

**Interview
BURGESS**

[GENERAL CONVERSATION]

QUESTION: I'd like to know; when did you arrive in Hawaii? 01:00:24:40

BURGESS: I arrived in Hawaii in June of 1956, just over fifty years ago. 00:32:00

QUESTION: And what brought you here? : 00:35:00

BURGESS: US Marine Corps; I was a legal officer and a pilot assigned to Marine Fighter : 00:36:52
Squadron 232 at—uh, which was stationed at that time at Marine Corps Air
Station in Kaneohe. And um ... before I'd finished um, my twenty-seven-month
tour of duty, um, I had um, met and married a uh, beautiful and very talented
young lady, and we had started a family. And we decided to stay in Hawaii and
um, I've been here ever since.

QUESTION: So your wife is [INDISTINCT]? 01:10:02

BURGESS: Well, she was, but actually uh, she had come from Oklahoma. Um, she looked 01:13:40
like a local girl; a lot of people thought she was, but she was um, actually from
Oklahoma.

QUESTION: [INDISTINCT] 01:27:16

BURGESS: Well, by March of 1959, we were living in Hilo, and I was practicing law with 01:35:42
Carlsmith; uh, Carlsmith & Carlsmith law firm. And um, I honestly don't
remember the details of the day. Um, March 18th, I think was the date that um,
Ike signed the Hawaii Admission Act, uh, which admitted Hawaii to um, a
un—to the union as a state um, subject to ratification by the people of Hawaii at a
plebiscite that took place later. Um, I—I remember that there was uh, at that time
[CLEARS THROAT], there was a general feeling of euphoria and uh, optimism.
Um, I remember there were some uh, perhaps um ... uh, people who weren't
quite so sure about statehood, um, but there weren't many. Um, the only ones I
really remember were some of the uh, older businessmen felt that um ... uh, as a
territory, Hawaii had uh, the—the uh ... the President of the United States had
appointed the governor and had appointed the judges, and they thought—they
were comfortable with that, and they thought it would be—would have been
better to stay with that system. But I didn't agree with them, and most other
people didn't agree with them at all. And I think that's evidenced by the fact that
when the plebiscite did take place, and the people of Hawaii voted, um, 94.3
percent said yes to statehood.

QUESTION: [INDISTINCT] Why do you think [INDISTINCT]? Was it just the uncertainty, 03:20:00
was it because they native Hawaiian [INDISTINCT]?

BURGESS: The ones that uh, that I recall—I don't recall ... native Hawaiians objecting to 03:31:28
statehood, although it may have happened. Uh ... but I don't recall that. Uh, you
know, in Hilo, there's—there's a lot of people of Hawaiian ancestry, and um ...
I've tried to—to recollect, and I can't remember any that objected to it. But it was
mostly the um—it was—frankly, it was Caucasian, Haole uh, businessmen that
uh, were kind of uh, old and crusty and—and they—they're—they're the only
ones that I—I heard expressing that idea, and they liked the way it was done and
they didn't want to change it.

QUESTION: So you saw advantages immediately [INDISTINCT]? 04:15:36

BURGESS: I saw advantages immediately; yes, I would say so. Yeah, I did. 04:21:10

QUESTION: And what are some of those advantages? 04:24:46

BURGESS: [CLEARS THROAT] Well, um, it um, it made the people of the rest of the 04:28:00
United States aware of Hawaii and aware that we were part of the United States.
Um ... it was amazing how many people would say that uh, you know, when are
you gonna come on back to the states, you know, at that time, when I first moved
to Hawaii. And uh, they didn't realize that Hawaii was part of the United States.
And um ... that changed um ... when—when Hawaii did become a state. Uh,
people stopped saying that, and you know, they realized that uh, a lot more people
from Hawaii came to—I mean, from the states, from the United States came to
Hawaii. And um ... it was generally the uh, the—really the beginning, the dawn
of the new era for Hawaii and for the people of Hawaii.

QUESTION: Can you be more specific about the advantages [INDISTINCT]? 05:21:40

BURGESS: Sure. Sure; it um, it—it ... it changed the uh, the economic picture drastically, 05:34:00
uh, simply because um, you had people willing to invest in Hawaii. You had
banks, for example, willing to lend money in Hawaii, just as they would in any
state. Um, that hadn't been there before during the three years of uh, that I was
here before statehood. Um ... you had an interest. There was a terrific land boon.
Uh, you know, in Hilo, there were people—people buying Puna land, volcano
land that was barren with no uh, infrastructure, no road, with no sewers, no lights.
Um, and they were buying options and selling them six months later at double the
price, and [CLEARS THROAT] it was a big—a big land boon in Hawaii. And
uh, by people from uh, a lot of them from the mainland.

*economic
boon*

[BREAK IN TAPING]

QUESTION: [INDISTINCT] ~~06:36:12~~

economic boom

BURGESS: Well, that was certainly one of the major ones. Um, um, it coincided with the um, *08:17:40* the—again, economics. Uh, 1959 was the year the jet airliners first started serving Hawaii, and of course that helped a lot. Um, when I first came to Hawaii, it was on a military transport plane; it took about nine hours to get here from San Francisco. And the jets brought it, you know, down to about close to five hours, so it was a big—a big boon.

QUESTION: And who was selling the land? Who owned the land here and who was selling it? *08:51:04*

BURGESS: Um ... it was uh, pretty much people that owned it, uh, that owned the land and *08:57:30* hadn't—had basically not done much with it and didn't have any particular need for it. There were people buying and selling. There were some in Puna; Kalapana, I remember that um, that was uh, it was a Hawaiian family. And um ... um ... I don't know, it's—it's hard to say. I mean, a lot of people in Kona um, Hilo, they owned uh, they owned land for years. It's hard to identify one particular group, but there were—there were a lot of native Hawaiians that were seeing an opportunity to get uh, money from land that basically had been idle and they hadn't been doing anything with it. And a lot of local people uh, engaged in the—in the land purchases and were developing lands that um—and they made—they became multi-millionaires uh, within you know, a period of a couple years.

QUESTION: [INDISTINCT] *10:01:02*

indestructible union

BURGESS: There was the um, um, uh, the certainty of—of statehood. When we were a *10:10:06* territory ... that could be changed by Congress. Um ... but once a state is created, uh, the constitution—the Supreme Court said the constitution envisions an indestructible union composed of indestructible states. Um, as we all know from the Civil War, cessation is not allowed. And um, and so ... during the years of ter—the territory, Congress could change um, the law of Hawaii. It could take away the vote, it could give you the right to vote, it could uh, it could do anything it wanted to. But that can't happen now. Since uh, 1959, when we became a state, um, Congress has no power to change the government of the State of Hawaii. It has no power, for example, to—to say that um ... you don't um, you don't have the right to vote, or—or voting is restricted to just one group. Uh, that's—that's a violation of the constitution. So that created a lot more certainty,

and I think maybe that also contributed to the more—the greater confidence for investors and for uh, people doing business in Hawaii, and um, I think that helped too. And I think that helped um, give people uh, certainty about their rights and their property that wasn't here before. So I think all of that helped uh, helped the idea.

QUESTION: How would you describe the participation in the post-statehood political process? 11:53:46

BURGESS: They used to say that Hawaii was like a small town, because everybody either 12:00:26 knew or was related to, or somehow connected with everybody else. And I think that's still true uh, to a large extent. And ... during my thirty-fives years in private practice in Hawaii, I was primarily focused on earning a living and supporting a growing family. And I didn't take an active role in the political world directly, but to a large extent, I think uh, simply by being a lawyer and participating in lawsuits and—and being uh, a member of uh, the community, an active member of—of the community, um, that ... sometimes that also has an impact on the political process. Um, for example [CLEARS THROAT], in the early 1960s, I filed a uh, a civil rights actions to—that succeeded in re—in removing the obstacles to military people in Hawaii who wanted to vote and become residents of Hawaii. And um, then later in the 1960s during the um, LBJ's Great Society Era, um, I was um ... got to be president of Legal Aid Society and we created the—with federal assistance, we created the um, Public Defender's Office in Hawaii, and that sort of removed the uh, pocketbook or the purse from the—from the system of criminal justice. It—it gave indigents accused of crimes in Hawaii um, really good, competent attorneys. And um, that was a—that was a big change, and that kinda shook—shook up the Prosecutor's Office for a few years, but uh, I think that was uh, that was at least something that was a contribu—contribution to the political process in Hawaii. And then in the 70s, I served for a couple terms as a um, a member of the uh, Makiki Neighborhood Board. And uh, and in 1978, I was um, a delegate to the Con Con, Constitutional Convention. And um ... of course, for the last six or seven years, my wife and I have uh, been uh, participating in pro bono litigation uh, challenging um ... the constitutionality of OHA and Hawaiian Homes, uh, and trying to restore to Hawaii the idea that everybody should play by the same rules.

QUESTION: And so in your view [INDISTINCT]? 14:43:22

BURGESS: Yes. Yeah. It—it um ... it's inconsistent with the ... 14:52:10

[INTERRUPTION]

QUESTION: [INDISTINCT] 15:02:56

American constitution

BURGESS: Okay. Why—why do I find the uh, Office of Hawaiian Affairs and Hawaiian Homes program unconstitutional. Um, because those programs are inconsistent with the sacred understanding of American citizenship that adheres to common ideals of equal justice, um, as contrasted with um, blood, common blood or caste or race, or ancestry. Um ... the concept of giving a person entitlements simply because of his ancestry um, is inconsistent with the whole idea of the American Revolution. That was one of the reasons, to escape from aristocracy or monarchies, um, and the fact that—that power corrupts um ... the founding fathers ... 15:31:36

[INTERRUPTION]

Am. constitution

BURGESS: Okay. Why do I feel that um, legally that uh, the Office of Hawaiian Affairs and the Hawaiian Homes program are unconstitutional. Because they're inconsistent with the—the sacred understanding of American democracy, um ... that requires adherence to common principles of equal justice and rule of law, as contrasted with common blood or caste or race or ancestry. Uh ... if you give entitlements to someone simply because they have a particular ancestor um, whether they need it or not, not based on need, not based on merit, um, but simply based on race, um, it's—it's terrible. It creates uh, resentments on the part of everyone else. And that that system cannot coexist with the idea that all men and women are created equal. 17:01:52

QUESTION: The other thing [INDISTINCT]. 18:06:44

BURGESS: I—I think the idea of equality is equal opportunity; it's equal justice for all. It doesn't guarantee equal results. Um, and ... uh, the attempts to create equal results for everybody um, have been tried. That was part of the idea of communism, uh, [INDISTINCT] according to his ability, to each according to his needs. But uh, that doesn't work because it doesn't uh, understa—doesn't um ... incorporate the basic human principle um, of uh, incentive to better yourself, and thereby producing things which are more beneficial to everybody, um, the free—the free enterprise system. And that's why all of the systems that have tried socialism, um, the idea of creating Heaven on Earth don't seem to have worked. Um, the system um, by and large does work in the United States and in other country that have adopted um, democracy. It's produced—it's not perfect, there's no system that's perfect that's operated by human beings, but it's produced um, a more broadly inclusive prosperity and equality and happiness, I believe, um, than any other system in history. 19:13:52

QUESTION: [INDISTINCT] 20:45:58

BURGESS: Well, a lot of them are. Uh ... uh, Queen Liliuokalani didn't uh—uh, she'd 21:20:44 threatened to promulgate a new constitution that gave her more absolute power than the previous people. Actually, as much power—she wanted as much power as Kamehameha the Great had had, uh ... al—almost. . She wanted, for example, the power to appoint all the um, the members of the House of Nobles uh, rather than having them elected, which was the way it was um, under the constitution that was in effect at the time she took uh ... took—took the uh, crown. But um, a lot—uh, the Hawaii constitutions which were based—you know, were—were drafted by um, primarily by an American lawyer um ... who had come over here as a uh, an associate of Charles Reed Bishop um, and uh, Kamehameha III asked him to help draft a constitution for Hawaii that would be uh, similar and would help Hawaii deal with the other great nations of the world. And uh, Little was very democratic and he—he was uh, an opponent of slavery, and he tried to make the Hawaii constitution ... more liberal than the alii would stand for. Um, but he did liberalize it and made it much, much more democratic than it had been before. And a lot of those provisions of the right to vote and um, restrictions uh, um, the balance of powers, you know, restrictions on the power of the monarch, um ... were incorporated in the constitution by the time uh, Liliuokalani took the throne. Um ... I'm not sure I've ... responded to the question, but—

QUESTION: It seems to me that the [INDISTINCT]. 23:17:44

BURGESS: That um ... that Liliuokalani's concept— 24:18:36

QUESTION: [INDISTINCT] 24:24:26

BURGESS: The Hawaiian Kingdom's ... constitution could—could fit in with the American 24:25:04 system of um ...

QUESTION: Or even enhances [INDISTINCT]. 24:31:40

BURGESS: Well, I mean, there were a lot of concepts in ancient Hawaii that were beautiful. 24:36:14
Um ... I've often thought that the idea of hanai for children where ... everyone—uh, every child is um, you know, has plenty of parents, and uh, I've always thought that was much—much more humane and uh ... and workable than uh, than the concept of um, treating people that weren't born to married couples as uh, bastards. Um ... and the concept of um ... of aloha, of treating people with open friendliness um ... not based on their uh, station in life or credentials or just

Liliuokalani
on Hawaii

because they were people, I've—uh, you know, those are beautiful concepts. Uh, and I think uh, they should be and can be uh, incorporated into, and I think they do fit very well with the uh, American concept of—that says basically that every individual ... uh, whatever his ancestry is, is entitled to respect and to the same opportunities under the law as everyone else.

QUESTION: [INDISTINCT] 25:50:12

ancient times to
BURGESS: Yeah; I think so. Uh, I think the Hawaiian people um, liked ... the concept. I 25:59:16 don't think they uh, they were that happy with the ancient uh, kapu system, uh, which was great for the alii but uh, not so good for the common people. Um, the commoners were—you know, they—well, they—they're the ones who tilled the soil, but they uh, they were heavily taxed. Uh, somewhere between a half and a third of their produce of their labor was taken arbitrarily by the alii. And uh, yeah, I—I think the uh, the common people as well as the leaders liked the idea of democracy, and they were moving toward it.

QUESTION: [INDISTINCT] 26:47:42

BURGESS: Okay. Do you want me to go to the uh, to the question of the Con Con or— 26:54:12

QUESTION: [INDISTINCT] 26:57:50

CON-CON
BURGESS: Oh; okay, yeah. Um ... when you asked about the uh, the Con Con in 1978 and 26:58:44 whether that um ... might have brought back to Hawaii some of the uh, ancient uh, Hawaiian practices um ... I—I consider what happened at um, at the Con Con in 1978 the worst mistake that Hawaii ever made. Um ... and I—I'm sorry that I didn't uh, oppose the creation of the Office of Hawaiian Appair—Affairs vigorously. Uh, I had my doubts at the time, but I frankly didn't know enough about Hawaii's history. And uh, John Waihee and uh ... um, Frenchy DeSoto and all of their allies were saying that um, the United States had taken on a special trust relationship with native Hawaiians as part of annexation. And that um, this creation of the Office of Hawaiian Affairs was consistent with that, and—and was required—almost required by that um, in order to carry out the um, that trust relationship. I ... I didn't know anything about the ceded lands, I didn't even know at that time what the ceded lands were. And um ... I had doubts, I asked some questions, but um, I didn't pursue it enough. I was focusing on some other issues which I thought were the really important ones. But um ... but anyway, it happened. Um, I still am doubtful that the OHA amendments and the amendment to the Department of Hawaiian Homelands law, which uh ... was made in 1978, I have doubts that they were ever really ratified by the people of Hawaii, because of

the way they tallied th votes. But that's not the subject of this discussion, I'm sure. But um ... as far as bringing back um ... the—the creation of the Office of Hawaiian Affairs bringing back ancient practices um ... only in the sense that uh, that it gave uh, rights based on ancestry, uh, it gave uh, some privilege—some people privileges simply because of their ancestry that were denied to others. Uh, that's true that it does bring that—back that, but that was an idea that the people of Hawaii themselves had basically rejected. Uh, Kamehameha III's uh, uh, first constitution of Hawaii in 18—in 1841, I think it was, um, started off by saying that all men of all nations are of one blood, uh, to live on the Earth in unity.

[BREAK IN TAPING/BEGIN TAPE 2]

QUESTION: For reasons of sound and to match the background, I'm going to start at question one again. 30:06:26

BURGESS: Okay. 30:10:26

QUESTION: And that question was, when did you arrive in Hawaii? 30:11:48

BURGESS: I arrived in Hawaii in June of 1956, just over fifty years ago. 30:15:10

QUESTION: What brought you here? 30:21:56

BURGESS: The US Marine Corps; I was a legal office and a pilot assigned to the Marine 30:23:38
Fighter Squadron 232 at Marine Corps Air Station Kaneohe. And um, by the time I finished my twenty-seven-month tour of duty uh, at Marine Corps Air Station, I had met and married a beautiful, talented girl, and we had um [CHUCKLE] ... we had uh, started a family and decided to stay in Hawaii.

QUESTION: Right. 30:54:46

BURGESS: And I've been here ever since. 30:55:46

QUESTION: And I'm going down to question six again. What are the disadvantages for Hawaii as a state today? 30:58:54

BURGESS: Um, well, the—the main disadvantage to me is that um, the ... the idea of 31:10:20
Hawaiian entitlements is inconsistent with the sacred understanding of American democracy, which requires adherence to common principles of equal justice and rule of law, as contrasted with common blood or caste or race or ancestry. Um, our political establishment in Hawaii almost unanimously seems to have uh,

embraced [CLEARS THROAT] the idea that it's okay to give privileges, to give away State land and money uh, to people solely—not based on need, not based on merit, uh, but simply based on the fact that they happen to have an ancestor somewhere in the past of a certain type And that ... does not work. Uh, that cannot coexist with the concept of um, equality.

QUESTION: Two Senators have commented to me that they see the situation as one of trying 2:19:12 to redress the balance of some injustices that occurred in the past, and that's the reason why they support it. Do you think this should not apply?

BURGESS: I—I think it should not apply. Uh, it ... if they're not suffering for most things 2:40:00 now, uh ... it should not apply. Um, now, sometimes uh—and cases of the Supreme Court uh, have held that where you have a state or a city that is engaged in flagrant racial discrimination—for example, one case was in the hiring of police officers. They hadn't hired a Black police officer for like you know, forty years. And um, they said that under those circumstances, it was appropriate for a limited time and for you know, [INDISTINCT] to um, give preference to Black officers uh, for a period of time, until that balance was um, was restored. But generally, um, any use of a racial classification by any government—state, federal or local—uh, violates the constitution, and it can't be allowed unless it passes what's called strict scrutiny. If it—if it—uh, and the burden is on the state or the city or the federal government in a particular case to show that their use of a racial classification is um, fulfills a compelling federal or state or local interest, and is narrowly tailored to do that. And—and the concept of Hawaiian entitlements um, it can't uh, it can't meet that; there is no compelling interest in giving benefits based on race. Uh, I mean, the other provisions of Hawaii constitution say that uh, no one shall be denied the equal protection of the laws based on race or ancestry. And it's inconsistent with the uh, the—the Hawaiian constitutions as they existed um, uh, once the uh, whole Kingdom of Hawaii adopted the constitution. Under the Kingdom constitutions um ... um, naturalized citizens were specifically given the same rights, privileges, and immunities as natives. So it's a bad—it's a bad system um, not only because of the technicality of the constitution, but because it's just a bad way for people to live together. It creates resentments. If—if somebody—if two babies are born and one has—happens to have a great-great-great-grandfather of ancestry and the other one doesn't, it makes no sense to say that that one, all of the rest of his life and all of his children forever are gonna—gonna be superior to the—the one right beside him. It's just a bad system. I think that—I think the people of Hawaii will accept that. Uh, I think eventually it is going to be um ... the [INDISTINCT] ... the concept of Hawaiian entitlements is gonna become history.

QUESTION: So can you pick up on the last piece, the last sentence that you [INDISTINCT]. 38:46:14

BURGESS: Okay; I don't remember exactly the sentence, but we were talking about the uh ... 36:29:26

QUESTION: [INDISTINCT] last few words were about the entitlements and the children, the 36:32:50
[INDISTINCT].

BURGESS: Oh, the—yes, uh-huh. Yeah; the idea of—of—of um, of treating people 36:41:52
differently, the government treating people differently based on—on their
ancestry, if you have a particular ancestry, whether it's Hawaiian or whether it's
uh, uh, European or Asian or—or Black or whatever, um, to say that that person
uh, and all of his ancestors for millions of years into the future, will always be
superior to someone who doesn't have that ancestry. That's a terrible system.
And I think uh, I think most people of Hawaii, I think Hawaiians will accept that
idea that it's wrong. Um ... I think the real battle um, the real conflict is not with
the beneficiaries, not with the intended beneficiaries of the Hawaiian programs;
uh, it's with [INDISTINCT] the rest of the citizens and the people who service the
Hawaiian programs uh, the politicians who get prestige and power uh, by
pandering to one racial group, uh, the lawyers. Uh, they're the real beneficiaries;
they're the ones who've made millions and millions of dollars uh, intended for
Hawaiian beneficiaries. Practically none of that trickles down to—to people
simply because they have Hawaiian ancestry. Um ... the um ... the media selling
advertising to OHA and Hawaiian Homes and to um, uh, Kamehameha Schools,
uh, I mean, that's—that's a big industry; they're comfortable with that. They're
not Hawaiians, but they're—primarily, but they're—they're the ones who really
have benefited, and—and those are the people that um, have a vested interest in
keeping this concept of Hawaiian sovereignty and entitlements alive. It's not the
ordinary Hawaiians, because they don't really get any of the benefits. Um ...
they're the ones who—I mean, if anything, these programs uh, tell them that
they're entitled um, because of some injustice in the past, and therefore, they
don't have to work. And that takes away their incentive and it traps them in a uh,
position as victims.

QUESTION: There is something that I'd like to pick up. You talked about resentment from 39:15:04
other races when one race is receiving entitlements of sort. And what I've found
in the time I've been here is that there's something extraordinarily forgiving
about, you know, the people here ...

BURGESS: Well, I think it's uh, I think it's tribute—uh, a tribute to the uh, basically to the 40:01:00
Hawaiians themselves. I mean, they—they sort of um [CLEARS THROAT],
brought that out in people. Um ... uh, their open-hearted friendliness uh, with

strangers and um, generosity. Um, I think that's—that's a—a lot to do with it. They're not uh, primarily uh, not most of the time anyway, in your face except for [INDISTINCT]. [CHUCKLE] but um, and there's a lot of goodwill for um ... for Hawaiians and ... and I—I think that it's a wonderful thing. That's was—one of the main reasons that I—I uh, decided to stay in Hawaii and uh, rather than go back to the South where I was born, and uh, or even to New York where I was raised. Um ... but I like—I like this idea of uh, the informality and um, and the idea of not—not judging a person by his ancestors, but by—by his own individual qualities.

QUESTION: Now we're going to pick up the statehood day celebration on August the 18th. 41:09:24
And the question is, what brought you down to Iolani Palace on that day?

BURGESS: Well, that day, I—uh, before that, I Had heard about the—I'd seen the 41:22:08
announcement of the uh, scheduled celebration. And um, uh, my wife and I both wanted to attend it, because we had noticed uh, as I'm sure everybody has uh, that's driven down King Street, uh, that the Palace grounds often had these very anti-American signs being posted. Um, and for example, if I may, these two ... these two signs uh, were taken at uh, Iolani Palace; this one, and—and ... and also the one that said uh, We don't need no American government, and this one said, We are not Americans, we will never be Americans. And um ... we have shaken our head that uh, that our Governor uh, and our Legislature would allow Iolani Palace grounds to be used for that type of uh, really um ... hateful statements. So that's why we wanted to attend. And I was um—yeah, I was—I—I was glad to attend that celebration.

[BREAK IN TAPING]

BURGESS: Uh ... my wife and I wanted to attend because we um, we had seen the signs 43:05:28
and—and we were a little bit upset uh, to say the least, that the Governor would allow the uh, Iolani Palace grounds to be used for that type of uh, of really uh, hateful, and I think even un-Hawaiian um, type of uh, a statement.

QUESTION: You don't see it as democracy in action that you know, according to the First 43:29:58
Amendment, you don't see that as democracy in practice when you see things like this?

BURGESS: Well ... well, they have the right to say it, and they have the right to take an ad 43:43:20
and uh, put it in the paper if they want to. Uh, that's perfectly okay. I don't—I don't disagree with that. But the idea of using a public um, land uh, to demonst—or to—to put up uh, one political point of view not others uh, that's

what I object to. That's outrageous. If I put a sign saying that uh, Hawaiian Homelands is unconstitutional and should be abolished, uh, I don't think that anybody would—would want that to be posted uh, on King Street outside of Iolani Palace grounds.

QUESTION: So basically, your need to be there was in opposition to that type of 44:33:16
[INDISTINCT].

BURGESS: Yes. It was there, and because it was um, I consider the statehood for Hawaii one of the most important events in Hawaii's history. And it was important that it be celebrated and uh, I think it's uh, regrettable that—that our politicians don't see fit to celebrate it anymore. 44:43:16

QUESTION: Do you think they taking into consideration that Hawaiians have a special relationship with the Palace still, that there's still a lack of sensitivity in Hawaii that they [INDISTINCT] the situation? 45:00:36

BURGESS: I—I—I know uh, they claim uh, that they—that Hawaiians have some special relationship with the Palace. Um, I was not surprised that there were protestors there, because I had seen the signs before. 45:15:02

[INTERRUPTION]

QUESTION: You weren't surprised. 45:43:19

BURGESS: Okay. Uh, when we got to the rally um, that morning, I wasn't surprised to see 45:45:22
protestors there. But I was quite surprised by the argument that they made that—saying that ... Iolani Palace was not—the grounds was not an appropriate place to celebrate statehood. Um, that really surprised me, because Iolani Palace is where statehood was proclaimed in 1959. Uh, that was the seat of government during all the years of the Territory, um, and even uh, the seat of government of the State of Hawaii up until 1969 when the uh, State Capitol was built. So it was a perfect um, historical place to celebrate statehood. And Iolani Palace, if I—if I can add one more point—sorry. Um, Iolani Palace belongs to all of us. The Palace grounds belong to all of us. Uh, they're part of the ceded lands, and ... the ceded lands were conveyed from the Republic of Hawaii to the United States on condition that the United States hold them in trust ... using all proceeds and income from the ceded lands solely for the benefit of the inhabitants of the Hawaiian Islands. Not for those of Hawaiian ancestry; it's for all the inhabitants of the Hawaiian Islands. And Iolani Palace is not a symbol of the overthrow of the Queen. Iolani Palace was built with wealth ... that was received because of

the sale of Hawaiian sugar to the people of the United States. Um, that was permitted because of the close ties between the Kingdom and the United States. The US passed the Reciprocity Act in which they exempted Kingdom of Hawaii s—sugar and a few other products from tariffs um, when they were sold into the United States. That created enormous wealth in Hawaii, and that was the wealth that created ... Iolani Palace. And the Palace itself, what it really symbolizes is, and it's really tangible proof of the close relationship between the Hawaiian people and the American people. Uh, and ti's tangible proof that Hawaiians voluntarily and enthusiastically welcomed um ... the Western institutions of government, um, and um, to a large extent, they rejected the old ancient Hawaiian culture and instead adopted the new Western culture. That's what Iolani Palace really symbolizes. It belongs to all of us, and for people to come up with bullhorns and tell me that I don't have a right to be there, um, I respectfully disagree, and I think that's shameful.

QUESTION: Do you think that part of the problem is— 49:04:12

[INTERRUPTION]

QUESTION: I'm trying to get at the reason why someone would shout in your face 49:17:58
[INDISTINCT]. I go back to the time when ...

BURGESS: Well, um ... I—I think it's important to have an accurate understanding of 50:06:42
history. And the Apology Resolution was adopted by Congress um, without any kind of a hearing or without any investigation to determine the accuracy of the—of uh, the long assertions of fact, of historical fact that were made in the Apology Resolution. It was a—it was drafted by—by the um ... the people at the Department of—of uh, Hawaiian Affairs at the um ... the Office of Hawaiian Studies at the uh, University of Hawaii Manoa. And um ... if you put on blinders uh, you don't see uh, an accurate picture of history. And ... the Apology Resolution ignores the fact that President Cleveland, when he received the Blount Report in 1893— ... interview continues, not transcribed

[BREAK IN TAPING]

BURGESS: --where labors uh, and enterprise for years and had seen it jeopardized by 55:25:08
Kalakaua by his wasteful—wasteful ways. And then when Liliuokalani came [CLEARS THROAT]—well, they—they ... brought about the uh, promulgation of the Bayonet Constitution which basically took away most of the powers or many of the powers from Kalakaua. And then when Liliuokalani became Queen, she swore to uphold that constitution, and then less than two years later she

announced that she was gonna promulgate a new constitution. They would not stand for that. They had too much at stake to do it, and so they um ... they basically overthrew the Queen. But the Queen—um, uh, Liliuokalani, she was not as um ... as devoted as uh, she seems to have been in retrospect. Um, Robert Wilcox, who was half-Hawaiian, one of the—his—he—his—his statue is down at the corner of uh, Fort Street Mall and King Street, as one of the heroes of—of—of Hawaii. He um, he recognized that uh, Kalakaua uh, was corrupt. He even plotted uh, uh, a um, the overthrow of Kalakaua. Um ... Liliuokalani cooperated in overthrowing, or in attempting to overthrow Kalakaua. Um, after Liliuokalani took office, Wilcox um, the hero whose statue is there, um ... tried to overthrow her. And he favored uh, annexation by the United States. And uh ... so ... Liliuokalani basically, she ran out of money, she wanted more money. [CLEARS THROAT] And so she came up with the idea of passing some bills; one was a lottery, uh, one was the uh, the granting of opium licenses, and the other one was um, was a um ... what's it, the lottery, the gambling license, and the um ... anyway, there's another, there was another thing that—that basically was trying to raise money by ... by selling opium, uh, and by granting licenses to people based on uh, on the sales of opium. So the business community just wouldn't stand for that. And that's why they overthrew her. She refused to even follow her own advisors, so—anyway, that's kind of a long—a long, convoluted way to say that—that the ... the overthrow was not something that was really that much objected to by most of the people of Hawaii. There was no great uprising to try and o—to try and restore the Queen. Uh, most people's lives in Hawaii went on and continued the same way they had before under the Provisional Government. And most people of Hawaii, uh, for example the first um ... the first Senate, uh, the first cong—first Legislature of the Territory of Hawaii after annexation, the first thing they passed was—and that was composed of, I think, at least three-quarters people of Hawaiian ancestry. They passed a bill asking Congress to uh, annex—or to—to give statehood to Hawaii.

QUESTION: So where do you think this anger comes from? Such as what you experienced on the Palace grounds. 59:04:48

BURGESS: I think it's uh, the power of uh, demagoguery. I think people uh, who uh, stir 59:13:36 up—it's easy to stir up uh, racial resentments. Uh, it's—it's something that's used by demago—demagogues all over the world. Um ... I think that's a major part of it. It's very easy to—to say, uh, well, I'm not a success because of you know, something someone else has done, rather than looking to your own—to your own things. I think that's the answer. It's—it's the idea of victimhood, um ... the idea that uh, that your failings uh, have nothing to do with this because of something other people have done. That's a powerful political weapon, and it

takes real statesmen to—to not do that, and to stand tall and take a position and tell people that, look, you know, with your hand out, gimme, gimme, gimme, that's no way to better your condition. That has not future. You know, get out and get yourself educated, um ... work hard, save money, get a down payment, buy—build a house. That's what—you know, that's what all of us have done. Um ...

QUESTION: It seems that they're choosing to vote with their feet and ... 02:00:29:56

BURGESS: Did you say Nevada? 02:00:49:16

QUESTION: Nevada. 02:00:48:22

BURGESS: Yeah. Okay; yeah, that's true. I—I never [INDISTINCT]. 02:00:48:54

QUESTION: So um ... 02:00:53:10

BURGESS: Well, I mean, that's—I think that's a good example. Why—I mean, why is it that's um ... forty percent, according to the 2000 census, forty percent of the people of Hawaiian ancestry um, about um ... one hundred and sixty thousand Hawaiians, live on the mainland. There's no—there's no programs for Hawaiian entitlements in Nevada or California, or any other mainland states. But they go there because um ... you know, they know that there, they're gonna have to you know, get out there and compete. And they're better off. 02:00:56:06

QUESTION: M-m. ~~02:01:29:30~~ 02:01:29:30

BURGESS: Hawaiian—the—the demographics show that Hawaiian women particularly in California, they do better than the median income of um ... of full-time working women in California. They're better, Hawaiian women do better than the median of others. So I think that refutes the concept that—that Hawaiians can't make it without special benefits. 02:01:30:44

QUESTION: But it does beg the question of why they can't be that successful here, doesn't it ... 02:02:00:16

BURGESS: I think it's because their leaders uh, tell them that they can't do it. They take—they sap their incentive. I think that's the reason. I think that's the problem. The Hawaiian entitlements are the problem. 02:02:20:00

QUESTION: And the Star Bulletin describes the day ... 02:02:33:06

BURGESS: Yeah, I—I thought the uh, Star Bulletin's uh, article was pretty good, and—and I 02:02:55:46
did have that—uh, it was a very hot day, we sat down in the shade and talked with
that gentleman from uh ... I think it was from the Big Island, and talked about
his—his problems and ... and um ... uh, I also had some quiet conversations with
some of the other participants uh, who had been even—neither one of them in
particular that had been shouting before, we—we talked about it, and—and um ...
it was—it was friendly, and ... I—I certainly encourage uh, discourse. I think
that's a better solution than uh, than yelling nose-to-nose with people. And I ...
uh ... I—I—the participation—there hasn't been too much interaction um ... with
outers—with people who feel uh, differently than I do about Hawaiian
entitlements. But I certainly welcome it, and I think it's a good idea. Um, I was
on a panel about a year ago out at Waianae High School with uh, Bumpy
Kanahele and he's uh, you know, I found him easy to talk to, and—and I'd like to
have more dialog wth him or with—actually with anybody. Um, and I think the
more, the better. Because ... I think that um ... within five years or so, as a result
of our pending lawsuit or perhaps because of other similar litigation, that—that
the Hawaiian [CLEARS THROAT] entitlement programs are going to be history
and that um ... Hawaii uh, will be back where everybody follows and plays by the
same rules, and all of us will be better off, especially those of Hawaiian ancestry.

QUESTION: So at the end of what the Star Bulletin described, did you come away with a 02:04:46:
measured respect for those people who opposed your point of view? 24

BURGESS: Yeah; I think so. I mean, I liked them. I hadn't met uh ... some of them before. 02:04:55:50
I—and I—you know, I enjoyed it. I think I could talk to them again. Um, we
may n ot agree, but uh, we could talk and we wouldn't uh, wouldn't necessarily
you know, be disagreeable. Even though we disagree. Yeah, and I'd—I'd
welcome that. I think that uh, I think we all should do it uh, more.

QUESTION: Do you see the legal action against OHA and DHHL ... 02:05:22:16

BURGESS: I do. I do. The um ... uh, it's getting worse and worse. [CLEARS THROAT]
When um, when John Waihee was governor, uh, the Hawaiian Homes program
had been in effect since 1921, and um ... you know, most people didn't object to
it. Um, and uh ... but then when he became governor, he turned open the spigot
from the treasury and millions and millions of dollars started pouring out of the
treasury into the hands of the people that service the Hawaiian programs. Um, he
paid a hundred and thirty-five million dollars in one year, borrowed money by the
State to pay a hundred and thirty-five million to the Office of Hawaiian Affairs,
for, quote, back rent, unquote, from the public land trust. It's getting worse.

02:05:55:40

And—and uh, he also engineered uh, his last year in office a deal where—whereby all of the legislators agreed that for the next twenty years ... they would pay thirty million dollars a year to the Department of Hawaiian Homelands. That's a total of six hundred million dollars. You know, Hawaii is a small state; that's a lot of money. And that's paid for by all the rest of us. So I ... you know, it doesn't—it will not happen if—uh, it will not evolve or—or disappear. Um, uh, Strom Thurman used to say, uh, pig won't slaughter itself—or a hog won't slaughter itself. Uh, not that that's what I mean to say, but ... uh, as an analogy, but um ... if you look at Thomas Sowell's book, Affirmative Action Around the World ... programs that are started uh, to benefit indigenous people in Malaysia, for example, or um, countries like that um, which are intended just for the time being to give them an advantage because they didn't have the education that the colonial—colonial people, the British or wherever came um ... they never end. They simply get worse and worse, and demand more and more, until it gets ex—often they end in extraordinarily uh, uh, atrocities, and civil wars. Um ... so ... yeah, and—and the answer—my answer to that is that, no, it's—it's—you have to stop it. It should have been stopped at the beginning.

QUESTION: [INDISTINCT] and as the tribes have set up their own economic basis ... 02:08:37:30

BURGESS: That's New Zealand? 02:
09:04:00

QUESTION: Yes. 02:
09:04:30

[GENERAL CONVERSATION]

[END]