

ROAD TO STATEHOOD [revised 12-1-08]

Fifty years ago, on August 21, 1959, Hawai'i became the 50th State of the United States of America (U.S. or United States). Hawai'i's road to Statehood was a long one.

In 1778, British explorer Captain James Cook sailed to Kaua'i and commenced a long relationship between Britain and Hawai'i. This relationship expanded in the 1790s when British Captain George Vancouver made multiple visits to Hawai'i.

Until 1810, one Chief ruled the island of Hawai'i, another ruled Maui, Lana'i and Kaho'olawe, another ruled O'ahu and Moloka'i, and another ruled Kaua'i and Ni'ihau. The Kingdom of Hawai'i began in 1810 when Kamehameha I used force and the threat of force to obtain dominion and sovereignty over all of the islands of Hawai'i and became the Kingdom's first monarch.

In 1816, the Hawaiian flag, with its Union Jack and eight red, white and blue stripes, became Hawai'i's flag. The first British missionaries came to Hawai'i prior to 1821. The first United States of America (USA) missionaries came to Hawai'i from New England in 1821.

In 1826, Hawai'i and the USA entered into a treaty for the purpose of "promoting the commercial intercourse and friendship subsisting between" them.

The reduction of the King's power and authority began in 1840 when King Kamehameha III promulgated a Constitution changing

the government of Hawai'i from an Absolute Monarchy to a Constitutional Monarchy allocating most of the powers of government in the King's executive branch while allocating some of the powers of government to a legislative branch and to a judicial branch. The King appointed the Premier. Neither the King nor the Premier could take official action without the consent of the other. No law could become effective without the consent of the King, the Premier, the Nobles, and the Representatives. The Nobles were named in the Constitution. Other Nobles could be named by law. The Representatives were elected "by the people[.]" The form of choosing them and the number to be chosen were to be determined by law. The King was the Chief Judge of the Supreme Court and the Premier was a member. The four other members were appointed by the Representatives. Amendments to the Constitution required the favorable vote of the Nobles and the Representatives in two successive years.

In 1842, the USA, by President Tyler, recognized Hawai'i's independence.

In 1843, British Lord George Paulet was dispatched to Hawai'i to investigate Hawai'i's treatment of British interests and used the threat of force to motivate King Kamehameha III to cede Hawai'i to the British. Five months later, British Rear Admiral Richard Thomas reversed Lord Paulet's unauthorized act.

Not long thereafter, the British and the French recognized Hawai'i's independence and agreed that neither would take possession of it. In 1846, the British and the French entered into treaties of friendship, commerce and navigation with Hawai'i.

Hawai'i's 1840 Constitution stated in part that

[t]he origin of the present government, and system of polity, is as follows: 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. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had, or has the direction of the kingdom.

. . . .

The prerogatives of the King are as follows: He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property--the poll tax--the land tax--the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the non-payment of taxes shall revert to him.

In 1845, the Legislature commenced the division (Mahele) of land process by creating a five-member Board of Commissioners to Quiet Land Titles (Land Commission) to address 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 King's

Lands[,]” or “the Crown Lands[;]” (2) the government’s lands; (3) the Chiefs’ lands; and (4) the commoners’ lands. First, the King selected lands, some of which he retained, and some of which conveyed to the Government. Second, the Chiefs made their selections from the remaining lands. The Chiefs were required to file their claims with the Land Commission and pay to the Government, in cash or land, a commutation fee of one-third of the unimproved value of the land at the date of the award. Third, pursuant to the Kuleana Act of 1850, the commoners were authorized to timely file a claim to the acreage they were then cultivating, plus an additional quarter of an acre for a house lot. Each claim was required to be supported by a survey and two witnesses attesting to the validity of the claim. The Land Commission decided the validity of each claim. Any land not validly claimed was added to the government’s land.

The Resident Alien Act of 1850 permitted persons who resided in, but were not citizens of, Hawai‘i to acquire and own Hawai‘i land in fee.

The 1849 Treaty of Friendship and Commerce between Hawai‘i and the USA replaced their 1826 treaty.

Hawaii’s commercial production of sugar began in 1835. Section 22 of Hawai‘i’s 1850 Act for the Government of Masters and Servants stated that “[a]ny person who has attained the age of twenty years, may bind himself or herself, by written contract

to serve another in any art, trade, profession, or other employment, for any term not exceeding five years." Section 23 stated that

[a]ll engagements of service contracted in a foreign country to be executed in this[Kingdom], unless the same be in contravention of the laws of this [kingdom], shall be binding here; [p]rovided, however, that all such engagements made for a longer period than ten years shall be reduced to that limit, to count from the day of the arrival of the person bound in this kingdom.

Primarily in response to the increasing need of Hawai'i's sugar companies for laborers to work in the cane fields, foreigners were brought to Hawai'i as contract laborers. Prior to 1900, Chinese, Pacific Islanders, Japanese, Portuguese, Norwegian, German and Indian contract laborers were brought to Hawai'i. After their contracts expired, some stayed and some departed.

All native inhabitants of the Hawaiian Islands were subjects of the Kingdom. Foreigners could become either naturalized subjects of the Kingdom or denizens. Foreigners who resided in the Hawaiian Islands for at least five years could apply to the Minister of Interior for naturalization. Every person naturalized was deemed a subject of the Kingdom amenable only to the laws of Hawai'i and entitled to all the rights, privileges and immunities of a subject of the Kingdom. A foreigner whose services were necessary in the affairs of Hawai'i's government locally and/or abroad could become a denizen by authorization by

the King. A denizen had all the rights, privileges and obligations of a subject of the Kingdom, was not required to relinquish his allegiance to his native country as was required under naturalization, but was required to proclaim an oath of allegiance to Hawai'i's Kingdom. A denizen's child born in Hawai'i was a subject of the Kingdom.

In 1852, King Kamehameha III promulgated a new Constitution which further reduced the King's power and authority by changing the 1840 Constitution in the following ways. The King appointed the King's Ministers and they all served at his pleasure. The King's Ministers were his Cabinet Council. The English name "Premier" was changed to the Hawaiian name "Kuhina Nui[.]" The King appointed the not more than thirty members of the House of Nobles for life. The not less than twenty-four and not more than forty representatives were elected annually. The only persons authorized to be Representatives were not less than twenty-five year old male subjects or denizens of the Kingdom, who knew how to read and write, who understood accounts, and who resided in the Kingdom for at least one year immediately preceding the election. The only persons authorized to vote for their district Representatives were not less than twenty-year old male subjects of the King, whether native or naturalized, and denizens of the Kingdom, who paid their taxes and were residents of the Kingdom for no less than one year immediately preceding the election.

The King appointed the three members of the Supreme Court for life. No constitutional amendment was effective until it was

proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of the members of each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the election of the next House of Representatives; and if, in the next Legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each house, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

After approving the Constitution, the King was required to and did "solemnly Swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity with that and the laws."

In 1864, ignoring his oath of office and the constitutional limitations on his power to do so unilaterally, King Kamehameha V promulgated a new Constitution further reducing the King's power and authority by changing the 1852 Constitution in the following ways. This Constitution said nothing about a Premier, a Kuhina Nui or denizens. 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 and they were appointed by the King to serve 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 was named the Legislative Assembly and its members were the not more than twenty Nobles appointed for life by the King, the four members of the King's Cabinet who held seats ex officio as Nobles, and the not less than twenty-four nor more than forty Representatives elected biannually by the voters. The only persons eligible to be Representatives were not less than twenty-one year old male subjects of the Kingdom, who knew how to read and write, who understood accounts, who were domiciled in the Kingdom for at least three years, the last of which was the year immediately preceding his election, and who owned real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five-hundred dollars, or who had an annual income of at least two-hundred-fifty dollars derived from any property or some lawful employment. The only persons authorized to vote for their district Representatives were not less than twenty-year old male subjects of the Kingdom, who paid their taxes, who had been domiciled in the Kingdom for one year immediately preceding the election, who possessed real property in the Kingdom of a value over and above all encumbrances of one-hundred and fifty dollars or a leasehold property on which the rent was twenty-five dollars per year or who had an annual income of not less than seventy-five dollars derived from any property or some lawful employment and, if born after 1840, who knew how to read and write. The

King's veto of any Bill or Resolution passed by the Legislative Assembly was final. The members of the Supreme Court were a Chief Justice and not less than two Associate Justices, all appointed by the King for life. This Constitution specified that:

Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

It also required King Kamehameha V and his successors to take 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."

In 1868, USA President Andrew Johnson remarked that "[a] reciprocity treaty, . . . , would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union." In 1871, USA President Ulysses S. Grant asked the USA Congress (Congress) to consider statehood for Hawai'i. Congress did not act on his request.

In 1874, a constitutional amendment eliminated the property qualification for voter eligibility.

A law passed in 1874 prohibited the importation or sale of opium except for medicinal uses. In 1878 and 1884, King Kalakaua vetoed legislation to license the importation and sale of opium. In 1886, King Kalakaua approved legislation authorizing the issuance "to some one 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 fee for the license was \$30,000 per year. 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 property remedy for the disease from which the bearer is suffering[.]" Soon thereafter, a license was issued to a Chinese applicant. The 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.

In 1887, a public meeting called by people who were dissatisfied with the government of King Kalakaua and his Cabinet resulted in the presentation of requests to King Kalakaua, giving him twenty-four hours to reply, and authorizing another public

meeting if he refused to agree to the requests. The requests were 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 Kaae 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 Kaae 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. [359-372]

At the public meeting, after the requests were read but before they were approved. Charles R. Bishop, the husband of Bernice Pauahi who was the foster sister of Lili'uokalani, read a letter he had received from King Kalakaua. The letter stated:

Reposing especially confidence in your loyalty and sound judgment as a councillor, and knowing your regard for our people, we are moved to call the Hon. W. L. Green to form a Cabinet and a Ministry which he may select, and will be acceptable to the respectable and responsible majority of our people, will be welcome to us; and any guarantees which may be reasonably required of us under the Constitution and laws of our Kingdom will be at once conceded to such Administration.

After the requests were approved, they were delivered to King Kalakaua. In his written reply, King Kalakaua expressed his "gratification that Our people have taken the usual constitutional steps in presenting their grievances" and responded that:

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 Kaae 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.

King Kalakaua appointed new Cabinet members. This Cabinet drafted a new Constitution and presented it to King Kalakaua. At this Cabinet's request, King Kalakaua ignored his oath of office and the constitutional limitations on his power to do so unilaterally and 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."

This 1887 Constitution substantially reduced the King's remaining power and authority by changing various provisions in the 1864 Constitution, as amended. It omitted the statement in the 1864 Constitution that "[t]he King's private lands and other property are inviolable." The name of the "Legislative Assembly" was changed to the "Legislature[.]" The members of the Cabinet were the four Ministers (Foreign Affairs, Interior, Finance, and Attorney General) appointed by the King. A Cabinet member could be removed only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature. No executive, judicial officer, or any contractor, or employee of the Government, or any person in the receipt of salary or emolument from the Government, was eligible to be an elective

member of the legislature. No member of the Legislature was eligible, during the time for which he was elected, to be appointed to any civil office under the Government, except as a member of the Cabinet. The Nobles and Representatives sitting together were the Legislature. The members of the Cabinet held ex-officio seats in the Legislature, with the right to vote, except on a question of want of confidence in them. Twenty-four Nobles were to be elected, six from the Island of Hawai'i, six from the Islands of Mau'i, Moloka'i and Lana'i, nine from the Island of O'ahu, and three from the Islands of Kaua'i and Ni'ihau. The term of each Noble was six-years and one-third of each division were elected biannually. The only persons eligible to be Nobles were not less than twenty-five year old subjects of the Kingdom who had resided in the Kingdom three years, and who were the owners of taxable property in the Kingdom of the value of three-thousand dollars over and above all encumbrances, or were in receipt of an annual income of not less than six-hundred dollars. The only persons authorized to vote for Nobles were not less than twenty-year old male residents of the Hawaiian Islands who were of Hawaiian, American or European birth or descent, who paid their taxes, who resided in the Kingdom not less than three years and in the district not less than three months immediately preceding the election, who owned and possessed, in their own right, taxable property in the Kingdom of the value of not less

than three thousand dollars over and above all encumbrances, or who actually received an income of not less than six hundred dollars during the year next preceding their registration for the election, who took an oath to support the Constitution and laws, and who, if they had not resided in the Kingdom at the time of the promulgation of the Constitution, were able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language. Twenty-four Representatives were elected biennially. The only persons eligible to be Representatives were not less than twenty-one year old male subjects of the Kingdom, who knew to read and write either the Hawaiian, English or some European language, who understood accounts, who had been domiciled in the Kingdom for at least three years, the last of which was the year immediately preceding their election, and who owned real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five hundred dollars, or who had an annual income of at least two hundred and fifty dollars derived from any property or some lawful employment. The only persons authorized to vote for their district Representatives were not less than twenty-year old male residents of the Hawaiian Islands who were of Hawaiian, American or European birth or descent who, if born since the year 1840, knew how to read and write the Hawaiian, English or some European language, took an oath to support the Constitution and laws, and

who, if they had not resided in the Kingdom at the time of the promulgation of the Constitution, were domiciled in the Kingdom for one year immediately preceding the election and voted in the first election under the 1887 Constitution. By a two-thirds vote, the Legislature could override the King's veto of any bill passed by the Legislature. Justices of the Supreme Court could be removed by impeachment. Constitutional amendments did not require the approval of the King. The first election was required to be held within ninety days after the promulgation of the Constitution.

Both the 1864 Constitution and the 1887 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 1887 Constitution also stated that "[w]henever 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 7 Hawaii 783 (1889), the Hawaii Supreme Court concluded that the 1887 Constitution required that the King "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 8 Hawaii 566 (1890), the Hawaii Supreme Court decided that it was not necessary for the cabinet to be unanimous and that the advice of the majority must be followed. In 7 Hawaii 229 (1888), the Hawaii Supreme Court decided that the refusal of the King to sign a bill which had been passed by a majority of the legislature did not require for its validity that it be done by the advice and consent of the cabinet.

The 1887 Constitution did not permit any Asian to vote, not even those who were naturalized citizens of Hawai'i. It permitted all otherwise qualified persons of Hawaiian, American or European birth or descent to vote. As a result, otherwise qualified Portuguese immigrants were permitted to vote. In 1890, 13,593 persons were registered to vote. Of these, 9,554 were Hawaiian or part-Hawaiian and 2,091 were Portuguese. In the election for the House of Nobles, 3,187 votes were cast. In the election for the House of Representatives, 11,671 votes were cast.

The legislature elected pursuant to the 1887 Constitution repealed the 1886 Opium Law and re-enacted the law existing prior to the 1986 Opium law.

In the 1875 Convention on Commercial Reciprocity (1875 CCR), the USA agreed to allow Hawai'i to export to the USA duty free a long list of specified items, including sugar, and Hawai'i agreed

not only to allow the USA to export to Hawai'i a lengthy list of specified items duty free, but also

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 [USA].

The seven-year term of the 1875 CCR 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. In late 1887, after the 1887 Constitution had been promulgated and an election had been completed, the 1875 CCR was extended for another seven year term. In the 1887 extension, Hawai'i granted "to the Government of the [USA] the exclusive right to enter the harbor of 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 U.S. and to that end the [USA] may improve the entrance to said harbor and do all things useful 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 a 1991 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."

Effective April 1, 1891, the 1890 McKinley Tariff Administrative Act reduced duties on imports from other countries to the U.S., eliminated the advantage previously enjoyed by Hawai'i under the 1875 CCR and commenced an economic depression in Hawai'i. The USA declined Hawai'i's offer to extend the Pearl Harbor concession in return for free-of-tariff trade with the U.S.

When Lili'uokalani became Queen in 1891, she took the oath required of her by the 1887 Constitution.

In 1892, by votes of want of confidence, the Legislature removed a succession of Cabinets appointed by Queen Lili'uokalani. On November 8, 1892, she appointed the Wilcox-Robinson-Jones-Brown Cabinet. This Cabinet opposed a lottery franchise law. On January 12, 1893, after the Legislature approved a bill authorizing the sale of a lottery franchise, [529, 579] this Cabinet resigned. Queen Lili'uokalani then appointed the Parker-Colburn-Cornwell-Peterson Cabinet. This Cabinet advised Queen Lili'uokalani to sign the lottery franchise bill and she did.

On Saturday, January 14, 1893, being in disagreement with the validity and content of the 1887 Constitution but ignoring her oath of office and the provisions in the 1964 Constitution and the 1987 Constitution prohibiting her from doing so unilaterally, Queen Lili'uokalani announced her plan to sign and

proclaim a new Constitution. This new Constitution was substantially the same as the 1964 Constitution except that it (1) authorized (a) a majority of all of the members of the Legislative Assembly to remove the members of the Cabinet, (b) the Legislative Assembly, by a two-thirds vote of all of its members, to over-ride the Queen's disapproval of any bill or resolution approved by the Legislative Assembly, (c) no more than 24 Nobles, (d) not less than twenty-four and no more than forty-eight representatives, and (2) declared that (a) no executive, judicial officer, or any contractor, or employee of the Government, or any person in the receipt of salary or emoluments from the Government, was eligible to be an elective member of the legislature, and (b) no member of the Legislature was eligible, during the time for which he was elected, to be appointed to any civil office under the Government, except as a member of the Cabinet.

The Cabinet appointed by Queen Lili'uokalani disapproved of her plan. On Sunday, January 15, 1893, the Queen proclaimed in writing that "the position taken by Her Majesty in regard to the promulgation of a new Constitution, was under stress of Her native subjects. Authority is given for the assurance that any changes desired in the fundamental law of the land will be sought only by methods provided in the Constitution itself."

On Tuesday, January 17, 1893, a group initially named the Annexation Club and subsequently named the Committee of Safety took possession of the Government Building, the Archives and the Treasury and announced that a Provisional Government had replaced the Constitutional Monarchy. Members of the Committee of Safety advised Queen Lili`uokalani to surrender to superior force and, if she so desired, to do so under protest and to appeal to the USA Government for redress. In a written message signed by Queen Lili`uokalani and her four Cabinet Ministers, the Queen responded to the Provisional Government as follows:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom. That I yield to the superior force of the [USA], whose minister plenipotentiary, His Excellency John L. Stevens, has caused [USA] troops to be landed at Honolulu and declared that he would support the said Provisional Government.

Now, to avoid any collision of armed forces, and perhaps the loss of life, I do, under this protest and impelled by said forces, yield my authority until such time as the Government of the [USA] shall, upon the facts being presented to it, undo the action of its representative and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

The next day, Queen Lili`uokalani communicated the following written message to President Harrison:

His Excellency BENJAMIN HARRISON, President of the [USA]:
MY GREAT AND GOOD FRIEND: It is with deep regret that I address you on this occasion. Some of my subjects, aided by aliens, have renounced their loyalty and revolted against the constitutional government of my Kingdom. They have

attempted to depose me and to establish a provisional government, in direct conflict with the organic law of this Kingdom I pray you, therefore, my good friend, that you will not allow any conclusions to be reached by you until my envoy arrives. . . .

The Provisional Government repealed the opium and lottery licensing laws.

At the request of the Provisional Government, President Harrison asked Congress to approve a treaty of annexation provided to him by the Provisional Government. The situation changed when President Cleveland succeeded President Harrison. On December 18, 1893, President Cleveland sent a message to Congress, in part, as follows:

To the Senate and House of Representatives:

In my recent annual message to the Congress I briefly referred to our relations with Hawaii

. . . I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action of the problem presented, render it proper and expedient, that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

. . . .

When the present Administration entered upon its duties the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. . . .

. . . .

. . . But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the [USA], whose Minister had caused [USA] troops to be landed at Honolulu and declared that he would support such provisional government.

. . . .

I conceived it to be my duty therefore to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial investigation to be made of the facts attending the subversion of the constitutional Government of Hawaii and the installment in its place of the provisional government. I selected for the work of investigation the Hon. James H. Blount, of Georgia,

. . . .

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government", and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

. . . .

It is unnecessary to set forth the reasons which in January, 1893, led a considerable proportion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the [USA]. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the Minister representing the [USA] in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconveniently scrupulous as to the means employed to that end. On the 19th day of November, 1892, nearly two months before the first overt act tending towards the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the [USA], he addressed a long letter to the Secretary of State in which the case for annexation was elaborately argued, on moral, political, and economical grounds. He refers to the loss of the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says: "In truth the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government - an obstruction to the prosperity and progress of the islands."

He further says: "As a crown colony of Great Britain or a Territory of the [USA] the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a territorial government they could be as easily governed as any of the existing Territories of the [USA]." . . . Hawaii has reached the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in [the USA], gives her [a USA] civilization, and binds her to the care of [the USA's] destiny." . . .

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On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference

to the wishes and remonstrances of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called Committee of Safety, composed of thirteen persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the [USA], and between Saturday, the 14th, and the following Monday, the 16th of January - though exactly what action was taken may not be clearly disclosed - they were certainly in communication with the [USA] Minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the Committee of Safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the Committee of Safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between three and four o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the [USA] Minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger, and concluded as follows: "We are unable to protect ourselves without aid, and therefore pray for the protection of the [USA] forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered, the committee, so far as it appears, had neither a man or a gun at their command, and after its delivery they became so panic-stricken at their stricken position that they sent some of their number to interview the Minister and request him not to land the [USA] forces till the next morning. But he replied that the troops had been ordered, and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January, 1893, between four and five o'clock in the afternoon, a detachment of marines from the [USA] Steamer Boston, with two pieces of artillery, landed at Honolulu. The men, upwards of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies. This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the bona fide purpose of protecting the imperilled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the de facto and the de jure government. In point of fact the existing government instead of requesting the presence of an armed force protested against it. There is as little basis for the pretense that such forces were landed for the security of [USA] life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they

were landed for the protection of [USA] citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government. . . . When these armed men were landed, the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquility, except the landing of the Boston's marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the [USA] forces on the plea of danger to life and property the Committee of Safety themselves requested the Minister to postpone action, exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the [USA] forces.

Thus it appears that Hawaii was taken possession of by the [USA] forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the [USA] Minister.

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The [USA] forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, ten of whom were drawn from the thirteen members of the Committee of Safety. Between one and two o'clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was any one there to oppose them, they proceeded to the Government building to proclaim the new government. No sign of opposition was manifest, and thereupon [a USA] citizen began to read the proclamation from the steps of the Government building almost entirely without auditors. . . . [T]he one controlling factor in the whole affair was unquestionably the [USA] marines, who, drawn up under arms and with artillery in readiness only seventy-six yards distant, dominated the situation.

The provisional government thus proclaimed was by the terms of the proclamation "to exist until terms of union with the [USA] had been negotiated and agreed upon". The [USA] Minister, pursuant to prior agreement, recognized this government within an hour after the reading of the proclamation, and before five o'clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our Minister recognized the provisional government the only basis upon which it rested was the fact that the Committee of Safety had in the manner above stated declared it to exist. It was neither a government de facto nor de jure. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the Legation at Honolulu, addressed by the declared head of the provisional government to Minister Stevens, dated January 17, 1893, in which he acknowledges with expressions of appreciation the Minister's recognition of the provisional government, and states that it is not yet in the possession

of the station house (the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our Minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least five hundred fully armed men and several pieces of artillery. Indeed, the whole military force of her kingdom was on her side and at her disposal, while the Committee of Safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government. In this state of things if the Queen could have dealt with the insurgents alone her course would have been plain and the result unmistakable. But the [USA] had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the [USA], but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the provisional government by the [USA] Minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the [USA], whose Minister had caused [USA] troops to be landed at Honolulu and declared that he would support the provisional government, and that she yielded her authority to prevent collision of armed forces and loss of life and only until such time as the [USA], upon the facts being presented to it, should undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the provisional government, who endorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the provisional government, who were certainly charged with the knowledge that the Queen instead of finally abandoning her power had appealed to the justice of the [USA] for reinstatement in her authority; and yet the provisional government with this unanswered protest in its hand hastened to negotiate with the [USA] for the permanent banishment of the Queen from power and for the sake of her kingdom.

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I believe that a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the [USA].

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I have not, however, overlooked an incident of this unfortunate affair which remains to be mentioned. The members of the provisional government and their supporters, though not entitled to extreme sympathy, have been led to their present predicament of revolt against the Government of the Queen by the indefensible encouragement and assistance of our diplomatic representative. This fact may entitle them to claim that in our effort to rectify the wrong committed some regard should be had for their safety. This sentiment is strongly seconded by my anxiety to do nothing which would invite either harsh retaliation on

the part of the Queen or violence and bloodshed in any quarter. In the belief that the Queen, as well as her enemies, would be willing to adopt such a course as would meet these conditions, and in view of the fact that both the Queen and the provisional government had at one time apparently acquiesced in a reference of the entire case to the United States Government, and considering the further fact that in any event the provisional government by its own declared limitation was only "to exist until terms of union with the United States of America have been negotiated and agreed upon," I hoped that after the assurance to the members of that government that such union could not be consummated I might compass a peaceful adjustment of the difficulty.

Actuated by these desires and purposes, and not unmindful of the inherent perplexities of the situation nor of the limitations upon my power, I instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the [USA] forces at Honolulu on the 16th of January last, if such restoration could be effected upon terms providing for clemency as well as justice to all parties concerned. The conditions suggested, as the instructions show, contemplate a general amnesty to those concerned in setting up the provisional government and a recognition of all its bona fide acts and obligations. In short, they require that the past should be buried, and that the restored Government should reassume its authority as if its continuity had not been interrupted. These conditions have not proved acceptable to the Queen, and though she has been informed that they will be insisted upon, and that, unless acceded to, the efforts of the President to aid in the restoration of her Government will cease, I have not thus far learned that she is willing to yield them her acquiescence. The check which my plans have thus encountered has prevented their presentation to the members of the provisional government, while unfortunate public misrepresentations of the situation and exaggerated statements of the sentiments of our people have obviously injured the prospects of successful Executive mediation.

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Although Blount conducted his investigation in Hawai'i, he did not interview any member of the Committee of Safety nor any officer of the U.S.S. Boston.

From December 27, 1893 to February 26, 1894, the Senate Committee on Foreign Relations, under Chairman Morgan, held hearings only in Washington D.C. and then delivered the Morgan Report to the full Senate. In part, the Morgan Report states:

. . . When we claim the right to interfere in the domestic affairs of Hawaii, as we would not interfere with those of a European nation, we must also admit her right to whatever advantages there may be in the closeness and interdependence of our relations, and her right to

question us as to any conflicts of policy between Mr. Harrison and Mr. Cleveland that may be justly said to work a disadvantage to the interests of Hawaii, if there are any.

And another principle which does not apply in our dealings with European powers comes into application in this case to influence the rights of Hawaii in her intercourse with the [USA]. Hawaii is [a USA] state, and is embraced in the [USA] commercial and military system. This fact has been frequently and firmly stated by our Government, and is the ground on which is rested that peculiar and far-reaching declaration so often and so earnestly made, that the [USA] will not admit the right of any foreign government to acquire any interest or control in the Hawaiian Islands that is in any way prejudicial or even threatening toward the interests of the [USA] or her people. This is at least a moral suzerainty over Hawaii. In this attitude of the two Governments, Hawaii must be entitled to demand of the [USA] an indulgent consideration, if not an active sympathy, when she is endeavoring to accomplish what every other [USA] state has achieved-the release of her people from the odious antirepublican regime which denies to the people the right to govern themselves, and subordinates them to the supposed divine right of a monarch, whose title to such divinity originated in the most slavish conditions of pagan barbarity.

The point at which it is alleged that there was a questionable interference by our minister and our Navy with the affairs of Hawaii was the landing of troops from the ship *Boston* in Honolulu on the 16th day of January, 1893, at 5 o'clock in the afternoon. That ship, on which the minister was a passenger, had been off on a practice cruise at Hilo, a distance of nearly 100 miles, since the 4th day of January. On her return to the harbor a condition of affairs existed in Honolulu which led naturally to the apprehension that violence or civil commotion would ensue, in which the peace and security of [USA] citizens residing in that city would be put in peril, as had been done on three or more separate occasions previously when changes occurred or were about to occur in the government of Hawaii. Whatever we may conclude were the real causes of the situation then present in Honolulu, the fact is that there was a complete paralysis of executive government in Hawaii. The action of the Queen in an effort to overturn the constitution of 1887, to which she had sworn obedience and support, had been accepted and treated by a large and powerful body of the people as a violation of her constitutional obligations, revolutionary in its character and purposes and that it amounted to an act of abdication on her part, so far as her powers and the rights of the people under the constitution of 1887 were concerned. This state of opinion and this condition of the executive head of the Hawaiian Government neutralized its power to protect American citizens and other foreigners in their treaty rights, and also their rights under the laws of Hawaii. There was not in Honolulu at that time any efficient executive power through which the rights of [USA] citizens residing there could be protected in accordance with the local laws. It is evident that the Queen's Government at that time had no power to prevent the landing of troops from any quarter, no power to protect itself against invasion, no power to conduct civil government, so far as the executive was concerned, if the effort to exert such power was antagonized by any opposing body of people in considerable numbers. Indeed, no effort seems to have been made to exert the civil authority except through the presence of a small and inefficient body of policemen. The authority of the Queen was not respected by the people; it was opposed, and no force appeared to be used for the purpose of

overcoming the opposition. It yielded to a silent but ominous opposition. Without reference to the question whether, in strict law, the action of the Queen in her effort to overturn the constitution of 1887, and to substitute one by a proclamation which she had prepared, was a revolution in government, or an effort at revolution, or amounted to an actual abdication, the result was that an interregnum existed.

If we give full effect to the contention that this interregnum occurred because of the apprehensions of the Queen that force would be used by the [USA] to compel her abdication, those apprehensions could not have occurred before the landing of the troops from the Boston, or, if they existed, they were idle, unfounded, and unjust toward the United States. It was her conduct, opposed by her people, or a large portion of them, that paralyzed the executive authority and left the citizens of the United States in Honolulu without the protection of any law, unless it was such as should be extended to them by the [USA] minister, in conjunction with the arms of the [USA] then on board the Boston.

It will appear hereafter in this report that there is well-settled authority for the position that at the moment when the Queen made public her decision to absolve herself from her oath to support the constitution of 1887 her abdication was complete, if the people chose so to regard it. That constitution and the Queen's oath to support it was the only foundation for her regal authority and, when she announced that her oath was annulled in its effect upon her own conscience, she could no longer rightfully hold office under that constitution. In such matters the word of the Queen, once sedately uttered, fixes a condition that is irrevocable unless by the consent of those whose condition or rights would be injuriously affected by its subsequent withdrawal; . . .

Whether the people would permit the restoration of the Queen, or whether they would constitute a new executive head of the Government of Hawaii, was a matter then undetermined, and as to that the Government of the [USA] had but one concern, and that was that the interregnum should be ended, the executive head of the Government should be supplied, and the laws of Hawaii and the treaty rights of [USA] citizens should have full effect, peacefully, in the protection of their rights and interests. When the Queen found that her Government was opposed by a strong body of the people she did not attempt to reassemble the Legislature, but left the public safety in charge of a committee of thirteen men, organized by those who were endeavoring to preserve the peace and to restore the Government to its full constitutional powers by choosing an executive head. This condition of things continued from Saturday until the succeeding Tuesday, during all of which time the citizens of the United States residing in Honolulu had no protection of law, except such as was guarantied to them by the presence of the *Boston* in the bay of Honolulu, or the moral influence of the [USA] legation and consulate.

When the Kamehameha dynasty ended, the monarchy in Hawaii was doomed to a necessary dissolution. The five kings of that family, assisted by their premiers, who were Kanaka women, and by such missionaries as Judd, Bingham, Chamberlain, Coan, Goodrich, and Damon maintained the progress of civilization and prosperity, but when Kalakaua was elected king, the most surprising and disgraceful corruptions infected the Government. Without detailing in this report the constant decline from bad to worse, which the evidence discloses, without contradiction or explanation, when Liliuokalani was enthroned the monarchy was a mere shell and was in condition to crumble on the slightest touch of firm opposition. Under

her brief rule, it was kept alive by the care and forbearing tolerance of the conservative white people, who owned \$50,000,000 of the property in Hawaii, until they saw that the Queen and her party had determined to grasp absolute power and destroy the constitution and the rights of the white people. When they were compelled to act in self-defense the monarchy disappeared. It required nothing but the determined action of what was called the missionary party to prostrate the monarchy, and that action had been taken before the troops from the Boston landed.

There was then no executive head of the Government of Hawaii; it had perished.

In a country where there is no power of the law to protect the citizens of the [USA] there can be no law of nations nor any rule of comity that can rightfully prevent our flag from giving shelter to them under the protection of our arms, and this without reference to any distress it may give to the Queen who generated the confusion, or any advantage it might give to the people who are disputing her right to resume or to hold her regal powers. In every country where there is no effective chief executive authority, whether it is a newly-discovered island where only savage government prevails, or one where the government is paralyzed by internal feuds, it is the right, claimed and exercised by all civilized nations, to enter such a country with sovereign authority to assert and protect the rights of its citizens and their property, and to remain there without the invitation of anybody until civil government shall have been established that is adequate, in a satisfactory sense, for their protection.

The committee agree that such was the condition of the Hawaiian Government at the time that the troops were landed in Honolulu from the steam warship *Boston*; that there was then an interregnum in Hawaii as respects the executive office; that there was no executive power to enforce the laws of Hawaii, and that it was the right of the United States to land troops upon those islands at any place where it was necessary in the opinion of our minister to protect our citizens.

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Civilization and constitutional government in Hawaii are the foster children of the [USA] Christian missionaries. It can not be justly charged to the men and women who inaugurated this era of humanity, light, and justice in those islands that either they or their posterity or their followers, whether native or foreign, have faltered in their devotion to their exalted purposes. They have not pursued any devious course in their conduct, nor have they done any wrong or harm to the Hawaiian people or their native rulers. They have not betrayed any trust confided to them, nor have they encouraged any vice or pandered to any degrading sentiment or practice among those people. Among the native Hawaiians, where they found paganism in the most abhorrent forms of idolatry, debauchery, disease, ignorance and cruelty 75 years ago, they planted and established, with the free consent and eager encouragement of those natives and without the shedding of blood, the Christian ordinance of marriage, supplanting polygamy; a reverence for the character of women and a respect for their rights; the Christian Sabbath and freedom of religious faith and worship, as foundations of society and of the state; universal education, including the kings and the peasantry; temperance in place of the orgies of drunkenness that were all-pervading; and the separate holdings of lands upon which the people built their homes. In doing these benevolent works the [USA] missionary

did not attempt to assume the powers and functions of political government. As education, enlightenment, and the evident benefits of civilization revealed to those in authority the necessity of wise and faithful counsels in building up and regulating the government to meet those new conditions, the kings invited some of the best qualified and most trusted of these worthy men to aid them in developing and conducting the civil government. As a predicate for this work they freely consented to and even suggested the giving up of some of their absolute powers and to place others under the constraint of constitutional limitations. They created an advisory council and a legislature and converted Hawaii from an absolute despotism into a land of law. The cabinet ministers thus chosen from the missionary element were retained in office during very long periods, thus establishing the confidence of the kings and the people in their integrity, wisdom, and loyalty to the Government. No charge of defection or dishonesty was ever made against any of these public servants during the reign of the Kamehamehas, nor indeed at any time. They acquired property in moderate values by honest means, and labored to exhibit to the people the advantages of industry, frugality, economy, and thrift.

The progressive elevation of the country and of the people from the very depravity of paganism into an enlightened and educated commonwealth and the growth of their industries and wealth will be seen at a glance in the statements of the most important events and in the tables showing the most important results of their work and influence, which are set forth in the evidence accompanying this report. This array of undisputed facts shows that, with Christianity and education as the basis, there has come over Hawaii the most rapid and successful improvement in political, industrial, and commercial conditions that has marked the course of any people in Christendom.

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The evidence submitted by the committee, in addition to that which was presented by Mr. Blount, having been taken under circumstances more favorable to the development of the whole truth with regard to the situation, has, in the opinion of the committee, established the fact that the revolutionary movement in Hawaii originated with Liliuokalani, and was promoted, provided for, and, as she believed, secured by the passage of . . . the lottery bill through the Legislature, from which she expected to derive a revenue sufficient to secure the ultimate success of her purpose, which was distinctly and maturely devised to abolish the constitution of 1887, and to assume to herself absolute power, free from constitutional restraint of any serious character. The fact cannot be ignored that this revolutionary movement of Liliuokalani, which had its development in the selection of a new cabinet to supplant one which had the support of all the conservative elements in the islands, was set on foot and accomplished during the absence of the [USA] minister on board the ship *Boston* during the ten days which preceded the prorogation of the Legislature. The astonishment with which this movement was received by the American emigrants and other white people residing in Hawaii, and its inauguration in the absence of the *Boston* and of the [USA] minister, show that those people, with great anxiety, recognized the fact that it was directed against them and their interests and welfare and that when it was completed they would become its victims. These convictions excited the serious apprehensions of all the white people in those islands that a crisis was brought about in which not only their rights in Hawaii, and under the constitution, were to be injuriously affected, but that the ultimate result would be that

they would be driven from the islands or, remaining there, would be put at the mercy of those who chose to prey upon their property. This class of people, who were intended to be ostracized, supply nine-tenths of the entire tax receipts of the Kingdom; and they were conscious that the purpose was to inflict taxation upon them without representation, or else to confiscate their estates and drive them out of the country. This produced alarm and agitation, which resulted in the counter movement set on foot by the people to meet and overcome the revolution which Lilioukalani had projected and had endeavored to accomplish. . . .

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That of right it belongs wholly to the people of the Hawaiian Islands to establish and maintain their own form of government and domestic polity; that the [USA] ought in no wise to interfere therewith; and that any intervention in the political affairs of these islands by any other government will be regarded as an act unfriendly to the [USA].

On July 4, 1894, the Provisional Government declared that Hawai'i was the Republic of Hawai'i. The 1894 Constitution of the Republic of Hawai'i was signed by Sanford B. Dole, William Chauncey Wilder, Francis March Hatch, William Owen Smith, William Fessenden Allen, Cristal Bolte, Cecil Brown, John Emmeluth, John Ena, John A. McCandless, Joseph P. Mendoca, James Francis Morgan, John Nott, David Bowers Smith, Edward Davies Tenney, Henry Waterhouse, Alexander Young, Lemuel Clark Ables, Henry Perrim Baldwin, Charles Lunt Carter, Antonio Fernandes, William Horner, Jose Kekahuna Iosepa, David Haili Kahaulelio, John William Kalua, John Kauhane, Albert Kukailimoku Kunuiakea, Frederick S. Lyman, William Fawcett Pogue, William Hyde Rice, Alexander George Morison Robertson, John Mark Vivas, George Norton Wilcox, and Charles T. Rodgers.

Thereafter, President Cleveland recognized the Provisional Government as the legitimate successor to the treaties between the USA and the Kingdom of Hawaii.

When President McKinley succeeded President Cleveland, the Republic of Hawaii sought annexation by the USA. This move coincided with the USA government's desire to expand geographically by acquiring certain overseas territories, including Hawai'i, and to do so before other seriously interested countries did so. The USA Supreme Court's opinion in Territory of Hawaii v. Mankichi, 190 U.S. 197, 209-15, 23 S.Ct. 787, 787-790 (1903), describes the process that resulted in Hawai'i becoming a Territory of the USA.

. . . By a joint resolution adopted by Congress, July 7, 1898 (. . .), known as the Newlands resolution, and with the consent of the Republic of Hawaii, signified in the manner provided in its Constitution, the Hawaiian islands and their dependencies were annexed 'as a part of the territory of the [USA], and subject to the sovereign dominion thereof,' Though the resolution was passed July 7, the formal transfer was not made until August 12, when, at noon of that day, the American flag was raised over the government house, and the islands ceded with appropriate ceremonies to a representative of the [USA]. Under the conditions named in this resolution, the Hawaiian islands lands remained under the name of the 'Republic of Hawaii' until June 14, 1900, when they were formally incorporated by act of Congress under the name of the 'territory of Hawaii.'

The Republic of Hawaii became the Territory of Hawai'i in 1898 when President McKinley signed the Organic Act. This Act specified that the executive power of the Territorial government was assigned to a Governor who was appointed by the President of the USA, with the consent of the USA Senate. The Governor's term was four years unless sooner removed by the President. The three

Hawai'i Supreme Court Justices were appointed by the President, with the consent of the Senate. Each of the three Supreme Court Justices had a seven-year term, unless sooner removed by the President. The Hawai'i Circuit Court Judges were appointed by the President and each had a six-year term, unless sooner removed by the President. Only persons who were male citizens of the USA over the age of twenty-one, who were able to speak, read and write the English or Hawaiian language, and who had resided in the Territory not less than one year were eligible to vote. The voters elected a Delegate to Congress who had a seat and the right to participate in debate, but not the right to vote, in the House of Representatives.

The USA Supreme Court's opinion in O'Donoghue v. U.S., 289 U.S. 516, 537, 53 S.Ct. 740. 745-46 (1953), describes and explains the status and expectations of a USA Territory.

. . . 'The Territories,' it was said in First National Bank v. County of Yankton, 101 U.S. 129, 133, 25 L.Ed. 1046, 'are but political subdivisions of the outlying dominion of the [USA].' Since the Constitution provides for the admission by Congress of new states (. . .), it properly may be said that the outlying continental public domain, of which the United States was the proprietor, was, from the beginning, destined for admission as a state or states into the [USA]; and that as a preliminary step toward that foreordained end-to tide over the period of ineligibility-Congress, from time to time, created territorial governments, the existence of which was necessarily limited to the period of pupillage.

The impermanent character of these governments has often been noted. Thus, it has been said, 'The territorial state is one of pupillage at best,' Nelson v. United States (C.C.) 30 F. 112, 115; 'A territory, under the constitution and laws of the United States, is an inchoate state,' Ex parte

Morgan, (D.C.) 20 F. 298, 305; 'During the term of their pupillage as Territories, they are mere dependencies of the [USA].' Snow v. United States, 18 Wall. 317, 320, 21 L.Ed. 784. And in Pollard's Lessee v. Hagan et al., 3 How. 212, 224, 11 L.Ed. 565, the court characterizes them as 'the temporary territorial governments.'

The Organic Act specified that all persons who were citizens of the Republic of Hawai'i on August 12, 1898, were citizens of the USA. To be a citizen of the Republic of Hawaii, one had to be a person born or naturalized in Hawai'i who was subject to the jurisdiction of the Republic, or be a person living in Hawai'i "who took active part, or otherwise rendered substantial service in the formation of, and has since supported the Provisional Government of Hawaii, who shall within six months from the promulgation of this Constitution procure from the Minister of the Interior a certificate of such service[.]"

In 1900, the population of Hawai'i was forty percent Japanese, twenty-four percent Hawaiian, nineteen percent Caucasian, seventeen percent Chinese and ten percent others. Subsequently, Puerto Ricans, Okinawans, Koreans, Spaniards, Russians and Filipinos emigrated to Hawai'i in response to the need for inexpensive labor.

Most of Hawai'i's immigrant laborers were not USA citizens. The USA enacted its first naturalization law in 1790. This law granted the right of naturalization to any alien who was a "free white person." In 1870, the right of naturalization was extended

to "aliens of African nativity and to persons of African descent." Asians were classified as "aliens ineligible to citizenship." The Chinese Exclusion Act of 1882 prohibited Chinese laborers from entering the USA and denied the Chinese in the USA the opportunity of becoming naturalized citizens.

In 1922, in Takao Ozawa v. U.S., 260 U.S. 178, 43 S.Ct. 65, the USA Supreme Court noted that "[i]n all of the naturalization acts from 1790 to 1906 the privilege of naturalization was confined to white persons (with the addition in 1870 of those of African nativity and descent)[.]" Including the period of his residence in Hawai'i, Ozawa had continuously resided in the U.S. for twenty years. Interpreting a USA statute, the Supreme Court concluded that Ozawa was not eligible for naturalization because he was "a person of the Japanese race born in Japan[.]"

The Chinese Exclusion Repeal Act of 1943 (Magnuson Act) permitted Chinese nationals then residing in the USA to become naturalized citizens. It was not until the Immigration Act of 1952 (Warren-McCarran Act) that all racial restrictions in the immigration laws were abolished and other Asian nationals residing in the USA were permitted to become naturalized citizens.

Soon after Hawai'i became a USA Territory in 1900, it sought Statehood. In 1903, Hawai'i's Legislature and Governor asked Congress to authorize a constitutional convention in Hawai'i to

adopt a constitution that would be Hawai'i's Constitution when it became a State. Congress did not act in response to this request. In 1919, Hawai'i's Delegate to Congress, Prince Jonah Kuhio Kalaniana'ole, introduced a bill in Congress for Hawai'i Statehood. Almost every subsequent Congress had a Hawai'i Statehood bill to consider.

While Hawai'i was a Territory, some in Hawai'i wanted Statehood because Hawai'i had the expectations stated in O'Donoghue v. U.S. and, although Hawai'i residents and legal entities were paying U.S. taxes, the only representation Hawai'i had in Congress was a Delegate who had a seat and the right to participate in debate, but not the right to vote, in the House of Representatives. Hawai'i's voters did not have any say in the election of the President or selection of Hawai'i's Governor. Hawai'i's Governor, Supreme Court Justices, and Circuit Court Judges were appointed by the President who retained the power to remove any or all of them with or without cause. Hawai'i and its people did not have many of the federal privileges and benefits enjoyed by people in the various States.

Some in Hawai'i concluded that Statehood would remove the limitations on Hawai'i's unique ability to be a participating contributor in the formulation, development and conduct of the USA's national and international policy and programs.

Some in Hawai'i opposed Statehood because they opined that the replacement of the Kingdom of Hawai'i by the Provisional Government was illegal and void and wanted the return of the Kingdom.

Some in Hawai'i wanted Hawai'i to have some relationship with the U.S. other than as a Territory or a State.

Some in Hawai'i saw no benefit in Statehood and were satisfied with the way Hawai'i's government officials were appointed or elected and with Hawai'i's limited voice in Congress. They had all the influence and power they wanted and needed and were concerned about the changes that would occur in Hawai'i if and when Hawai'i became a State.

Some in Hawai'i and in other parts of the USA, including in Congress, opposed Statehood because of the number of "non-Americans[,] " particularly Asians, in Hawai'i.

Some people in Hawai'i and in the continental USA, including in Congress, publically supported Statehood and privately opposed it.

In 1934, the Jones-Costigan Act treated sugar grown in the continental USA more favorably than sugar grown in Hawai'i. This Act had a negative impact on Hawai'i's economy. In 1935, the Hawai'i Equal Rights Commission was created. It was financed by public and private funds. Its purposes were to challenge any and all federal discrimination against Hawai'i and lobby for Hawai'i

Statehood. In 1947, the name of this Commission was changed to the "Statehood Commission[.]"

In 1935, after holding hearings in Hawai'i to examine the question of Statehood, the House Committee on Territories recommended further study. In 1937, a joint Senate and House Congressional Committee came to Hawai'i to investigate Hawai'i's readiness for Statehood. This Committee's report concluded "that Hawaii has fulfilled every requirement for statehood heretofore exacted of territories" but recommended that a decision on the question be deferred until the completion of a Hawai'i plebiscite and the resolution of the disturbed condition of international affairs. In 1940, the population of Hawai'i was 37% Japanese, 26% Caucasian, 15% Hawaiian, 12% Filipino, 7% Chinese and 2% Korean. Most of the Asian immigrants were not eligible to vote. In a plebiscite that year, 46,174 of the voters voted "Yes" for Statehood and 22,438 of the voters voted "No[.]" World War II delayed further consideration of Hawai'i's request.

From 1942 to 1954, Joseph Farrington was Hawai'i's Delegate to Congress. When he died in 1954, he was succeeded by his widow, Elizabeth Farrington. Both sought statehood for Hawai'i.

In 1946, a Sub-Committee of the Congressional House Committee on Territories held hearings on the question of Hawai'i Statehood. In part, Hawai'i's Governor Stainback told this Sub-Committee that:

As governor of Hawaii, I am chairman of the Hawaii Equal Rights Commission. This commission was created by the legislature in 1935. Its primary purpose is to support the movement for admission of the territory to statehood.

The appointed members of the commission are Miss Marguerite K. Ashford, Judge A.G.M. Robertson, Riley H. Allen, Arthur K. Trask and Fred Patterson.

In part, Judge A.G.M. Robertson told this Sub-Committee that:

At the outset of this hearing the Equal Rights Commission, as a proponent of Delegate Farrington's bill, expected to convince this committee of three things. First, that the people of this Territory are fully capable of self-government. Secondly, that they are entitled to receive full rights of American citizenship. Thirdly, that Hawaii should now be admitted into the Union as the 49th state.

Jack Hall presented a statement to the Sub-Committee in part as follows:

This statement is presented in behalf of the International Longshoremen's and Warehousemen's Union, affiliated with the Congress of Industrial Organizations, and the 33,000 workers it represents in Hawaiian industry.

The International Longshoremen's and Warehousemen's Union, hereinafter referred to as the ILWU, is unqualifiedly on record for the Territory of Hawaii being granted statehood at once. . . .

. . . .

Now is the time for Statehood, the ILWU believes, because the people of Hawaii have broken the chains of feudalism. They are prepared and able to shape their own destinies. They ask only the democratic privileges and rights to which they are entitled as a free people. . . .

In its January 25, 1946 report, this Sub-Committee concluded that "[t]he territory of Hawaii now meets the necessary requirements for statehood[.]"

In his State of the Union speech to Congress in 1946, President Truman stated in part:

The major governments of the world face few problems as important and as perplexing as those relating to dependent peoples. This Government is committed to the democratic principle that it is for the dependent peoples themselves to decide what their status shall be. To this end I asked the Congress last October to provide a means by which the people of Puerto Rico might choose their form of government and ultimate status with respect to the [USA]. I urge, too, that the Congress promptly accede to the wishes of the people of Hawaii that the Territory be admitted to statehood in our Union, and that similar action be taken with respect to Alaska as soon as it is certain that this is the desire of the people of that great Territory. . . .

After World War II, two groups quickly became influential in shaping the direction of politics and government in Hawai'i. One was Hawai'i's labor unions, especially the International Longshoremen's and Warehousemen's Union (ILWU), which solidified its support base during its 1946 Sugar Strike and 1949 Dock Strike. The other was Hawai'i's World War II veterans. Many of these veterans used the veterans' benefits available to them to obtain one or more educational degrees.

Some leaders of the ILWU were or had been members of the Communist Party of America (CPA). The power and influence these Communists or former Communists had in Hawai'i caused serious concern about Hawai'i's readiness for Statehood. In 1950, the Honolulu Advertiser, a newspaper of general circulation, alleged that the Democrat Party in Hawai'i and the ILWU were controlled

by members of the CPA. That same year, the Congressional House Un-American Activities Committee commenced hearings on the subject of communism in Hawai'i.

Some of the ILWU leaders and members were or had been CPA members because they believed in the economics of communism. All were or had been members because they desired recognition of and respect for laborers and their rights. The CPA provided them with the education, training and experience they needed to organize and operate labor unions. In 1957, in Yates v. U. S., 354 U.S. 298, 77 S.Ct. 1064, the USA Supreme Court recognized the material difference between advocating or teaching abstract doctrines and advocacy urging action and accomplishment. It was a prosecution alleging a violation of the Smith Act by conspiring to advocate and teach the violent overthrow of the government. The Supreme Court concluded that evidence of membership or holding of office in the CPA was insufficient to establish the material element of conspiring to advocate forcible action.

In 1947 and 1950, the USA House of Representatives voted favorably for Hawai'i Statehood but the USA Senate did not vote on the question.

In 1950, the population of Hawai'i was thirty-seven percent Japanese, twenty-five percent Caucasian, seventeen percent Hawaiian, twelve-percent Filipino, six-percent Chinese and three percent others. That year, in anticipation that Hawai'i would

become the 49th State, a Constitutional Convention in Hawai'i agreed on a Constitution that subsequently was approved first by Hawai'i's Legislature, and then by Hawai'i's voters 82,788 in favor and 27,109 opposed. In a 1950 letter to USA Senator Joseph O'Mahoney, Chairman, Senate Committee on Interior and Insular Affairs, President Truman wrote in part:

I am highly gratified by the thorough and objective consideration which your committee is giving to . . . bills which would enable the territories of Alaska and Hawaii to take their rightful place as members of the Union. As you know, I have long supported the objectives of these important bills which carry out the pledges made to the people of the two territories. I sincerely hope that the Congress, during its present session, will enact legislation granting statehood to Alaska and Hawaii. The need is more urgent today than ever before. By such action, we will not only promote the welfare and development of the two territories, but also greatly strengthen the security of our nation as a whole.

It should not be forgotten that most of our present states achieved statehood at a relatively early period of their development. The stimulus of being admitted as full partners in the Union, and the challenge of managing their own affairs were among the most significant factors contributing to their growth and progress. Very few of our existing states, at the time of their admission to the Union, possessed potential resources, both human and natural, superior to those of Alaska and Hawaii. I am confident that Alaska and Hawaii, like our present states, will grow with statehood and because of statehood.

. . . .

These are troubled times. I know of few better ways in which we can demonstrate to the world our deep faith in democracy and the principles of self-government than by admitting Alaska and Hawaii to the Union as the forty-ninth and fiftieth states.

In a public address in 1950, General Eisenhower declared that the "[q]uick admission of Alaska and Hawaii to statehood will show the world that America practices what it preaches."

In his February 2, 1953, State of the Union Speech, President Eisenhower stated that "[t]he platforms of both political parties promised immediate statehood to Hawaii. The people of that Territory have earned that status. Statehood should be granted promptly with the first election scheduled for 1954."

Post-WW II, each body of Congress approved Statehood for Hawai'i and/or Alaska as follows:

	<u>House</u>	<u>Senate</u>
80 th Congress (1947-48)	Hawai'i	
81 st Congress (1949-50)	Alaska Hawai'i	
83 rd Congress (1953-54)	Hawai'i	Hawai'I Alaska

On February 10, 1954, a huge roll of paper was partly unrolled down the middle of Bishop Street the entire long block from Hotel to King. It started with this sentence: "We, the undersigned people of Hawaii, hereby petition the Congress of the [USA] to act favorably on Statehood for Hawaii now." Other segments were circulated throughout the islands for signature. On February 24, this 250 pound petition was taken to the steps of 'Iolani Palace for a ceremonial sendoff. Some additional

signatures were obtained when the airplane made stops in Los Angeles, San Francisco, and Denver. Ultimately, the petition contained 120,000 signatures. It was delivered in Washington D.C. to the office of Vice-President Richard Nixon as an official document held on display for viewing by members of Congress.

In 1954, former Hawai'i Governor Stainback, then a Justice of the Hawai'i Supreme Court, withdrew his support for Hawai'i Statehood and advocated a commission government for Hawai'i similar to the government of Puerto Rico.

Prior to 1954, Hawai'i's politics and government were controlled by an oligarchy. In the election of 1954, Hawai'i's labor unions, World War II veterans, and others seeking a change to a more democratic system obtained control of both Legislative bodies. This new political power structure vigorously sought Statehood, and the independence, rights, and opportunities that would accompany it.

In his 1955 State of the Union speech, President Eisenhower stated in part that "[a]s the complex problems of Alaska are resolved, that Territory should expect to achieve statehood. In the meantime, there is no justification for deferring the admission to statehood of Hawaii. I again urge approval of this measure."

In his 1956 State of the Union speech, President Eisenhower stated in part:

One particular challenge confronts us. In the Hawaiian Islands, East meets West. To the Islands, Asia and Europe and the Western Hemisphere, all the continents, have contributed their peoples and their cultures to display a unique example of a community that is a successful laboratory in human brotherhood.

Statehood, supported by the repeatedly expressed desire of the Islands' people and by our traditions, would be a shining example of the American way to the entire earth. Consequently, I urgently request this Congress to grant statehood for Hawaii. Also, in harmony with the provisions I last year communicated to the Senate and House Committees on Interior and Insular Affairs, I trust that progress toward statehood for Alaska can be made in this Session.

In 1956, the voters in Alaska approved a constitution that would take effect when it became a State and elected two Senators and one Representative to represent them in Congress when Alaska became a State.

In 1957 and 1958, under the leadership of Hawai'i's Delegate to Congress John Burns, supporters of Statehood for Hawai'i persuaded various members of Congress who previously had not been supporters, especially USA Senate Majority Leader Lyndon Johnson and USA House Speaker Sam Rayburn, to support Statehood for Hawai'i. These members of Congress agreed that both Hawai'i and Alaska could become States if the Alaska Statehood bill was approved by Congress during its 1958 Session and the Hawai'i Statehood bill was approved by Congress during its 1959 Session. This decision was based primarily on the facts that Alaska Statehood had less opposition in Congress than did Hawai'i Statehood, some members of Congress were willing to vote for Hawai'i Statehood only after Alaska became a State, and some members of Congress wanted the Alaska Statehood bill to be approved before, and the Hawai'i Statehood bill to be approved after, the 1958 elections. From Hawai'i's point of view, this Alaska58-Hawai'i59 plan risked the possibility that the leadership and/or the votes in Congress would be materially changed by the 1958 elections.

In 1958, consistent with the Alaska58-Hawai'i59 plan, Congress approved Alaska statehood. On January 3, 1959, Alaska was admitted as the 49th State of the USA.

The brief time it took Congress in its 1959 Session to approve statehood for Hawai'i proved the wisdom and success of the Alaska58-Hawai'i59 plan. In early March of 1959, both the Senate and the House approved Hawai'i's 1950 Constitution and Statehood for Hawai'i. On March 18, 1959, President Eisenhower signed "An Act to Provide for the Admission of the State of Hawaii into the Union[.]"

The 1960 census reported that the population of Hawai'i was 32% Caucasian, 32% Japanese, 16% Hawaiian, 11% Filipino 6% Chinese, 2% Korean and one percent others. On June 27, 1959, 94.3% of those who voted answered "yes" to the following question: "Shall Hawaii immediately be admitted into the Union as a State?"

On August 21, 1959, the long road ended and Hawai'i was admitted as the 50th State of the USA.