what we called at that time ‘Royal Subjects’, which was not really a company, in a real sense. It didn’t do anything, just seminars, small seminars. But it always seemed like, once we had brought out the land tenure in the Kingdom—and the phrase land tenure is very important because the Kingdom was a monarchy, a constitutional monarchy, but a monarchy—people wanted to know more. So the derivatives of the land under the monarchy differed from that of the Republic.

What we did was started to work with the land, started to come up with the conclusion that we had to do something more. And, at that time, we formed two companies.

First we formed Perfect Title because we were doing some title reports in 1995. I think we started working in July or November of 1995. Then December 10, 1995, we formed the Hawaiian Kingdom Trust Company.

January 1, 1996 we got our office at 850 Richards Street, the infamous 850 Richards St. And we began what we considered to be the first Hawaiian group in Hawai‘i since the overthrow. What we did was we formed the businesses under Chapter 28 of the Civil Code, which is for co-partnerships. We formed a partnership and we began the business. So in February of that year, 1996, the Hawaiian Kingdom Trust Co., which was at that time still Keanu and myself, instituted a covenant on behalf of the native tenants. We had seven native tenants who had submitted their deeds of trust. And the deed of trust, basically, had nothing to do with assets, real assets. It had only to do with rights. So the natives, which we could call hoa‘aina and which had been called hoa‘aina in the old days, seven of them, which included Keanu and myself, Kai Kalama and his wife, Colin Malani and his wife, and Frank Niesman, came together. I can show you the actual documents.

Hawaiian Kingdom Trust Company was unique in the sense that it was a company that dealt with rights and not with real assets. The company was holding no real assets, holding no money, no land. It was just about rights.

So the trust company was only there to pursue the rights of the native tenants. Because of what had happened in 1893 we, Keanu and I, had made a decision that the lands were really kind of in abeyance. We needed to have a quiet title action very similar to that of the Land Commission.

In fact this is a good point. We looked at the land, the Hawaiian Islands, as being the dominion of the Kingdom of Hawai‘i. We were not operating our business in the State of Hawai‘i. Our business was not formed in the State of Hawai‘i. We developed a process without using State of Hawai‘i papers. We didn’t register the companies with the Department of Commerce and Consumer Affairs because it, the department, was in a different country.

Kind of hard for people today to understand or believe because they see the State of Hawai‘i out here on the road. We knew that we might be attacked because we knew
full well that the companies in Hawai‘i, some of them like insurance companies and titles companies, would be holding huge liabilities. But if, in fact, this is the Kingdom of Hawai‘i, what they have done, their activity, is in the State of Hawai‘i. While it’s kind of hard to believe, it’s a separate political entity. It really has nothing to do with the Kingdom.

Now at that time we only had a small organization. We only had three people. There was no huge research department. There was no large source of capital. There was no capital. We just had whatever money we made doing the title reports—that was what we had. And most of the time we were in the red. We just barely scraped by.

When you understand real estate you quickly know that billions of dollars of mortgages have been filed as liens on properties. But every single ‘exhibit a’ of every single mortgage in the islands today, which is the majority or 99.9%, describes the land that they’re placing the lien on as being in the State of Hawai‘i. If, as I contend, the State of Hawai‘i does not exist in the Hawaiian Islands, and cannot exist in the Hawaiian Islands under international law, or the constitution of the United States, the description of the properties reject any idea or concept that those liens are on property in the Hawaiian Islands. They are liens, but on State of Hawai‘i property.

So even if the properties carry names like Kohala, Kane‘ohe, O‘ahu, it cannot be, from a political standpoint, in the islands. Unless the State of Hawai‘i is in the islands. So when we did this, we stuck mostly to the job at hand...to put a public notice in the newspapers in Feb. 1996 informing everyone of the quiet title action, that they had two years to bring their claims in to be confirmed or rejected.

And we projected that they still had a claim, that they themselves had done nothing wrong. It wasn’t their fault that they were on land not in the State of Hawai‘i. Somebody else had set this whole thing up. They could remedy their titles. So the essence of our whole thing was that Perfect Title would do a title report.

Now truthfully, today, we revised the way we did the title reports several times, even up to 1997. Not the essence of the conclusions but the way we did them. And if I were to do the reports today I would revise them again, because nobody should stand still. That should be true of every business whether it’s in Africa, or Spain or Hawai‘i. Hawaiian Kingdom Trust Company, under authority of the native tenants, the hoa‘aina, issued the quiet title action on Hawaiian land in the Kingdom, not State of Hawai‘i land, in the United States of America.

Right there you have the whole essence of the problem. When the attacks on us started, they were mostly about mortgage liens on people who were under foreclosure, or who were trying to stop foreclosure. But foreclosures had nothing to do with us. To us, the property was not here.

Now, the bank also has the right to come into the quiet title action. They claimed that they had the lien. To resolve the issue they could have made attempts to transfer their liens to the Hawaiian Kingdom. But of course the political situation was such that this meant the United States was not sovereign in Hawai‘i. All hell would break loose in Hawai‘i.

The State of Hawai‘i does exist, however. Congress, under Article 4, has the power to enact new states, but not new states in the jurisdiction of any other states. For
while congress passed the Admissions Act, or what I call the Act of Admissions... you know the Act of Admissions is really a Hawaiian time bomb—it's been waiting to go off for 42 years, and the time when it is going off is getting closer... the State of Hawai'i has every right to enact it and perform it. The question is not about the State of Hawai'i—it's about where the State of Hawai'i is located.

So we then look at the boundaries of the State of Hawai'i and in Section 2 of the Act of Admissions the United States admits the State of Hawai'i is not in the Hawaiian Islands. The State of Hawai'i by Chapter 2 of the Act of Admissions, will be located in the area of the Territory of Hawai'i, minus a whole bunch of islands: Palmyra, Midway, Kingston Reefs, etc. It's a very unusual way to write a description of a State. Instead of writing all the names of where it's not located, it should be perfectly clear about where it is located. So it forces you to look at the definition of the character of it.

In the Organic Act Section 2 it says that the Territory of Hawai'i is the islands of Hawai'i by the Joint Resolution of July 7, 1898. Under international law there are only certain ways that a state can take foreign territory: conquest, treaty of cession or discovery—occupation of vacant or terra nullius lands. Obviously Hawai'i was not terra nullius. And the United States has never claimed they conquered Hawai'i. In fact, in the Apology Bill, PL 103-150, Statute 1510, the United States clearly states that it took Hawai'i by joint resolution. That's 30 Stats 750, July 7, 1898. So if the United States cannot meet any tested agreement, either agreed to or tested under international law, that means they didn't take Hawai'i by conquest, Treaty of Cession or by discovery. But they're saying they took it by joint resolution, as a consequence of the Spanish American War. But what has the Spanish American War have to do with us? Nothing.

So then, we look at the intent of Congress in 1898. In the debates, Congress says the laws of the United States, enacted by the United States, have no force and effect, and now extraterritorial force, as we are not in America. That's true. We then go to the Justice Department, which had a 1988 memo. They stated that Congress, by issuing its opinion, has no authority to take or have sovereignty and jurisdiction over the territorial lands. Then it discusses Hawai'i at that time and it says 'we don't know how we took Hawai'i, but it didn't come by the joint resolution'. Then we go to the Supreme Court in US vs. Curtis Wright, 1934. In that ruling, the Constitution of the United States and the laws enacted in pursuance of it have no effect upon territories, and if they could be effective the United States would no longer be completely sovereign because every nation could then pass a law and take another nation's country.

So as you go down the litany of all the reasons why a joint resolution is completely ineffective you then begin to see why, as in the case of Palmyra, 1947 Fullard-Leo vs. Palmyra, the United States Navy could not condemn Palmyra. They have a military base there. That's the most powerful reason for the United States to take territory. Palmyra wasn't it. The United States was in Hawai'i. The fact that the Navy withdrew showed that it had no powers of eminent domain, and just recently the United States Interior Dept. is going to buy Palmyra from the Nature Conservancy. Why not just use eminent domain? They can't. It's not in the jurisdiction of the United States.

So if the joint resolution didn't take Palmyra, why did it take any of the other islands? Nobody ever asked that question. Many people claim that the United States Supreme Court has never ever said a joint resolution was ineffective because that's never been the question. The whole issue is that in other rulings they have
previously stated that laws of Congress, acts of Congress, have the power in foreign territories. That's seen in the United States vs. Church of Latter Day Saints. So the issue really is the location of the lands, not its legality. If we were to determine that the State of Hawai‘i were not here that means the Kingdom of Hawai‘i would still be here. Because in the United States, a state of the United States cannot be located beyond the boundaries of the United States. That is impossible because the United States is a nation. For the State of Hawai‘i to be outside that nation's boundaries means that it is a nation, and it can't be. That's why the State of Hawai‘i is not in the Hawaiian Islands.

Now we go back to the description of the property. If I describe the property as being located in the Kingdom, you have a valid lien. If you buy in the State of Hawai‘i, the burden is upon you to find where the State of Hawai‘i is located. It's not upon the Hawaiian nation to determine where it is. So if you claim you have a valid lien, go and find it. Basically it gets down to the real simple stuff. If you wrote a description, 'exhibit a' of your mortgage; if you said the property was located in the State of Hawai‘i, then find it. We’re not saying the State is illegal. Now the question is what do we have here? What is the purpose of running around saying it's the State of Hawai‘i? My personal belief and opinion is that the State of Hawai‘i is a private corporation.

Keanu did go to the Hague and they went to the United Nations. I’m the only one that’s looking seriously at this issue. I think the question of leadership might also be something that might be changing.

John Kaimikaua’s A Mau a Mau showed that another form of leadership may be emerging—the ‘Ohana Council. I know that the ali‘i were our ancestors and we will always love them, but I believe they will not be back. The time for them is past and I think the sooner the ho‘ō‘āina, the maka‘āinana, get over that, they will know they will have to be the leaders, not somebody else. The sooner we educate all the people who, in their minds think the ali‘i will return, the better. Their time is ended. Now is the time for the ho‘ō‘āina to come back. Maybe in the way that the ‘Ohana Councils are created—it is their time to stand up. I think a lot of them might be a little bit shocked, but it will have to be. I think each individual person doesn’t have to be ali‘i. But they have to have their mana, their power, to push forward into this effort together.

Right now what people should be looking at is the relationship with the United States. It’s the most important thing because in the relationship to the United States is the issue of reparations. If done properly, the nation can negotiate tolerance, understanding, to maintain the relationship to the United States, regardless of what has happened. With reparations we’ll have a base to operate the Kingdom. And if the Hawaiians are tolerant and behave in their generous way they will be able to have reparations coming to them over the long term, not a bunch of reparations all at once. This way the United States can live with it. Everybody can live with it. Once the reparation issue is solid, is taken care of, a Treaty of Peace is signed, then the nation has to have people to do the little things.

There has to be a private sector of the economy, and there is a Hawaiian Chamber of Commerce already. It’s in the State. But the Hawaiians in it are still Hawaiians. That could be used as one initial vehicle to start putting together an economy of businesses. And the businesses don’t have to be run by Hawaiians. They have to be run by people in Hawaii who are operating under this nation. It’s not an ethnic thing. If the Hawaiians could start making these different committees, with each one doing certain things and reporting back, then once the plan is done there could be a real
Chamber of Commerce with real businesses doing real things. And start the act today, not tomorrow—as if the Kingdom was here.

The other issue to me is 'Iolani Palace. The Palace is a symbol of the nation and it's a symbol of the nation that has to be taken control of. I think the State is ready for it. I don't know if this is true. A guy called me this morning just before I came here—one of our old clients. He wanted me to give him a copy of the report we had done. And he said 'hey Don, things are really happening here'. I said 'what happened'? He said 'well, you know a lot of people have been arrested, Hawaiians while driving with sovereignty license plates—just like Lance Larsen, Hawaiians refusing to get some kind of license. He said 'eh, you know these guys are trying to get the cases dismissed. The policemen have gone in to get the cases dismissed.' And I said 'well what do you think this is about?' He said 'well, everybody here is talking about, well you know the counties made a new ruling recently where, if the policeman did something wrong, it's a personal thing and he has to handle it himself.' He said 'I think they're trying to get rid of the liability, so in order to do that it's best to have the case taken off the books, as if it never happened.' I said 'oh, that's interesting'.

Well, like me being invited to this state convention in October, the National Association of Legal Services, for paralegals. You know, for me to be invited to a national convention—I heard there were a lot of people in Hawai'i who were against it—a lot of legal people, is a big deal. The national said no, they wanted me. These are signs to me that the issue is moving to the more respectable, acceptable level, whereas before things were attacked. Maybe now they can look at it, can hear it. I think we're getting to that point where what was totally unacceptable 3 or 4 years ago, is more respectable, something that people can now look at it.

News media and the courts have not been kind to Perfect Title Co., or to its principals. In a Jan. 1997 article for the Honolulu Star-Bulletin, Rob Perez noted that there were attempts being made in Legislature to resolve issue related to land titles:

The state doesn't plan to step into the controversy involving Perfect Title Co. but believes several pending legislative bills may help resolve it, a deputy attorney general says.

The company's findings disputing the validity of current land titles have started to cause problems in Hawai'i's real estate system, even though many in the industry dismiss Perfect Title's work as absurd.

Because the company's reports have been recorded at the state Bureau of Conveyances, they've cast clouds on ownership deeds for individual parcels.

Randy Young of the Attorney General's Office said the bills before the Legislature would provide more protections against the filing of frivolous claims.
"I would imagine the legislative process would do the job," Young said.

If none of the industry-recommended bills pass, the attorney general will reconsider whether to do something about the controversy, he said.

Since Perfect Title started recording its findings at the bureau last spring, using 19th-century Hawaiian Kingdom law to question current titles, the Attorney General's Office has taken no action because the state considers the matter private.

The filings have started to affect property transfers and prompted a handful of homeowners to stop paying their mortgages, claiming their original titles are no good.

The industry hasn't determined the most effective way to counter the filings, and some officials still say the state has to be involved.

Police and state officials raided Perfect Title Co.'s offices in 1997, and the company closed its doors in 1999. All records and equipment were confiscated in the 1997 raid. To this day, nothing has been returned, although attempts have been made to recover the items taken. When Lewis and Sai requested help from the Hawaiian community to assist with donations of computer equipment so that the company could continue its work, a tremendous surge of support resulted. Computer equipment was donated. Volunteers assisted in gathering materials and setting up workspace. Luckily, every single document had been copied and stored in safe places. None of the information that guided their work was lost. Instead, what the police action helped to reveal was a base of support for Perfect Title's work that few of the staff members, and perhaps law enforcement and state authorities, expected.
As Sai noted in a 1997 Star Bulletin article, "Everybody is trying to paint Perfect Title as the bad guys, but it's not our fault if someone didn't do a full search of historical public records" to check land titles. "This whole thing is being blown up for a media blitz. If we had something to hide, we would be panicking. But we are probably the most open company on the face of the Earth."99

Although the company folded, both Lewis and Sai continued the work they had begun, but in different ways. Lewis continues to do research in Hawaiian Kingdom law and plans to publish a book soon. Sai went on to challenge the United States at the World Court at the Hague, Netherlands.100 That part of the movement's history, whether either or both of these men considered their work to be sovereignty work, laid the foundation for future challenges by activists looking for a venue to be the wedge for the restoration of the nation.

The issue of 'Ceded Lands'

What are ceded lands? In 1897, the government of 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 and their dependencies, and also to cede and transfer to the United States the

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100 Information about the outcome of the World Court case can be found http://hawaii­nation.org. Basically, the World Court affirmed the Hawaiian Kingdom as a nation-state since 1843.
absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining."\(^{101}\) Except for those areas reserved by the federal government (almost one quarter of the islands, and where all military bases are located), all lands were ceded to the State of Hawai‘i in 1959, at Statehood.

The Newlands Resolution further noted that “the existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.”

At Statehood, the Admissions Act (March 18, 1959) in Section 5 (f) defined “inhabitants of the Hawaiian Islands” as merely one of the beneficiaries of funds derived from ceded lands. In 1978 the Office of Hawaiian Affairs was created, and was given power to “manage the proceeds from the sale or other

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\(^{101}\) Stated in the Newlands Resolution, July 7, 1898.
disposition of natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians.” Legislature eventually set the amount of derived income to be used for Hawaiian beneficiaries at 20%.

A Honolulu Advertiser news article provided a summary of the ceded lands revenue case, which, in September 2001, lost in the Supreme Court:

In a huge blow to the Office of Hawaiian Affairs, the Hawai‘i Supreme Court yesterday overturned a 1996 ruling that could have forced the state to pay OHA hundreds of millions of dollars for its use of ceded lands once controlled by the Hawaiian Kingdom.

Three years after hearing arguments in the complicated case known as Office of Hawaiian Affairs v. State of Hawai‘i, the high court dismissed OHA’s claims.

That means the high-stakes dispute over what the state owes OHA will be kicked back to the state Legislature, which, some say, may not place a high priority on resolving the dispute.

"It's a real blow to the Hawaiian people. They must feel we stabbed them in the back again," said Sen. Colleen Hanabusa, D-21st (Kalaeloa, Makaha).

OHA trustees were disappointed by the ruling, as well as by the timing of its release, one day after the worst act of terrorism against the United States.

OHA was preparing to resume talks with the state over settling the case, but yesterday's decision essentially eliminated the trustees' leverage in the negotiations.

Talks broke off in 1999 after trustees rejected a proposed deal for a settlement of more than $250 million and ownership of revenue-producing lands.

Estimates of the debt have ranged from $300 million to $1.2 billion.

"The debt has not been paid, and the timing stinks," said OHA trustee Colette Machado, who chairs OHA's ad hoc committee on entitlements and negotiations. "We're not even getting into the recovery stage from the (terrorist attacks) and the courts are terrorizing Hawaiians again. They want to make Hawaiian issues so insignificant compared to what's at stake for all Americans."
When asked about the timing of the ruling, judiciary spokeswoman Marsha Kitagawa said: "The opinion was issued as soon as it was completed."

Deputy Attorney General Charleen Aina, who asked the high court to overturn then-Circuit Judge Daniel Heely's 1996 decision, said the ruling specifically notes that Native Hawaiians are entitled to a share of ceded land revenue under the state Constitution. With its ruling, she said the court is saying there is no way it can determine how much is owed to OHA.

"The court says basically, write a law," Aina said. "You've got an open issue here, so write a law."

1990 state law struck down

In their unanimous decision, written by Chief Justice Ronald Moon, the justices struck down a 1990 state law, known as Act 304, which set up a detailed mechanism for calculating the state's debt to OHA. They said the state law is in conflict with a federal law.

Ceded lands are more than 1.2 million acres of crown and government lands that were taken by the United States after the annexation of Hawai‘i in 1898.

The lands were later turned over to the state to be held in trust for public benefits, including the betterment of Hawaiians.

But payments specifically for the betterment of Hawaiians were not made until after 1980, when the Legislature set OHA's share of revenues from the use of ceded lands at 20 percent. Before that, the money went into the state general fund, with the bulk going to the state Department of Education.

In 1983, OHA sued the state for more revenue from harbors, Honolulu International Airport and other entities on ceded lands. Four years later, the Hawai‘i Supreme Court refused to make a determination of how much OHA was owed and sent the dispute back to the Legislature.

In response, the Legislature enacted Act 304, which set up a mechanism to resolve OHA claims from 1981 to 1990. However a section of Act 304 stipulated that the act would be invalid if any part of it conflicted with federal law.

Act 304 resulted in a $130 million settlement in 1992, but OHA went back to court in pursuit of revenue not covered in the settlement, including back payments from Hilo Hospital cafeteria sales and patient fees, rent from the Hawai‘i Housing Authority and Housing Finance and Development Corp., and even from private businesses that pay rent to the state, such as Duty Free Shoppers at the airport.

In 1996, Heely ruled that OHA's 20 percent should include all revenue that the agency said was not covered by the settlement. At the time, Gov. Ben Cayetano warned the ruling "would plunge the state into a fiscal crisis."

Money may not be available

The state appealed the decision. If the high court yesterday had upheld Heely's ruling, the case would have been sent back to Circuit Court to determine the amount.
While the case was on appeal, the Federal Aviation Administration said it would withhold federal money for Honolulu International Airport, a portion of which sits on ceded lands, unless the state recovered $28.2 million in airport revenue paid to OHA for non-airport purposes.

A year later, Congress passed the Forgiveness Act, which excused the $28.2 million, but barred the state from using airport money to pay future ceded land claims.

Senate President Robert Bunda, D-22nd (Wahiawa, Waialua, Sunset Beach), said the issue of OHA’s share of ceded lands revenue will be waiting for lawmakers when they convene in January.

He said that while the high court’s ruling may mean savings for the state, he is still concerned the Legislature may not find enough money to cover a new amount.

"It may not be a billion bucks, but it could mean a significant amount of dollars," Bunda said. "And that significant amount of dollars could mean that we don't have that around."


The most current ceded lands case, OHA and Aluli et al v. State of Hawai‘i, was first brought in July of 1994 by plaintiffs Aluli, Osorio, Ka‘ai‘ai, Ki‘ili, and others. William Meheula and Hayden Aluli represented the plaintiffs at the time. The suit was originally to enjoin the State of Hawai‘i’s Department Of Land and Natural Resources and the Housing Finance and Development Corporation from selling Leiali‘i land on Maui to C. Brewer. In July of 1995 the Office of Hawaiian Affairs decided that this was something they should also follow up on, and filed their own suit. They later asked to be lead plaintiff in a joint case, and requested the individual plaintiffs join them. They sought to enjoin the State from selling all ceded lands, not just Leiali‘i. Even back then, it was uncertain how OHA could seek to settle the claim while excluding the other plaintiffs. Plaintiff Ka‘ai‘ai noted, in June 1999, that
"...if there is a settlement between OHA and the state, excluding the other trustees and plaintiffs, it would not be worth the paper it was written on. I think that at worst this was an exercise to delay and confuse the process (an attempt for some political gain) by an astute loyal Democrat (Hee) and a desperately seeking trustee (Kealoha). At best, this was a fishing trip to gauge the temper of the State of Hawai‘i in settling the issue. Any settlement by the state is suspect. The Hawaiian Home Lands $600 million is stalled."

Kawika Liu, a young attorney at the time, was the third attorney in the case.

Liu provided more information about the players and the process:

Charles Ka‘ai‘ai is from Hui Na‘auao and Pahe‘e‘e Ridge, and was one of the plaintiffs in Ka‘ai‘ai v. Drake, the suit which led to the “settlement” of $600 million, which has not been paid. This was the successor to Kealoha v. Hee, where these same plaintiffs (with Sam Kealoha) were in a suit to stop Clayton Hee (OHA trustee) from settling with the state and the United States for claims arising from the overthrow and breaches of the ceded lands trust.

The case is based on two theories: the first is that the State doesn’t have good title to the ceded lands because at statehood the only got what title the US has, which is also deficient. The United States obtained the ceded lands without the consent of, or compensation to, the Hawaiian people, and so they were not bonafide purchaser for value (BPFV). Being a BPFV is one of the only ways you can clear title to stolen lands. Because the U.S. was not a BPFV, and had full knowledge of the circumstances under which the Republic stole the lands, it could only pass on what title it had to the state. Since this title was not good, the state paid nothing, and since it had constructive knowledge of the defects in the title, it was not a BPFV, either. Thus, the state is effectively a trustee of a constructive trust. A constructive trust is not really a trust, but a legal fiction whereby the person who improperly receives “property” is the trustee for that “property”, the res of the trust. The trustee cannot alienate the res, but must hold it until it can be transferred back to its true “owner,” the Hawaiian nation. The state must protect the trust, which it has not been doing, and must also maximize the rents it receives from the trust, which it has also failed to do.

The other, fallback theory, is that even if the ceded lands trust exists, the state cannot alienate parts of the res when such alienation would clearly be favoring one group of beneficiaries, the non-Hawaiians, over another group, the Hawaiians. In doing so, the state would be violating one of its fiduciary duties, that of treating all beneficiaries equally.

The Housing Finance and Development Corporation (HFDC), named as a defendant, is a Hawai‘i state agency created in 1987 by Act 337 as part of Governor John Waihe‘e’s initiative to reorganize and streamline state
government. HFDC is positioned within the Department of Budget and Finance. As the name implies, the HFDC is concerned with financing and developing residential projects and administering the state's residential leasehold conversion and relocation programs. In conjunction with federal, state, and county governments, nonprofit organizations and the private sector, HFDC works in partnership to accomplish the following priority goals: to increase the supply of permanent rental housing opportunities for low income households in independent and supportive living environments, to increase fee simple homeownership opportunities, and to improve the housing delivery system through the cost-effective management of State programs and resources. The 'ceded lands case' challenges the sale of properties developed on ceded lands by the state through HFDC.

The Office of Hawaiian Affairs asked Circuit Judge Sabrina McKenna to place an injunction on the sale or transfer of any ceded lands until the claims of native Hawaiians over the lands are settled. From OHA’s perspective, the sale of these lands would forever diminish the amount of revenue entitled to the agency under the state Admissions Act of 1959. The 7-year-old case focuses on stalled state projects at the Villages of Leiali`i on Maui and at La`iopua on Hawai`i island. At issue is whether the state can develop affordable housing projects and then sell those lands.
UH Ethnic Studies associate professor Davianna McGregor, as the first witness during the trial, noted that most Hawaiians would rather have control over their ancestral lands than receive reparations from the U.S. government for their loss. "All the Hawaiian groups know what's important is protecting the land from destruction and keeping these lands under the stewardship of native Hawaiians," asserting by her testimony that the value of the lands far exceeded any monetary value placed on them as a physical resource.

John Komeiji, a private attorney hired by the Attorney General's Office to defend the state in the case, argued the Admissions Act obligates the state to manage ceded lands to benefit all of its citizens, not just native Hawaiians. That management includes using proceeds from the sale of public trust lands for other public purposes such as farms and home ownership, he said. Further, an injunction on the sale of these lands until native claims are resolved could last indefinitely, affecting the state's ability to provide public services to everyone. While the state is mindful of the historical injustices done to the Hawaiian people, Komeiji noted those arguments are best addressed at the executive and legislative branches of government, and not at the judiciary branch.

Meanwhile, OHA board attorney Sherry Broder, in her opening remarks, gave examples of other states and countries where a moratorium on lands led to a
settlement between those governments and their indigenous peoples. International law, she noted, requires governments to take steps to protect lands for indigenous people and to resolve land claims.

Meheula, representing the individual plaintiffs, added that native Hawaiians have a strong legal standing for their claims because the Hawaiian kingdom had established treaties with other countries in the 1800s before the 1893 overthrow. Such recognition, he explained, places the dispute in the international arena, rather than it being a domestic issue for the United States.

During the trial, it was evident that Title Guaranty Co., represented by Jon Jubinsky, was seeking assurances from Judge McKenna that the state would guarantee clear title to lands in Lealiʻi and Laʻiopua. Without such assurances, Title Guaranty stated it would not insure title for any of those lands. So while the issue of whether or not the state could sell lands identified as part of the ceded lands trust was primary in the case, a secondary and even more important issue, while not specifically stated, was whether or not the state could assure the title companies and others that it had good title to land it was trying to sell. The implications of the judge’s ruling would obviously have bearing on what sovereignty activists knew all along—if title is only as good as was received, and there is question with regard to legal transfer of lands from the Provisional Government in 1893 to the Republic of Hawaii in
1894, and then to the United States in 1898, and then back to the State of Hawaii in 1959, then the issue really revolves around what happened in 1893. If the 1893 takeover was legal, then transfer of lands from then until now falls within a legally defined arena. And the outcome of taking the case of Hawai‘i’s nation-state status to the World Court to prove that Hawai‘i was, indeed, a nation-state, and a member of the family of nations since 1843, is significant and relevant to this case.

The next obvious question would then be: Could a nation-state be annexed to another nation-state without a treaty of annexation and without the full support of the people to be annexed. Sovereignty activists are well aware that legal challenges that allow a telling of the history of Hawai‘i in the courtroom can only be to the benefit of the movement and expose weaknesses in the state’s case.

On Dec. 5, 2002, Judge McKenna ruled that the state can, indeed, sell ceded lands for a public purpose without it constituting a breach of trust. McKenna’s opinion acknowledged that thousands of acres had already been sold since 1959, and that since the creation of the Office of Hawaiian Affairs, some revenue from these lands had been earmarked for OHA.
Kawika Liu noted that Judge McKenna ruled in favor of the state specifically regarding:

1. Sovereign immunity - She held that the land had already passed to HFDC, and that the state had received money, so the Leiali'i and La'iopua lands are no longer ceded, and since sovereign immunity means no rulings that would result in a direct impact on the state treasury, the claim was blocked by sovereign immunity.

2. Plaintiffs have waived their objections to the sales, since the suit was not filed until 1994. Alternatively, OHA was actively participating in negotiations, so their objections were waived. Also, because there was no objection by plaintiffs, the HFDC relied on this lack of objection to pursue the acquisition.

[As an aside, Liu commented, "I think that this is bogus, since by 1993 at the latest, many people had been arguing that the state did not have good title to the ceded lands. Also, one of the central arguments to the case is that the state itself admitted this in 1993, and the United States as well, so HFDC and the state, etc. should have been on notice of the illegality of the sales."

3. Finally, Judge McKenna ruled that the state has broad powers in the administration of the ceded lands, so that it can sell the lands, as long as it keeps the proceeds in trust.

Meheula later responded in a news interview that he would appeal once the second part of the case—a trial to set a fair market value for the land—takes place, a necessary step, as OHA is entitled to 20 percent of the proceeds from such sales. Meheula also noted that title insurance companies have indicated
through court filings that no title insurance would be issued on land transactions until the state wins this case on appeal.\textsuperscript{102}

The John Marsh Case: Marsh v. Commissioner of Internal Revenue Service

John Marsh, a native Hawaiian, retired from the Honolulu Police Department in the late 1980s. Following retirement, he took an even greater interest in Hawaiian history, especially the circumstances surrounding the overthrow and eventual annexation of Hawai‘i by the United States. Based on his research and influenced by his upbringing, changing awareness and community activism, he came to the conclusion that he was, in fact, a Hawaiian national and not a citizen of the United States. Consequently, he believed he had no obligation to finance the United States through his contribution to the US Internal Revenue system.\textsuperscript{103}

Marsh noted in Sept. of 2002, “I’m just nobody. Very simple family. Born on O’ahu, raised in Palolo Valley. It’s interesting to note that that’s the last place of resistance before the overthrow. Maybe the dirt got under my skin. I retired from the police force in 1992—I had 29-30 years. One of the reasons I did retire was because this whole thing was coming to a head. As of 1986 I just quit paying taxes.”

\textsuperscript{102} Honolulu Advertiser, Dec. 6, 2002.
\textsuperscript{103} Information distilled from an email posted by Poka Laenui on April 5, 1998.
Having made that decision, Marsh refused to file or to pay income taxes to the US government. In 1995, the federal government brought a federal indictment against him, charging him with three counts of willful failure to file income tax returns. His case was tried in the Federal District Court in Hawaii. When asked why he refused to file or pay taxes, Marsh explained the history of the overthrow and his conclusion that he had no obligation to do so. The jury found him not guilty on all counts.

However, the Internal Revenue Service was determined to seek his assets in a civil proceeding. IRS moved to attach his retirement from the Police Department. As a result, Marsh filed a complaint against the Commissioner of the IRS alleging that the tax laws of the United States have no jurisdiction upon Hawaiian nationals for income derived in Hawai‘i.

According to Poka Laenui, part of Marsh’s legal team, the case brought forth important historical materials, legal principles and social issues that play a part in the continuing development of the Hawaiian independence movement. One important aspect deals with the retention of the Hawaiian consciousness by the people of Hawai‘i, and the expression of continuity of Hawaiian nationalism and national identity.
Laenui, in his legal brief, noted:

Mr. Marsh claims nationality in the Nation of Hawai'i by virtue of his Hawaiian ancestors who were nationals of Hawai'i, as well as his declaration of national allegiance. There has been no act committed by himself nor by his national forefathers that constitute the legitimate loss of that nationality.

In accordance with Article 15 of the Universal Declaration of Human Rights respecting the right to a nationality that shall not be arbitrarily denied, Mr. Marsh asserts his Hawaiian nationality and disclaims any U.S. citizenship.

Mr. Marsh is not so naive as to not realize how his position flies in the face of the customary view of Hawai'i as a part of the United States of America. Such view, replete throughout the Commissioners' motion, however, is grounded not upon a legitimate progression of political acts condoned in international or domestic laws. Instead, they have become accepted simply by the practice of custom, aided by the power of might on the part of the U.S. government.

The historical record is clear. An independent nation, Hawai'i, was invaded and overthrown by a foreign state, the United States of America. The U.S. subsequently proceeded to annex Hawai'i's territory as its own. The U.S. took the Hawaiian nationals and declared them U.S. citizens. Hawaiian nationals never freely consented to their territories being ceded to the United States of America or to their loss of Hawaiian nationality, nor to their gaining U.S. citizenship. The U.S. government subsequently imposed U.S. laws, including the taxing laws, upon these Hawaiians.

Thus, our right to self-determination was violated by the United States, and in that violation, the U.S. asserted jurisdiction over our territory and nationals.\textsuperscript{104}

Marsh subsequently filed an action against the IRS challenging their assessment against him for taxes and the resultant attachment of his police pension. The court decided against him. However, the IRS dropped the pension attachment and he has received the full amount. The Tax Court decision was subsequently appealed to the 9th Circuit court of appeals, which determined, without addressing the merit, that John Marsh was a tax protester, and placed him and other Hawaiians in the same place as American Indians.

It relied heavily on the Lorenzo case, a terrible precedent of a case brought by

\textsuperscript{104} US Tax Commission records, January 2000.
poorly informed attorneys and client, Windyslaw Lorenzo.

Since that time, Marsh has appealed to the U.S. Supreme Court. A petition for writ of certiorari was prepared, but as of April 2002, no action had been taken. However, even if the Supreme Court denies the writ, denial will have international implications regarding the need to exhaust one's domestic remedies before appealing to the international arena for relief.\textsuperscript{105}

Laenui posed the question, "What should others do if they felt the same as Mr. Marsh? That's like asking the distinction between an outlaw and a criminal—the first, acting consistent with his moral code regardless of the criminal law's dictates, while in the second instance, a criminal adopts the criminal code as his standard of conduct regardless of his moral code. For Hawaiian nationals, I would say: act consistent with your moral code, take the action you are able and willing to take at the time or in the circumstance you are able to. Don't overstep your power to withstand the action you intend, but don't let fear itself hamper your action. Do right in your circumstance."

The Marsh case went to the Supreme Court on appeal. The question presented for review was "Does the jurisdiction of the U.S. taxing laws extend to persons or over territories simply on the basis of default, i.e., by the U.S. government's failure or refusal to recognize a nation-state, may it automatically extend its own taxation jurisdiction over the person or territory

\textsuperscript{105} Information was taken from an email from Laenui dated April 18, 2002.
of that state?"

As Laenui noted in his appeal to the 9th Circuit Court,

For me, the singular issue here is whether there is a legitimate basis for jurisdiction of U.S. taxing laws over myself, simply on the grounds that the U.S. does not now recognize the existence of my Hawaiian nation, or must there be an affirmative basis for jurisdiction? The 9th Circuit Court of Appeals has reacted in a knee-jerk defensive manner, immediately casting me into the traditional "tax protester" and Hawaiian activist category of individuals, thereby refusing to give proper consideration to my arguments and disposing of my case by branding it "frivolous", citing United States v. Lorenzo, 995 F.2d 1448, 1456 (9th Cir. 1993)."

In Lorenzo, the court held, "The appellants (Lorenzo & Brown) have presented no evidence that the Sovereign Kingdom of Hawaii is currently recognized by the federal government or that they have received any immunity arising from the existence of the Kingdom." at p. 1456. On that basis, the Lorenzo court assumed personal jurisdiction over the defendants. This "jurisdiction by default" reasoning is unsupported in law or common sense. The recognition by the federal government of the existence or non-existence of a nation does not affect the question of jurisdiction for U.S. tax purposes. Jurisdiction is not conveyed through the absence of an existing internationally recognized state. The U.S. did not assume personal or territorial jurisdiction over the nationals of the Republic of China in the years its foreign policy refused to recognize that state. Nor did it assume personal or territorial jurisdiction of the nationals of Afghanistan simply by its refusal to recognize the Taliban government. Nor does it assume jurisdiction over a stateless person drifting in the open sea beyond U.S. territorial borders simply because that person is stateless. Jurisdiction can be extended only on specific basis, i.e., personal due to nationality or citizenship, territorial in that the individual is found in the legitimate territory of the state, or subject matter for which taxation is not appropriate.

The government can only take jurisdiction affirmatively. In this case, it has relied on the federal government's absence of recognition of Hawai'i, and thus tries to take jurisdiction by default.

The IRS has failed to rebut any of my historical and contemporary facts introduced in the trial showing that Hawai'i's annexation to the United States was illegitimate. It had simply relied on the Lorenzo decision as precedent. That case followed erroneous reasoning.

The Lorenzo case also dealt with the matter of sovereign immunity asserted by Mr. Lorenzo, as a diplomat of Hawai'i. The law of diplomatic immunity would, of course, require the U.S. government to recognize the existence of the Hawaiian nation-state as a prerequisite to according him diplomatic immunity under U.S. law. Mr. Lorenzo failed to show such recognition. I make no such claim of sovereign immunity and, therefore, my case is inapposite to Lorenzo's on that point.
Reliance on the Lorenzo case and its rule regarding jurisdiction by default is obviously bad precedent and may, in the future, lead to more trouble than immediately meets the eye. If this reasoning persists, its implication is that any state may claim jurisdiction of any individual or activity within a territory of another state, simply by its refusal to recognize the legitimacy of that other state, for however short a period of time. Such a practice would constitute a breach to international laws and customs and set bad public policy.

The Lorenzo decision constitutes a far departure from the accepted and usual understanding of the law of jurisdiction. This Court's supervisory power should be enforced to give correction to this course of action.
CHAPTER VII

Symbols and Modes of Resistance

Flags

In 1794, Captain Vancouver, on his voyage around the world, gave Kamehameha I a British flag upon the so-called cession of the Hawaiian Islands to Great Britain. Kamehameha used the ensign upon occasion. Hawaiians at the time did not use flags. Rather they had kahili (feather standards, symbolic of royalty), puela (long kapa strips, used as a marker or banner), and other standards to mark important Hawaiian occasions.

According to some, the exact time that the Hawaiian flag first appeared is not known, although Kotzbue, by 1816, notes that there was a Hawaiian flag. There is no early written record of the flag’s origin. On January 1, 1862, a written description of the flag, with a full color picture, appeared in the Hawaiian newspaper Kuokoa. By then the flag had been in existence for some time.

When Lord Paulet, here in February 1843, demanded the surrender of the King’s government, he destroyed all of the existing flags. Five months later British Admiral Richard Thomas, Paulet’s superior, ordered the King’s
government restored and the flag raised at what is now called Thomas Square in downtown Honolulu.

Since then, the design of the Hawaiian national flag has been accepted as the same Hawaiian flag that flies alone over 'Iolani Palace, at Mauna'ala, and on state and other buildings below the American flag. The eight stripes represent the major islands of the group. The Union Jack was included out of consideration for Vancouver.

In 1893, at the time of the American invasion, the Hawaiian flag was retained and in 1898 the flag was adopted as the Territorial flag. In 1959 it became the flag of the State of Hawai'i.  

Today the Hawaiian flag stands as a symbol of the continued existence of the Hawaiian nation and of resistance to the theft of Hawaiian lands. Hawaiians who understand the history of Hawaii as a nation-state revere the flag as a sacred object, much as Americans do the American flag. The flag symbolizes a nation intact.

On August 12, 1898, at a noon ceremony at 'Iolani Palace, the Hawaiian flag was taken down and replaced by the American flag, a symbolic action.  

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indicating a shift in power from a system of Hawaiian governance to an 
American takeover. Few Hawaiians were there to witness the event. One 
hundred years later to the day and hour, on August 12, 1998, 5000 people 
witnessed and assisted in the Hawaiian flag being raised, from the ground to 
the `Iolani Palace roof, with whistles, cheers and tears of emotion long-
suppressed. Those privileged enough to touch the flag as it was being 
raised to the center pole at the top of the building felt that the weight of 
historical wrongs, after one hundred years, was lifted in the flag’s ascent 
home.

Participants witnessing the event commented on their experience. Huddy 
Iaea, a 72 year old former Marine and retired machine operator said he had 
pledged his allegiance to the United States, but in recent years that oath had 
worn thin as he learned more about the 1893 overthrow of the Hawaiian 
monarchy and annexation five years later. Huddy commented, “History is 
dirty. I’ve got nothing against America, but they’ve got to give back the 
land.” Scott Miller of Wai`ehu, Maui, took off from work, as he did in 1993, 
for the Onipa`a event. He felt compelled to support the Hawaiian rights 
movement, noting, “I’m glad that I came to participate. What is one day of 
work compared to a once-in-a-lifetime event?” Former Governor John

Waihe`e agreed that it was good to see the people coming together and telling the story of annexation. 108

On the evening of Sept. 11, 2001, in remembrance of the deaths of thousands of Americans at the World Trade Center in New York City, Hawaiians called for a gathering at `Iolani Palace near the ahu (the stone altar next to the Royal Burial Mound, Pohukaina) to honor the dead and mourn with the living. The Hawaiian flag, though not conspicuous, was present. Within a short time following this memorial, the Hawaiian flag and the sovereignty movement were overshadowed by the American flag and American patriotism, as city, state and federal governments attempted to pull together the American nation. The Hawaiian flag faded into the background of Hawaiian American consciousness, and in Hawai`i the Hawaiian flag was claimed, again, by the state.

Since 1959, the Hawaiian flag has flown beneath the American flag on the state capitol building and at other public places. Over `Iolani Palace and at Mauna`ala, the Hawaiian flag flies alone. Following the Sept. 11 attack on the World Trade Center, the Friends of `Iolani Palace board, in support of the nationwide call to honor America and those who died on that day, voted to fly the American flag over `Iolani Palace, at a level higher than the Hawaiian flag, showing America's superiority over Hawaiian nationalism. The


Alice Guild, then Executive Director of the Friends of 'Iolani Palace, apologized in a November 8 letter for flying the American flag, noting that the action was supported by the Friends of 'Iolani Palace board and was meant to pay tribute to the victims of the Sept. 11 attack. Guild made reference to precedence set by the Queen in 1917 when she flew the American flag over her personal residence, Washington Place, to honor Hawaiians killed in World War I.

In the weeks that followed Guild received numerous emails from Hawaiians unhappy about the American flag flying over the Palace. One email came from Kau′i Goodhue, who noted, "Her Majesty Queen Liliʻuokalani's decision to fly the American flag over her private residence was her right. Her intention was not to set 'precedence'; it was the act of the rightful constitutional Monarch whose country and people always dictated her actions."

The issue was debated into the next year on several ongoing email discussion lists, a topic of importance to all sovereignty proponents. Clarence Ching, a
Hawai‘i island farmer and former Office of Hawaiian Affairs Trustee, posted an email on November 13, 2002:

I am somewhat disturbed by the situation concerning the flag of the state of Hawai‘i, the state song, the state motto, etc. As we all know these symbols of the state of Hawai‘i are quite similar or identical to our Kingdom’s (or whatever you want to call our sovereign independent government) symbols.

The problem is this: When these symbols are exercised – Hawai‘i Pono‘i is sung, the flag is flown, or Ua Mau Ke Ea... is spoken, is there the slightest confusion that this is being done under our government, or under the state of Hawai‘i? If the question comes up, Americans can (and will) argue that we are singing the “state” song, flying the “state” flag (except for possible differences in measured dimensions and ratios), or reciting the “state” motto. On the other hand, we will argue that we are referring to the Kingdom. Too many times our behavior and activities can be misinterpreted by those who are not on our side, to our detriment. If we continue to do neither, are we acquiescing to their way of thinking?

I was noticing a discussion that the 1959 “statehood” vote was considered by some (especially the U.S. government) as a legal plebiscite and that the Hawaiian people were thereby exercising their right of self-determination and choosing to be Americans. In the same exercise, Hawaiians were giving up all claims of the Kingdom and a certain amount of our rights. This kind of ambiguity must be stopped. We have to think of all the ways our behavior and attitudes can be misrepresented. We have to prove that we are every bit as smart as our adversaries.

What to do? Either we will have to select new symbols for the Kingdom, or we’re going to have to insist that the state of Hawai‘i make changes to its symbols.

So, while we sing Hawai‘i Pono‘i, we may be paying respect to King Kamehameha I and the Kingdom of Hawai‘i, and at the same time, the Americans are thinking that we are respecting and paying homage to the state of Hawai‘i. We cannot allow these kinds of possible double-meanings to go on. We have too much at stake to risk this kind of confusion.

Hopefully, this is the first volley of a healthy discussion on what steps should be taken so there will be no misunderstanding - so that when we sing our song, dance our dance, fly our flag, or recite our motto - that it is of the Kingdom (or whatever) that we are exercising such respect and adoration for.

Jim Bartels, former Curator of `Iolani Palace and of Washington Place, the Queen’s former home, responded in this way:

One opinion is that every time we honor these symbols we are honoring our own past. In the same way as the land was taken, these symbols were taken as well. Our ancestors adored these things and we should as well. Finding new symbols is an abandonment of who we are, and a repudiation of many generations of our ancestors. We will then be as rootless as those who came from nowhere to try to
succeed us here. These things are ours. They can be misappropriated by others, but only we can discard them. We should hang on until better times. They will come someday.

Dr. Baron Ching, an internist at Queen's Medical Center in downtown Honolulu, added his thoughts to this ongoing dialogue:

It would be a BIG mistake to cast aside these symbols of the nation. Ka Hae Hawai‘i has been the symbol of this land as far back as 1804 or so, designed by Paikea Kamehameha himself. It has always been associate with this pae ‘aina, and no other in this world. If the state needs a flag, let them have the green and yellow Hawaiian flag. When I hear of such a thing, I think back to the “Ku‘u Hae” quilts of 1843 and 1893. The kupuna thought that it was the end of Ka Hae Hawai‘i, and they expressed their despair and grief in the flag quilts. We would be doing what the foreigners could not do—get rid of the beloved Hae Hawai‘i of the kupuna.

As for Hawai‘i Pono‘i, just look at the meaning. Every time somebody sings it, they are pledging their allegiance to the King of Hawai‘i. If they would sing the second and third verses, they would be pledging their allegiance to the chiefs and Lahui.

Dittos for "Ua Mau". It was spoken by Kauïkeouli 31 July 1843, on the re-establishment of the Kingdom after British occupation. Contrary to popular opinion, it is not the life of the land. Life is ola. This says that the ea is preserved. The real translation is the independence/sovereignty of the land is preserved in righteousness.

If these people are so lolo that they don't realize that the state motto confirms that we are independent, and they are pledging allegiance to the king, chiefs and nation every time they sing or play Hawai‘i Pono‘i, then good.

When the time comes to discuss the re-establishment of the Kingdom, we just point out that they have been pledging to do this all the time, and the state motto has committed to this already.

So my vote is no abandonment of these powerful symbols of sovereignty.

The Hawaiian flag, Ka Hae Hawai‘i, has been and continues to be a part of every major Hawaiian sovereignty event. The Onipa‘a march and rally on Jan. 17, 1993, saw the flying of thousands of Hawaiian flags of all sizes, some flying upside down to signal distress. Some flags were merely likenesses on cardboard, hand carried by fervent supporters of the nation. By 1998, the numbers of Hawaiian flags, especially regulation size flags, had increased.
Dozens of flags made their appearance during the 1998 Resistance to Affirmation march and rally, and the *Ke Kukui A huaka‘i*, the walk around the island to honor the nation, in conjunction with the 1998 commemoration. The sovereignty movement has, at every single sovereignty event, rallied behind support of the national flag.

At different commemorations and memorials, including non-Hawaiian ones, the Hawaiian flag has begun to have an even greater presence. Allies from other social justice movements have requested participation of the Hawaiian flag at gatherings like the Gay Pride march and the Martin Luther King Day parade. In 2002 the Hawaiian flag accompanied a group of hikers on the island of Hawai‘i for the Maunakea huaka‘i (a sacred journey to Maunakea), proclaiming its presence atop Maunakea to honor the ancestors and affirm the nation.\(^\text{109}\) On Jan 17, 2003, at the Living Nation march and rally the Hawaiian flag was prominent in many different locations throughout the day. On Jan. 18, 2003, the Hawaiian flag led the marchers in the Martin Luther King Day parade from Ala Moana Park, through Waikiki, to Kapi‘olani Park.

One example of the emotional turmoil triggered by disrespect to the Hawaiian flag, and thus to the Hawaiian nation, occurred on Jan. 17, 2003 in front of the

\(^{109}\) Maunakea huaka‘i included, among others, Baron Ching (who brought the flags), Keawe Vrodenburg, Clarence Ching, Curtis Sharp, Sam Gon, Penny Kelii, Kapono Souza, and Mel Kalahiki. The group traveled from makai (seaside) to mauka (mountains), visiting a number of sacred sites on the way, and practicing appropriate protocols at every stop.
Judiciary Building, across the street from 'Iolani Palace. The Living Nation – Hawaii Loa Kulike Kakou had sponsored a week of events to commemorate the 110th anniversary of the taking of the Hawaiian Kingdom in 1893.

Numerous Hawaiians were on the Palace grounds for the day-long activities. Across the street a number of young demonstrators from Kansas were in Hawai‘i protesting the Hawai‘i Legislature and gay liberation. Armed with signs stating "God Hates Hawaii" and "God Hates Fags", members of the Westboro Baptist Church of Topeka, Kansas spread their message of hate at several downtown Honolulu churches, including Kawaiaha‘o Church, just down the road from 'Iolani Palace. In the process of protesting against the state for legislation passed several years ago which they believed promoted homosexuality, the group brought a Hawaiian flag which they threw on the ground and jumped on, from to time. Hawaiian activists, watching the disturbance from across the street, quickly ran over to the group, asking them to either respect the flag of the nation or face (unpleasant) consequences, but the protestors merely waved their protest signs and continued to stomp on the flag. The Hawaiians then surrounded the group, under the watchful eyes of dozens of police officers and security in uniform and plain clothes, holding hands and chanting at them until the group decided to leave. The police were relieved. The Hawaiians were glad to have found a way to deal with a problem without resorting to violence, keeping true to the across-the-board commitment by the movement to find resolution on all levels using peaceful means.
Other flags have been created as symbols of resistance to the American flag and its presence in Hawai‘i. Eugene Sonoda created a green, yellow and red flag based on a description he discovered at the Bishop Museum. Sonoda believes the flag he designed reflects the true flag of the nation. At his own cost he created a number of flag stickers and large standard size flags of this design. Within a year large numbers of cars in Hawaii carried these green, yellow and red flag stickers on their bumpers, some of them along with Ka Hae Hawaii flag stickers. While there has been some controversy about the “real” national flag, most sovereignty activists view Sonoda’s flag as a “people’s flag”, rather than the national flag, because the colors are reminiscent of the Rastafarian flag and remind sovereignty proponents about the peoples’ struggle, both in Hawai‘i and abroad, in resistance to oppressive governments.

T-shirts, banners, signs

January 17, 1993, during the Onipa’a march from Aloha Tower to ʻIolani Palace, marked a time of colors and messages. Marchers, 20,000 strong, came from all islands and wore colors specific to their islands. Many wore t-shirts with messages on them. The word “Ea” was seen on numerous shirts and signs. Banners and signs portrayed messages of solidarity: Ho ʻomaka Hou (to begin anew), Keep Hawaiian Lands in Hawaiian Hands, Tell the People Back Home, Justice for 1893, ʻIke Pono (to see clearly), Molokai Ea,
Sovereignty Now, Decolonize Hawaii, Ho`oku`oko `a Independence, Kotahitanga (representing Maori supporters).

In 1994, Nation of Hawaii came out with a t-shirt with the slogan, “Last Star On, First Star Off.” Hui Na`auao Sovereignty Education Project created its own shirt with its organizational name. Ka Lahui, Hawaiian Patriotic League, Ka Pakaukau, Keali`iho `one`aina, and nearly every sovereignty or Hawaiian organization active in the last ten years have promoted shirts with messages in resistance to American occupation and theft of Hawaiian lands. In 2002, a Big Island group produced a t-shirt with the words “End the U.S. Occupation of Hawai`i” which immediately sold out of every size except 3X. In 2003, the Living Nation Campaign within a few hours sold 300 t-shirts to Hawaiian and non-Hawaiian supporters, indicating the tremendous support for such activities.

Culture as resistance

Besides the more overt kinds of activities, like the use of flags, banners, signs and t-shirts to express ideas, participants in the sovereignty movement have incorporated into their toolbox of resistance a significant number of behaviors that set the Hawaiian community apart from the Americans in Hawai`i. Hawaiian language is used whenever there are Hawaiian language speakers present. Protocols are practiced at meetings and gatherings with opening and
closing prayers or chants. Food has become a regular part of gatherings, as well as the building in of greetings and introductions in programs. Taking ho`okupu, or offerings, to the Queen’s statue, or to sacred places, is regularly a part of different celebrations to remind Hawaiians about who and where they are, and where they come from. While these behaviors, from an outsider’s perspective, may seem to be merely cultural expressions that many Hawaiians practice, sovereignty activists regularly include every possible aspect of Hawaiian cultural practice in their own movement work with each other and in the broader community.

Those in the movement have a keen understanding and awareness of the practice of culture as an act of resistance, an idea shared with the Hawaiian community in 1993 by the Dalai Lama on his visit to Hawai`i. As more and more Americans in Hawai`i come into contact with Hawaiians who practice their culture, they are reminded that Hawai`i is not California or any other state in the United States.

Videotapes, radio programs, public access television, dramatic re-enactments, newsletters, news articles, op ed pieces, websites, artwork, poetry, discussion lists, flyers,

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10 Na Maka O Ka `Aina, a film/video company on the Island of Hawaii has put out numerous videotapes about the sovereignty movement and Hawaiian culture. In 1993 the group created a film titled Act of War, which was subsequently submitted for consideration to the Sundance Film Festival. Other films and videos of note include: Then There Were None, Spirit of Fire, Collision Course, We Are Who We Were: From Resistance to Affirmation, and Ho`ala.
111 Both Poka Laenui and Keanu Sai have had regular ongoing radio programs that are popular and have reached audiences in the thousands.
telephone trees, ceremonies, informal gatherings and parties, methods of dress (wearing *kikepa* or *kihei*, and lately *malo*)

115, developing media strategies, linking across issues with social justice groups outside of the movement and outside of Hawai‘i—all of these are ways by which information has been and continues to be disseminated as sovereignty proponents share information about the struggle in Hawai‘i. Considering that almost all of the events and activities within the movement are paid for out-of-pocket, a tremendous amount has been accomplished since the 1990s, with little money, much determination, and goodwill developed over years by activists committed to working in *pono* ways with each other as volunteers for a greater cause.

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112 AFSC Sovereignty Education Subcommittee created a series of videos about issues related to sovereignty, culture and history. The Living Nation worked with Waianae High School students in 2002 to create a series of one hour videotapes titled “The Living Nation”, a total of more than 20 taped shows that aired on public access television for more than six months. Cost for such tapings is minimal. In Hawaii public access has been known to draw audiences in the hundred thousands.

113 Dallas Mossman Vogeler produced and directed a re-enactment for the Onipa‘a commemoration in 1993. The drama, a huge undertaking, was presented wherever the action actually took place. The response from both participants and audience was phenomenal. In 2000, Hailiopua Baker wrote and directed a play to honor Joseph Nawahi, sharing with a rapt audience Nawahi’s contribution in support of the Queen in the late 1890s. Didil Lee Kwai created a drama from an 1897 San Francisco newspaper article titled “Strangling Hands Upon a Nation’s Throat.” The article spoke of Hawaiians of the time who resisted annexation to the United States. The play drew huge audiences, many of whom were turned away, at its debut on Iolani Palace grounds on the Queen’s birthday, Sept. 2, 2000.

114 Typing in the words “Hawaiian sovereignty” on any search engine will call up hundreds of websites, articles, photos, and links with information about the movement. In 1990 there was very little, if any, information online. Electronic communication has facilitated the flow of information like nothing else could, testifying to the effectiveness of new technology in helping to disseminate information and advance the sovereignty movement in Hawai‘i and abroad.

115 Kikepa, in ancient times, were generally worn by women. A kapa cloth or other material is draped under one arm and tied over the shoulder of the other arm. Kihei are capes. Malo are loincloth. Within the movement today, more and more Hawaiian men are beginning to wear malo, sometimes with the effect of shocking particularly haole people.
CHAPTER VIII

1998 – 2003

"Because, by treating with the parties claiming at this time the right to cede said territory of Hawai‘i, the Government of the United States receives such territory from the hands of those whom its own magistrates (legally elected by the people of the United States, and in office in 1893) pronounce fraudulently in power and unconstitutionally ruling Hawai‘i.

...Therefore I, Lili‘uokalani of Hawai‘i, do hereby call upon the President of that nation, to whom alone I yielded my property and authority, to withdraw said treaty (ceding said Islands) from further consideration. I ask the honorable Senate of the United States to decline to ratify said treaty..."

Her Majesty Queen Lili‘uokalani

In 1998, on August 12, one hundred years after the so-called annexation of Hawai‘i to the United States, activists joined together to commemorate the hewa (wrongdoing) as a way to reclaim a history distorted by American scholars who based their writings on misinformation and misunderstanding. Hawai‘i Loa Kulike Kakou sponsored the large gathering, titled, “We Are Who We Were: From Resistance to Affirmation.” Five thousand people met at Mauna‘ala, the Royal Mausoleum in Nu‘uanu, and marched to ʻIolani Palace, a journey to reclaim, in part, their own history.

As part of Hawai‘i Loa Kulike Kakou, The Hawaiian Patriotic League, in conjunction with filmmakers Puhipau and Joan Lander of Na Maka o ka ʻAina, created a 15-minute video to mark the occasion. The video aired at primetime on mainstream television, KHON Channel 2, just days before the August 12 event. A publication, “An Historical Overview of the Events that
Prevented Annexation of the Hawaiian Islands to the United States,”
accompanies the video and was distributed as part of the video packet. Being
careful to acknowledge the proper action based on a correct interpretation of
history, the inside front page noted:

Published by The Hawaiian Patriotic League & Na Maka o ka `Aina, Copyright ©
1998 by The Hawaiian Patriotic League, Printed in the Hawaiian Kingdom. All
rights reserved under an “Act to Encourage Learning in this Kingdom, by Securing
the Copies of Charts, Maps and Books, to the Authors and Proprietors of Such
Copies, passed by the Legislative Assembly of the Kingdom on Dec. 31, 1864.

The publication honored, in its dedication,

Her late majesty Queen Liliuokalani, Constitutional Monarch of the Hawaiian
Kingdom, and the brave men and women of the Hui Aloha `Aina (Hawaiian Patriotic
League) and the Hui Kalai`aina (Hawaiian Political Party) for their achievements in
preventing the annexation of the Country to the United States.

Mel Lonokaiolohia Kalahiki, Chair of the Hawai`i Loa Kulike Kakou
Committee, noted in the book’s opening remarks his own understanding of the
event.

For the past century many of us have suspected, and history has implied, that the
annexation of Hawai`i was “illegal.” However, information has surfaced which
proves that the annexation of Hawai`i does not qualify as an illegal act, for under
American as well as International law, the annexation of Hawai`i “never happened”.
This modest work [this book] will carry the nation on its shoulders.

Two years later, in 2000, the Hawai`i Loa Kulike Kakou Committee convened
again to discuss the concept and implementation of a project called The
Living Nation. The impetus for the Living Nation was the need for a clearer
understanding of history and those events in history that were handed down to
Hawaiians by historians who didn’t have their facts straight. As Kalahiki’s
statement noted: *This book will carry the nation on its shoulders.* And indeed it has.

History has the effect of being directional. Knowing one’s history keeps one from making the same mistakes, but also points out where to go, and where not to go. And the Living Nation’s agenda was to recover Hawai’i’s history to see what direction was indicated and what mistakes had been made so as to avoid making them again.

All Hawaiians of the past generation were taught a political history of Hawai’i since the mid-1800s based on writings and interpretations by non-Hawaiians. Texts by Daws and Fuchs¹¹⁶ generally are required reading for students of Hawaiian history. None of these writers spoke the Hawaiian language, so none of them used Hawaiian texts as references. Rather their citations reference other non-Hawaiians and the result is a look at Hawaiian history from the outside in, but giving the reader the impression that the history provided is broad and encompassing. Unfortunately for Hawaiians that history is skewed. And the result, of course, is that Hawaiians have come to

¹¹⁶ Gavan Daws’ *Shoal of Time, A History of the Hawaiian Islands* (1968) and Lawrence Fuch’s *Hawaii Pono, An Ethnic and Political History* (1984) have been used as primary resource texts for courses on Hawaiian history for more than a quarter century, despite the fact that other more current texts, some written by native historians, have been available. Since neither of the authors spoke Hawaiian language at the time their research was conducted, no Hawaiian language texts were consulted. According to a presentation by Dr. Noenoe Silva given at the East West Center, University of Hawaii at Manoa (2/03), the use of resource materials written only in English has privileged an English-speaking American perspective which has, in turn, deleted through omission a large part of Hawaiian history.
accept a history about themselves that is incomplete or false. But fortunately, Hawaiians who speak the language have in the last ten years recovered much of what was lost or hidden.

By 1998 research by Hawaiian scholars and language speakers had uncovered new information. Hawaiian Kingdom law, land titles, translations of Hawaiian language texts into English, Hawaiian newspapers and a wide variety of other resource material began to surface, and different threads of research began to converge. Dr. Noenoe Silva’s research at the National Archives in Washington, D.C. uncovered the Hui Aloha `Aina petition that was presented to Congress in 1897 in opposition to the annexation of Hawai`i to the US. Perfect Title Co.’s research into land titles and land transfers in Hawai`i revealed imperfect titles based on shoddy title searches by such well-respected companies as Title Guaranty. The creation of the Acting Council of Regency for the Hawaiian Kingdom resulted in the weaving of these threads of new information into a solid case for Hawai`i as a nation-state, a case that made its way to the World Court at the Hague in late 1999.
The Hawaiian Kingdom in the International Arena

On July 6, 2001, a press release was issued on behalf of the Acting Minister of Interior for the Hawaiian Kingdom with the following information:

Hawaiian Kingdom Complaint filed with U.N. Security Council against the United States regarding American occupation of the Hawaiian Islands

(Hawaiian Kingdom vs. United States of America)

NEW YORK, 6 July 2001 — On Thursday afternoon, July 5, the Agent for the Hawaiian Kingdom, H.E. David Keanu Sai, Acting Minister of Interior, filed with the Security Council at United Nations headquarters in New York a Complaint against the United States of America concerning the prolonged occupation of the Hawaiian Islands since the Spanish American War of 1898.

The Complaint was filed with the Security Council in accordance with Article 35(2) of the United Nations Charter, which provides, "a State which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purpose of the dispute, the obligations of pacific settlement provided in the present Charter."

The Hawaiian Kingdom has requested the Security Council, in accordance with Article 36(1) of the United Nations Charter, to investigate the Hawaiian Kingdom question, in particular, the merits of the complaint, and to recommend appropriate procedures or methods of adjustment.

In the complaint, the Hawaiian Kingdom begins with a preliminary statement concerning its independence by stating,

"This case arises out of the prolonged and illegal occupation of the entire territory of the Hawaiian Kingdom by the United States of America since the Spanish-American War of 1898, and the failure on the part of the United States of America to establish a direct system of administering the laws of the Hawaiian Kingdom. As will be described below [complaint], this action constitutes a fundamental breach of Hawaiian State sovereignty and the treaties entered between the Hawaiian Kingdom and the United States, as well as the 1907 Hague Regulations and international law.

The Hawaiian Kingdom acquired the recognition of its independence on December 19, 1842, by the United States of America; April 1, 1843, by the United Kingdom; and by joint proclamation between the United Kingdom and France on November 28, 1843. On May 16, 1854, the Hawaiian Kingdom declared itself a neutral State, and whose neutrality became a provision in divers treaties with other independent States. At the time of recognition of Hawaiian Independence, the Hawaiian Kingdom's government was a constitutional monarchy, and for the next fifty years, it would develop a complete system of laws, both civil and criminal, and have treaty relations of a most favored nation status with the major powers of the world, including the United States of America..."
Following these preliminary statements is a chronology of events that begins with the United States of America's illegal intervention into the civil affairs of the Hawaiian Kingdom in January of 1893, and its ultimate illegal and prolonged occupation of the Hawaiian Islands since the Spanish American War of 1898.

Regarding the illegal occupation of the Hawaiian Islands, the Complaint states,

"Under the international laws of occupation, more particularly Article 43 of the 1907 Hague Convention IV, the occupying government must establish a system of direct administration of the laws of the country that it's occupying. In other words, the United States government, as an illegally occupying government in the Hawaiian Islands since its unprovoked incursion by its troops on August 13, 1898, was mandated to administer Hawaiian Kingdom law over the territory and not its own, until they withdraw. This is not a mere descriptive assumption by the occupying government, but rather it is the law of occupation.

Instead of establishing a system to administer Hawaiian Kingdom law in 1898, the United States, by its Congress in 1900, created a puppet government. This government, called the Territorial Government of the Hawaiian Islands, would enforce American law throughout the Hawaiian Kingdom. United States President William McKinley appointed the most heinous criminal in the Kingdom, Sanford B. Dole its first governor. Sanford B. Dole, a traitor to the Kingdom, was given authority by a United States President to punish and even put to death any Hawaiian subject or loyalist to the Kingdom who would threaten his so-called authority; United States military bases sprang up throughout the islands and together with the Territorial Government they imposed their rule over Hawaiian nationals. Having lost control over its ports of entry, American citizens unknowingly flocked to the Hawaiian Islands under the false impression that it was lawfully annexed, and soon overwhelmed the population of Hawaiian nationals."

The complaint also outlines the fraud committed by the United States of America before the United Nations when it reported Hawai'i as one of its colonies. The Complaint explains,

"In 1945, the United Nations was created with the United States as one of its charter members. According to its Charter, the United Nations would promote the protection of human rights and establish a process of de-colonization for the people who have not yet attained independence as a nation. United Nations General Assembly Resolution 1514 provides that '...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.'

In accordance with Article 73(e) of the United Nations Charter, member States who had colonial possessions were required to report yearly to the Secretary General the status of their colonies in relation to self-determination. It was at this point that the United States committed fraud before this international organization by fraudulently reporting the Hawaiian Islands as a U.S. colony along with Alaska, American Samoa, Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands. The underlying problem here was that the Hawaiian Kingdom had already achieved independence for the Hawaiian Islands since 1842, and the United States and other members of the Community of States also recognized this independence. Independence, at the time, could not be claimed for the territories of Alaska, American Samoa, Guam, Panama Canal Zone, Puerto Rico nor the Virgin Islands."
This attempt to mask the American occupation of the Hawaiian Kingdom is what forged the creation of the Puppet State of Hawai‘i in 1959. In 1959, the American Ambassador to the United Nations reported to the Secretary General that "...since 1946, the United States has transmitted annually to the Secretary General information on the Territory of Hawai‘i pursuant to Article 73(e) of the Charter. However, on August 21, 1959 Hawai‘i became one of the United States under a new constitution taking effect on that date. In the light of this change in the constitutional position and status of Hawai‘i, the United States Government considers it no longer necessary or appropriate to continue to transmit information on Hawai‘i under Article 73(e)."

In regard to the continuity of Statehood during occupation Professor Marek, author of Identity and Continuity of State in Public International Law, (1968) states, "Since the law relating to the continuity of the occupied State is clear and unequivocal, any acts of the occupying power which are not in accordance therewith are clear violations of international law, and...a disguised annexation aimed at destroying the independence of the occupied State, represents a clear violation of the rule preserving the continuity of the occupied State."

A Honolulu Weekly article, the week of August 15, 2001, noted the filing of this complaint as a "provocative notion in Hawaiian affairs." The article further stated that the issues of Native Hawaiian rights, sovereignty and potential models for Hawaiian self-governance have recently come to include more and more dialogue about a model of independence based not on ethnicity, but on the Hawaiian Kingdom's already existent/never-extinguished sovereignty and the actual laws of the kingdom. The author noted two things compelling about this idea: It is fueled by international laws that govern occupation; and two, the notion of an already existent sovereignty might affect dialogue about the relationship between Native Hawaiian people and the U.S. government.
While Honolulu Weekly is generally seen as an alternative newspaper in Honolulu, its credibility is high, even among mainstream (Honolulu Advertiser and Star Bulletin) readers. The Weekly piece articulates a shift in thinking from the more conservative and less focused issue of native rights, which can be readily found in the dailies, to the push for revisiting American attempts at revisionist history and the more than plausible argument for a nation that continues to exist. Independence activists have been around for a long time, from turn of the century supporters of the monarchy to the present. But they've not been given much airtime or credibility among the political elite until recently.

On December 7, 2000, representatives from the Hawaiian Kingdom appeared at the World Court's Permanent Court of Arbitration to defend themselves in a non-contentious case between Lance Paul Larsen and the Hawaiian Kingdom.117 Two months later, arbitrators handed down an award. In the

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117 Czar Nicholas II of Russia, driven by the desire to establish a permanent institution for the settlement of disputes between nations, and to formally codify the Laws of War in the unfortunate event that disputes could not be settled, called for the first multilateral Peace Conference in August of 1898. During the summer of 1899 the conference convened and was attended by representatives of twenty-six Nations who met at The Hague, Netherlands. As a result, the Permanent Court of Arbitration was established.

A subsequent Peace Conference was later convened by Great Britain in 1907 at The Hague, and attended by forty-four Nations that further clarified the role of the Permanent Court of Arbitration. Presently, the Permanent Court of Arbitration shares a seat at the Peace Palace with the United Nations' International Court of Justice. The Permanent Court of Arbitration is an international organization offering a broad range of services for resolving disputes between Nations, as well as disputes between Nations and private parties and those involving intergovernmental organizations. Purely private arbitrations may obtain various types of support and assistance. Cases are brought to the Permanent Court of Arbitration by agreement of the parties.
body of the award the independence of the Hawaiian Kingdom during the 19th
century was acknowledged. This, combined with the fact that no known
record of the Hawaiian Kingdom ever relinquishing its sovereignty exists,
calls into question the legitimacy of "statehood."

The Weekly article goes on to state, "Since that appearance at the World
Court, international laws that govern rules of occupation and America's own
domestic policies have become topics in discussions between Hawaiians."

On November 8, 1999, just four months after the 100th anniversary of the establishment of
the Permanent Court of Arbitration at The Hague, Netherlands, international arbitral
proceedings were instituted by a Hawaiian national against the Hawaiian Government
alleging that his Government is allowing the unlawful imposition of American domestic law
within the territorial jurisdiction of the Hawaiian Kingdom over himself. The Arbitral
Tribunal, once confirmed by the parties, possessed the power and the authority to review the
facts presented by both parties and issue a conclusion to settle the dispute. The dispute
stemmed from a federal lawsuit filed in the United States Federal Court, District of Hawaii by
a Hawaiian national, Lance Paul Larsen, against the United States Government and the
Hawaiian Kingdom Government as co-defendants. Also named in the case as nominal
defendants were: the United Nations, France, Denmark, Sweden, Norway, the United
Kingdom, Belgium, Netherlands, Italy, Spain, Switzerland, Russia, Japan, Germany, Portugal
and Samoa.

In the federal lawsuit, Lance Larsen accused both defendants (United States & the Hawaiian
Kingdom) of violating their 1849 Treaty of Commerce, Friendship and Navigation by
allowing U.S. domestic law to be imposed within the territorial dominion of the Hawaiian
Kingdom over the person of Lance Paul Larsen. On October 29, 1999, a settlement was
reached between representatives for Lance Larsen, and representatives of the Hawaiian
Kingdom government, agreeing to dismiss the United States and all nominal Defendants from
the lawsuit and stipulate to the Federal Court their intention to settle their dispute under the
rules of the Permanent Court of Arbitration. The settlement, subsequently approved by U.S.
Federal Judge Samuel King, resulted in a dismissal of the lawsuit and stipulated that Lance
Paul Larsen and the Hawaiian Kingdom submit the case to the Permanent Court of Arbitration
for final and binding arbitration. The Arbitral Tribunal was asked to determine, on the basis
of the Hague Conventions IV and V of 18 October 1907, and the rules and principles of
international law, whether the rights of the Claimant, Mr. Lance Paul Larsen, under
international law as a Hawaiian subject are being violated, and if so, does he have any redress
against the Respondent Government of the Hawaiian Kingdom.
Sai does not consider the forays into the international arena as ‘sovereignty’ work, but believes the Hawaiian Kingdom still exists. Everything he has said and done comes about as the result of research into Hawaiian Kingdom law and the compiling of documentation to support the work each step of the way. It was this attention to accuracy, detail, and documentation that got him through the World Court. For Sai, “the nation has been in abeyance for more than a century. It’s as if Hawai‘i, the nation-state, were a kind of Rip Van Winkle. Hawai‘i went to sleep in 1893 and is just now waking up. During that time, things have moved forward as if the nation stopped in 1893, with the US takeover. But Hawai‘i as a nation-state is not dead because there are no documents that point to the nation ending. Nor is it asleep anymore, and recognition by the World Court affirms that the nation is still here. The people need not seek sovereignty. Seeking sovereignty is like saying that the Hawaiian people don’t have sovereignty—that it is not here, not present. What happened in 1893 was a sleight of hand, a clever duplicity. And what happened after 1893 merely compounded the crime. But because of the law, and because of the unlawful actions of the United States, which can be reversed, the Hawaiian Kingdom as a state continues to exist.”

What happened in 1893 was an act of war that had been forgotten by many in the century that followed. Sai and others engaged in resurrecting history have forced people, especially Americans, to rethink the history taught about Hawaiians and Hawai‘i. For example, few Hawaiians, and even fewer
Americans, are aware of the debates that occurred in Congress during that time. On Feb. 7, 1894 the US House of Representatives, after hearing the circumstances of US military intervention in Hawaiian affairs, passed the following resolution:

"Resolved First. That it is the sense of this House that the action of the United States minister in employing United States naval forces and illegally aiding in overthrowing the constitutional Government of the Hawaiian Islands in January, 1893, and in setting up in its place a Provisional Government not republican in form and in opposition to the will of a majority of the people, was contrary to the traditions of our Republic and the spirit of our Constitution, and should be and is condemned."

"Second. That we heartily approve the principle announced by the President of the United States that interference with the domestic affairs of an independent nation is contrary to the spirit of American institutions. And it is further the sense of this House that the annexation of the Hawaiian Islands to our country, or the assumption of a protectorate over them by our Government, is uncalled for and inexpedient; that the people of that country should have absolute freedom and independence in pursuing their own line of policy, and that foreign intervention in the political affairs of the islands will not be regarded with indifference by the Government of the United States."

The US Senate, on May 31, 1894 passed the following resolution:

"Resolved, That of right-it-belongs wholly to the people of the Hawaiian Islands to establish and maintain their own form of Government and domestic policy; that the United States ought in no wise to interfere therewith, and that any intervention in the political affairs of these islands by any other Government will be regarded as an act unfriendly to the United States."

Among those within the movement, the logic is to move forward on all fronts at once. There is no strategy, to speak of. Diverse organizations promote history, culture, language, ceremony and ritual, social gatherings, media outreach, classroom presentations, any number of activities that call attention to Hawaiians and Hawai‘i as a living nation with a vibrant and living culture all at the same time.
The Living Nation Working Group

The Living Nation concept came out of a series of gatherings with sovereignty proponents whose primary focus was history. Fifteen people from different islands convened at several meetings in 2002 at the Center for Hawaiian Studies to discuss ways to promote historically accurate events in Hawaiian history to the larger community.

In the summer of 2002, the Living Nation, with Mel Kalahiki leading, created a series of videos on public access television titled “The Living Nation”, with subtitles covering the topics of the guests on each show. Altogether more than twenty one-hour shows were created, ranging from ahupua’a resource management to the restoration of the Hawaiian Kingdom. The series began airing during the summer and continued throughout the year and on into 2003.

One goal for the videos was to kick off the concept of a Living Nation as involving all Hawaiians and supporters in an effort at unification. The Living Nation, it was reasoned, started with the ancestors, long ago, but it would continue as long as there were Hawaiians living. The idea was posed as something that all Hawaiian organizations, as well as sovereignty groups, could rally around to find common ground, with the eventual goal of coming together.
The Living Nation looked at unifying in support of the Queen and, in remembrance of the earlier effort in 1979 called Hawaii Loa Kulike Kakou, the group accepted this name, adding it to its title, and using Hawaii Loa Kulike Kakou (All Hawaii Stand Together) as both rallying cry and an umbrella concept.

In mid-2002, the group’s representatives met with the Office of Hawaiian Affairs, requesting funding to commemorate the 110th anniversary of the 1893 theft of Hawaiian sovereignty and the 10th anniversary of the Onipa’a march and rally in 1993. OHA agreed to sponsor the planned activities and covered costs of tents, airfare for neighbor island participants, refreshments for speakers, and a host of other costs for a weeklong slate of activities.

Kalahiki proposed that the unification effort begin with re-establishing the spiritual base of the movement and reconnecting with the ancestors by first convening leaders of organizations throughout the week of Jan. 12–17, 2003. The first planned gathering took place at Mauna‘ala. The meeting was not widely publicized. Rather, the larger planning group (approximately 20 people) provided names of leaders who should participate (over one hundred names were suggested) and all were sent invitations by mail, with an explanation of the purpose of the gathering. On Sunday, January 12, 2003,
approximately sixty of those invited attended the meeting at Mauna`ala.

Discussion was intense and energy was high.

Outside the building, other exchanges were going on. Identified sovereignty leaders engaged in discussion with each other, a first for many who had never had dialogue because of opposing viewpoints. An agreement was made to gather together, at some future time, for a larger, facilitated talk story session.

The Living Nation public events began the next day, Monday, Jan. 13. On Tuesday, Jan. 14, a second gathering of leaders took place. The Friends of `Iolani Palace, in partnership with the Living Nation, gave permission for entrance into the throne room of `Iolani Palace on two separate occasions: Tuesday, Jan. 14 at 6:30 am, those invited leaders who cared to participate were invited to offer ho`okupu at the throne room. Protocols were set up for entrance and exit. Thursday evening, Jan. 16 at 6 pm, those invited leaders who expressed interest were invited to gather in the throne room for a sit-down meditation.

On Tuesday morning a light rain fell. Approximately 20 people visited the throne room and placed ho`okupu at the door. Friends of `Iolani Palace board members Alice Guild, Bill Haole, and Puchi Romig, assisted by Executive Director Deborah Dunn, welcomed visitors. Thursday evening, more than
fifty people entered the palace for the evening meditation. That evening everyone sat together in a circle on the floor, offered prayers, chants and song, and shared some thoughts about the future of the nation.

Friday, Jan. 17, the anniversary of the taking of the Hawaiian Kingdom, several activities were offered: a morning march from Queen and Fort Streets to 'Iolani Palace, a program of speeches and songs, an awa ceremony for leaders, an afternoon musical concert featuring the popular musical groups Sudden Rush and Big Island Conspiracy, and a torchlight evening march from Washington Place, the Governor’s mansion, to 'Iolani Palace through the front gate.

Considering that events took place during regular work days for the whole week, the event was fairly well attended. The Friday evening torchlight march attracted many more people than the morning march from Queen Street. Media presence was constant, and spirits were high as the week wore on.

The last day’s activities were most interesting. Many young people were present for the concert. The groups that performed were chosen for their brand of resistance music. Big Island Conspiracy, featuring among others, Skippy Ioane and Kaliko Kanaele, was a local favorite because their lyrics
clearly point to the United States’ role in the theft of Hawaiian land, and the ongoing genocide of Hawaiian people through exploitation of culture and theft of land. Sudden Rush, a group of younger Hawaiian men, hypnotized both young and old with their insightful lyrics and rap style music ("Uncle Sam better wash his hands, cause they’re filthy. How can we choose to follow a government that’s deceitful?").

Toward the end of the afternoon, just following the concert, nearly everyone on the Palace grounds proceeded across Beretania Street to gather next to Washington Place. Newly elected governor, Linda Lingle, had denied a permit for the group to gather at Washington Place, so marchers met, instead, at the mall next to the site.

One hundred and ten torches, for 110 years since 1893, were distributed to the nearest participants. With lit torches, the procession headed mauka (toward the mountain), and around the block to head back toward King Street, and the Palace. Hundreds of marchers walked in the dark of night, in a long line lit only by torches spread out along the procession. The sight was stunning and made up for the fact that hundreds, rather than thousands, were participating.

When the crowd of marchers gathered at the front gate to approach the Palace, security personnel opened the gate, a ceremonial entrance for Kamehameha.
III that was seldom opened, to allow the marchers egress. Greeting them were two huge white *ki‘i akua*, perhaps thirty feet high, representing Lono-i-kamakahiki.\(^{118}\)

Marchers proceeded to the front steps of the Palace. Kalahiki and others from the Living Nation planning committee ascended the steps to the first landing to prepare for closing ceremonies. Prayers of thanks were offered to all participants. Hawaiian singer and activist, Palani Vaughn, led everyone in the singing of the Hawaiian national anthem, *Hawai‘i Pono I*. Participants were invited to take their torches home as a souvenir of the event and a gift from Kamehameha III, whose summer house at Kaniakapupu in Nu‘uanu was the site where the bamboo for the torches had been gathered. And the official part of the weeklong activities ended.

At that moment, an interesting thing happened. No one left. Rather nearly everyone sat down on the steps. A comment was overheard, “Let us sit on the steps because we are never allowed to sit on these steps. And this is where we belong, with our kupuna and in the place of government.” Within a few

\(^{117}\) The *ki‘i*, built to honor the god Lono and to commemorate the ending of the makahiki season (a time of peace), were tall wooden sticks, approximately 30 feet high, with long white banners hanging on either side of a top cross pole. There were two *ki‘i*, one on each side of the walk way as marchers entered the Palace grounds. Because of the darkness, the *ki‘i* were striking and stood out boldly as nearly the only things visible, beside the dim lights of the lamps fronting the Palace, itself.
moments, clusters of people were seated everywhere on the steps. And everyone began to sing.

The people sang songs to the Queen, honoring her for her continued support of the nation. They sang songs to the nation and to each other. And they cried and laughed. Emotions were high. After an hour, people drifted away, secure in the knowledge that the nation did, indeed, live.
CHAPTER IX

Thoughts About Significance and Assessment

I offer this discussion on this process. Using the wa‘a (canoe) metaphor, when one navigates there is a sense that we are never lost because we know where we come from. We navigate from point to point. When I steer the Moloka‘i channel, I often look back at Moloka‘i in charting my course, fixing on a key point on Moloka‘i to the canoe because I can’t quite see O‘ahu. Hence, I know where I am because I know where I came from.

So, the question for me is where do we start? What is the first point of reference in the journey to record our history? I am here because of my mother, who continued the work of her father, who continued the work of his father, Robert Napunaka Boyd, who was brought back home from Italy (where he was representing the Kingdom of Hawai‘i) because there was unrest at home in Hawai‘i. .... and on and on to Ke Akua. Do we start with Ke Akua, our Kingdom, occupation of our Kingdom? Every day since the overthrow is important and, I submit, to mark significant illegal acts of the United States and the legal acts of the Kanaka Maoli.

The process now employed to mark this historical journey of our people is a historical fact. Our rationale for beginning at a particular point and selecting to record particular events will be a question by those who use the reference. I apologize if these points were already addressed. E kala mai ia ‘u. I am ignorant of the agreed upon process and am seeking understanding.

Do we record the numerous occupations of land and transfer of lands or removal from lands...the continuing history of Kaho‘olawe, for example?

Do we record the expressions of our people to the United States in opposition to the continued occupation? There may be people who provided crucial testimony or speeches that were pivotal to our survival.

Do we begin this discussion from 1990 –2003 and work backwards in time? Each day of each year provides the opportunity to pause and reflect. There will be days that are painful, so painful that they are embedded in our consciousness. There are also those things that we learned from our kupuna and we believe that they are pono. We must continue to re-braid the aha cord of our past and claim our future.

There is an ‘olelo no ‘eau (Hawaiian proverb) that I think might apply.

“Hili hewa ka mana‘o ke ole ke kukakuka: Ideas run wild without discussion.”

It is the notion that discussion brings ideas together into a plan. In some organizational capacity building circles, the process to discuss the process is the key to the outcome. Process begets power, not money. Hence, the U.S. is now trying to control our process for re-establishing our government.

I find strength in learning and claiming our ancestors’ process, built on thousands of years of practice; again our challenge is to re-braid the consciousness.

Na‘u Kamali‘i, 2/22/03
One might imagine the whole sovereignty movement as a collection of canoes heading toward the homeland. The people in those canoes have been paddling, sometimes adrift, for a long time, over a hundred years, but some do know where they came from, and that gives them hope. Many have died. But a few have enough information to guide the journey, and for them there can be no giving up.

Knowing they are on a journey requires the leaders in the canoe to be constantly prepared for problems, both along the way and at the destination. At the front of the fleet of canoes are those who have been in the movement for a long time. They have more experience, know a different and longer history, have charted a course based on knowledge of history, and are sometimes impatient with those just coming on board who know little. Several canoes are in front, each one with a view of the homeland and a course to get there.

Some canoes have spiritual guides, and the people in them pray long and often. Some canoes have no one steering. Some are being towed—the people in these canoes just follow along and hope for the best. Some canoes lack proper supplies for a long voyage. Others are less than seaworthy. And still others are looking to make rest stops or try other things along the way. But all the canoes are headed in the same direction guided by the knowledge of where
they have been and a history that calls them. Such is the sovereignty movement.

It took 200 years for Hawaiians to organize themselves well enough to create an organized resistance to a system that had successfully begun killing them off from the first time that visitors stepped on Hawai‘i’s shores in 1778. Along the way Hawaiians have survived and changed—acculturation leading to assimilation, Hawaiian ways of being shifting to blends of American, European and Asian influence (footwear, removed at the door), tradition and language lost in the scuffle, self-esteem thrown by the wayside, as Hawaiians unknowingly bought lies and half-truths about their own identity and history. But evolution is occurring, spurred by information flow and research in the age of technology, including the Internet. As always, the ancestors call, but more people are listening now and learning how to listen. Times are changing.

By 1990 the shift toward re-empowerment was well underway. Hawaiians looking forward toward restoration of the Hawaiian nation were also looking back at the nation already in existence, guiding them with historical markers placed along the road home—i ka wa mahope. And history and future together coalesced in the person of the Queen as leader, then and now.
Laenui's steps toward 'decolonization', which might well be called 'restoration', were well under way.

Rediscovery and Recovery

Just since the 1990s, as revealed in the attached chronology of contemporary Hawaiian political history, Hawaiians have entered fully into the phase of rediscovering roots and recovering national pride. While not all activities and actions are coordinated or even shared within the larger movement, nevertheless Hawaiians in recovery are expressing tradition and culture wherever they live and as they are moved.

While this may have happened to some degree prior to 1990, not many in the movement were aware. Email has facilitated almost instant sharing of information about current events, oftentimes as events are happening. The sovereignty movement, through use of modern technology, has entered into the information age.

Music and ceremony have also played a large part in calling people together. And while music and ceremony as a method of organizing may be considered, in retrospect, incidental to the objectives of these gatherings, ceremonies are compelling in that they draw a constituency of people primarily interested in
the ceremony itself (either as participants or observers) and perhaps less concerned with the political implications of those practices.

In 1997, hula practitioners organized to protect access to the materials traditionally used in hula performance. The gathering at the rotunda of the state capitol, the first of many similar gatherings in the years to come, drew huge crowds. The formation of 'Ilīo ulaokalani Coalition in 1997 to protest Senate Bill 8\(^\text{119}\) was one of the first indications that the state was now reacting to Hawaiian needs and concerns. 'Ilīo ulaokalani called together thousands of supporters, hula halau and Hawaiian practitioners, to stand in support of access rights for Hawaiians in a major demonstration at the State Capitol. With 24 hours of constant drumming, hula, chanting and singing, Hawaiians made their presence known, and Senate Bill 8 was killed.

The proposing of this legislation was in response to the PASH decision, wherein the Supreme Court affirmed the state’s responsibility to protect the customary rights of native Hawaiians. The Supreme Court further directed the

\(^{119}\) Introduced by Ed Case and supported by Malama Solomon, Senate Bill 8 provided landowners with reassurance regarding the status of their title while preserving the rights of native Hawaiians to continue to engage in traditional and customary practices. Property owners immediately responded by pushing legislators to come up with restrictions. [Ke Kia’i Newsletter, Spring 1996].
Hawaii County Planning Commission to fulfill its responsibilities to protect Hawaiian rights.  

In one swoop, the court’s decision provided, through the PASH decision and subsequent efforts to control Hawaiian access rights, opportunity for Hawaiians who had not been involved in the sovereignty movement to rethink the personal impact of the state’s actions to control Hawaiian activities. Hawaiian non-activists began to understand what the movement offered in terms of protection of traditional and customary rights. The state’s efforts to protect private property owners at the expense of curtailing Hawaiian behavior had backfired. Hula practitioners became politicized out of need. And the ranks of the movement swelled.

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120 Nansay Hawaii Inc. filed an application for a Special Management Area (SMA) use permit for a resort development on Hawaii island. The proposed resort on a 450 acre shoreline area would include two hotels, 330 multiple family residences, a golf course, health club, restaurants, retail shops, artisan village and a child care center. The Hawaii County Planning Commission held a public hearing on the application. At the hearing a public interest organization IN Kailua-Kona, Public Access shoreline Hawaii (PASH), requested contested case hearings regarding the permit. Angel Pilago and Mahealani Pai, PASH members, argued that they regularly accessed anehialine ponds located on the Nansay property to exercise traditional and customary practices. The proposed development would cut off their right to access or interfere with their right to exercise these traditional and customary practices. The Planning Commission denied the contested case hearings, determining that PASH did not have standing, and granted the permit to Nansay. PASH appealed to the circuit court, which remanded the matter to the Commission, instructing them to hold the contested case hearing. Nansay and the Planning Commission appealed to the Intermediate Court of Appeals, but this court upheld the decision. Nansay and the Planning Commission subsequently filed a request for review by the Hawaii Supreme Court which, in its review, upheld the lower courts. [Ke Kia’i Newsletter, Spring 1996]
Mourning and Dreaming

Along the road to recovery, Hawaiians mourn. A century after the taking of the nation and ten years after the Onipa’a march and rally, Hawaiians are still mourning, but they are also celebrating and dreaming. The movement’s current activities are positive and affirming. Challenges to the state and federal government continue, with more and more allies providing input in support of Hawaiian issues. For example, Gabrielle Welford, a long time supporter of the movement, sent in testimony to Sen. Senator Ben Nighthorse Campbell, Senator Inouye, and Senator Akaka regarding S344, the newest version of the Akaka Bill. 121

This testimony is submitted on behalf of myself and my family, both here and in the continental United States. I request that this testimony be read into the record at the Committee Hearing on S344, 25th February, 2003.

I have been paying attention for some time now to the arguments pro and con the so-called Akaka Bill or Bill for Federal Recognition of the Native Hawaiian people. I come to the conclusion that this bill is not in the interests of the people of Hawai‘i, neither the Kanaka Maoli nor other people who live in Hawai‘i. The Alaska Native Claims Settlement Act deprived the native people of Alaska of control over their land, resources, and ways of life. The Akaka Bill is worse. The Hawaiian people are being asked to put themselves completely in the hands of an unknown group of people who have a very bad history when it comes to overseeing the welfare of those under its control, namely the Department of the Interior and the B.I.A., or what will be the Hawaiian equivalent.

The only reasons I can see for U.S. Congress to pass this bill is so that it can ensure and tighten its control over the territory it is occupying in Hawai‘i.

Unlike Native American tribes on the continent, Hawai‘i was an internationally recognized independent nation when it was taken illegally, first by sugar planters with the help of the U.S. Marines, and then by the U.S. government via a domestic bill. Domestic bills, of course, can never take the place of treaties, as you all know. The Apology Bill covers this illegal act.

There is growing unity among the Native Hawaiian people in their desire to re-establish the nation that was submerged by U.S. occupation. They have received

121 Testimony was submitted on Feb. 23, 2007 by email, and copied to a number of other interested people.
international recognition of the ongoing existence of the Hawaiian nation, including recognition from the U.N. Security Council and the International Peace Court at the Hague.

I ask that you reject Bill S344 as a callous attempt to undermine what is really in the interests of both Native Hawaiians and settlers like myself in these islands: a return to control by the people who originate here in the form of recognition of their status as an independent nation with still-existing treaties with over 90 nations, the U.S. among them.

I ask that you do not support this bill.

Linking across struggles (such as with the Alaska Gwich’in concerned with oil drilling in the birthing grounds of the caribou, and the ProLibertad struggle to free Puerto Rican political prisoners) has solidified. Social justice awareness and connections between natives have become part of the mindset of sovereignty activists. There is a growing sense of family among peoples of the world as they come into awareness of the common concerns they share. Certainly, as Bodley would agree, the world is becoming smaller.

Some Hawaiian activists who started out extremely angry are still angry, in part because the victimization of Hawaiians by haole usurpers is still an appealing scenario for fueling anger, and in part because usurpation continues. However, and this is one of the reasons the Living Nation concept is so appealing to newer activists, history is being acknowledged as a tool of empowerment that provides direction.
Part of that power derives from acknowledgement of historic actors. The most prominent among these are Queen Liliʻuokalani, Joseph Nawahi, Timoteo Haʻalilio, Mrs. Kuaihelani Campbell and Mrs. Emma Aima Nawahi. Until 1997, these Hawaiian figures were relatively unknown.

In 1897, while the Queen was in Washington, DC, hoping to persuade Congress to stay the passage of the Treaty of Annexation, members of the Hui Aloha `Aina and Hui Kalai`aina continued to support the monarchy and oppose U.S. efforts to annex Hawai`i. Dr. Noenoe Silva compiled documents telling of the activities of these patriots.122 In her telling of the stories about Hawaiian kupuna who have since passed on, and their efforts to support the Queen and the country, Silva revealed powerful stories of Hawaiian heroes of a century ago.

Hawaiian people today, not just activists, have access to a history about both ordinary and extraordinary ancestors in relatively recent history. Ancient history is being supplemented by stories from only a few generations ago, as historic continuity grows and the gap between ancient understandings of Hawaiian tradition and culture and the modern Americanized Hawaiian world slowly closes.

Ancestors who lived during the Kingdom era, provide another template for today’s Hawaiians. Their stories tell how activists of the day used technology and modern methods of the time to resist lies and deceit—petitions became the voice of the people. The Queen was obligated to respond appropriately. Thus the gathering of petitions, directed by the Queen herself while in Washington, D.C., took place in a concerted and organized way by individuals doing precisely what Hawaiians are doing today. Both women and men, using technology of the day, were directed to proceed as enlightened and loyal subjects of the Kingdom and lovers of their country. The message to Hawaiians today is to do likewise.

There is something profound about taking charge of one’s own destiny. Laenui’s phases IV and V, Commitment and Action, speak to this process. Victims then become the victors—defenders of truth, advocates for the less fortunate, and champions for the rights of others. Advocacy on behalf of another, *aloha i kekahi i kekahi* (love one another), is a natural way of Hawaiian expression and a tool of self-empowerment that activists throughout the movement employ more and more. The movement has gotten bigger and stronger as it has become inclusive of the struggles of others. And the ability to express cultural concepts in a way that embraces inclusivity allows Hawaiians in struggle to follow the lead of the Queen by being mindful of 

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123 From a talk by Dr. Silva at East West Center, Honolulu, on Feb. 5, 2003.
who they are and where they come from, and caring for one another in the journey home.

Hawaiian activists love the Queen. They love what she stood for; they love her integrity and wisdom. In their desire to emulate her and to employ the strategies she used to overcome adversity, they find themselves honoring all that she stood for, including finding resolution to difficult issues in a peaceful and non-violent way. It is a challenge that calls for Hawaiians to engage in self-examination, although not all Hawaiians are there yet.

Finally, in looking at Gluckman’s theory of social interaction and conflict within a system that ultimately keeps the system stable, it should be pointed out that the big challenge for sovereignty activists pushing for restoration of the nation-state is not if the change will come, but how to get from here (what currently exists) to there (a restored government) and not become the oppressor, as the system, according to Gluckman’s theory, remains essentially the same. In this scenario, only the players change. But Gluckman’s theoretical system didn’t have Hawaiian cultural values at the center. In any case, this is the concern of some.

As Don Lewis pointed out in his description of the sovereignty movement, Kamakau’s prophecy tells of the top stone (the metaphorical ali‘i or chiefs)
being washed away by a tidal wave of change, with the bottom stone (the *maka`ainana*, the common people), entrenched in the ground, remaining.

That prophecy poses a question about leadership at the ground level. The *maka`ainana*, the ordinary people are left, after the wave passes, to take the reigns. While this is not a question being much debated at the present time, it cannot be ignored. Even today the thought among many activists is “the people will prevail.”
CHAPTER X

Inside Out / Outside In

I could not turn back the time for the political change, but there is still time to save our heritage. You must remember never to cease to act because you fear you may fail. The way to lose an earthly kingdom is to be inflexible, intolerant of too many wrongs and without judgment at all. It is a razor's edge. It is the width of a blade of pili grass.
Queen Lili'uokalani, 1917

A Prophecy

This story was shared with me by a woman who attended our events during the week of Jan. 12, 2003 and I would like to share with you all. She first called, obviously in tears, on Sunday morning, Jan. 19, following a week of events to commemorate the 1893 U.S. intervention into the affairs of the Hawaiian Kingdom (what is commonly, but mistakenly, called the 'overthrow') and the 1993 Onipa'a march and rally. She and her husband attended the Living Nation events, were present at Mauna'ala on Sunday, Jan. 12 at the gathering of leaders, and also at 'Iolani Palace in the throne room on Jan. 16. She shared with me that the gathering in the throne room of the Palace felt somewhat negative. There was so much talking that no one could hear if our ancestors, especially the Queen, were to speak with us, and she left that event disturbed and unhappy. However, on the last evening, Friday, Jan. 17, at the torchlight ceremony and procession, something happened to her. As the procession proceeded, she began to cry. Her husband was surprised because crying in a public way is not something that she does. By the time the procession reached King St., the crying was an 'ue (weeping, lamentation, mourning). She could not stop. She didn't understand what was happening to her. But she knew that something was happening. She and her husband returned home the next day, Saturday. That night she had a dream. She called me in the morning, on her way to work, to tell me about it because I was in the dream, as was Mel.

There was a canoe. There was no one at the front of the canoe. The Queen was steering. At each place where a paddler would sit was a person representing an organization. Together, with everyone paddling and the Queen steering, the canoe flew over the water from island to island. The Queen was in control of the canoe, and she was the head. The paddlers were the body. Together they represented the past, present, and future (in terms of direction or movement).

At a gathering, all the groups came together and did pule. The prayer was for enlightenment and reflection. There was a table with a white covering. On the covering was a bunch of paddles (small, symbolic) and each of the groups was asked to take one of the paddles as a commitment to unification, with the understanding that the canoe where the paddles would be used was steered by the Queen. All the groups took a paddle. It was the beginning of unification.
On Tuesday morning, at 6:30 am, she called again. She had had another dream, which she shared with me. This time the dream was about an appropriate place for all the groups to gather. The dream was clear that Mauna'ala and 'Iolani Palace cannot be the places where such dialogue can occur because what is required is neutral ground. In this dream she saw my face first, with Uncle Mel standing behind me. This indicated to her that the message should come to me for Mel, and then for others. I was a channel. The places that seemed appropriate to meet were on Moloka'i, in Honolulu and on Maui, but she wasn’t certain about where, specifically. It could not be in Lahaina, at the Mausoleum or at the Palace. A place to gather may be in Hana.

In this second dream, there was again a table. Everyone gathered, did pule (prayer) and sang. On the table were glasses of water with ti shoots in them. She sat at the table, along with Mel and myself. Different organizations came to the table, greeted everyone with ha/the breath of life (foreheads touching), and drank from the glasses. After that, the talking began. It was as if a giant puzzle were being assembled, and all the pieces began to fall into place. Everything fit. As a result of the pieces coming together (the groups uniting), there was a response from the State of Hawai‘i, which began to be afraid at the numbers in the unification effort, as each group brought with them their whole constituencies from every island.

She went on to explain that there were four people in her dream who she could not recognize. All four have genealogical ties to Hana. The dream also described turbulence in the canoe that will come from one person, although members of his group are very much interested in unification. He will resist, but eventually he will agree.

Several things were clear: the Queen is the head of the canoe (the steersman), Mel’s role is to get the people on board, the element of water is important, there is the color white that appears in the dream and seems to signify ‘purity’ in the coming together. In the end, everyone will come into the canoe because they will realize that the call comes directly from the Queen. And what is most important is that when we come together, we exercise patience and share aloha.124

This prophecy came as a dream. It was directed to a particular person for dissemination to a larger group. Dreams and visions are significant for Hawaiians, particularly in times of conflict. The person who has a dream or vision need not be directly connected to the activity or message that is revealed. But that person does have a responsibility to pass the information along, as happened here. The immediate result was a lifting of the spirits of

124 This dream/prophecy was presented in written form to members of the Living Nation Working Group at a January 2003 debrief meeting immediately following the weeklong events commemorating the 110th anniversary of the taking of the Hawaiian nation in 1893. The group agreed to accept the dream as a directive for Living Nation work.
those within the movement, in particular members and friends of the Living Nation Working Group, who were present when the dream was shared. All were in agreement that the dream was, indeed, a prophecy, and it was brought to this group in order that it see fruition. The dream served to consolidate those who were uncertain about the work at hand, and gave hope of fulfillment. As word spread about the dream, more people were drawn in and the energy within the group caused an uplift in both creativity and willingness to contribute. A shift was revealing itself—from resisting change to holding ground, to challenging and finally affirming that sovereignty was there for the taking, with a game plan from the ancestral spirits.

The movement for Hawaiian sovereignty, in word and deed, is itself an act of resistance. From the moment the first settlers came to Hawai‘i, Hawaiians recognized that their lives would change, that outside forces were conspiring to bring to Hawaii new ways of being over which they would have no control. For some, it was new and exciting. For many more it was painful and deadly. For all Hawaiians it was about accommodation in varying degrees. How painful and deadly, and how much accommodation is reflected in the dreadful statistics for Hawaiians in the past two hundred years in declining health and increasing incarceration, landlessness, homelessness, child morbidity, child and spouse abuse, drug dependency and despair.
And yet, from the point of view of many in the sovereignty movement, Hawaiians as a group have been successful in at least one thing. They have survived. And in the surviving, many have clung tightly to cultural practices that have solidified and incorporated new ways to think about and practice old things. Hawaiians have challenged the ruling class’ depiction of Hawaiian history. Hawaiians have called attention to the contradictions in local and haole circles of influence that decry the loss of culture while devising more and better ways to exploit what is left. While the number of pure blood Hawaiians has declined, the number of Hawaiians of mixed ancestry has grown. While critics of Hawaiian language programs point out the loss of that musical quality, ‘music to the ears’ as Uncle Tommy Maunupau often noted, that comes out of the university and is subject to hard and fast rules, nevertheless more and more young people are speaking a language that was taught as a ‘living’ language, rather than a language of time past, as Latin. What was once hidden and devalued is now attractive and has achieved status. It is now “good to be Hawaiian” and, with that elevation in status comes a whole new challenge for Hawaiians who now must contend with non-Hawaiians wishing to be them.125

125 At issue is the right to access lands that native people believe are holy. The constant taking of native lands has meant the holy land is land that is both public and private property. How do we pray for the earth and its continued fertility? Who will care for these lands? And who will love them? These lands must be kept in the light of reverence. [Vine Deloria, Jr. in the documentary film “In the Light of Reverence”]
In 1993 Hawaiians who stormed 'Iolani Palace were dragged off the steps by law enforcement officials and were taken away in handcuffs. In 2003 Hawaiians worked together with law enforcement and Palace administrators to enter the Palace peacefully and to gather in the throne room to recognize and honor their own ali`i, their own history. These actions were unheard of. Efforts were made to accommodate Hawaiians, instead of the other way around. Law enforcement officials in pre-meetings were clear in their desire to avoid conflict, but also appeared more educated on issues and, in some instances, sympathetic. The world outside the movement had changed, but the movement within had also changed. Speculation about history had begun the long trek toward common understanding and firm conviction based on knowledge and documentation.

We might take stock of changes from the 1990s to the 2000s. In the late 1980s and early 1990s the most active (in terms of taking physical action) sovereignty groups were those whose primary focus was questioning the jurisdiction of the State of Hawai`i and the United States in the islands of Hawai`i. Their activities included serving papers on the Office of Hawaiian Affairs, organizing a constituency among the neighbor islands for land occupation, protesting at government offices and at 'Iolani Palace and filing papers in federal and state courts to challenge jurisdiction within the court system. Other groups sponsored large gatherings like the People’s Tribunal
to call attention to wrongs done and to solicit support among internationally recognized educators and attorneys.

A statewide campaign for sovereignty education was started by Hui Naʻauao, which also sent several delegations to the continent to spread the word about the sovereignty movement at home. The creation of a number of videotapes, among them Act of War, Then There Were None, From Resistance to Affirmation: We Are Who We Were, Hoʻala, Songs of Sovereignty, Spirit of Fire, and Scenes from the Centennial, The Queen’s Children, Collision Course, spurred the movement even more by encapsulating the motivations for the movement into 15-minute – 1 hour segments spanning the whole of Hawaiians history, from the Kumu Lipo to the 21st century. Hawaiians away from Hawai`i were able to experience vicariously the activities of Hawaiians at home.

Several large marches and rallies occurred: in 1993, the Onipa’a commemoration of the centennial of the taking of the nation; in 1998, Hawai`i Loa Kulike Kakou commemoration of the centennial of the annexation that never occurred, in 2002 the E Liliʻu E march and rally in resistance to City actions to convert leased lands to fee, furthering the disenfranchisement of Hawaiians by selling off lands that belonged to the Queen and denying benefits to the beneficiaries of the Queen’s trust; in January 2003, 110 years
after the taking of the nation and ten years after the Onipa‘a commemoration.
The gatherings are evidence that the movement continues, unabated,
sometimes less vigorously than other times, but continuously, as part of the
national consciousness.

One way to judge whether the movement has gained credibility since 1993 is
to see who participates. When Keanu Sai took his case to the World Court at
the Hague, he did not go alone. Nearly a hundred people from Hawai‘i also
went to the Hague as observers. His legal team consisted of local attorneys
Gary Dubin and Alvin Kaohu Nishimura. Observers included attorney Alan
Hoe, Jimmy Wong and UH Hawaiian Studies professor, Jon Osorio. The
World Court, unlike local marches and rallies, drew observers who could, first
of all, afford to travel, and secondly understood the seriousness of the event.

In the 2002 E Liliu E march, numerous Hawaiians gathered to protest lease-to-
fee conversion of the Queen’s properties. Hawaiian leaders from all
organizations marched.126 While they may not have considered their
participation as pro-sovereignty, nevertheless the realization for everyone was
that without sovereignty actions to disenfranchise Hawaiians would continue.

126 Present were board members of Queen Lili‘uokalani Trust, Kamehameha Schools, Friends
of Iolani Palace, members of the State legislature, trustees from the Office of Hawaiian
Affairs, professors from the University of Hawaii, the heads and members of nearly all the
Hawaiian sovereignty groups, and hula halau from all islands. Newspaper reports number
participation at around 5000.
Also in 2002, Hawaiian attorney William Meheula challenged in District Court the right of the State to sell lands for which it had no clear title, providing for Judge McKenna a history of Hawai‘i as an independent nation recognized by the United States in 1842.

There is no doubt that a shift has taken place within the movement. The resistance encountered by Hawaiians seeking justice and reparations has lessened considerably. Those who were formerly identified as on ‘the other side’ have attempted to close the gap. The sometimes contentious relationship between sovereignty activists and the Friends of ʻIolani Palace, for example, has steadily improved. The Friends now has a Hawaiian Affairs Committee chaired by board member Bruss Keppeler, a long time Hawaiian attorney and Hawaiian Civic club representative. Keppeler has advocated a closer relationship with sovereignty groups and urged the board to consider the role of the Friends within the restored Hawaiian nation. While not all board members are certain about what sovereignty will mean, they concur that larger political changes are in the air.

A recent dialogue at Kawaiahaʻo Church on Jan. 17, 2003 featured Native American attorneys from the Native American Rights Fund speaking on the issue of ‘ceded lands’. One of the presenters, attorney and Professor of Law, Rebecca Tsosie, shared her thoughts on the issue of Reconciliation, as the
United Church of Christ and the United States both have committed to "reconciliation" with the Hawaiians—but what does that mean?

An edited version of the speech given by Dr. Tsosie encapsulates a key issue behind the push for sovereignty, a recognition that understanding history will empower Hawaiians to seek justice and reparations:

Good Afternoon, I think that it is a very, very important subject, justice for native people. And what do we mean by concepts of reconciliation, and reparations and reconstruction? You can hear that in a global dialogue today. But you can see it happening right here, more clearly than I've seen anything. I just have to say that I'm very, very touched in a way that I can't even explain.

What today marks in the history of your people is a very recent history—what happened to your Queen, what happened to all of you. And you can feel that right here, right now! The Apology bill, the Akaka Bill, those attempts to, in some way, redress a history that lives on right here, right now.

So, I thank you for inviting me to share some thoughts with you about this to help you in your thinking, and I can appreciate what a difficult moment in time it is.

I want to talk just briefly about the idea of reparations and reconciliation and the way that the law approaches that, for Native American people, for American Indian people and Native Alaskan people. And then what it might mean here in Hawai'i.

The law, the legal system of the United States, creates a reality that is truly only an illusion. It's not the reality of native people; its not the reality of what we now call American Indian people, or Native Alaskan people, or Hawaiian people. But, somehow we make it our reality to the extent that we don't think carefully about what we are doing.

A form of reparations is the personal injury tort. But at the international level it's also a doctrine that has governed nation-to-nation interaction in a global hemisphere. So for those acts that nations do that are illegal, there are reparations that have to be made under international law. That is the most appropriate model for native people. And people will try to draw in the analogy to Japanese American and African Americans. And, to some extent, there are wrongdoings and there are attempts to redress that.

But the Nationhood model is a model under international law that has always existed and which the brotherhood of nations internationally recognizes as a valid moral endeavor.

And in any process of reparations, there is a material component. What were those things that were taken, like lands and resources? How do we make that right? And there is an intangible component, that is, the psychological component, the healing component. There's a psychology of that and I think that is the movement toward
reconciliation, that spiritual healing of all of those terrible, terrible wounds that live on today.

And an apology starts it. Because without the acknowledgement of wrongdoing, there are never any acts that follow it. So while an apology, itself, is never sufficient, it does open the door because it’s an acknowledgement of a historic wrongdoing. And so I think that is one of the true benefits of the apology resolution for Hawaiian people.

In terms of how the whole idea of reparations has operated for Native American people, I want to build here on what my colleague, John Echohawk, just spoke about, the whole idea of domestic dependent status, and how the legal rights of native people in the continent have been adjudicated. I want to outline for you the structure that is built on in American law. Then let’s take a look at the structure for Native Hawaiian people. And again we are talking about the US reality, their law.

For federal Indian law, it asserts that prior to the arrival of European people, native people existed as “peoples” but they were not civilized peoples; and therefore, they did not have the rights of civilized nations under international law. That’s why the doctrine of discovery could operate. And the doctrine of discovery says that when the first European sovereign discovers that so-called ‘new world,’ what the native people are left with is a right of occupancy on their traditional lands, and the right of internal self-governance. They don’t have external sovereignty in the way they can enter into multiple treaties with multiple European sovereigns. Now, as John Echohawk alluded, that is not the fact. In fact, Indian nations did enter into treaties with multiple sovereigns. But the fiction of law, says they don’t have the power. And that divestiture of external sovereignty is the justification for what John Echohawk and earlier Mary Wynne talked about. That idea that Indian nations have been divested of important components of sovereignty that are inconsistent with their dependent status, i.e., jurisdiction over non-Indians, jurisdiction over fee land on the reservation. That is the fiction of law that continues for American Indian tribes.

Now the other part of that, and this is the procedural part, is what Bill Meheula is going to talk about in the context of the ceded lands case. The procedural part says that the United States government can unilaterally abrogate any Indian treaty and that Indian people don’t have an international sovereign right under international law for redress. What does that mean? They don’t have the entitlement to reparations that all other international nations have. So who do they go to? They go to Congress or they go to the court, the Supreme Court of the United States. And guess what? If they go to the Supreme Court before they go to the Congress, then the Supreme Court can say for many things: it’s a political question; Congress did it; we didn’t do it; we can’t help!

So, if you’re an Indian, you’re stuck in a system where, procedurally, you have to petition Congress to allow you to sue in the federal courts for some remedy. And if you don’t get approval, your claim never gets heard.

Now, I think that Native American Rights Fund and other organizations have done a phenomenal job of litigating rights for native people that have moved things forward, which a lot of people never thought possible. So it’s not as though the system never works, but the system is probably set up not to work. It’s the exceptional circumstance when you can navigate that and actually get a validation of the right.

The main vehicle for reparations in the continental U.S. has been the Indian Claims Commission Act, which actually waived U.S. sovereign immunity and let Indian Nations sue for wrongful appropriations of land and violations of treaty rights. But
without that piece of legislation, a lot of those claims actually never would have been heard, and they were all compensable in monetary damages. Tribes like the Lakota people wanted the Black Hills back because those lands were wrongfully appropriated. However, the Lakota people have been unable to see the return or the restoration of those lands because it's a monetary payment system.

Now how does that actually square with Native Hawaiian issues? What about the Ceded Lands case and the Akaka Bill? It seems as though the acknowledgement in every one of these documents about the Ceded Lands and the Akaka Bill is that prior to the arrival of non-Hawaiian people, Hawaiian people were recognized as a separate 'people' under international law. They have a territory, they have a population, they have a government that enters into external relationships with multiple sovereigns at the same time. And they have distinctive cultural attributes.

The first non-indigenous people arrived in 1778; the United States was already a nation. But the monarchy of Hawai`i, the Kingdom of Hawai`i, is recognized by 1843. And so, I was interested that there had been treaties entered into with the United States, as well as, I think I counted 19 other nations? 30 something? I mean, this is incredible!

The treaties with the United States, the later treaties were signed in 1875 and 1887. That's after the United States abolished its treaty-making power with Indian tribes. So clearly under any stretch of the law, the United States was acknowledging the international sovereignty of the Hawaiian Kingdom in entering treaties. So under the commerce clause, the Kingdom of Hawai`i was a foreign nation—is a foreign nation. The US, under the commerce clause, is given plenary power over Indian tribes; but that's not the case for Native Hawaiian people.

So what happened? Was there ever a cession of sovereignty or land rights? I was unable to find one document that would justify that. The Newlands resolution didn't justify it; the Organic Act of 1900 didn't justify it. Statehood didn't justify it. None of those actions were taken with the consent of the Hawaiian people.

What that means to me is that under the rules of international law, the Kingdom of Hawai`i was an international sovereign, is an international sovereign. It never ceded land or sovereignty. There is no case for it. So that to me is a historical reality.

What happens in these documents (the Ceded Lands case and the Akaka Bill)? To me, these cases represent the worst of federal Indian law procedural principles, i.e., sovereign immunity and political question doctrine, bar the adjudication of a legitimate legal claim.

This bill, the Akaka Bill, is one that is very hard to get one's mind around. The reality today is that there is a continuing wrong in that the United States government does not recognize the government of the Hawaiian people. That is a continuing wrong that must be righted, and this is an attempt to right that.

When I look at the careful text of that, it starts out with “The Constitution vests Congress with plenary authority to address the conditions of indigenous native people.” No it doesn't. It vests Congress with the authority over Indian tribes. If you define Indian tribes to include all indigenous people, then it does. But the history says, that the Kingdom of Hawai`i wasn't that, for purposes of the commerce clause. So there's a little revision of history that we have to think about.

In terms of the development of the governmental entity, a very, very important process, it envisions a sovereign entity that has self-government, that has the ability
to exercise jurisdiction over land. But it doesn't say that. It envisions it, but it doesn't guarantee it. When I look at the ceded lands case, I think well, what is the land base that the Native Hawaiian governing entity is going to exercise jurisdiction over? Is it a pro rata share of the so-called public trust? Hello? Those are the lands of the Hawaiian Kingdom. They were never ceded; why should it be a share? If the State of Hawai‘i is exercising simultaneous trust responsibilities to the public, all of those people who live there, and the native people, that is the worst conflict of interest that you could ask for. How can a native trust ever be reconciled with a public trust? There is nothing in this bill to me that specifically requires the primacy of the native trust. And I think that’s a really important issue, when you are talking about the potential land base.

Look at Alaska. The Alaska Native Claims Settlement Act was the extinguishment of aboriginal title to facilitate oil exploration in Alaska that was accompanied by the recognition of Alaska Native governments as corporations.

What’s the motivation of the United States to recognize the Native Hawaiian governing entity as a domestic dependent nation? I basically want to conclude by saying that the commitment to cultural sovereignty is stronger here than most other places.

Tsosie’s trip to Hawaii was paid out-of-pocket, and in support for the struggle here. The reason behind the Native American Rights Fund’s presence in Hawaii has been to help Hawaiians realize the best and the worst case scenarios possible in the movement toward sovereignty. Sovereignty proponents attending her presentation were moved by her honesty and willingness to confront power. As a non-Hawaiian, and as a non-resident of Hawaii, she made clear that her talk was motivated by her own experience—an outsider’s view of the struggle for Hawaiian sovereignty.
Tsosie was only one of many who expressed similar ideas to those engaged in the sovereignty movement. John Griffin’s 2002 commentary on sovereignty is both insightful and a fairly good summary.\textsuperscript{127}

Sovereignty: Out of sight, not out of mind

Hawaiian sovereignty has been almost a stealth issue in recent months. It may emerge bigger this election year, but so far, it has been off the hot-button list.

Various reasons are advanced. Among them:

• Sovereignty was at least a temporary casualty of the Sept. 11 attacks and subsequent war on terrorism. "With Americans caught in a wave of patriotism, it's hard to get a focus on our claims," said one sovereignty advocate.

• Court action by anti-sovereignty groups has been so successful that some fear that present entitlements, such as the Office of Hawaiian Affairs, homestead lands and special social programs, could be endangered along with any further rights. A new court case will be heard in coming months.

• The Akaka bill, which many hope will protect present entitlements as well as allow more, is stalled in Congress, with fading hope for passage. It is opposed by those against sovereignty and attacked by some Hawaiians, who feel U.S. rule of the Islands remains as illegal as the 1893 overthrow of the monarchy.

• In this political year, candidates have focused more on pressing issues such as education, the economy and personality politics. Last weekend’s state Democratic Party convention seemed preoccupied with pep talks and what to do after Honolulu Mayor Jeremy Harris’ withdrawal from the governor’s race.

• Political bickering among Hawaiians, in OHA and elsewhere, has turned off many people. Not only is there no clear consensus on the future, there’s no agreement on how to look for it. "We need a strong leader with a clear, acceptable vision," one activist said.

Still, in talking to a dozen or so people on various sides of the sovereignty issue, I was impressed that more is going on than meets the general public’s eye.

For example, independence advocate Poka Laenui points to quiet meetings on related social issues and how younger Hawaiians are getting involved in politics and government to work from within. He calls it "peaceful infiltration." He and others also are active in bringing the case for Hawaiian self-determination before the United Nations and other world bodies.

Others talked of Hawaiians moving toward the Republican Party and maybe becoming a swing vote in November’s election. Some leaders say they will urge favored candidates to take a stand on Hawaiian rights.

\textsuperscript{127} Honolulu Advertiser, June 9, 2002.
OHA Chairwoman Haunani Apoliona says the 2-year-old Council for Native Hawaiian Advancement, modeled after an Alaska organization, will hold a broad conference in September. OHA, which has "nationhood" as one of its goals, has five seats vacant in the coming election in which non-Hawaiians are now allowed to vote.

A group concerned with promoting more dialogue between Hawaiians and non-Hawaiians is planning a new "open space" approach. That will involve larger numbers of people and encouraging new groups to form around specific issues.

Hawaiian education is getting more attention, including at the University of Hawai'i. There, Hawaiian studies professor Jon Osorio says the various arguments on sovereignty are interesting and important, "but most important is for Hawaiians to know why the arguments are made, and what the choices are."

Dennis "Bumpy" Kanahele—known as a militant for urging Waikiki tourists to go home and occupying beach land at Makapu'u in the early 1990s — now sees economic independence and education as more immediately important than politics for Hawaiians.

Kanahele's Nation of Hawai'i group still has 100 people living in modest homes on 45 orderly acres of state-leased land in Waimanalo. But his emphasis is on broader-based programs for economic realignment, including plans for two banks (51 percent Hawaiian-owned) on Maui and O'ahu.

So much goes on. You can get some idea by typing in "Hawaiian sovereignty" on any Web search site such as Yahoo! or Google. That brings an array of Web sites, including those of anti-sovereignty organizations.

And yet vital decisions remain on form and approach. Among the possibilities:

• Full independence, with or without restoration of the monarchy. This could be exclusive, meaning for Hawaiians only, or inclusive of non-Hawaiians, with or without dual citizenship. Independence as a long-term goal does not rule out another status first.

• Nation within a nation. This could give Hawaiians limited self-government, more land to control, and status akin to American Indian tribes or Alaska's Inuit. The Akaka bill would move in this direction.

• Free Association. This would be similar to the status of some parts of Micronesia, which govern themselves but let Washington control defense and other foreign affairs in return for financial and other benefits. Few advocate this now.

• Anti-sovereignty groups would have Hawaiians treated like any other Americans in what some call a color-blind approach. This issue will play out in court cases, possibly in passage of the Akaka bill in some form, and in Hawai'i public opinion.

• Nobody I talked with advocated violence, and most said it was not in the collective Hawaiian character today. But one said, "There could be bloodshed if Hawaiian land is threatened."

And a woman activist mentioned that "in the early 1990s, there was a group training with guns."
I asked Kanahele about the possibility of violence back then. He said several men approached him. "They thought I was headed in that direction and were pissed off when I didn't approve ... I'm for 100 percent aloha."

There it sits, then, an issue that has been subdued yet won't go away.

My own feelings go like this:

I think it's wrong to screw people out of their independent nation-state, which is what happened with the 1893 overthrow by a small group of non-Hawaiian residents with the aid of the U.S. minister and American troops. The 1993 apology bill enacted by Congress has it right.

Some form of redress is in order. It's now up to Hawaiians to decide what they want. But that has to be something acceptable to most of the other people in Hawai'i. Independence as a distant possibility doesn't bother me, if that is what all the people want. With globalization and possible confederations, our nation and world may look much different before this century is over.

I have respect for the intentions, emotions and legal skills of some sovereignty opponents. They have won some important court battles. But I don't share the view that sovereignty demands are essentially racist (even though some Hawaiians have race-based attitudes).

This is not like a minority issue, giving special rights to African Americans, Latinos or Asian Americans. It's about a nation taken away, and also about a culture smashed. Hawaiians may not be exactly the same as American Indians with their various tribes, but Hawaiians are akin to other Native Americans Washington has recognized amid hundreds of treaties.

Whether then-independent Hawai'i could have remained uncolonized in the jingoistic 19th century is an open question. Looking ahead, I honestly don't know if sovereignty would unite the Hawaiian people, giving them a purpose and strength many now see as lacking. There's also a need for something I would call "inner sovereignty," a drive from within. Some Hawaiians are working on that.

But that's also beside the main point. The point is that, while it won't come soon or easy, Hawaiian sovereignty in some acceptable form should be a goal and should emerge as a matter of essential justice.

When more people outside the movement look in and see that something is wrong, and are willing to speak about it in a public way, then the shift becomes a public shift. Researchers and theorists need not nitpick to find little instances, little turning points that speak of change. The issue of Hawaiian sovereignty will stop being a Hawaiian issue.
In America and across the world, and especially given the context of America’s place in global society today, Hawaiian sovereignty, Hawaiian independence, may not rate high on anybody’s list except those involved locally. But another consideration is what a free and independent Hawai‘i has to offer the world. No country, no nation can bring to the table what Hawai‘i can: a willingness to share aloha and malama `aina with a world that has lost much of its sense of responsibility to care for each other and the earth. While other countries and peoples may share similar values and offer similar ways of relating to the earth and to the people of the earth, aloha and malama `aina, love for one another and for the earth as family and its particular expression in the Hawaiian context, are grounded in the this land of Hawai‘i nei. He pono no—it is right and righteous.
Appendix A

An Afterword

I wanted to add an 'afterword' to explain my thoughts on 'voice'. My intention was to give voice to both actors and observers, from both inside and outside. Media voice is outside looking in. The actors in this dissertation speak for themselves. But I didn't give myself a voice, even though I was part of the dialogue.

This part is a transcribed taped conversation I am having with friends who, like me, are involved in the sovereignty movement. This is really how it plays out, not neat, not too analytical, but certainly real.

A conversation with activist friends, Charlie Isaacs and Evern Williams, 2/17/03

Let me tell you about the meeting. Fifteen people showed up. It was good. People wanted to pay honor to the Queen, something we agreed to do in the past. So you know Hawaii Loa Kulike Kakou is about honoring the Queen. We put the queen's portrait on a chair. Then we went to the large portrait of the Queen on the other side and sang the doxology in Hawaiian. It was awesome. Something happens when we sing. It brought tears to the eyes. I looked across at others and their eyes were full of tears. But it was also like a shot of adrenaline. I was feeling high.

Then we had the meeting, and I brought a picture of the Queen and she sat on a chair with a lei. But we always forget that she's there, that they're all there. We were having a discussion, very animated, and talked about OHA's meeting. It was interesting to hear what they had to say. Talk about high energy. The exchange of information was really positive.
We went from point to point about the decisions we had to make. And then we talked about the dream.

During our activities from Sunday the 12th to Friday the 17th we were really busy. On Sunday at Mauna'ala, not publicized, we had a gathering. At Mauna'ala inside the chapel there was a dialogue, not exactly what I had hoped for. It was supposed to be around unification, to find ways to come together. It didn’t really get to that. People got hung up on their own stuff, you know, this is what we do, and blah blah. That wasn’t so good and I was feeling a little disappointed, so I went outside. I saw Poka outside. And I asked him what do you think about the idea that Keala raised, about a think tank? Would you be interested in having a discussion with others about that? And he said absolutely. So the first people we see are Greg Tim Sing and Promise Ka’anapu. So we asked, hey, what do you think about dialogue about different ways of looking at history? And they said sounds good. Then Koko came by and we asked him the same thing and he said absolutely. So now it’s Poka, Promise, Gregory and Koko. Then Poka says what about Keanu. So I went over and asked Keanu what do you think about having a dialogue and he says shoot. So I said come on over. So he comes over to talk with them. We didn’t know yet what the dialogue would look like, but that didn’t matter.

Then Monday we had our opening ceremony, then all the other things. On Thursday evening the Friends allowed us to have a ho’okupu session in the Throne Room. Around 40 or 50 people came and jammed in there. I know that the docents were stressing, as they were all around watching us to make sure we didn’t do damage. So we went in and we all sat down on the floor. The carpet is itself an artifact, you know, and had to be recreated from a little piece of remnant for thousands of dollars. So here we all are sitting on the carpet and I’m waiting for something to happen. But it didn’t happen. And one of the reasons it didn’t happen was because one of those idiots, you know who, and five of his guys proceeded to push their organization and talk about how great they were.
We were so disappointed, the rest of us. It's like the doors keep opening, folks, and instead of stepping in they put up barriers and keep us from stepping in. So okay, at some point we realize that it's over. That thing we came for didn't happen. It didn't come to us because it wasn't allowed to come. So I'm thinking to myself what the hell is this all about. So we all adjourn to the Kanaina building. Meleanna Meyer had donated dinner, stew and rice, poi and all kind stuff. It was all ready for us. We went over and had dinner. About half the people left. But those who stayed went to the large room and we had dialogue on stuff. The thing that happened for me was that I was in a weird space and refused to let happen here what happened in the Throne Room. When people started to talk shit, I just cut them off every time. But in the Throne Room, the Hawaiian Jewish guy, Amsterdam, did a most neat thing. Some people didn’t like it. But I thought it was the most beautiful thing. He did a chant in Hawaiian and then again in Hebrew. I was moved because that was a room for international visitors, where business and protocols were conducted and it was absolutely appropriate that he come representing the other part of himself. I really liked it!

So now we're in the Kanaina building and he puts his hand up, I'm moderating, and he says well you know we already have the government created and all you have to do is step in and fill in those spots. And I said you know Kau‘i, not to offend you or anything, but don't do that. He said what do you mean? And I said don't do that. Don't try to sell us your program. To me that’s what creates all of this stuff, this bad feeling, always being put upon by someone who has the answer. He said but god supported me. I said you know what, Kau‘i, I don’t care. Don’t do that. And so he stopped. But other people tried to do it as well. Richard Kinney. And I said Richard you know I love you, right? I love you as a fellow in struggle. He said yeah. I said knock it off, stop it. And I thought, I'm really being hard line here and I should stop it. But my patience was running out. I felt denied something from the throne room and I was kinda angry because all of this damn talking kept me from getting something special. I wasn’t about to let anybody do that to me again. I won’t allow anybody to do that
to me again. If what it takes is for me to say you need to shut up so I can hear then I’ll say it. We should all say it. So anyway it was kind of an interesting meeting. I was really tired of bullshit.

On Friday, and I’m giving you a blow by blow description here, it was an excellent day and then a kind of weird day. I have this thing about participation of only a few. I think that everybody in the world should be invited to participate and people should withdraw themselves if they don’t want to come. We should never be accused of being elitist. So I didn’t go to the awa ceremony. Mel had three opportunities for leaders to come forward. One was at Mauna’ala, the second was at the Palace and the third was the awa ceremony. And I went to the awa ceremony and just couldn’t do it. I turned around and walked away. That wasn’t for me. Because you got a hundred people standing around watching and very few people allowed to participate in the ceremony. Visually it was weird. Many Hawaiians were there and they weren’t allowed. Had haoles sitting in there. They were allowed. I thought who makes the rules? Who chooses who can and cannot participate? If I was the haole guy over there I would have said, no not me. Hawaiians need to go in there. But I guess the haoles sitting down were friends of friends. That’s why I walked away. I knew Mel wanted me there, but I left.

Okay those gatherings that are limited are too hard for me. So we go across to the Sudden Rush thing and they were setting up. They were so good, I mean really good. First was all the young people up there dancing. Then the makuas, all the people our age came and sat down for Skippy them. And that music went right up until the time for the torchlight ceremony. Makuas came to hear Skippy’s message. And then everybody went across the street to meet by the torch by Washington place. And I looked around and gosh. Had more people than the morning march. It was jammed! The place was full of kids. We had been up the week before, to Kaniakapupu, to get the bamboo for the torches. We made 110. The first day at Mauna’ala had to do with lighting the flame from the crypt. There’s a flame there and Mel
had gone down there, and he asked Bill Maioho first, to light the flame from the crypt. And that flame went down to the Queen’s statue to light another torch. Then from there it went into the vigil tent, the same flame. Very symbolic. And that flame lit the torches.

Ok so here we are by Washington Place and a zillion cameras are across the street. Our media guy, Ehu, is trying to create a Kodak moment and trying to assemble us so we can make the 6 o’clock news. We were supposed to gather at 5:30 for 6 o’clock. It was kinda interesting. What happened was, as a matter of fact it was a Kodak moment and it was on the news and we made the front page. It was actually wonderful, all these lit torches with Koko, Mahealani and all these kids on the front page and in the evening news. So we had kupuna, makua and opio, all with flames around their heads. Nice photo.

So we had 110 torches and more than 110 people. Whoever gets it gets it. You could see that people wanted the torches. They wanted to carry a torch. I think I gave mine to someone who really wanted to hold one. I didn’t care. So we start marching up, mauka side, toward Vineyard. Then around and down toward Richards street. You could see a whole bunch of guys watching this line of torches going down towards King Street. And then an interesting thing happened. People started to ve. We were kind of far away from King Street, bringing up the rear. People were single file and spread out. By the time we come around to King Street, and to Kamehameha statue and then to the vigil tent to pick up the flame, had plenty people. So when we get to the front gate everybody’s waiting outside. They not going in until everybody is here. And the first thing I see, even before the gate opens, is ki‘i of Lono that Kapono and Keli‘iwal made for the Makahiki games in back of the Barracks. The crossbows have these huge white things hanging down, like sails. At the games they had one on each side. So they asked James if okay to bring Lono, and James said by all means. So they don’t go on the march with us, but they bring these things in front by the gate. And the first thing everybody sees when the gates open is these huge ki‘i. Chicken skin. By the time we get there it’s totally dark, a black night. And there’s these two ki‘i looming in the dark. I
tell you chicken skin. And then everybody entered at once and went up to the front steps. And then Mel and all of us went up to the first landing and Mel tells everyone thanks for coming. Then Palani Vaughn sings Hawai‘i Pono I. Everybody sings Hawai‘i Pono I. You can feel there is something going on here cause everybody got chicken skin. And then it’s over.

Mel says thanks and it’s pau. Nobody leaves and nobody moves. They’re just standing there. So I tell everybody those with torches should just take them. They’re yours. They came from a sacred place from Kamehameha III’s summer house in Nu‘uanu and it’s yours to remember this time by. They were very happy. Talk about coveting one’s torch.

So that was good. And then people start singing. I’m looking around, I hear someone in the background, I think it was Sabra, and Mahealani Kamau‘u and she sits down and says we are never allowed to sit on these steps. And everybody sits down. Didi’s over there, singing to the Queen. Everybody’s singing and sitting on the steps. It was really excellent, a wonderful moment. Within the hour everybody starts to disburse. But the energy level is so high that no one wants to really end it.

People leave. Mel’s gotta take the flame back to Mauan‘ala. He and Carol leave to get the flame first from the Queen. While we were gone on the march everybody who stayed back cleaned up the whole place. All the trash got picked up, all the trash cans emptied in the dumpster on the other side. Folded up all the chairs. I mean the place is neat and I’m so happy because the place is so dark couldn’t see to clean up anyway. They did it while we were marching.

So we all go home. The next day is Saturday. We’re all recovering and taking down the black bunting, me, Mahealani, Ed Wendt, Maria Orr, and some guys from Henry Noa’s group. The next day I get a phone call from Maui.
She says my name is Kuulei and I was in the Throne Room and I wanted to tell you what happened to me this morning. So I said ok. She said I had a dream, sorry for calling you so early in the morning. I need to tell you my dream. I said no problem.

She said she was Mel’s cousin so I told her she should call Mel. But she said no, I have to call you. You were in my dream and behind you is Mel so I have to tell you and you tell Mel. So I said okay and start taking notes. She tells me her dream. She’s crying on the phone and I feel like I need to be crying, too. So I hang up and don’t know what to do with this so I don’t do anything. The next day she calls again. She tells me the second dream. The thing about the glass of water is significant for me and plenty others. I share with everyone, but I modify the story little bit, and leave out the thing about the rock. I was telling James about the rock and he said he felt better knowing about the rock. In the dream the canoe is connected to the queen, but the rock is connected to ancient times. And I said wow I never even thought about that. So I wrote it up and sent it out by email. When we had our next meeting, we talked about the dream and I asked them point blank is this our dream or is it just a dream? Everybody said it’s our dream.

So out of that gathering Mauna’ala, the palace, awa ceremony what happened? This stuff never came out, so this is good it’s here now. At our meeting we decided that this would be our dream, the living nation. All the people involved have a connection to Hana so the meeting should be there. So we ask everybody should we have a meeting in Hana and they say yes.

Then Mel says oh I went home yesterday and I had this letter. And I read it but I realize it’s not for me but for Mahealani. So he gives it to her and she says I should read this out loud and she does. It’s from a couple who live in Hana and they’re inviting everybody to come to Hana to have a gathering. And they really want to host it. They’ve approached all these
different families in Hana who said they want to host people. Maybe they can find like a big room or church that can hold everyone. And I ask the guys again, so what, we going? And everybody says yes, let's go. So we made a decision at our meeting yesterday. We're going to Hana for dialogue. It's going to happen there.

So at our meeting, and not everybody on the list comes to our meetings, this time Na'u Kamalii came, and her friend Gay Chung. Gay hasn't seen her in 27 years. So we're talking about how we can use this to move things forward since there's a shift happening. We are willing to do this. And Na'u says I think I can fund that. And we say huh? She says yes, it's about health, building the health of the people, building the health of the land. I think I can fund that. So she says can you guys write up a proposal and send it to me? But we only really need money for airfare and food, cause we don't want to impose. We can camp out or bunk in a church or school. But Ed Wendt was there, from Maui, and Ed said, eh, I know those guys. If they say they going host you you gotta let em host you. You no can say no. You gotta let em host you. Some people were really jazzed about everything happening one after another, like we going in the right direction.

Interestingly the letter was about their dream. they had a dream, too. And then all these dream things started popping up, all these interesting ho'ailona. So I said I should tell you what Koko told me. I was talking to him on the phone about the meeting coming up and he said I going tell you one story. So I said what happened? He said you know on Jan. 15, when OHA had its gathering at the Capitol, had one huge rain, you remember. Was a huge downpour. Everybody not under the rotunda was soaked, including me. I was trying to hide my camera. So this huge rain came down and Koko said you know what happened? I was standing out there in the rain looking down at my shoes. All the water was splashing on my shoes. But you know what, wasn't raining on me. I looked all around at everybody getting rained on, but wasn't raining on me. He said, okay, I get it, there's a message here for me. He said I feel like I'm being taken down a particular path. I thought what he said was kind of
neat. I expect everybody will get called. So one by one people started sharing all these different things. Hard to write it down, but good thing we’re taping.

Charlie said what’s the most significant thing about what’s happening now? I said I think maybe a recognition on the part of some of us that this is bigger than us. We must never think that our political drive is what’s going to get us where we need to go. We’re a part of it but there’s this larger thing that requires us to pay attention, to be open. As James keeps telling me there are doors that open, they’ve been opening for us, but no one is going in. When was the last time the Friends let anybody in the Palace to do what we did? Never. Never gonna happen again, I bet you. Here we are standing at the door and we don’t know how to get in because some fool is so full of ego he cannot see we’re all at the door, not just him. There needs to be some recognition that we cut ourselves off all the time from something profound. It happened at Mauna’ala and at the Palace, these opportunities to enter a new place. We need to whack ourselves for not going to that special place. We need to get those egos out of the way.

Na’u said something good, I thought. We gotta think with our heart. There’s so much going out and not enough coming in and that’s what keeps us from going to the next place. We need to go, but we need to go all together. For me the reason for including ceremony in everything we do is because it opens a door. At our OHA meetings I feel really stressed when we don’t do pule. You know when Hawaiians meet, and when they don’t practice ritual, they cut themselves off from our ancestors. You don’t recognize them that’s why you don’t do rituals. And you don’t do rituals because you can’t see the ancestors. They’re at the door, too. At our OHA meeting I would have preferred to stay in the smaller room because the Queen’s portrait was there, a physical reminder of the presence of the Queen. But people opted for a more comfortable space, so it’s comfort above all else. We can’t be uncomfortable for a moment. But we must. We have to be uncomfortable, that’s my feeling.
We need to be crammed into a space and be forced to keep still and keep our mouths shut so we can feel what else is going on. We have to.

Charlie said we need to listen to one another and to listen to silence, instead of thinking about always promoting our own ideas, what we’re going to say next. He thinks Henry Noa’s people are going to make him sit down at the table. It’s tied into qualities of leadership and what makes a leader. Are these guys really leaders or just leaders by default? Sometimes they just stop people from hearing.

Evem said there is urgency and opportunity to go to the next level. How do we have the deep respectful dialogue that we crave, where people listen to each other with their na’au (their guts, their innermost feelings)?

I guess we start just like this.
Appendix B

Chronology of Significant Events
In the Hawaiian Sovereignty Movement
1990 - 2003

1990
Sovereign Sunday, 'Iolani Palace grounds
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square

1991
Hui Na‘auo Sovereignty Education Project formed
Sovereign Sunday, 'Iolani Palace grounds
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square

1993
Onipa’a March and Rally, 'Iolani Palace Grounds
Ka La Ho’iho’i Ea, sovereignty Restoration Day at Thomas Square
The People’s Tribunal convened, August 12 – 21
United Church of Christ apology
Hawaiian Sovereignty Advisory Commission formed
U.S. Congress and President enact U.S. Public Law 103-150 acknowledging the illegal intervention and occupation of Hawai‘i by US forces
Professor Francis A. Boyle provides interpretation of U.S. Public Law 103-150, and its implications for the restoration of the independent and sovereign nation state of Hawai‘i under international law

1994
Solidarity for Sovereignty march, Ala Moana to Kapi‘olani Park
Sovereign Sunday, 'Iolani Palace grounds
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square
Centennial commemoration of opening of Uluhaima‘ama, the Queen’s Garden, Oct. 11
Kaho‘olawe returned from Navy to state, with clause that it will pass to a sovereign entity
Occupation of Makapu‘u, Pu‘uhonua O Waimanalo established
Proclamation of the restored Independent Sovereign Nation-State of Hawai‘i (Nation of Hawai‘i), 'Iolani Palace Grounds, January 16
Hui Na‘auo Rally, 'Iolani Palace Grounds, July 3
Commemoration of the 100th anniversary of the proclaiming into existence of the Republic of Hawai‘i, sponsored by Sacred Times & Sacred Places, 'Iolani Palace grounds, July 4

1995
John Marsh case
Sovereignty Restoration Day, 'Iolani Palace grounds
Perfect Title Co. formed
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square
Supreme Court affirms Public Access Shoreline Hawaii (PASH) in support of Hawaiian traditional and customary practices
Of Sacred Times & Sacred Places formed
Promulgation of the Nation of Hawaii Constitution, Jan. 16
Pai ‘Ohana evicted from Honokohauikl, Island of Hawai‘i
Hanapi ‘Ohana evicted on Moloka‘i
Native Hawaiian Convention, 1995 – 1996

1996
Sovereign Sunday, 'Iolani Palace grounds
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square

1997
Memorial to the President, Congress and the People of America
Sovereign Sunday, 'Iolani Palace grounds
Ka La Ho’iho’i Ea, Sovereignty Restoration Day at Thomas Square
Kanaka Maoli Allies list at UH Manoa created
Ku’e Petition arrives in Hawai‘i nei
Iliʻuʻalaokalani Coalition formed; protest against restrictions of Hawaiian gathering rights, Senate Bill 8, supported by Malama Solomon, Randy Iwase and Ed Case, at State capitol

1998

Hawaii Loa Kulike Kakou, From Resistance to Affirmation: We Are Who We Were (Centennial of the Annexation-that-never-was of Hawai‘i to the United States)

Sovereign Sunday, 'Iolani Palace grounds
Ka La Hoʻihoʻi E, Sovereignty Restoration Day at Thomas Square
Hawaiian Patriotic League is formed
Kuʻe Petitions presented to the public, Jan. 17 'Iolani Palace grounds
Ke Kukui A – torchlight march around Oʻahu island
Malama O Kaniakapupu formed
Aloha March on Washington, DC
UN Report finds that annexation could be declared invalid

1999

Hawaiian Kingdom at the World Court
Sovereign Sunday, 'Iolani Palace grounds
Ka La Hoʻihoʻi E, Sovereignty Restoration Day at Thomas Square
Lawful Government of Hawaii Reinstated, March 13
Native Hawaiian Convention delegates elected, convention convened
United Independence Statement, Kaumakapili Church, Dec. 9
La Kuʻokoʻa (Independence Day) celebration on 'Iolani Palace grounds
Ceremony to honor Kamehameha III on his birthday, March 17, at 'Iolani Palace grounds
“Reconciliation” hearings draw overwhelming call for independence
Ceremony to honor Kamehameha III’s death day, Dec. 15
Ceremony to honor Kamehameha I’s death day, May 8
Ceremony to honor Kalakaua on his birthday at Kalakaua statue, sponsored by the Masons
Aloha Quest event held at 'Iolani Palace

2000

Creation of HULI – Hawaii United for Liberation & Independence
Ka Lei Maile Aliʻi: The Queen’s Women – play debuts at 'Iolani Palace in honor of the Queen’s birthday, Sept. 2
Commemoration of the 100th anniversary of the Organic Act at 'Iolani Palace
Aloha March 2000 in Washington DC, and Boston Ti Party
Sovereign Sunday, 'Iolani Palace grounds
Ka La Hoʻihoʻi E, Sovereignty Restoration Day at Thomas Square
Hawaiian Kingdom case at the Permanent Court of Arbitration, 2000 – 2001

2001

Stopakaka.com created to call attention to attempts by the federal government to force federal recognition
Ka La Hoʻihoʻi E, Sovereignty Restoration Day at Thomas Square

2002

E Liliʻu E march and Rally protesting theft of the Queen’s lands by City’s Bill 53 for lease-to-fee conversion
Sovereign Sunday, 'Iolani Palace grounds
Ka La Hoʻihoʻi E, Sovereignty Restoration Day at Thomas Square
Formation of Kupa‘a in support of the Queen’s lands, July
May 1 commemoration of the changing of the seasons with Kumu Lake at Waikiki Aquarium

2003

Hawaii Loa Kulike Kakou, The Living Nation Campaign, Jan. 12 – 17
Dialogues on updating Hui Naʻauao chronology of events (an attempt to unify different sovereignty groups), Mar 2, 9, April 6
Bibliography

Alexander, William DeWitt

Allen, Helena

American Friends Service Committee – Hawai‘i
Sept. 13, 1999, staff report by Kyle Kajihiro on Demilitarization.
Fall 1999, Program Evaluation.

Appadurai, Arjun, ed.

Appleseed Foundation

Ayres, Ed, ed.

Bailey, Paul D.

Barth, Fredrik

Bigelow, William

Black, Catherine

Blaisdell, Kekuni

Borofsky, Robert, ed.
Boyle, Francis A.

Budnick, Rich

Colson, Elizabeth

CounterPunch Out of Bounds Magazine

Craven, Matthew

Cruz, Lynette

Davenport, Wendell

Davis, John

Day, A. Grove

Delaney, L. and L. Randall

Dudley, Michael Kioni
1990 Call for Hawaiian Sovereignty. Honolulu: Na Kane o Ka Malo Press.

Du Pont, Keoni

Dyke, C.Y., ed.
Email Citations

Jan. 6, 1998, posted by Scott Crawford, "Proclamation of the restoration of the independence of the sovereign nation of Hawai‘i, (fwd)."

March 2, 1998, posted by Scott Crawford, "HA: sovereignty leader free again (fwd)"

March 4, 1998, posted by Pu‘uhonua Kanahele, "Re: supporters of the Kingdom vs. the state."


Jan. 4, 1999, posted by Poka Laenui, "Re: STSP request."

Jan. 26, 1999, posted by D. Keau Sai, "Re: Kauikeaouli’s birthday."

Jan. 27, 1999, posted by D. Keau Sai, "Re: Radio program."

Feb. 10, 1999, posted by Baron Ching, "Re: March 17."

June 2, 1999, posted by Charles M. Ka‘ai‘ai, "Re: S-B View Point by OHA Trustee Machado (fwd)."


Feb. 19, 2003, posted by Thomas Ah Yee, "Ho‘olokahi."


Evening Bulletin, H.I.

August 7, 1898, “Native societies protest, claim that the people have not been asked, against invasion of political rights.”

August 8, 1898, “The people will not participate in flag raising ceremony.”

August 9, 1898, “All about the ceremony, positions for viewing the flag raising, no restriction to admission, ball for entire public.”

August 10, 1898, “News from Hilo town, flag will be raised on Friday as in Honolulu, feelings of the Hawaiians to be respected.”

_________________, “Explanations change the celebration situation, Minister Sewall and cabinet say, “Duly before pleasure.””

August 11, 1898, “Lili‘uokalani is invited to the platform with princess and the two princes.”


_________________, “Native societies protest, claim that the people have not been asked; full text of their resolutions against annexation.”

Faludi, Susan

Friends of ‘Iolani Palace Quarterly
1999 “Serenade to the Queen,” Vol. XVIII, no. 3, Summer.

Gluckman, Max

Guja, Ranajit

Hawai'i Ecumenical Coalition
1993 Year in Review, July.

Hawaiian Sovereignty Advisory Commission

He Au Papa `Olelo

Hodges, William C.

Holt, John Dominis

Honolulu Advertiser
Dec. 12, 1992, “Hawaiians to re-enact overthrow of 1893, several days of pageantry, observances,” by St Glauberman, staff writer.

———, “Revolution was for the best,” letter to the editor by Thurston Twigg-Smith (chairman of the Honolulu Advertiser).
July 17, 1994, “Leader to miss restoration day, Blaisdell to speak at UN meeting,” by Mark Matsunaga, staff writer.
July 30, 1994, “Sovereignty restoration day tomorrow.”
Dec. 10, 1994, “Hawaiian groups will hold unity rally today for UN Decade for the World’ Indigenous Peoples.”

229
Nov. 10, 1994, "'Nation within nation' a myth," op ed piece by O.H. Mckinley, M.D.
Aug. 8, 1995, "Kanahele: 'I'm a political prisoner' ."
Aug. 13, 1995, "Sovereignty: ideas differ, goal the same, constitution guides independent nation ."
Aug. 27, 1995, "Kanahele and Gandhi have much in common," letter to the editor by Beth Mock.
Feb. 27, 1998, "Sovereignty leader free again, 'Bumpy' Kanahele sees need to adopt a different approach." 
March 5, 2002, "Suit challenges Hawaiian agencies ."
Dec. 6, 2002, "Judge allows ceded lands sales ."

Honolulu Star Bulletin
March 11, 1994, "Isle filmmaker tells Berlin fest: boycott Hawai'i, tourism a killer ."
Oct. 1, 1994, "Thieves cannot pass along any title to stolen lands," letter to the editor by Bill Koomealani Amana.
Jan. 3, 1995, "State's view of sovereignty is devious to Hawaiians," letter to the editor from Paul D. Lemke, Kapa'a, Kaua'i.
Aug. 18, 1995, "Isle 'nation' sets protest on statehood ."
July 24, 1999, "US names two to help reconcile Hawaiian status, land issues ."
July 29, 2002, "Hawaiian activists want US out - 100 gather to commemorate 1843 withdrawal of British forces ."

Honolulu Weekly
Jan. 13, 1993, "100 Years of subjugation," by Derek Ferrar and Julia Steele.
Jan. 30, 2002 "A Field guide to the Akaka bill(s)."

"Taking the apology seriously."


Hui Na’auao Sovereignty Education Project

Irwin, Bernice

Judd, A.F.

Ka Mana o Ka ‘Aina, Bulletin of the Pro-Hawaiian Sovereignty Working Group
Jan/Feb 1989, “Land, sovereignty and reparations.”
May/June 1989, “The Hawaiian homes program.”
December 1989, “Stop the ‘misery’ from home porting in ‘peril’ harbor.”
May 1990, “What is sovereignty?”
September 1990, “OHA’s sell-out settlement of land claims.”
January 1992, Special Issue, “What is sovereignty?”

Ka Ho’okolokolonui Kanaka Maoli
1993 Interim Report, People’s International Tribunal Hawai’i, August 20.
—— “Introduction to the verdict of the international People’s Tribunal, Hawai’i, August 1993,” draft of final report.

Kanaka Maoli Allies Discussion group (Kanakamaoliallies-l@hawaii.edu) Email Citations
Dec. 25, 1997, posted by Noenoe Silva, “La Ku’oko’a (or: Let’s not celebrate Thanksgiving).”
June 21, 1998, posted by Baron Ching, “Queen’s free health care.”
Sept. 8, 1998, posted by D. Keanu Sai, “Re: Mr. Mew and other inquiring minds.”
———, posted by D. Keanu Sai, “Re: House of Nobles, the Upper House of the Legislature.”
Jan. 20, 1999, posted by Bumpy Kanahele, “Re: Anniversary of overthrow observed with votes, protests (fwd).”

Kaua’i Times
1994 “Hey Kanaka Maoli, we need your kokua,” by Susan Dixon-Strong, October 12.

Kimura, Larry
Kuper, Adam

Laenui, Poka
[From website: www.opihi.com/sovereignty]
1993 One Hundred Years After the Theft
1997 Hawaiian Nationals Protest U.S. Annexation Vote
       An Annexation Timeline
       Notes on the Hawaiian Memorials
       Memorial Adopted October 1897
       Memorial Adopted October 1997

Laenui, Poka

Legal citations, State and Congressional Records
1893 US President Grover Cleveland’s message to Congress relating to the Hawaiian Islands, December 18, 1893.
1960, “Declaration on the granting of independence to colonial countries and peoples” from the UN General Assembly Resolution 1514 (XV).
Feb. 22, 1995, Bill S.749, 104th Congress of the United States, 1st session, to provide for administrative procedures to extend federal recognition to certain Indian groups, and for other purposes. Senate version of the “Indian Federal Recognition Administrative Procedures Act of 1995.”
Jan. 14, 1986, Public Law 99-239 relating to Title III – Pacific policy reports and the lack of defined policy for noncontiguous Pacific areas, including the State of Hawai‘i.
January 25, 1995, H.R.671, 104th Congress of the United States, 1st session, to provide for administrative procedures to extend federal recognition to certain Indian groups, and for other purposes. House version of the “Indian Federal Recognition Administrative Procedures Act of 1995.”
1998 House concurrent resolution (HCR) 231, State of Hawaii 19th legislature requesting the establishment of a task force to study the feasibility of, and make recommendations for, the reestablishment of the Hawaiian monarchy.

Lili‘uokalani, Queen of Hawai‘i
1964 *Hawai‘i’s Story by Hawai‘i’s Queen*. Rutland, VT: Tuttle.

Loomis, Albertine

Lopez-Reyes, Ramon
1999 “Justice First as Reasonable,” paper presented at the Hawai‘i Seminar on Self-Determination on the 40th Anniversary of Hawai‘i’s Absorption into the Federal Union, August 16.

Mackenzie, Melody, ed.

Mair, Lucy

Midweek

Minton, Nalani and Noenoe K. Silva

Na Kipuka News Bulletin

Nunes, Keoni and Scott Whitney

O Files News Journal
Jan – Feb, 2003, “Hawaiian civic clubs and OHA working together in the process of nationhood.”

Of Sacred Times & Sacred Places Discussion Group (stsp@yahoo-groups.com) Email Citations and Letters
Nov. 26, 1998, posted by Lynette Cruz, “Minutes.”
Jan. 29, 1999, posted by Lynette Cruz, “Meeting notes.”

Peterson, Barbara B., ed.
Public event notices, hand outs, brochures, press releases

Jan. 9, 1993, “After 100 Years: A March for Hawaiian Sovereignty, Hawai'i Ecumenical Coalition, Kaua'i.


Jan. 17, 1993, “After 100 Years: Hawaiian Sovereignty,” event program for Hawai'i Ecumenical Coalition, Kaua'i.

Dec. 28, 1993, “Restoration of the independent nation state of Hawai'i under international law,” paper presented by Prof. Francis Boyle at Mable Smythe Hall, Honolulu.


June 1-4, 1995, “The State of Hawai'i responds to the Hawaiian sovereignty movement,” paper presented by Marion Kelly at the AAAS Conference, Oakland, California.

Aug. 29, 1995, “Nohili Point Vigil,” draft program, Kaua'i.


March 17, 1999, “Birthday celebration for Kauikeouli, Kamehameha III,” program at Kania'ina Building (Old Archives), 'Iolani Palace grounds.

April 17, 1999, “Mai ka Na’au Iho La – From the Core of Our Being: Decolonizing the Mind,” workshop program, UH Manoa.


_________, Sovereign Sunday presentation by Poka Laenui, 'Iolani Palace grounds, Honolulu.

Paku'i, Mary Kawena

Rodgers, William H., Jr.

Ronck, Ronn, ed.
1995 First and Almost Firsts in Hawai'i. Honolulu: University of Hawai'i Press.

Russ, William

Seiden, Allan

Silva, Noenoe
1997 Hawaiian Resistance to Annexation 1893-1894, draft, July 22.

Siu, Leon
2003 “Na waka Kualoa/loko maika'i/hui o Waikane – A Community-Based Program to Restore Traditional Customs and Resources.”


Taylor, Albert
1973 “The Rulers of Hawai'i, the Chiefs and Chiefesses, Their Palaces, Monuments, Portraits and Tombs.” Honolulu: Office of Library Services, Dept. of Education.

Terry, Edith

The Maui News
Feb. 4, 2001, “Airport protest peaceful, informative – Native Hawaiians make their point, impression on passersby.”

The Polynesian
__________, “Van Dyke in gross error.”
__________, “Constitutional history of the Hawaiian Kingdom.”
__________, “Hawaiian arbitration at the World Court.”
__________, “Unsuccessful revolution of January 1893 revisited.”
__________, “U.S. President Cleveland's 1893 message to Congress.”

235
Turner, Victor  

Tate, Merze  
1968  *Hawai’i: Reciprocity or Annexation.* East Lansing: Michigan State University Press.

The Almost Weekly Kukakuka, Newsletter of the Wai’anae Coast Community Mental Health Center, Inc. – Hale Na’aupono  
2001  “Internal rules on displaying national flags, religious symbols, or other political or religious emblems on or in agency property,” by Poka Laenui, Sept. 24.

The Native Voice  
1999  “91% of the Hawaiian people reject HA Hawai’i – The State’s initiative to steal Hawaiian lands,” by Keali‘i Gora, spring.

Swartz, M.I., V. Turner and A. Tuden, eds.  

Van Dyke, J. and Noelle Kahanu  


Websites (sovereignty-related)  
www.hawaii-nation.org  
www.oplbi.com/sovereignty  
www.hookele.com/nonhawaiians  
www.hawaiiankingdom.org  
http://hoohana.aloha.net/bsec/  
www.freehawaii.org  
http://www.afsc.org/pdesd/pd331.htm  
http://www.kanawai.com/sovereignty.html  
www.stopakaka.com  
http://www.hawaiianlinks.com/hl/sovereignty.html  
http://resist.tao.ca/HawaiianSovereignty.html  
http://www.reinstated.org/

Werbner, P.  

Winthrop, Robert  