

Declaration of Rights (1839)—“the Hawaiian Magna Carta”--recognized the inherent rights of all people.

Constitution of 1840 (Kamehameha III)
—established the constitutional monarchy; maintained the hereditary House of Nobles but also established an elected House of Representatives; established a Supreme Court.

Constitution of 1852 (Kamehameha III)
—granted the vote to all adult males; members of the House of Nobles were appointed by the King for life; separated responsibilities of the legislative, executive, and judicial branches.

Constitution of 1864 (Kamehameha V)
—established literacy and property requirements for voting; gave monarch greater power; cabinet was directly subject to the king.

[1874 (Lunalilo)—literacy and property requirements were eliminated for voting]

Constitution of 1887 (“Bayonet Constitution”)(Kalakaua)—reduced the powers of the monarch; House of Nobles became an elected, rather than appointed, body; legislature could override a veto by the king; required legislative approval for the removal of cabinet members.

Republic of Hawai`i–1894 Constitution—required voters to pledge allegiance to the Republic (thus eliminating most Native Hawaiians) and prohibited Orientals from voting.

Organic Act of 1900—barred many Orientals from voting because they were not eligible to become citizens (unless they were born in Hawai`i).

[1930—women were finally allowed to vote]

1950 Constitution—prepared by a 63-member Con Con (27 Caucasians, 19 of Japanese ancestry, 12 of Hawaiian ancestry, and 5 of Chinese ancestry)(5 were women).

This 1950 Constitution was based on the U.S. Constitution, but it established a centralized state government with only limited authority for the counties. It incorporated the federal Hawaiian Homes Commission Act and guaranteed continuation of the trust obligation. It also prohibited racial segregation in any state military organizations, set the voting age at 20, established a statewide Board of Education, and called for periodic Con Cons.

June 17, 1959—voters approved statehood by a margin of **17 to 1**.

By a similar margin, the voters approved a separate question concerning an amendment to the Hawaiian Homes Commission Act.

August 21, 1959—Hawai`i became the 50th state.

1968 Constitutional Convention

82 delegates—38 of Japanese ancestry, 22 Caucasians, 8 of Hawaiian ancestry, 7 of Chinese ancestry, 4 of Filipino ancestry, and 3 of Korean ancestry. (8 were women.)

37 were sitting legislators, and 5 others were ex-legislators.

Addressed reapportionment issues, lengthened judicial terms, strengthened privacy rights, slightly enhanced county powers.

1978 Constitutional Convention

102 delegates—40 of Japanese ancestry, 28 Caucasians, 19 of Hawaiian ancestry, 8 of Chinese ancestry, 2 of Filipino ancestry, 2 of Korean ancestry, 2 African-Americans, and one of Samoan ancestry. (30 were women.)

Only 4 were current or former legislators.

Produced important initiatives on Hawaiian rights, environmental protection, privacy rights, openness in government, county powers.

Created the Office of Hawaiian Affairs, the Commission on Water Resource Management and the Judicial Selection Commission.

The 1978 Con Con Hawaiian Affairs Package

* Affirmed the **public trust** status of the ceded lands, naming “native Hawaiians and the general public” as beneficiaries (Art. XII(4)).

* Reaffirmed Native Hawaiian **traditional and customary rights** (Art. XII(7)).

* Created the **Office of Hawaiian Affairs** (Art. XII(5-6)).

* **Strengthened the Hawaiian Home Lands program** by requiring 30% of the revenues from public lands leased for sugar to go to DHHL, even after sugar cultivation ceases (Art. XII(1)).

* Required the State to “provide for a **Hawaiian education program** consisting of language, culture and history in the public schools” (Art. X(4)).

* Established **Hawaiian** as an **official state language** (along with English)(Art. XV(4)).

* Limited the use of **adverse possession** to acquire title to land (Art. XVI (12)).

The 1978 Con Con Hawaiian Affairs Package

* Gave constitutional status to the **state motto**: “*Ua mau ke ea o ka aina i ka pono.*” (Art. XV(5)).

* Incorporated **the law of the splintered paddle**, decreed by Kamehameha I, into the Constitution: “*Let every elderly person, woman and child lie by the roadside in safety.*”