

*No request
to serve
on board
a name*

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November 27, 1999

Mr. M. John Berry,
Assistant Secretary
U S Department of the Interior
C/o Document Management Unit
1849 C Street, N W Mailstop 7229
Washington D C 20240

Re: Reconciliation Hearings

Dear Sir:

Some years ago I had the opportunity to address the Social Science Association of Hawaii on the subject of Hawaiian Sovereignty and the present status of the Native Hawaiians. The attached paper is still relevant and should add historical perspective to your hearings.

Aloha,



Robert R. Midkiff
President
Atherton Family Foundation

Cc: Senator Daniel K. Akaka

HAWAIIAN SOVEREIGNTY A BRIEF OVERVIEW

Robert Midkiff
Retired CEO, American Financial Services of Hawaii
for The Social Science Association

December 6, 1993

INTRODUCTION

The writer is a fifth generation descendant of American Missionaries Amos Starr Cooke and Juliette Montague Cooke. These worthies arrived in Hawaii after an 116 day voyage around the Cape from Boston. They were assigned the task of bringing up and educating the royal children of the Hawaiian Chiefs. Between 1839 and 1850 they had 14 young persons in their care. These included the future Kings Kamehameha IV and V, Lunalilo, Kalakaua, and Queen Liliuokalani. Their star pupil was Bernice Pauahi who later married American banker Charles R Bishop.

Five of the pupils, without heirs, established perpetual charitable trusts. The largest trust today is the Bernice P Bishop Estate/Kamehameha Schools which is valued at well over \$8 billion.

By fate, or luck, the writer is married to Evanita Sumner whose great-grandfather, Paul Neumann, came to Hawaii from California as attorney for Claus Spreckels. Neumann became the Attorney General, first for King Kalakaua, and later for Queen Liliuokalani. She sent him as her emissary to Washington to negotiate for the return of her Kingdom. As her attorney, he defended her in her trial for rebellion against the Provisional Government after the overthrow.

BRIEF HISTORY OF THE HAWAIIAN KINGDOM

Hawaii was discovered in 1778, rather late in the age of exploration, by Captain James Cook of England. One of the Hawaiian Chiefs, Kamehameha I, saw the advantages of firearms and enlisted several runaway sailors off later ships to help him conquer all the islands. Before Kamehameha's conquest, year round fighting (except for a break at harvest time) from valley to valley and island to island between the local chiefs (the alii) was endemic.

After an extremely bloody conquest, Kamehameha the Great laid down the Law of the Splintered Paddle which set death as the penalty for many crimes, including stealing. This law, together with Kamehameha's wise rule, offered few provocations, or excuses, to the colonial rivals, France and Britain, to land their troops to restore order and take over.

The nineteenth century was the period of greatest expansion of the Western Colonial Powers. Africa, Asia, South America and Australia, almost the entire world, with the exceptions of Japan, Thailand, Afghanistan, Ethiopia, and Hawaii had been colonized. The map of the world was painted with the colors of England, France, Germany, Spain, Portugal, and Holland.

The wonder is that Hawaii escaped so long! I believe this can be ascribed to several fortunate occurrences. First was the unification of the Kingdom by Kamehameha the Great who

accepted the suzerainty protection of George III in the early years.

Secondly, the American Missionaries arrived with the mission of establishing the Kingdom of God on earth. They arrived in 1820, just months after Kamehameha II broke the sacred kapu system by eating with the women, proclaimed the death of the Hawaiian Gods, and destroyed the heiaus and the power of the priests.

The missionaries soon became the established Church under the protection of the King and Alii. They watched what was happening in the rest of the Pacific and saw that Catholic Priests were often the forerunners of the French Flag. The Church of England and the Royal Navy seemed to arrive at the same time.

Between 1839 and 1854 the French tried to take the Kingdom over twice. The British seized the islands in 1843 and flew the British Flag for five months before Admiral Thomas returned the kingdom and the Life of the Land was preserved.

Between 1849 and 1854 there were strong rumors that the forty-niners from California were about to sail down and take over the Kingdom. The missionary and other foreign advisors to Kamehameha III developed a strategy whereby the King would offer the kingdom to the (at the moment) non-aggressive power, who would then tell their rival to lay off.

The third good fortune is that the great powers were finally persuaded that it was in their mutual self interest to leave the Kingdom as a Sovereign Nation.

In 1874 King David Kalakaua became the first reigning monarch to travel to Washington where he negotiated a Reciprocity Treaty removing the tariff on Hawaiian sugar. Renewals of this treaty led to the cession of Pearl Harbor to the United States and growing U S official interest in Hawaii.

THE OVERTHROW

In 1893 a combination of factors led to the overthrow of Queen Liliuokalani. The McKinley Tariff of 1891 was a severe blow to the burgeoning sugar industry and to the revenues of the government. The Queen, who succeeded to the Throne in 1891 after the death of King Kalakaua, her brother, began to assert her royal prerogatives. She dismissed the cabinet in 1893, endeavored to raise new revenues for her government with a lottery scheme, and proposed a new Constitution with greater royal powers.

My great-great grandmother, Mrs Cooke wrote to her sister: "The Queen called on me a short time before the outbreak and sent me a Christmas present of all the music she had arranged or composed. When I went with a committee to beg her not to sign the lottery bill, she made me sit by her and referred pleasantly to what she had been taught in our school. She said that she could not promise not to sign the bill. She meant to do what seemed best for the natives."

Annexation to the United States began to look more attractive to the local businessmen, some of whom formed an Annexation Club. Their firebrand, much like the American revolutionary Samuel Adams, was Lorrin Thurston, grandson of one of the first missionaries to Hawaii. The American Minister to the Kingdom of Hawaii, John L Stevens, who undoubtedly wanted to see Annexation, caused a Marine Task Force from a visiting U S Naval

Ship to land in the first few hours of the revolution to "protect American lives and property". No record of official American instructions from Washington for his action has been found.

There was no counter-revolution at the time. The Queen's advisors tried the same tactic that had worked so well with the British and French. Paul Neumann helped to draft her protest (not to the Provisional Government, but to the U S) to say that "I yield to the superior force of the United States of America..to avoid any collision of armed force ...and perhaps the loss of life".

In Washington, D C, the climate of opinion was temporarily favorable to Hawaiian Annexation. Republican President Harrison was in his last days of office and sent a message to Congress denying any U S responsibility for the revolution. A treaty of annexation was hastily approved by the Foreign Affairs Committee of the U S Senate.

Two weeks later Grover Cleveland took office and appointed James Blount, the Democratic Chairman of the House Foreign Affairs Committee, to come to Hawaii to investigate. He returned to Washington six months later with a lengthy report condemning the actions of U S Minister Stevens. He advised against the Treaty and asked that the "substantial wrong" done to a "feeble but friendly and confiding people" be rectified.

The annexationists in Hawaii were amazed that the Blount Report minimized and glossed over the queen's attempt to establish what they termed a "despotic constitution and government".

Rejected by the Cleveland administration, a Republic of Hawaii was formed and governed the islands until the election of William McKinley and the Spanish-American War. Annexation to the US was approved by a Resolution (rather than a Treaty which requires a two-thirds majority) and on August 12, 1898, the American Flag flew over Iolani Palace.

HAWAIIAN SOVEREIGNTY TODAY

This year we observed the 100th anniversary of the overthrow. Governor John Waihee decreed that all American Flags in the Capitol District be lowered and the Hawaiian Flags flown. In 1959, when we became the 50th State, this would have been unthinkable.

Just before Statehood, James Michener wrote "Hawaii" and portrayed the multi-racial "Golden Man", equally at home in the offices and on the beaches of Hawaii and in the salons of London and Paris. Those were the days of America's melting pot when all the diverse ethnic strains present in Hawaii and educated in Hawaii's public schools and the citizenship classes of the YMCA were "above average," as Garrison Keilor would say. While the dream has come true for most of those of caucasian and oriental ancestry, the outcomes have not been equally good for the Hawaiians.

Today, with an island population of over 1.1 million, about one-fifth are part-Hawaiian. We are a multi-ethnic state. Each racial group; Caucasian, Japanese, part-Hawaiian, and the rest, make up a minority of the population. But 80% of the residents are not Hawaiian or part-Hawaiian.

While six out of ten babies born each year are of mixed race, a large percent of the part-Hawaiian babies will grow up below the poverty line. Many of them will be in poor health, a high percent will not finish high school, and too many will end up in jail. Two-thirds of the

residents of the island of Molokai have not graduated from high school. The sad state of public education in Hawaii has ill prepared young Hawaiian children to enter the competitive American economy.

At the same time, a renaissance of Hawaiian cultural activities and pride has begun. It springs from many sources, but much credit is due the activists who pursue the cause of Hawaiian Sovereignty. An activist group sailed over to the Island of Kahoolawe to stop the Naval Target Bombing. Two of them drowned and became heroes. The campaign of the Protect Kahoolawe Ohana to stop the bombing has been very successful.

This year Congress has voted to return Kahoolawe Island to the State of Hawaii and pay \$400 million over 10 years to dig up the unexploded bombs and return it to habitable condition. President Clinton has formally apologized to the Hawaiians for the overthrow. This may be a prelude to further recompense.

SEVERAL SOVEREIGNTY GROUPS

It is probably not true that there are as many Hawaiian views of Sovereignty as there are Hawaiians. Bruss Keppeler, attorney and Chairman of the Association of Hawaiian Civic Clubs, describes three main groupings: "(1) those propounding complete separation from the United States and a return to status as an independent, internationally recognized Hawaiian nation; (2) those advocating nation-within-a-nation status with federal recognition as a new native American nation; and (3) those desirous of maintaining the political status quo while pressing for redress, reparations, and full control of Hawaiian trust assets by Hawaiians." (Price of Paradise, Vol II)

Some activists are bitter and vindictive. Some are mellow but equally determined. All must be reckoned with and included in the continuing discourse. The great majority of the Hawaiians are passively waiting to see how it will turn out.

The growth of ethnic consciousness could lead to troublesome outcomes. At one end of the spectrum is ethnic violence, based on a we-they syndrome. Some wrought up activists, armed with Uzis, could smash the visitor industry. Another outcome could be an autocratic dictatorship for the Hawaiian Nation. The Kingdom of Tonga, under a benevolent autocrat, has watched its under-employed males leave in order to support those at home with their remittances.

A preferable outcome would be for all of us to get involved in improving the lot of those who have not shared in the benefits of American Capitalism.

THE PROBLEM OF HAWAIIAN LANDS

After annexation, all of the former Crown and Government Lands were ceded to the U.S. Title to the lands was accepted in trust. These lands exceeded 1,7 million acres; or more than a third of the islands.

In 1920, 200,000 acres were set aside as "available lands" by the United States in the Hawaiian Homes Commission Act of 1920 for farming and homes. To qualify a person must be a Native Hawaiian with not less than 50% blood from ancestors living here before the arrival of Captain Cook. This reference to blood quotient is unique in American Law.

The available lands did not include any lands planted in sugar and consequently were of second rank. No funds were set aside for infrastructure improvements. This Homestead program has not worked well and is crying for correction. Spouses of less than 50% Hawaiian stock forfeit their lease upon the death of the qualifying member.

One of the suggested solutions which could remove this bitter problem is for our Legislature to petition Congress to amend the U S Hawaiian Homes Commission Act to provide that all of the present lessees would receive fee simple title to their lot at no cost, with the condition that they can alienate it only to another native Hawaiian. Residential leases are no longer acceptable to landowners or lessees in Hawaii. The 50% requirement should be reviewed later.

To ameliorate the problem of the second class lands, the State could swap some of the better lands that have been returned and which are no longer in sugar, for the Hawaiian Homes Commission Lands and then hold a gigantic raffle for the 17000 qualified applicants for the remaining lands. The land would be at no cost, with infrastructure provided by the 20% of the income from the ceded lands trust that is now paid over to the Office of Hawaiian Affairs.

A solution of the Hawaiian Homes problem would remove a great deal of bitterness among the young people of Hawaiian ancestry.

The disposition of the remaining ceded lands is also under question. The ceded lands are the crown lands (designated by King Lunalilo in 1865 to support the institution of the monarchy) and the government lands of the Kingdom of which 1.2 million acres are presently held in trust and under control of the State Department of Land and Natural Resources. Originally dedicated to the maintenance of the monarch and the government, Section 5 of Hawaii's Admission Act requires the state to hold the ceded lands returned to the state by the federal government, together with their income and the proceeds from their disposition;

"as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use."

In response to activist pressure, the State of Hawaii has agreed to a special revenue trust with 20% of the income from the ceded lands paid to the Office of Hawaiian Affairs (elected biennially by Hawaiians only). There is no proper inventory of these lands. There is question as to whether the 20% applies to gross revenue or net income. The United States still holds 400,000 acres of ceded lands for military use. These lands will be returned to the State when they are no longer needed for military purposes.

A PREFERRED SOLUTION

The present day problems of our citizens of Hawaiian ancestry have been brought to the front burner by the activists, catalyzed by the celebrations of the 100th Anniversary of the Overthrow. If we want to see a peaceful resolution of their claims, it is incumbent on all of us to review the programs that were successful in integrating so many other ethnic groups into Hawaii's American society.

The Foreign Language Schools prior to World War II helped to keep alive the language and culture of our oriental population, much like the teaching of Hawaiian language and culture is nurturing the Hawaiian Renaissance today. The mentor programs of the Boy Scouts, and the social service programs of agencies like the YWCA and the YMCA and those of the churches will all have to be strengthened and improved.

One of the overriding problems of the world today is finding jobs for undereducated young males. In our larger cities and in most industrializing countries, the new jobs call for an educated work force. At the same time there has been a rise in crime and violence and a need for private security guards. How much better to offer our untrained young "Hawaiian Warriors" a career in the City professional police force, at the same time taking them off the streets.

A professional career with a uniform, discipline and education, a decent income and a pension program would all follow. The Police Force could be partially funded by contracting out security protection programs to private workplaces, community associations, and homes. Federal funds will soon be available to subsidize additional policemen in larger cities.

The Kamehameha Schools/Bernice P Bishop estate, with 430,000 acres of land in Hawaii and over \$2 billion of other assets, can play a huge part in working with the State Department of Education to educate young and old in the Hawaiian community. The Hawaiians need help in literacy and vocabulary as well as knowledge of their rights and responsibilities.

The other great charitable trusts set up by the students of the Chiefs' Childrens School, particularly the Queen Emma Foundation and the Liliuokalani Trust, have a great opportunity. The social service clubs...Rotary International, Kiwanis, Lions...can play their part in listening to the Hawaiians and integrating them into our working community.

My Grandfather, Theodore Richards, came to Hawaii to teach at the Kamehameha Schools. He later bought a valley on Windward Oahu which he named Kokokahi. This is the Hawaiian word for "of one blood". The derivation of this phrase is found in Saint Paul's Letter to the Ephesians where he says that we are all of one blood, all are children of God. Saint Paul teaches us to reach out and help our brothers and sisters.

Dr Richards sold lots in the valley (at 6 cents a square foot) to the citizens of the Islands in the same racial proportion as the 1920 Census. He built a camp for people to play together as well as live together in harmony.

John Gardner expresses this concept as "Wholeness - through Diversity". In a recent speech to the National Association of Public Administrators he pointed out that it is very easy nowadays to describe the grave problems that we face. He outlines the process of resolution. The education of the public often starts with confrontation. This can lead to discussion and resolution. Our true challenge will be to develop the will to change what we are doing and what we are not doing. Then we can take the actions that will lead to improved conditions for all Americans.

Nobody wants Hawaii to become another Northern Ireland or Bosnia. We can, as a pluralistic society, get together to promote education and justice for the poor as well as the rich. It is incumbent on every one of Hawaii's citizens to target the unmet needs of our citizens of Hawaiian ancestry. We must reach out and help them to succeed as **American Citizens**.