
In a January 27, 2015, Civil Beat article, Paul Arinaga wrote:

[W]e need to face the future squarely by dealing with the past, no matter how painful it may be. As Peter Apo says in a recent column in Civil Beat: “Until there is closure to the Hawaiian question, Hawaii can never be whole.”

I agree. All of us, especially Hawaiians, must “squarely deal[] with the past, no matter how painful it may be”. As Governor John A. Burns said in his 1969 State of the State speech, “Hawaii’s history, in its every facet, should be a matter of general knowledge to all our people.”

The overthrow of Hawai‘i’s Constitutional Monarchy on January 17th, 1893, was unlawful. On that day, Hawaiians lost what they had on January 16, 1893. What did they have on January 16, 1893? Was it anything like they had in 1778, 1810, 1839, 1851, 1863 or 1886?

The November 23, 1993, Apology Resolution alleges that “the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, . . . resulted in the suppression of the inherent sovereignty of the Native Hawaiian people” and in “the deprivation of the rights of Native Hawaiians to self-determination”. Even assuming there is such a thing as “inherent sovereignty”, this allegation is not true. These consequences happened years before January 17, 1893.

OHA Trustee Peter Apo recently wrote that the loss of national sovereignty, the alienation from their lands, the dismantling of hundreds of years of customs, traditions and leadership systems, and finally the loss of two-thirds of the population to common Western diseases for which natives had no immunity was catastrophic.

Who caused these changes and events to happen? Hawaiians allege that all of them were caused by the Europeans and Americans, the white men, the haoles. This allegation is not true. The truth is that these changes were the result of decisions made and not made by Hawaiian ali‘i and actions and inactions of the Hawaiian ali‘i.

Apo also wrote that on January 17, 1893, “the will of the vast majority of Native Hawaiians was usurped by a political process that allowed anarchy to rule the day[,]” This statement erroneously assumes that on January 16, 1893, “the vast majority of Native Hawaiians” controlled Hawai‘i. The truth is that, in 1893, pre-overthrow, Hawaiians did not have control of Hawai‘i.

Apo refers to “the loss of two-thirds of the population to common Western diseases for which natives had no immunity”. The truth is that the only way Hawaiians could have avoided the “Western diseases for which natives had no immunity” was for the ali‘i to prohibit non-Hawaiians from entering Hawai‘i. When the ali‘i welcomed Captain Cook and others
who followed, this catastrophic result was inevitable.

In 1778, Hawai‘i was not a Nation. Two haole men provided essential military assistance to Kamehameha in his long and successful quest to create the Nation of Hawai‘i. Kamehameha started the Nation in 1810, thirty-two years after Captain Cook first arrived. About 1805, one of those two haole men married Ka‘anā‘eha, the daughter of the brother of Kamehameha. That haole man is buried at Mauna Ala.

In 1793, Chief Kahekili of Maui received goats as a gift from Captain Vancouver. Kahekili moved them to live on Kaho‘olawe. The resulting harm to the flora and fauna of Kaho‘olawe was catastrophic.

The Nation of Hawai‘i began in 1810. Its government was an absolute monarchy/feudal aristocracy (king/queen/ali‘i/commoner). Kamehameha was the “supreme authority”. Kamehameha had total control of all aspects of life in Hawai‘i. Between 1810 and 1893, pre-overthrow, substantial changes were made to Hawai‘i’s social, cultural, political, legal and economic systems, land ownership, predominant religion and ethnic population. These changes were the result of decisions made and not made by Hawaiian ali‘i and actions taken and not taken by Hawaiian ali‘i. Following is a description of some of the relevant events supporting this conclusion.

As the Absolute Monarch, Kamehameha was the sole owner of the sandalwood business. The following is quoted from HawaiiHistory.org:

In 1811, an agreement between Boston ship captains and Kamehameha established a monopoly on sandalwood exports with Kamehameha receiving 25% of the profits. This agreement stood for only one shipment, though, and shortly thereafter the War of 1812 resulted in a British blockade of Hawai‘i for two years. When a vigorous trade resumed in 1814, Kamehameha controlled it as a near-monopoly through the use of his agents. While a few individual chiefs also dealt directly with traders, it was not until the death of Kamehameha that a wholesale pillaging of sandalwood forests took place. While Kamehameha still held the reigns, he placed a kapu on young trees and no transaction was ever done on credit. As trade and shipping brought Hawai‘i into contact with a wider world, it also enabled the acquisition of Western goods, including arms and ammunition. Kamehameha used Western cannon and guns to great advantage in his unification of the Islands and also acquired Western-style ships, buying the brig Columbia for a price of two ship loads of sandalwood in 1817. After Kamehameha’s death, his son Kamehameha II fell into debt with sandalwood traders. Having given away his own lands, he relied on the wood supplies of others, but he was unable to stop other chiefs from negotiating their own trade deals. [Kamehameha II died in London in 1824.] By 1826, American traders were complaining about the debts owed by the king and chiefs and a general tax was imposed to pay off some of their collective debt. Traders played off the rivalry among chiefs to get the best price, ultimately accelerating the depletion of forests. The wood was sold by weight using a measure called a picul (133 1/3 pounds or about what a strong man could carry on his back). Traders made a profit of three to four dollars on each picul they bought in Hawai‘i (at $7-$10) and then sold in Canton. As logging continued, wood quality degenerated and stands of sandalwood were harder to find. Natives set fire to areas to detect the trees by their sweet scent. While mature trees could withstand the fire, the flames wiped out new seedlings.

Portuguese physician John Elliot de Castro sailed to Hawai‘i in 1814. He became a retainer of Kamehameha, serving as his personal physician and as member of the royal court. Kamehameha awarded him large tracts of land. De Castro left Hawai‘i but returned in 1817 and regained control of his land and his position as the King’s personal physician.
Alexander Napunako Adams (1780–1871) was a Scotsman who came to Hawai‘i about 1810. Soon thereafter, Kamehameha put him in charge of Hawai‘i’s Navy. Kamehameha gave Adams 2,400 acres of what is now known as Niu Beach, Niuki Circle, Hawaii Loa Ridge and Niu Valley. In 1816, Adams negotiated Prince Liholiho’s purchase of the two-masted trading ship “Forrester” with sandalwood, and changed the ship’s name to Ka‘ahumanu. In 1817, Adams sailed the Ka‘ahumanu to China to sell sandalwood. It was the first vessel to enter another country’s harbor under the flag of the Nation of Hawai‘i. To enter the harbor, the ship paid a large sum of money in port charges. Upon returning October 5, 1817, at Hilo and hearing of the amount Adams had to pay, King Kamehameha decided Hawai‘i should also generate revenue from port charges. Queen Ka‘ahumanu gave Adams over 290 acres of land in Kalihi. Adams’ first wife was Sarah Kaniaulono or Kale Davis, daughter of Isaac Davis. His second wife was Sarah Ulukaihonua Harbottle. His third wife was his second wife’s sister Charlotte Oili Harbottle. Both his second and third wives were daughters of a relative of a Kamehameha descendant and John Harbottle, an English naval officer who also aided Kamehameha I in his efforts to unite Hawai‘i.

In the April 14, 2006, issue of the Honolulu Advertiser, Duane Choy described the “general tax” that “was imposed” in 1826:

In December 1826, the kingdom of Hawai‘i enacted its first written law — a sandalwood tax. Every man was ordered to deliver to the government a half picul of ‘iliahi, or pay four Spanish dollars, by Sept. 1, 1827. Every woman older than 13 was obligated to make a 12-by-6-foot kapa cloth. The taxes were collected to reduce the staggering promissory-note debt.

In Chapter IV of A Cultural History of Three Traditional Hawaiian Sites on the West Coast of Hawai‘i Island” (1993), Diane Lee Rhodes wrote:

The sandalwood trade under Kamehameha had serious repercussions on Hawaiian culture. The income from the sandalwood encouraged the purchase of luxury goods and the transition to a cash economy, and in numerous subtle ways helped to undermine the kapu system. It became the main source of revenue for the Hawaiian chiefs. After the War of 1812, this million-dollar-market allowed the Hawaiians to purchase ships and munitions; the king himself had acquired more than thirty ships by 1819. Kamehameha had clearly established commercial trade and associated business ventures as the best means of obtaining the luxury items and other goods that had become so important to certain segments of Hawaiian society.

In “The Overthrow of the Kapu System in Hawaii”, published in The Journal of the Polynesian Society, Vol. 77, No. 4 (December 1968), Stephenie Seto Levin wrote:

In 1819, Liholiho, son of Kamehameha I, flagrantly violated the religious prohibition (kapu) against eating with women. He did so at the behest of his mother, Keopuolani, who was the highest ranking chiefess (ali‘i) in the Hawaiian Islands, and his classificatory mother Kaahumanu 1 who had recently assumed the newly created office of kuhina nui (regent). This incident has been held by historians and anthropologists to be the immediate cause of what one writer has termed “the Hawaiian cultural revolution.” One of the social consequences of this upheaval was the abrogation of the kapu system of legal proscriptions sanctioned by religious belief and enforced by the secular power of the political authority. Almost simultaneously, the religious observances at the temples were suspended forever. With the suspension of religious observances came the disenfranchisement of the orders of hereditary priests whose social and sacred functions reinforced and legitimated the existing political authority. Thus, the effect of the abolition of the kapu system was to destroy most of the religious and supernatural foundations of the
In an August 1, 2010, hawaiiantimemachine.blogspot.com post, Island Expat notes in “'Ai Noa: Breaking the Food Kapu, 1819” that

[t]he diary of the Spaniard Marin shows that on November 6, 1819, orders were received in Honolulu from the king directing that men and women should eat together and should eat equally of foods formerly prohibited to the women. On the following day, Marin notes, women ate pork and the heiaus were destroyed.

But the revolution was not yet complete. A large number refused to cast aside the old practices and many idols instead of being burned were merely hidden from sight. Disaffected chiefs from Hawaii plotted to restore the kapus. An embassy led by Keopuolani was sent to reason with the rebels but all conciliatory efforts failed and the issue was put to the test at the battle of Kuamo'o. The king’s army was victorious and the old religion as an organized system was finally abandoned.

In the aftermath of events, while the revolution greatly weakened the power of the priests, it did not altogether destroy their power, and the primacy of the chiefs was scarcely affected. As for the people, after what was essentially a shake up of the state religion, they remained at liberty to worship their personal deities, their aumakua; hula teachers could make offerings to Laka and the devoted could continue to make offerings to Pele.

In 1825, in a successful effort to convince Hawaiians to become Christians, High Chiefess Kapiolani of Kealekaua Bay proceeded to the rim of the volcano Kilauea, descended into the crater and defied Pele by eating some of the goddess’ sacred ohelo berries and throwing stones into the volcano. She departed unharmed.

Kamehameha died in 1819. Kamehameha III was born in 1813. Kamehameha II died in 1824. From 1824 to 1832, Kamehameha III’s stepmother, Ka’ahumanu, governed Hawai‘i. Reverend Hiram Bingham was advisor to Ka’ahumanu. Ka’ahumanu was baptized in 1825. In 1830, Ka’ahumanu issued an edict forbidding hula and olioli (chants) as well as mele.

In 1839, Kamehameha III promulgated the following Declaration of Rights:

BOTH OF THE PEOPLE AND CHIEFS.

God hath made of one blood all nations of men to dwell on the earth, in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs, and all people, of all lands. These are some of the rights which He has given alike to every man and every chief of correct deportment; 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.

God has also established government, and rule, for the purpose of peace; but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only, without regard to enriching their subjects also, and hereafter there shall by no means be any laws enacted which are at variance with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man, in a manner which is at variance with the above sentiments.

The following is from “Ulukau: The Hawaiian Electronic Library” by Rile M. Moffat and Gary L. Fitzpatrick, Chapter 5 “Surveys from the Mahele”, page 99:
The ahupua’a of Koloa is on the southern coast of Kaua‘i in an area . . . now frequently referred to as Poipu. Koloa plantation was the site of the first large-scale effort at sugar production in Hawai‘i. In 1835, Kauikeaouli [Kamehameha III] leased one thousand acres of land there to a firm known as Ladd and Company. A large mill was built at Koloa in either 1840 or 1841.

In 1840, Kamehameha III promulgated a Constitution replacing the Absolute Monarchy with a Constitutional Monarchy allocating some of the powers of government (a) to a legislative branch and (b) to a judicial branch. New Constitutions were promulgated in 1852 (Kamehameha III), 1864 (Kamehameha V), and 1887 (Kalakaua).

An 1846 law adopted the common law rule that “[a]ll persons born within the jurisdiction of this kingdom, whether of alien foreigners, of naturalized or of native parents, . . . , shall be amenable to the laws of this kingdom as native subjects.”

An 1846 law authorized the naturalization of any alien immigrant who applied after living in Hawai‘i for at least one year. The statute went on to provide that an alien who did not want to give up his citizenship in the country he came from could become a “denizen”. A denizen had all the rights of a subject of Hawai‘i without ceasing to be a citizen of his native country.

In 1845, the Legislature and Kamehameha III commenced the division (mahele) of land process by creating a five-member Board of Commissioners to Quiet Land Titles (Land Commission) to consider and resolve all land claims. In the latter 1840s and early 1850s, Hawai‘i’s land was divided into the following four parts: (1) the Crown lands; (2) the Government lands; (3) the Chief lands; and (4) the Maka‘inana (commoners) lands.

After this “Great Mahele” was completed, 24% of the land went to the Crown (the office, not the person); 37% to the government; and 38% to the ali‘i.

William DeWitt Alexander reported that

[i]he records of the discussion in Council show plainly His Majesty’s anxious desire to free his lands from the burden of being considered public domain, and as such subjected to the danger of confiscation in the event of his islands being seized by any foreign power, and also his wish to enjoy complete control over his own property.” Besides he clearly perceived how desirable it was that there should be a public domain, the proceeds of which should go to the national treasury, and from which his subjects could purchase the lands which they needed. Accordingly on the very day after the Mahele with his chiefs had closed, viz., the 8th of March, [1848,] he proceeded “to set apart for the use of the Government the larger part of his royal domain, reserving to himself what he deemed a reasonable amount of land as his own estate.” . . .

In 1893, James H. Blount was appointed by President Cleveland as a special commissioner to the Hawaiian Islands. In his July 17, 1893 report (Blount Report) to President Cleveland, Blount wrote: “In the distribution of lands most of it was assigned to the King, chiefs, some whites, and to the Government for its support. Of the masses 11,132 persons received 27,830 acres—about two and a half acres to an individual—called Kuleanas. The majority received nothing.”

The following is from Rice v. Cayetano, 528 U.S. 495, 120 S.Ct. 1044, 145 L.Ed.2d 1007 (2000):

In 1920, the Congress of the United States, in a Report on the bill establishing the Hawaiian Homes Commission, made an assessment of Hawaiian land policy in the following terms:
“Your committee thus finds that since the institution of private ownership of lands in Hawaii the native Hawaiians, outside of the King and the chiefs, were granted and have held but a very small portion of the lands of the Islands. Under the homestead laws somewhat more than a majority of the lands were homesteaded to Hawaiians, but a great many of these lands have been lost through improvidence and inability to finance farming operations. Most frequently, however, the native Hawaiian, with no thought of the future, has obtained the land for a nominal sum, only to turn about and sell it to wealthy interests for a sum more nearly approaching its real value. The Hawaiians are not business men and have shown themselves unable to meet competitive conditions unaided. In the end the speculators are the real beneficiaries of the homestead laws. Thus the tax returns for 1919 show that only 6.23 per centum of the property of the Islands is held by native Hawaiians and this for the most part is lands in the possession of approximately a thousand wealthy Hawaiians, the descendents of the chiefs.” H.R.Rep. No. 839, 66th Cong., 2d Sess., 6 (1920).

An 1846 law authorized the sale of Government lands.

The act of June 7th, 1848, stated that the King’s (Crown) lands were “the private lands of his Majesty Kamehameha III., to have and to hold to himself, his heirs and successors forever; and said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants.”

A Treaty of Friendship, Commerce, and Navigation and Extradition, negotiated by U.S. Secretary of State John M. Clayton and the Hawaiian special Commissioner to the Government of the United States James Jackson Jarves, was signed in Washington, D.C., on December 20, 1849, and ratifications were exchanged at Honolulu August 24, 1850.

The Resident Alien Land Ownership Act of 1850 permitted the sale of lands in fee simple to resident aliens. Thereafter, various white men purchased lands from the government, the King and the other ali`i. For example, the following is from “Ulukau: The Hawaiian Electronic Library” by Rile M. Moffat and Gary L. Fitzpatrick, Chapter 5 “Surveys from the Mahele”, page 99:

In 1853 Dr. [Robert W.] Wood bought the 3,263 acre “ahupua’a” of Pa’a, awarded to Jonah Pi‘ikoi in the “mahele”, and 690 acres [sic] of the “ahupua’a” of Weliweli which adjoined Koloa. According to Alexander, Dr. Wood uncharacteristically passed on the chance to buy the “ahupua’a” of Koloa outright from Lot Kamehameha [Kamehameha V] in 1863 who instead sold it to Robert Chrichton Wyllie.

In Brown v. Spreckels, 14 Haw. 399 (1902), the Hawaii Supreme Court described two chains of title started by the Mahele:

The chain of title to the land , , , known as the Bates land, is in part as follows: Deed from King Kamehameha III to Elizabeth G. J. Bates, September 19, 1853; deed from Elizabeth G. J. Bates and Asher B. Bates, her husband, to Benjamin Pitman, July 3, 1858. The chain of title to the other piece, known as the Kalaeloa land, is in part as follows: Land Commission Award 4894, April 18, 1851, to Kalaeloa, followed by Royal Patent 1144, July 7, 1853; deed from Kalaeloa and Hanae, his wife, to Benjamin Pitman, not dated, but acknowledged August 28, and September 18, 1854 . . .

In November 1863, Kamehameha IV agreed to sell and Elizabeth McHutchison Sinclair and her sons, James and Francis Sinclair, agreed to purchase the island of Ni‘ihau. After Kamehameha IV died, Kamehameha V completed the transaction in January 1864. In 1865, the Sinclairs purchased the ahupua’a of Makaweli (21,844 ac.) on Kaua‘i from Victoria Kamamalu Ka‘ahumanu.
An 1868 official opinion by the Minister of the Interior stated that,

in the judgment of His Majesty's government no one acquires citizenship in this Kingdom unless he is born here, or born abroad of Hawaiian parents (either native or naturalized) during their temporary absence from the Kingdom, or unless having been the subject of another power, he becomes the subject of this Kingdom by taking the oath of allegiance.

The first group of contract laborers brought to Hawai'i were Chinese men who arrived in 1852.

The King appointed the members of the Hawaii Supreme Court. From its beginning in 1852 to 1893, the only Hawaiian who served as a Hawaii Supreme Court Justice was John (Keoni) Papa ‘ā and he served from 1852 to 1864.

Early in 1854, Kamehameha III instructed his Minister of Foreign Relations immediately to negotiate a treaty ad referendum, "the object of which is the annexation of Our Kingdom to the United States of America[]." The representatives of Great Britain and France strongly objected to these negotiations. Kamehameha III stated the following reason for seeking the treaty:

His Majesty the King of the Hawaiian Islands, being convinced that plans have been and still are on foot hostile to his sovereignty and to the peace of his Kingdom, which His Majesty is without power to resist and against which it is his imperative duty to provide in order to prevent the evils of anarchy and to secure the rights and prosperity of his subjects, and having, in conscientious regard thereto as well as to the general interests of his Kingdom, present and future, sought to incorporate his Kingdom into the Union of the United States as the means best calculated to attain these ends and perpetuate the blessings of freedom and equal rights to himself, his chiefs, and his people, and the Government of the United States, being actuated solely by the desire to add to their security and prosperity and to meet the wishes of His Majesty the King of the Hawaiian Islands and of his Government, have determined to accomplish, by treaty, objects so important to their mutual and permanent welfare.

In December 1854, Kamehameha III died. When Liholiho became Kamehameha IV, he terminated Hawai'i's quest for Statehood.

Kamehameha V's 1864 Constitution specified that number of Representatives was "not less than twenty-four nor more than forty elected biannually by the voters." Only male subjects of the Kingdom were qualified to be, or vote for, Representatives. Eligibility to be a Representative required ownership of real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five-hundred dollars, or an annual income of at least two-hundred-fifty dollars derived from any property or some lawful employment. Eligibility to vote for district Representatives required possession of real property in the Kingdom of a value over and above all encumbrances of one-hundred and fifty dollars or of a leasehold property on which the rent was twenty-five dollars per year or an annual income of not less than seventy-five dollars derived from any property or some lawful employment and, if born after 1840, the ability to read and write.

In the case of In the Estate of Kamehameha IV, 2 H. 715, 725 (1864), the Hawaii Supreme Court decided that although the King's Lands descend in fee, the inheritance of them was limited to the successors to the throne.

By action of the legislature with the consent of the King, a statute was enacted on January 3, 1865. Its purpose was to
“relieve the Royal Domain from encumbrances and to render the same inalienable.” It provided for the redemption of the then existing mortgages on the King’s lands. It stated that the remaining lands are to be “henceforth inalienable and shall descend to the heirs and successors of the Hawaiian Crown forever” and that “it shall not be lawful hereafter to lease said lands for any terms of years to exceed thirty.”

In late 1874, Kalākaua went to Washington D.C., met President Ulysses S. Grant and negotiated the 1875 Convention on Commercial Reciprocity. It was not approved by Hawai‘i’s Legislature until 1876, after much opposition, mostly from the English members of the House and the partisans of Emma, who denounced it as a step toward annexation. In it, the U.S. agreed to allow Hawai‘i to export to the U.S., duty free, a long list of specified items, including sugar, and Hawai‘i agreed to allow the U.S. to export to Hawai‘i a lengthy list of specified items, duty fee, and

that, so long as this Treaty shall remain in force, [the King] will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant no special privilege or right of use therein to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the [U.S.].

The 1875 Treaty motivated the sugar companies to (1) acquire more land and water rights and (2) arrange for more foreign laborers to come to Hawai‘i.

The January 25, 1891, edition of the Pittsburg Dispatch newspaper reported an interview of Dr. John H. Kimball, a former resident of Hawai‘i who had served a year as President of the Hawaiian Board of Health:

… When you ask about [Kalākaua’s] moral character, it must be admitted that, like many other monarchs, he had his personal vices; while it is notorious that in his financial administrations he seemed nowise troubled by any high standard of ethics.

… Kalākaua was passionately fond of gambling, was given to strong drink, and always had about him a set of male cronies who gambled and drank with him to his heart’s content. I never saw him intoxicated, but it is well known that he indulged to the detriment of himself and the Government.

In 1876, Alexander and Baldwin Sugar Company decided to bring water from the north side of Maui to the arid south central plain. A lease from the government allowed it to do so. Later, Spreckels sought a lease to any water not captured by A&G Sugar Company. The Cabinet was taking a long time acting on the request. After receiving from Spreckels a $10,000 gift and a $40,000 loan, Kalākaua replaced his Cabinet (Mott Smith, Carter, Hartwell, Kapena) and his newly appointed Cabinet (Kapena, Kaai, Wilder, Preston) promptly approved the request by Spreckels for a thirty-year lease of the water supply he sought. In 1880, the Legislature authorized payment of the $40,000 loan but required reimbursement from the income from the Crown Lands.

On January 20, 1881, Kalākaua departed on a journey around the world that lasted until October 29, 1881. He
stopped in Japan, China, Singapore, India, Egypt, Italy, Britain, Belgium, Germany, Austria, France, Spain, Portugal, and many cities in the United States. He was the first King in the world to travel around the world.

In 1882, Kal_kaua and Gibson initiated action in support of Kal_kaua’s quest to become the head of a Polynesian Federation of all the Polynesian islands in the Pacific. These continuing efforts were unsuccessful.

In 1882, a public meeting was held where the Planters Labor and Supply Company, a company formed by plantation owners, adopted two resolutions. First, a charge that Kal_kaua’s alienation of Crown lands, extravagance of spending, and contempt for the judiciary had caused a loss of confidence in the government. Second, a request asking Kal_kaua to dismiss his Cabinet, especially Gibson. Kal_kaua denied both the charges and the request.

In 1886, Kal_kaua approved legislation authorizing the issuance to someone applying therefor a license “to import and sell opium or any preparation of opium, in this Kingdom[.]” The term of the license was four years. The licensee was required to insure that he “will not sell, give or furnish any opium, or preparation of opium, to any native Hawaiian or Japanese, or to any other person who has not received a certificate from some physician stating that opium is the proper remedy for the disease from which the bearer is suffering[.]” This 1886 legislation also required any person or persons desiring to purchase or use opium, or any preparation thereof “to obtain a license authorizing the purchase or use of opium or any preparation thereof.” W. D. Alexander described the relevant subsequent events:

The main facts of the case, as proved before the court, are as follows: Early in November, 1886, one, Junius Kaae, a palace parasite, informed a Chinese rice-planter named Tong Kee, alias Aki, that he could have the opium license granted to him if he would pay the sum of $60,000 to the King’s private purse, but that he must be in haste because other parties were bidding for the privilege. With some difficulty Aki raised the money, and secretly paid it to Kaae and the King in three instalments between December 3d and December 8th, 1888. Soon afterwards Kaee called on Aki and informed him that one, Kwong Sam Kee, had offered the King $75,000 for the license, and would certainly get it, unless Aki paid $15,000 more. Accordingly Aki borrowed the amount and gave it to the King personally on the llth.

Shortly after this another Chinese syndicate, headed by Chung Lung, paid the King $80,000 for the same object, but took the precaution to secure the license before handing over the money. Thereupon Aki, finding that he had lost both his money and his license, divulged the whole affair, which was published in the Honolulu papers. He stopped the payment of a note at the bank for $4,000, making his loss $71,000.

It has been seen that on the 30th of June, 1887, Kalakaua promised in writing that he would “cause restitution to be made” of the $71,000 which he had obtained from Aki, under a promise that he (Aki) should receive the license to sell opium, as provided by the Act of 1886.

The Reform cabinet urged the King to settle this claim before the meeting of the Legislature, and it was arranged that the revenues from the Crown lands should be appropriated to that object. When, however, they ascertained that his debts amounted to more than $250,000 they advised the King to make an assignment in trust for the payment of all claims pro rata. Accordingly, a trust deed was executed November 21, 1887, assigning all the Crown land revenues and most of the King’s private estate to three trustees for the said purpose, on condition that the complainant would bring no petition or bills before the Legislature, then in session.
Some three months later these trustees refused to approve or pay the Aki claim, on which Aki’s executors brought suit against them in the Supreme Court.

After a full hearing of the evidence, Judge Preston decided that the plea of the defendants that the transaction between Aki and the King was illegal could not be entertained, as by the constitution the King “could do no wrong,” and “could not be sued or held to account in any court of the Kingdom.” Furthermore, as the claimants had agreed to forbear presenting their claim before the Legislature in consideration of the execution of the trust deed, the full court ordered their claim to be paid pro rata with the other approved claims.

In 1886 and 1887, people concerned with Kalākaua’s actions and activities formed a secret “Hawaiian League”. In *The United States and the Hawaiian Kingdom*, Merze Tate reported that “leading merchants, planters, business and professional men, and morticians” were included in its four hundred thirty five members. Its stated purpose was “to secure efficient, decent and honest government in Hawaii.”

American Minister George W. Merrill wrote that late on June 27, 1887, he met with Kalākaua at Kalākaua’s request and informed him that there were loud complaints against the manner in which the public funds were being expended, that instead of being expended on necessary internal improvements, such as dredging the harbor, repairing roads and bridges, they were being expended in the purchase and repair of a training ship and equipping her for an unnecessary expedition, the sending a Mission to Samoa and maintaining unnecessary agents in foreign Countries.

I also informed him . . . that there was much complaint among the people on account of the belief which was prevalent that His Majesty interfered with the actions of his Cabinet in all matters directly or indirectly effecting the revenues - especially in political elections, appointments and Legislative action, therefore there was much unanimity among the tax payers that the Cabinet should be left to act independently and made responsible to the people direct.

I informed him that I believed the retention of the present Ministry was daily intensifying the people and that, since he had frankly asked my opinion, I thought it was better for many reasons to heed the voice of the people especially those who were paying the taxes, had accumulated the wealth to the country and were directly interested.

On June 29, 1887, notice of a public meeting was published in the newspaper. It appears that those who called the meeting included Dr. S.G. Tucker, Lorrin A. Thurston, W.A. Kinny, S.B. Dole, P.C. Jones, W.R. Castle, W.E. Rowell, C. W. Ashford, Major H.M. Benson, A.T. Atkinson, Dr. G.H. Martin, Dr. N.B. Emerson, H. Reimenschneider, and C. Furneaux.

At the public meeting on June 30, 1887, resolutions were presented. The approved resolutions requested of Kalākaua the following:

First - That he shall at once and unconditionally dismiss his present Cabinet from office, and we ask that he shall call one of these persons, viz: William L. Green, Henry Waterhouse, Godfrey Brown or Mark P. Robinson to assist him in selecting a new Cabinet, which shall be committed to the policy of securing a new constitution.
Second - That Walter M. Gibson shall be at once dismissed from each and every office held by him under the Government.

Third - In order, so far as possible, to remove the stain now resting on the throne, we request of the King that he shall cause immediate restitution to be made of the sum, to wit: Seventy-one thousand dollars ($71,000), recently obtained by him in violation of law and of his oath of office, under promise that the persons from whom the same was obtained should receive the license to sell opium, as provided in the statute of the year 1886.

Fourth - Whereas, one Junius Kaee was implicated in the obtaining of said seventy-one thousand dollars ($71,000), and has since been, and still is retained in office as Registrar of Conveyances, we request, as a safeguard to the property interests of the country, that said Kaee be at once dismissed from said office, and that the records of our land titles be placed in hands of one in whose integrity the people can safely confide.

Fifth - That we request a specific pledge from the King

(1) That he will not in future interfere either directly or indirectly with the election of representatives.

(2) That he will not interfere with or attempt to unduly influence legislation or legislators.

(3) That he will not interfere with the constitutional administration of his cabinet.

(4) That he will not use his official position or patronages for private ends.

The requests were presented to Kal_kaua, giving him twenty-four hours to reply, and authorizing another public meeting if he refused to agree to them.

Kal_kaua called in the representatives of the United States, Great Britain, France, Portugal and Japan. American Minister Merrill wrote that Kal_kaua expressed his desire to place the control of the affairs of the kingdom in their hands.

This offer we informed him could not be accepted and it was the desire of all of the representatives of other powers that he should maintain himself in authority and as he informed us that he had agreed to the wishes of the people, expressed at the Mass Meeting the day previous, and would shortly so inform the Committee in writing, we advised him to at once authorize Mr. Green, if he was the person selected, to form a Ministry when it was believed affairs would assume a quiet attitude.

We immediately retire and passing down to the central portion of the city, assured the people that the King had acceded to their request and was now forming a Ministry with Mr. Green as Premier and no necessity for further excitement existed.

In his written reply to the resolutions, Kal_kaua responded:

To Honorable Paul Isenberg and the Gentlemen Composing the Committee of a Meeting of Subjects and Citizens:

Gentlemen: In acknowledging the receipt of the Resolutions adopted at a Mass Meeting held yesterday and presented to Us by
you We are pleased to convey through you to Our loyal subjects as well as to the citizens of Honolulu Our expression of good-will and our gratification that Our people have taken the usual constitutional step in presenting their grievances.

To the first proposition contained in the resolutions passed by the meeting, . . . we reply that it has been substantially complied with by the formal resignation of the Ministry, which took place on the 28th day of June, and was accepted on that date, and that we had already requested the Hon. W. L. Green to form a new Cabinet on the day succeeding the resignation of the Cabinet.

To the second proposition, we reply that Mr. Walter M. Gibson has severed all his connections with the Hawaiian Government by resignations.

To the third proposition, we reply that we do not admit the truth of the matter stated therein, but will submit the whole subject to Our new Cabinet and will gladly act according to their advice and will cause restitution to be made by the parties found responsible.

To the fourth proposition, we reply that at Our command Mr. Junius Ka ae resigned the office of Registrar of Conveyances on the 28th day of June, and his successor has been appointed.

To the fifth proposition, we reply that the specific pledges required of Us are each severally acceded to.

Kalākaua then appointed his Green-Brown-Thurston-C.W. Ashford Cabinet. This Cabinet participated in the drafting of a new Constitution and presented it to Kalākaua for his approval.

R. S. Kuykendall wrote that

Attorney General Ashford later wrote a graphic account of this meeting of the cabinet with the king in regard to the constitution. "The document was read to His Majesty, who listened in sullen, and somewhat appalling silence. And then came a general silence, followed by an inquiry from Mr. Green, whether His Majesty approved and would sign the document. This was the signal for the opening of argument, which proceeded until about sundown of that long summer day. The King argued, protested, inquired as to the effect of certain phases of the changes made . . . and for considerable periods appeared to be gazing into space and weighing the probabilities of success in the event of a refusal to comply with the reforms demanded by the Cabinet and embodied in the instrument presented for his signature." Finally however, the thundercloud which had rested on the king’s brow vanished and his “sullen and forbidding countenance . . . dissolved into a smile, as sweet as seraphs wear, as, with apparent alacrity, the King reached for a pen and attached his signature to that instrument whereby he was reduced from the status of an autocrat to that of a constitutional Sovereign.” The chief justice was called in, and the king and the cabinet ministers took the oath to support the new constitution.

On July 7, 1887, Kalākaua signed a proclamation stating that he “being moved thereto by the advice of my Cabinet Council; and in pursuance of such advice did sign, ordain, and publish a new Constitution.”

The United States government was not involved in Kalākaua’s signing of the 1887 Constitution. Kalākaua and Lili‘uokalani recognized the validity of the 1887 Constitution and governed in accordance with it. When Lili‘uokalani became Queen, she took the following oath: “I solemnly swear in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.”

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To qualify to be a voter, a person had to be a no less than twenty year old “male resident of the Hawaiian Islands of Hawaiian, American or European birth or descent” who had taken an oath to support the 1887 Constitution and laws. All those otherwise qualified who did not register and vote at the first election under the 1887 Constitution were required to be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language.

To qualify to vote for a Noble, otherwise qualified persons had to own and possess taxable property in Hawai‘i of the value of not less than three thousand dollars over and above all encumbrances, or have received an income of not less than six hundred dollars during the year next preceding the election.

The four member Cabinet included the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General. They were appointed by the King/Queen but could be removed only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature or upon conviction of felony or by impeachment.

About two-thirds of the qualified voters for Representatives were Hawaiians. In contrast, about two-thirds of the qualified voters for Nobles were those who were of “American or European birth or descent”. There were twenty-four Nobles and twenty-four Representatives. A majority of these forty-eight could oust Cabinet members. The four Cabinet members were ex-officio voting members of the legislature except on a question of want of confidence in them. The fifty-two members sat together as one legislative body.

Article 78 of the 1887 Constitution stated that “[w]herever by this Constitution any Act is to be done or performed by the King or the Sovereign, it shall unless otherwise expressed, mean that such Act shall be done and performed by the Sovereign by and with the advice and consent of the Cabinet.” In 1889, the Hawaii Supreme Court, whose members had been appointed by Kalakaua, interpreted the 1887 Constitution and instructed Kalakaua that “Your Majesty shall in future sign all documents and do acts which under the laws or the Constitution require the signature or acts of the Sovereign, when advised so to do by the Cabinet, the Cabinet being solely and absolutely responsible for the signature of any document or act so done or performed by their advice.” In 1890, the Hawaii Supreme Court ruled that the decision of no less than three of the four Cabinet members was the decision of the Cabinet.

The not-less-than seven-year term of the 1875 Treaty commenced on September 9, 1876. At the end of the seven-year term, either party was authorized to terminate it upon a year’s notice. On December 6, 1884, the United States and Hawai‘i signed a Supplemental Reciprocity Convention. Ratifications were exchanged in Washington on November 9, 1887. This Convention stated in part:

ARTICLE I

The High Contracting Parties agree, that the time fixed for the duration of the said Convention, shall be definitely extended for a term of seven years from the date of the exchange of ratifications hereof, and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice of the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

ARTICLE II

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of the Pearl River in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of
the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

At that time, “the harbor of Pearl River” was only potentially a “place available to ships of war or to any deep water vessel[.]” In an message to Congress, President Harrison strongly recommended that provision be made for improving the harbor of Pearl River and equipping it as a naval station.

In his speech before the opening session of the legislature elected pursuant to the 1887 Constitution, Kalākaua stated:

I take great pleasure in informing you that the Treaty of Reciprocity with the United States of America has been definitely extended for seven years upon the same terms as those in the original treaty, with the addition of a clause granting to national vessels of the United States the exclusive privilege of entering Pearl River Harbor and establishing there a coaling and repair station. This has been done after mature deliberation and the interchange between my Government and that of the United States of an interpretation of the said clause whereby it is agreed and understood that it does not cede any territory or part with or impair any right of sovereignty or jurisdiction on the part of the Hawaiian Kingdom and that such privilege is coterminous with the treaty.

I regard this as one of the most important events of my reign, and I sincerely believe that it will re-establish the commercial progress and prosperity which began with the Reciprocity Treaty.

The 1890 Legislature proposed amendments to the Constitution to reduce the amount from $3,000 to $1,000, to allow only “subjects” rather than “residents” to vote, and to require Nobles to be male. These amendments failed the constitutionally mandated approval-by-two-successive Legislatures process because they were not approved by the 1892 Legislature.

Kalākaua died January 20, 1891. His sister Liliʻuokalani succeeded him.

Liliʻuokalani noted that

[...it was a practice among some of the native members [of the legislature] to sell their votes for a consideration. This was taught them by the Thurston party. They would come to me and then return to that party and repeat all that was said, for which they were usually paid something. The Liberals won and the cabinet was voted out, partly because they were so sure of their success and on account of their own corrupt practices.]

On January 14, 1893, Liliʻuokalani was prepared to ignore the constitutionally mandated approval-by-two-successive Legislatures process for amending the 1887 Constitution by announcing a new constitution in place of Kalākaua’s 1887 Constitution. She did not do so because the Cabinet she appointed on January 13, 1893, refused her authorization request. The members of that Cabinet were Samuel Parker, William Henry Cornwell, Jr., Arthur P. Peterson and John Colburn. Parker was a Native Hawaiian.

The truth is that in 1893, pre-overthrow, Hawaiians did not have the votes to control the Legislature, did not have the
votes to change the 1887 Constitution, did not control the Cabinet, did not control the Hawaii Supreme Court, and did not control the economy. The Queen was the nominal Chief Executive. The Queen appointed the four members of the Cabinet. She was not authorized to remove any of them except that she was required to remove any of them who (1) were convicted of a felony, or (2) were the subject of a vote of want of confidence passed by a majority of all the elective members of the Legislature. Liliʻuokalani was required to do what no less than three of the four Cabinet members told her to do. Liliʻuokalani described herself as “a nonentity, a figurehead”.

The truth is that in 1893, pre-overthrow, neither Hawaiians nor the other non-Asians in Hawaiʻi had control of Hawaiʻi's government. Neither had sovereignty. Together they had control. That is why Liliʻuokalani sought to change the 1887 Constitution and failed. That is why a few haoles instigated the overthrow.

IN 1810, KAMEHAMEHA WAS THE SOVEREIGN

IN 1893, PRE-OVERTHROW, HAWAIIANS AND OTHER NON-ASIANS IN HAWAIʻI WERE THE SOVEREIGNS

In a January 27, 2015, Civil Beat article, Paul Arinaga wrote:

[We need to face the future squarely by dealing with the past, no matter how painful it may be. As Peter Apo says in a recent column in Civil Beat:]

“Until there is closure to the Hawaiian question, Hawaii can never be whole.”

I agree. All of us, including Hawaiians, must "squarely deal[] with the past, no matter how painful it may be". As Governor John A. Burns said in his 1969 State of the State speech, “Hawaiʻi’s history, in its every facet, should be a matter of general knowledge to all our people.”

The November 23, 1993, Apology Resolution alleges that “the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, . . . resulted in the suppression of the inherent sovereignty of the Native Hawaiian people” and in “the deprivation of the rights of Native Hawaiians to self-determination”.

The allegation that what happened on January 17, 1893, “resulted in the suppression of the inherent sovereignty of
the Native Hawaiian people” is not true.

The allegation that sovereignty can be “inherent” is wrong.

The allegation that the “sovereignty of the Native Hawaiian people” was a victim of “suppression” is wrong.

The allegation that Hawaiians lost their sovereignty on January 17, 1893, is wrong.

A nation has “sovereignty” when it holds supreme, independent authority and full control over affairs within a geographical area.

A racial group has the “sovereignty” of a nation when it holds supreme, independent authority and full control over that nation and its government. When Hawai’i’s government was an Absolute Monarchy/Feudal Aristocracy, Hawaiians had “sovereignty” over Hawai’i.

In 1893, pre-overthrow, did Hawaiians hold supreme, independent authority and full control over the Nation of Hawai’i? The answer is no.

How and when did this change occur? Starting with Captain Cook’s arrival in 1778, people who were not Hawaiians made Hawai’i their home. Some of them provided Kamehameha with crucial assistance in his successful quest to form the Nation of Hawai’i. Many of them married Hawaiians. Over the course of time, some of them were very involved in political, economic, social and religious activities.

Kamehameha III’s 1840 Constitution replaced the Absolute Monarchy with a Constitutional Monarchy (King/Queen, Cabinet, Legislature (some appointed, some elected), Judiciary). The Constitutional Monarchy was modified in Constitutions promulgated in 1852 (Kamehameha III), 1864 (Kamehameha V), and 1887 (Kal_kaua).

An 1841 law authorized naturalization of immigrants who married Hawaiian subjects of the Kingdom.

An 1846 law adopted the common law rule that “[a]ll persons born within the jurisdiction of this kingdom, whether of alien foreigners, of naturalized or of native parents, . . . , shall be amenable to the laws of this kingdom as native subjects.”

An 1846 law authorized the naturalization of any alien immigrant who applied after living in Hawai’i for at least one year. The statute went on to provide that an alien who did not want to give up his citizenship in the country he came from could become a “denizen”. A denizen had all the rights of a subject of Hawai’i without ceasing to be a citizen of his native country.

The 1852 Constitution allowed denizens to be, and vote for, Representatives.

The 1840 Constitution noted that “Kamehameha I, was the founder of the kingdom, and to him belonged all the land from one end of the Islands to the other, though it was not his own private property. It belonged to the chiefs and people in
common, of whom Kamehameha I was the head, and had the management of the landed property.” This changed in 1845 when Kamehameha III and the legislature commenced a division (mahele) of land process. In the latter 1840s and early 1850s, Kamehameha III divided Hawai’i’s land into the following four parts: (1) the Crown lands; (2) the Government lands; (3) the Chief lands; and (4) the commoners lands. This “Great Mahele” distributed most of the land to the Crown (the office, not the person), the government and the Chiefs.

Kamehameha III approved the Resident Alien Act of 1850 which permitted “resident aliens” to acquire and own Hawai’i land in fee. Thereafter, non-Hawaiians purchased Crown land, Government land and Chiefs’ land. For example, Kamehameha IV agreed to sell and Elizabeth Sinclair and her sons agreed to purchase the island of Ni’ihau. Kamehameha V completed the conveyance after Kamehameha IV died.

The King appointed the members of the Hawaii Supreme Court. From its beginning in 1852 to 1893, the only Hawaiian who served as a Hawaii Supreme Court Justice was John (Keoni) Papaʻiai and he served from 1852 to 1864.

In 1864, Kamehameha V promulgated a new Constitution changing the 1852 Constitution. The members of the King’s Cabinet were the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General. They were appointed by the King and served at his pleasure. This Constitution stated that “[n]o act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.”

The legislature became unicameral and was named the “Legislative Assembly[.]”

The King appointed the Nobles. The number of Nobles was “not more than twenty[,]” The four members of the King’s Cabinet were ex-officio Nobles. Nobles were required to be not less than twenty-one years of age and to have resided in the Kingdom no less than five years.

The number of Representatives was “not less than twenty-four nor more than forty Representatives elected biannually by the voters.” The age qualification for Representatives “not less than twenty-one year old[,]” Only male subjects of the Kingdom were qualified to be, or vote for, Representatives. Nothing was said about “denizens”. Representatives had to have been domiciled in the Kingdom for at least three years, the last of which was the year immediately preceding his election. Representatives were required to own real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five-hundred dollars, or to have an annual income of at least two-hundred-fifty dollars derived from any property or some lawful employment. Eligibility to vote for district Representatives required possession of real property in the Kingdom of a value over and above all encumbrances of one-hundred and fifty dollars or of a leasehold property on which the rent was twenty-five dollars per year or an annual income of not less than seventy-five dollars derived from any property or some lawful employment and, if born after 1840, the ability to read and write.

The King’s veto of any Bill or Resolution passed by the Legislative Assembly was final.

In 1882, the residency requirement for immigrant naturalization was increased to five years.
The United States government was not involved in Kal'kaua’s approval of the 1887 Constitution. Kal'kaua and Lili'uokalani recognized the validity of the 1887 Constitution and governed in accordance with it. Both took “the following oath: I solemnly swear in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.”

Under the 1887 Constitution, to qualify to be a voter, a person had to be a no less than twenty year old “male resident of the Hawaiian Islands of Hawaiian, American or European birth or descent” who had taken an oath to support the 1887 Constitution and laws. All those otherwise qualified who did not register and vote at the first election under the 1887 Constitution were required to be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language.

To qualify to vote for a Noble, a resident had to own and possess taxable property in Hawai'i of the value of not less than three thousand dollars over and above all encumbrances, or have received an income of not less than six hundred dollars during the year next preceding the election.

The four member Cabinet included the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General. They were appointed by the King/Queen but could be removed only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature or upon conviction of felony or by impeachment.

About two-thirds of the qualified voters for the twenty-four Representatives were Hawaiians. In contrast, about two-thirds of the qualified voters for the twenty-four Nobles were of “American or European birth or descent”. A majority of these forty-eight legislators could oust Cabinet members. The four Cabinet members were ex-officio voting members of the Legislature except on a question of want of confidence in them. The fifty-two members sat together as one legislative body.

In 1889, the Hawaii Supreme Court interpreted the 1887 Constitution and instructed Kal’kaua that “Your Majesty shall in future sign all documents and do acts which under the laws or the Constitution require the signature or acts of the Sovereign, when advised so to do by the Cabinet, the Cabinet being solely and absolutely responsible for the signature of any document or act so done or performed by their advice.” In 1890, the Hawaii Supreme Court ruled that the decision of no less than three of the four Cabinet members was the decision of the Cabinet.

One of the ways to qualify to vote for Nobles was to be a non-Asian resident who owned property “of the value of three-thousand dollars over and above all encumbrances[]” In 1890, the Legislature proposed amendments to the Constitution to reduce the amount from $3,000 to $1,000, to allow only “subjects” rather than “residents” to vote, and to require Nobles to be male. These amendments failed the constitutionally mandated approval-by-two-successive Legislatures process because they were not approved by the 1892 Legislature.

Lili'uokalani noted that

[It was a practice among some of the native members [of the legislature] to sell their votes for a consideration. This was taught them by the Thurston party. They would come to me and then return to that party and repeat all that was said, for which they were usually paid something. The Liberals won and the cabinet was voted out, partly because they were so sure of their success]
and on account of their own corrupt practices.

For years the “missionary party” had, by means of controlling the cabinets appointed by the king, kept itself in power. Its leaders were constantly intriguing to make the ministry their tool, or to have in its organization a power for carrying out their own special plans, and securing their own personal benefit. . . .

On January 14, 1893, Liliʻuokalani was prepared to ignore the constitutionally mandated approval-by-two-successive legislatures process for amendments to the Constitution and to announce her new constitution in place of Kalākaua’s 1887 Constitution but did not do so because the Cabinet she appointed on January 13, 1893, and did not have the power to remove, refused her request for permission to do so. The members of this Cabinet were William H. Cornwell, Samuel Parker, Arthur P. Peterson and John Francis Colburn. Samuel “Kamuela” Parker was a Native Hawaiian, Kalākaua’s classmate and the grandson of John Palmer Parker. His second wife was Abigail Kuaihelani Maipinepine, widow of industrialist James Campbell. His stepdaughter Abigail married Prince David Kawananakoa.

In 1890, the population of Hawaii was approximately:

<table>
<thead>
<tr>
<th>Race</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaiians</td>
<td>40,622</td>
</tr>
<tr>
<td>European/American</td>
<td>18,766 (including 12,719 Portuguese)</td>
</tr>
<tr>
<td>Chinese and Japanese</td>
<td>29,362</td>
</tr>
</tbody>
</table>

In 1893, pre-overthrow, Hawaiians did not have the votes to control the Legislature, did not have the votes to change the 1887 Constitution, did not control the Cabinet, did not control the Hawaii Supreme Court, and did not control the economy. The Queen was the nominal Chief Executive. The Queen appointed the four members of the Cabinet. She was not authorized to remove any of them except that she was required to remove any of them who (1) were convicted of a felony, or (2) were the subject of a vote of want of confidence passed by a majority of all the elective members of the Legislature. Liliʻuokalani was required to do what no less than three of the four Cabinet members told her to do. Liliʻuokalani described herself as “a nonentity, a figurehead”.

Before Hawaiʻi became a Nation, Europeans and Americans were influential in Hawaiʻi’s affairs. After Hawaiʻi became a Nation and after each Constitution, their power and influence increased. After Kalākaua signed the 1887 Constitution, Europeans and Americans (Caucasians), some of whom were “subjects of the Kingdom”, had at least as much power and influence over the government as did Hawaiians. In 1893, pre-overthrow, the Nation of Hawaiʻi was a multi-racial Nation not controlled by any one racial group. That is why Liliʻuokalani sought to change the 1887 Constitution and failed.
WHY DO SOME WHO KNOW THE DIFFERENCE USE THE WORDS “HAWAIIAN” AND “NATIVE HAWAIIAN” AS IF THERE IS NO DIFFERENCE BETWEEN THEM?

All “Native Hawaiians” are “Hawaiians. Many “Hawaiians” are not “Native Hawaiians”. This distinction is important. Only “Native Hawaiians” are beneficiaries of some programs and funds. Why is it that writers such as Peter Apo who know the difference use one when they should use the other? Why is it that the Office of Hawaiian Affairs (OHA) is doing the same? Why is it that Professor Jon Van Dyke did the same?

Hawaii Revised Statutes (HRS) § 10-2 defines a “Native Hawaiian” as an individual who is one-half “Hawaiian” or more. It defines a “Hawaiian” as an individual who has at least one Native Hawaiian ancestor. These definitions in HRS § 10-2 are consistent with the definitions in the 1920 Hawaiian Homes Commission Act and the 1959 Admission Act.

In *Rice v. Cayetano*, 528 U.S. 495 (2000), the United States Supreme Court explained the function of the State of Hawai‘i’s Office of Hawaiian Affairs (OHA):


Implementing statutes and their later amendments vested OHA with broad authority to administer two categories of funds: a 20 percent share of the revenue from the 1.2 million acres of lands granted to the State pursuant to § 5(b) of the Admission Act, which OHA is to administer “for the betterment of the conditions of native Hawaiians,” Haw.Rev.Stat. § 10–13.5 (1993), and any state or federal appropriations or private donations that may be made for the benefit of “native Hawaiians” and/or “Hawaiians,” Haw. Const., Art. XII, § 6. See generally Haw.Rev.Stat. §§ 10–1 to 10–16. (The 200,000 acres set aside under the Hawaiian Homes Commission Act are administered by a separate agency. See Haw.Rev.Stat. § 26–17 (1993).)

*Rice v. Cayetano* clearly identifies “two categories of funds” administered by OHA.

The first category is the Trust Fund for Native Hawaiians. It is the “20 percent share of the revenue from the 1.2 million acres of lands granted to the State pursuant to § 5(b) of the Admission Act. The Admission Act allows, but does not require, the use of such “lands and the income therefrom” “for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended”. The Admission Act does not allow the use of the “lands and the income therefrom” “for the betterment of the conditions of” Hawaiians who are not Native Hawaiians.

The second category is the Trust Fund for Native Hawaiians or Hawaiians. It includes “any state or federal appropriations or private donations that may be made for the benefit of ‘native Hawaiians’ and/or ‘Hawaiians’[.]”
In his February 28, 2015 Civil Beat column, Peter Apo wrote in part:

One of OHA’s highest program priorities is to vigorously pursue Native Hawaiian self-determination initiatives by intensifying its political advocacy at the highest levels of the state and federal governments.

The genesis of such initiatives was the Hawaiian Homestead Act of 1920, which created the Department of Hawaiian Home Lands to repatriate Hawaiian lands to Hawaiians. The stated purpose of this congressional act was “for the betterment of conditions of Native Hawaiians.”

The 1978 Constitutional Convention provided a pivotal opportunity to realize political self-determination. Convention delegates envisioned an agency that would provide a form of self-determination for Native Hawaiians that would directly tap into resources and be the primary political advocate for the overall well-being of Native Hawaiians. And so OHA was born.

The words above emphasized in bold print are the wrong words. Apo used the word “Hawaiians” when he should have used the words “Native Hawaiians”. He used the words “Native Hawaiians” when he should have used the word “Hawaiians”.

Apo also wrote that “[b]y the turn of the century over 130 programs in education, health, employment and others were enacted by the U.S. Congress for Native Hawaiians” and that “OHA is a well-funded agency with a big and often misunderstood mission on behalf of Native Hawaiians.” In both sentences, he failed to eliminate the word “Native” or to add the words “and Hawaiians.”

OHA’s 2015 website also misuses those words. It states:

Strategic Priority: Ea [sovereignty]

To restore pono and ea, Native Hawaiians will achieve self-governance, after which the assets of OHA will be transferred to the new governing entity.

Why is this important?

Native Hawaiian self-governance is of utmost importance to our organization’s efforts to improve conditions for Native Hawaiians. A key goal of our efforts is to facilitate a process that gives Hawaiians the opportunity to re-develop a government that reaffirms Native Hawaiians as a political rather than racial group.

The benefit of such a Native Hawaiian government is its ability to provide Native Hawaiians with greater control over their destiny as they move toward self-determination and self-sufficiency. Native Hawaiian programs and assets that benefit Native Hawaiians can be attacked in federal courts if political recognition from the federal government is not extended to Native Hawaiians. The Office of Hawaiian Affairs’ Board of Trustees prioritizes political recognition of Native Hawaiians by the United States because it is critical to enabling Native Hawaiians to build a brighter future. . . .

. . .
PAE'AINA — OHA’s goal is for all Native Hawaiians to participate in the nation-building process and allow them to decide what form a Hawaiian nation will take and what sort of relationships it will seek with other government.

The following are quotes from Professor Jon M. Van Dyke’s 2008 book “WHO OWNS THE CROWN LANDS OF HAWAII”. They are examples of his using the words interchangeably and ignoring the fact that “Native Hawaiians” are a special category of “Hawaiians”.

In 1992, the Congress explained that the United States had ‘reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of native Hawaiians under section 5(f) of the [Admission Act].’ Page 258

The 1994 Hawai‘i State legislation [sic] established a process designed to facilitate efforts of the Native Hawaiians ‘to restore a nation of their own choosing.’ Page 263

Despite the tax-exemption concern, what hit a nerve in the Hawaiian community was the intimation that there were not enough qualified Native Hawaiian applicants to fill all the spots for the [Kamehameha Schools] Maui campus, because many students of Hawaiian ancestry were being denied admission to the Schools. Page 317.

Should the Crown Lands become the core of the land base for the emerging Native Hawaiian Nation? . . . But the Crown Lands were kept by Kauikeaouli as his own, and then in 1865 became attached to the Monarchy itself to promote the dignity of the Crown and to allow succeeding Monarchs to fulfill their obligations to their people. It was always understood and accepted that only Native Hawaiians could serve as Mo‘i, and so the Hawaiians have a particular linkage to the Crown Lands. It was also understood that these lands were held in trust for the mak‘ainana, who did not receive their fair share of the lands distributed during the Mahele, and the U.S. Congress accepted that position at the time the Hawaiian Homes Commission Act was passed. . . . Page 382

Native Hawaiians are on the verge of a new era in which they will once again control land and resources and govern their own affairs. With the process now underway to reorganize the Native Hawaiian Government and then negotiate for the return of lands, Hawaiians will be able to resume the development of their distinct culture. Page 383

Why is it that those who know their difference use the words “Hawaiian” or “Native Hawaiian” as if there is no difference between them? Is it because they seek to include all “Hawaiians” within the definition of “Native Hawaiians”?