

**SB 1520 SD1**  
**LATE TESTIMONY**

## galuteria1 - Ikaika

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 13, 2011 11:21 PM  
**To:** HWN Testimony  
**Cc:** Kealii8@hotmail.com  
**Subject:** Testimony for SB1520 on 2/14/2011 3:00:00 PM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for HWN/JDL 2/14/2011 3:00:00 PM SB1520

Conference room: 224  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Kealii Makekau  
Organization: Individual  
Address:  
Phone:  
E-mail: [Kealii8@hotmail.com](mailto:Kealii8@hotmail.com)  
Submitted on: 2/13/2011

### Comments:

Can the State of Hawai`i create a Nation, State or Tribe?  
Constitution for the United States of America, Article IV, Section 3, Clause 1, to wit:

–New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.  
Creation of another State or Tribe; The State of Hawaii is not authorized by the U.S. Constitution to create another State or Indian Tribe, and it is not authorized to incorporate or admit a foreign Nation into the Union of the United States of America. Objection is made against the proposed Bill upon the grounds that the Bill is extra-Constitutional and is not within the limited powers of the State.

These are absolute prohibitions imposed against the several States. Every good faith effort should be made to ensure that the fundamental law and principles upon which it is founded upon are at the forefront of any political action.

It makes no sense for this committee and any other to address this matter when the constitution defines what the state can do and what it cant. Therefore this bill and others like it should be opposed.

Mahalo Kealii Makekau

Sovereign Councils  
of the



Hawaiian Homelands  
Assembly

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Executive Director

THE TWENTY-SIXTH LEGISLATURE

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair  
Senator Pohai Ryan, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Feb. 14, 3:00, Rm. 224

The SCHHA is in Support of SB 1520 SD1 Establishes procedures for state recognition of a first nation government.

Aloha Mr. Chair, members of the Committee. I am Kamaki Kanahele, Chair of the Sovereign Councils of the Hawaiian Homelands Assembly (SCHHA) whose membership is identified as beneficiaries of the Hawaiian Homes Commission Act, 1920). The SCHHA is here today in support of SB 1520 SD1 Establishes procedures for state recognition of a first nation government.

For the record, Mr. Chair, the SCHHA is Hawaii's largest beneficiary native Hawaiian organization consisting of 31 homestead associations, totaling 276 elected officers to those associations, our actual members - state-wide (including Lanai) and also, for the first time, included in the Oahu membership group of associations, a waitlist organization called the Association of Hawaiians for Homestead Lands (AHHL). Combined, the SCHHA would represent nearly three-fourths of Hawaii beneficiaries both on and off the lands.

In Brief, the SCHHA is twenty-four years old and the Sovereignty movement, beginning in Kalama Valley, some twenty plus years older highlights the walk that we native peoples have endeavored to struggle through each step of that way, learning through hard-knocks as we have moved along. If the time was necessary for us to endure the ups and downs of these efforts than we have learned through these times and surely by this time its fish or cut bait no ifs or buts about it. We have a seated governor and a seated President of the United States from Hawaii. We will never walk this way again so now Mr. Chairs and members of this joint Committees, now is the time for we native Hawaiians to move as a people and to move and do it as one people. SB 1520 begins that process and at the end of the day, when all is said and done. The First Native Nation Government of Hawaii Nei shall be ours.

I ask the Committees support of SB 1520, SD1.

# Ke Aupuni O Hawai'i

## THE HAWAIIAN KINGDOM

Box 62107 • Manoa Station • Manoa, Oahu, Hawaiian Islands

**February 14, 2011**

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Re: **TESTIMONY OPPOSING SB1520**

Aloha Kakou,

**The Hawaiian Kingdom opposes Senate Bill 1520 that establishes procedures for state recognition of a first nation government.** We do so because **SB1520** suffers from the same numerous flaws that the failed Akaka bill had.

**SB1520** is based on four patently false premises:

- 1) The insinuation that the nation, the Hawaiian Kingdom, the nation that existed before the U.S. takeover was an aboriginal, indigenous, "Native Hawaiian" — now, "First Nations" — government;
- 2) The erroneous presumption that Hawaiians are indigenous peoples of the United States of America;
- 3) The exclusion of non-"Native Hawaiians" whose ancestors were citizens and subjects of the Hawaiian Kingdom;
- 4) The claim that the United States and the State of Hawaii are the lawful successors of the Hawaiian Kingdom.

The truth is:

- 1) The Hawaiian Kingdom was a fully operational, fully recognized, progressive, sovereign, independent, neutral nation. Its body politic consisted of people from many different ethnicities and races, not just "native" Hawaiians; not "Native Hawaiians" with a capital "N"; and especially not a so-called "First Nation." These are terms contrived to avoid having to come to grips with Hawaiian Nationals, the rightful heirs to the Hawaiian Kingdom who were deprived of their nation, their identity and their inheritance.
- 2) Hawaiians have never been and are not today, indigenous people of the United States of America. We are definitely not a so-called "First Nation" of America.

Hawaiians are indigenous to Hawaii, to Polynesia and Moana Nui A Kiwa (the Pacific). We were not hanai to America, we were kidnapped by America.

- 3) Non-kanaka maoli were also citizens and subjects of the Hawaiian Kingdom nation – Hawaiian Nationals. They too were injured by the loss of their nation just as the kanaka maoli were. Therefore, their descendants are heirs to the Hawaiian Kingdom as well, and should not be left out.
- 4) The U.S. is an interloper, a usurper, a kidnapper, an occupier, a pirate. As such, the U.S. has no lawful jurisdiction in Hawaii. The State of Hawaii is a puppet fake state set up by the U.S. to administer its captured territory and people, while masquerading as a legitimate government...

The proper remedy to the crime of piracy is to set the captured free; not to further subject them to deeper captivity under a ridiculous “indigenous” governing entity. That will be an even greater atrocity than the current illegal situation. SB1520 is outrageous as it will further victimize the Hawaiian people by keeping us captive to a criminal master.

Aloha,

A handwritten signature in black ink, appearing to read 'Jen Sin', written in a cursive style.

Hawaiian National

# Waianae Kai Hawaiian Homestead Association

COMMITTEE ON WATER, LAND, AND HOUSING

COMMITTEE ON HAWAIIAN AFFAIRS

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

SB 1520 SD 1 Establishes procedures for state recognition of a first nation government.

## Waianae Kai Hawaiian Homestead Association

Feb. 14, 2011

Aloha Mr. Chair, members of the Committee. **I Support SB 1520 SD1.** I am Kalena Hew Len, President of the Waianae Kai Homestead Association, whose membership is identified as beneficiaries of the Hawaiian Homes Commission Act, 1920. I am here today in support of SB 1520 SD 1 Establishes procedures for state recognition of a first nation government.

For the record, Mr. Chair, Waianae Kai is a native Hawaiian community and a member of the SCHHA. I also serve as Kahu of the SCHHA.

In this, our most recent obligations to seek self governance and self determination, it would behoove us all, as native Hawaiians, to labor strongly for the good of us all and to bring to fruition the task of making us whole. This Bill is the first steps to bring this responsibility home here where we, the native people are and that we pick up where the Akaka Bill leaves off and I believe it is pono that this is where we shall build it, from Hawaii and not Washington D.C. All us to begin United, one people, one nation, under Keakua.

I ask the committee to support SB1520, SD1, Mahalo

Kalena Hew Len, President, Kalea Pa'a, V.P., Lauren Irvine, Sec., Esther Smith, Trea.

**86-303 Hokupaa Street, Waianae, 96792**







# THE KOANI FOUNDATION

P.O. Box 1878 • Lihu'e Kaua'i • Hawai'i 96766  
Phone: 808-822-7643

## TESTIMONY IN OPPOSITION TO SB1520

February 14, 2011

COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Brickwood Galuteria, Chair  
Senator Pohai Ryan, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

The Koani Foundation submits this testimony in OPPOSITION to SB1520 on the general principle that it does not address the real issue of the theft of the Hawaiian nation and the injuries that stem from that.

We also find the bill has numerous inaccuracies, inconsistencies and plain mistakes making it impossible to imagine how this could seriously provide any remedy. These flaws stem from a portrayal of history that leave out crucial information about who has title and jurisdiction.

The "findings" section of the bill leaves a gaping 27-year hole (from 1893-1920) apparently to avoid mentioning the illegal processes used by the United States to capture the Hawaiian Islands. The "findings" jump from 1893 with the Hawaiian Kingdom operating as a fully recognized treaty nation, to the Hawaiian Homes Commission Act of 1920 where the term "Native Hawaiian" enters the legal lexicon defined as a person having 50% of more aboriginal blood. What happened in between?

The "findings" section leaves out these important events:

1. The 1893 usurpation ("overthrow") of the lawful Hawaiian Kingdom through acts of high treason and sedition by insurgents calling themselves the "Committee of Safety" who set up an illegal "provisional government" for the Hawaiian Kingdom;
2. The 1893 successful protest lodged by Queen Lili'uokalani resulting in President Cleveland halting the process of U.S. annexation of Hawaii (from the provisional government);
3. The 1893 findings of the Blount Report resulting in U.S. President Cleveland's address to Congress admitting that the U.S. had shamefully and unlawfully committed an unauthorized act of war against a friendly nation.
4. The 1893 settlement between U.S. President Cleveland and Queen Lili'uokalani that the president would facilitate the return of the Hawaiian Kingdom government to its proper, lawful status.

5. The 1894 refusal by the insurgent traitors to return the government of the Hawaiian Kingdom and their defiant response in self-proclaiming a fraudulent replacement government, the “Republic of Hawaii.”
6. The 1897 second failed attempt at annexation of Hawaii by the U.S., thwarted by protests and lobbying by the Queen and by the “Monster Petition” (Ku’e Petition) with signatures of 90% of the people of Hawaii in opposition to annexation.
7. The 1898 fraudulent (treaty-less) “annexation” of Hawaii through a “joint resolution” of Congress executed in collusion with the unlawful “Republic of Hawaii.” In essence, the U.S. used an illegal instrument (joint-resolution) to have the illegal Republic of Hawaii, “cede” its non-existent political authority and land titles to the U.S. In reality the whole annexation transaction was a farce; two thieves dividing up the stolen loot. Nothing was “ceded” or transferred. Thus, all political authority and title to the lands of the Hawaiian Islands, to this day, still reside with the lawful Hawaiian Kingdom government and its people.
8. The 1959 “admission as a state” was just another contrived pretense to conceal the fraud.

It boils down to this: You cannot “cede” lands you do not own. You cannot transfer jurisdiction you do not have. Therefore, the “State of Hawaii,” having no lawful lands or jurisdiction, cannot go forward with this Akaka-like, “Native Hawaiian (or First Nation) government Reorganization” scheme proposed by SB1520.

Even if the State of Hawaii was lawful and it did possess “ceded” lands, does it have the constitutional authority (either US or State) to carve off a section of itself and spin it off as an autonomous governing body? Has anyone bothered to ask the attorney general or any other legal counsel about whether the state legislature can create a race-based minority government? Have you forgotten *Rice v Cayetano*?

No matter how you clone it, SB1520 is bad law.

Mahalo nui loa,  
*‘Ehu Kekahu Cardwell*  
‘Ehu Kekahu Cardwell  
Director  
The Koani Foundation

# FREE HAWAII

THE COMMITTEE OF HAWAIIAN NATIONALS  
P.O. BOX 23055, MAKIKI STATION  
MAKIKI, OAHU, HAWAIIAN ISLANDS

TESTIMONY IN OPPOSITION TO SB1520

February 14, 2011

COMMITTEE ON HAWAIIAN AFFAIRS  
Senator Brickwood Galuteria, Chair  
Senator Pohai Ryan, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

We, the Committee of Hawaiian Nationals OPPOSE SB1520. We view it as an exercise in futility because it is inherently flawed, misleading and based on false premises.

The bill hinges on the so-called "ceded lands." But at no time did the Hawaiian Kingdom ever cede its lands to the United States. There was no "treaty of annexation." As a result, there was no lawful "Territory of Hawaii," and therefore, no lawful "State of Hawaii"; and thus no such thing as "ceded lands." What you have are stolen lands. You cannot create a governing entity to oversee stolen lands.

This exercise of "reorganizing a Native Hawaiian government" is entirely spurious and just another distraction and excuse to delay the real solution to the illegal invasion, annexation and incorporation of the Hawaiian Islands into the U.S.

The proper remedy for the kidnapping of a sovereign, independent Hawaii is to FREE HAWAII. Return and reinstate the Hawaiian Kingdom and its people...not further enslave them into a sub-government of a puppet government of an illegal occupier.

The Committee of Hawaiian Nationals wishes to remind you, the elected officials of the so-called "State of Hawaii," that in fact and in law, the Hawaiian Kingdom still exists and is rapidly approaching reactivation and restoration.

We are so confident of the imminent return of Hawaiian Kingdom, that as a courtesy, we invite you to consider vacating your positions as public servants of the puppet "State of Hawaii," and consider serving under the lawful Hawaiian Kingdom.

SB1520 is the wrong solution to for this problem.

FREE HAWAII.

Malama Pono,  
*Pilipo Souza*  
Hawaiian National



Aha Kiolo Advisory Committee

**TESTIMONY IN SUPPORT OF SB 1520**  
**RELATING TO NATIVE HAWAIIANS**

Submitted to: Hearing of the Committee on Hawaiian Affairs and Judiciary and Labor, Chairs Senator Galuteria and Senator Hee

Hearing Date: February 14, 2011, 3:00 p.m., Room 224

Submitted by: The Aha Kiolo Advisory Committee: Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Galuteria and Vice-Chair Ryan of the Hawaiian Affairs Committee, and Chair Clayton Hee and Vice-Chair Shimabukuro of the Judiciary and Labor Committee, and Committee Members;

Thank you for the opportunity to testify in support of S.B. 1520 SD 1, the bill that establishes procedures for state recognition of a first nation government.

The Aha Kiolo Advisory Committee (AKAC) and the Aha Moku System is comprised of Native Hawaiian natural and cultural resource practitioners – experts in traditional resource methodology handed down from generation to generation who still reside in the 43 traditional moku of Hawai'i. These are the Native Hawaiians who have actively kept and practiced their traditional methods of resource protection and sustainability throughout the generations. These are the Native Hawaiians who will be deeply affected by this bill. For your information, the moku representatives of the 43 moku are attached to this testimony.

S.B. 1520 provides the recognition and the process for this recognition by the State of Hawaii, long overdue of the Native Hawaiian people. It is critical that this recognition includes the means and methods to that will further assist with self governance. We understand that this bill will not hamper on-going attempts for federal recognition of the Native Hawaiian people.

We urge you to support the passage of S.B. 1520 SD1.

Mahalo nui loa,

Vanda Hanakahi, Chair, Moloka'i

Aha Kiolo Advisory Committee

P.O. Box 507

Ho'olehua, HI 96729

Phone: 808-336-6184

[kaiwilauula@yahoo.com](mailto:kaiwilauula@yahoo.com)

# Aha Moku System

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## Aha Kiole and Aha Moku Representatives

### MOKU O KEAWE (Hawai'i)

**Kiole:** Pi'ilani Ka'awaloa (Acting Po'o) Phone: 808-896-4172  
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Kohala	Vacant	

### Moku O Kahekili (Maui)

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90 Alae Road, Kula, HI 96790 Email: [paulokealeioku@hawaiiintel.net](mailto:paulokealeioku@hawaiiintel.net)

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### **Moku O Kanaloa (Kahoolawe)**

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## Moloka'i Pule O'o (Moloka'i)

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Mana'e (Halawa)	Judy Caparida/Ruth Manu	P.O. Box 222, Kaunakakai, HI 96748 Phone: 808-558-8558/808-336-1637
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## Moku O Kakuhihewa (O'ahu)

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Moku	Moku Representatives	Contact
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Waianae	Vacant	
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Waialua	Vacant	
Kona	Vacant	

### Mano O Kalanipo (Kaua'i)

**Kiole:** Sharon Pomroy Phone: 808-346-6725  
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Moku	Moku Representatives	Contact
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### Ni'ihau O Kahele Lani (Ni'ihau)

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## COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT

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February 14, 2011

Senator Brickwood Galuteria, Chair  
Committee on Hawaiian Affairs  
Senator Clayton Hee, Chair  
Committee on Judiciary and Labor  
Hawaii State Legislature  
415 South Beretania St.  
Honolulu, Hawaii 96813

Re: Testimony in Support of SB 1520 with Amendments

Dear Honorable Senators Galuteria and Hee,

I write to express the support of the Council for Native Hawaiian Advancement of SB 1520, Relating to Government with one amendment as identified below. This legislation begins the much needed process of empowering Native Hawaiians to reorganize a representative government to advance self-determination and the perpetuation of the Native Hawaiian culture.

We at the Council commend the sponsors of this bill on their foresight in paving a way for Native Hawaiians to determine the structure and form of a government that can represent our collective rights and receive our collective resources. Through this vehicle, Native Hawaiians will be able to decide how best to solve our socio-economic challenges, advance our cultural knowledge and thrive for generations to come.

But this bill is not just good for Native Hawaiians, it is good for all of Hawaii. This state's very identity is grounded in Native Hawaiian culture, and as this measure ensures Native Hawaiians will be in a position to preserve and perpetuate our culture, we strengthen the identity of the whole state. Native governments across the country have demonstrated a great deal of efficacy in addressing the socio-economic conditions of their communities by applying cultural solutions to those challenges, and by increasing the efficacy of services, we increase the reach the limited dollars spent on those services for all.

We believe this bill is constitutional and provides a structured and orderly process for Native Hawaiians to give expression to their existing right to self-determination, and provides the State of Hawaii a legitimate representative voice of the Native Hawaiian people with which it can proceed to settle longstanding issues.

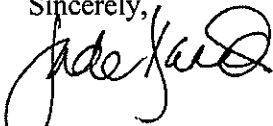
We ask that the Committee consider amending Section 6 (d)(2) of the bill as follows on page 26, beginning on line 9, with recommended text insertions underlined and recommended text deletions lined through below:

“nation government. The Council shall consider and engage discussion on the creation of one or more for-profit Native Hawaiian corporations which shall be a body corporate and a public instrumentality of the first nation government. This for-profit corporation may serve as a vehicle to receive, acquire, manage and hold settlement funds at the direction of the first nation government ~~as in the case of the Alaska Native Claims Settlement Act or to acquire, perpetually manage, and hold settlement funds as in the case of the Narragansett Indian Land Management Corporation;~~”

The Council feels that references to the Alaska Native Claims Settlement Act and the Narragansett Indian Land Management Corporation are unnecessary to achieve the goal of allowing the first nation government to create and own a for-profit corporate arm, and may inadvertently bring in undesired case law or precedence particular to those two pieces of land settlement legislation. While this bill does empower future negotiations that may lead to settlements, the primary purpose of this legislation is to give Native Hawaiians a representative voice through which future decisions can be made.

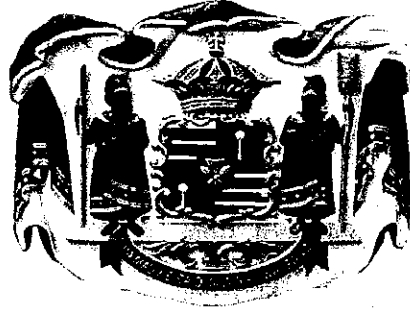
Mahalo for your consideration of our position on this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jade Danner", written in a cursive style.

Jade Danner  
Vice President

# Kingdom of Hawai'i



## Interim Provisional Government Council Office of the Advocate General

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### OBJECTION TO SB1520 & OFFER OF ASSISTANCE

#### Committees on Hawaiian Affairs & Judicial and Labor



Notice All Ye Men and Nations, comes now the Advocate General for the Kingdom of Hawai'i Interim Provisional Government Council, and also for the Order of Kamehameha I to object to SB1520 for the following:

The majority of the text of SB1520 is a copy of S.3945, entitled – Native Hawaiian Government Reorganization Act of 2010 (11/15/2010), as introduced by Senator Daniel Akaka and known as the —Akaka Bill. The Akaka Bill is not being considered in the United States 112<sup>th</sup> Congress at this time. S.3945, and all the previous version, have many objectionable defects that are now incorporated into SB1520. Many of those same defects were addressed in the reports issued by the United States Civil Rights Commission,—and were included in their objection to the Akaka Bill.

#### ***HISTORICAL DEFECTS IN HB1627***

The Kingdom of Hawai'i is mentioned seven (7) times in the proposed Bill, yet Queen Lili'uokalani and President Grover Cleveland are never mentioned at all.

The actions of the above mentioned heads of State are indispensable to relevant historic facts and to the political liberty and right of the descendant Hawaiian people to reinstate the de jure and sovereign government of the wrongfully overthrown Nation of Hawai'i.

Historically, Queen Lili'uokalani made her official protest to the United States of America and not to the thirteen (13) rebellious and violent usurpers, who were both citizens and foreigners. The Queen's official Protest was in the purview of the Law of Nations (Vattel 1758) which secured the right of the sovereign Nation of Hawai'i forever. See: \_\_\_\_\_, Page 2 of 6.

President Grover Cleveland, after taking office in 1893, and after sending the Honorable James Blount to investigate the overthrow of the de jure government of the Kingdom of Hawai'i, justly concluded that the wrongful use of force in the overthrow of the government and sovereignty of the Kingdom of Hawai'i was in violation of "Law of Nations."

"But if the Nation which is protected, or which has placed itself in subjection upon certain condition, does not resist the encroachments of the power from which it has sought support, if it makes no opposition, and keeps absolutely silent when it could and should speak, its acquiescence constitutes, in the course of time, an implied consent, the silence must be voluntary. If the weaker Nation can show that the apparent absence of opposition was DUE TO THE USE OF FORCE AGAINST IT, NO INFERENCE CAN BE DRAWN FROM ITS SILENCE, AND NO RIGHTS ACCRUE TO THE USURPER." See: *The Law Of Nations Or The Principles Of The Natural Law*, Emer De Vattel, Book I, Chapter XVI, § 199.

Both Queen Lili'uokalani and President Grover Cleveland should be specifically named and their official actions should be correctly and adequately referred to in HB1627, and in any other Bill related to the recognized and sovereign Nation of Hawai'i.

—Native Hawaiians are mentioned thirty-two (32) times in the proposed Bill, —Native Hawaiian people thirteen (13) times, and —native people eighteen (18) times. These word designations elude to the conclusion that there is some kind of special privilege granted to them. Factually and lawfully only Kingdom of Hawai'i had the rights, powers, and obligations to determine the status and capacity of its own citizens, whether born to the status or admitted by naturalization. These classifications of so-called rights or privilege to —Native Hawaiian, —Native Hawaiian people and —native people are artful creations of the usurpers who have no right to abrogate the sovereign powers of the Kingdom of Hawai'i or the successor people of right.

The misuse of the Constitution for the United States of America, Article I, Section 8, Clause 3, to wit:

—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

This clause of the Constitution is to make commerce regular and just among the States and with foreign powers. Commerce with the Kingdom of Hawai'i as a foreign Nation was in fact treated and was within the proper purview of the first part of the aforementioned Constitutional clause. Trying to improperly create some type of new Indian Tribe out of the successor people of the wrongfully overthrown Hawaiian Nation while using last part of above clause is outside of and evades the express purpose of that clause. The Kingdom of Hawai'i was a well-recognized and treaded Nation before the wrongful overthrow by the United States, and its status, rights, and reciprocal obligations are not to be evaded or abrogated by a twisting of language by the wrongdoer.

The misuse of the Constitution for the United States of America, Article I, Section 8, Clause 11, to wit:

—To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

Did the United States Congress declare war upon the peaceful and treated Kingdom of Hawai'i? Public Law 103-150 is clear that a rouge and unjust act of war was committed against a peaceful and treated Nation by the United States. Objection is made against any reference to the very power that was abused and proximately caused the violation of Law of Nations and wrongfully abrogated the political liberties and rights of the Hawaiian people.

### **OTHER UNJUST USURPATIONS.**

The Organic Act (1900), Hawaiian Homes Commission (1920), Hawaii National Park (1930), Admission Act (1959) are creations of the usurper and irrelevant to Kingdom of Hawai'i. Page 3 of 5

These Acts were designed and intended to seat the wrongdoer and usurper in positions of power over the lives, liberties and property of the successor people of the Kingdom of Hawai'i. By the Law of Nations and as recognized by treaties with the United States, the Kingdom of Hawai'i retained its sovereign will and powers to protect the lives, liberties, and property of the people. Objection is made against the proposed Bill that would continue those odious and onerous impositions upon the reinstatement of the Hawaiian Nation as a conditionality.

### **OTHER DEFINITIONS**

The combing the definitions of aboriginal, indigenous, and native people in the Bills before Congress is both misleading and a denial of sovereign liberties and rights.

—Aboriginal:

**Aborig`inal**, a. [L. *ab* and *origo*, origin. See *Origin*.]

First; original; primitive; aboriginal people are the first inhabitants of a country.

Aboriginal tribes of America. President Smith.

**American Dictionary of the English Language**, Noah Webster 1828, Vol 1, page 1

**Aborig`inal**, n. An original, or primitive inhabitants. The first settlers in a country are called aboriginals; as the Celts in Europe, and Indians in America. President Smith. **American Dictionary of the English Language**, Noah Webster 1828, Vol 1, page 1

**Abo|rig|al adi.** 1 existing (in a place) from the beginning or from the earliest days; first; indigenous 2 of or characteristic of aborigines. — *n.* an aboriginal animal or plant. **Webster's New World Dictionary**, 3rd College Ed. (1988), page 3.

**Abo|rig|ine n.** 1 a) any of the first or early known inhabitants of a region; native. b) [**A-**] a member of the aboriginal people of Australia 2 [*pl.*] the native animals or plants of a region. **Webster's New World Dictionary**, 3rd College Ed. (1988), page 3.

—Indigenous;

*Indig'enous*, a. [*L. indigena, supra.*] 1. *Native; born in a country; applied to persons.*  
2. *Native; produced naturally in a country or climate; not exotic; applied to vegetables.*  
*American Dictionary of the English Language, Noah Webster 1828, Vol. I, page 108*

—Native;

**Na'tive**, a. [*L. nativus, from nascor, natus, to be born*]  
1. Produced by nature; original; born with the being; natural; not acquired; as *native* genius; *native* affections; a *native* talent or disposition; *native* cheerfulness; *native* simplicity.  
2. *Produced by nature; not factitious or artificial; as native ore; native color.*  
3. Conferred by birth; as *native* rights and privileges.  
4. Pertaining to the place of birth; as native soil; native country; native graves. *Shak.*  
5. Original; that of which any thing is made; as man's *native* dust. *Milton.*  
6. Born with; congenial. *Shak.*  
*American Dictionary of the English Language, Noah Webster 1828, Vol. II, page 21*

**Na'tive**, a. Original; born in any is said to be a native of that place, whether country, city or town. 1. Offspring. [*Not in use*]. *Shak.*  
*American Dictionary of the English Language, Noah Webster 1828, Vol. II, page 21*

**Native, native citizen.** A natural-born subject. 1 Bla. Com 366. Those born in a country, of parents of who are citizens. Morse, Citizenship 12. See Citizen. There is no distinction between native born as used in the French Extradition treaty and natural born as used in the extradition act; 37 W. R. 269.  
*Bouvier's Law Dictionary, Third Revision (8th Edition)(1914), Volume 2, page 2297.*

**native** (nä-'tiv). A person born within the jurisdiction. See *United States v. Wong Kim Ark*, 169 U. S. 649, 42 L. ed. (U. S.) 890, 18 Sup. Ct. Rep. 456. *Law Dictionary, James A. Ballentine, Second Edition, 1948, page 874.*

**Native.** A nature-born subject or citizen; a denizen by birth; one who owes his domicile or citizenship to the fact of his birth within the country referred to. The term may also include one born abroad, if his parents were citizens of the country, and not permanently residing in foreign parts. *U. S. v. Wong Kim Ark*, 169 U. S. 649, 18 S.Ct. 456, 42 L.Ed. 890; *New Hartford v. Canaan*, 54 Conn. 39, 5 A. 360; *Oken v. Johnson*, 160 Minn. 217, 199 N.W. 910.

The word "native", as used in Alien Enemy Act, refers to person's place of birth, so that a person remains a native of country of birth, though he has moved away therefrom. *United States ex rel. D'Esquiva v. Uhi*, C.C.A. N. Y. 137 F.2d. 903, 905.

One who was born in Germany and later becomes a citizen of France, was a "native" of Germany. *Ex parte Gregoire*, D.C.Cal., 61 F.Supp. 92, 93.

But a person born in Alsace which at the time of his birth was a part of Germany but was restored to France sovereignty by the treaty of Versailles of 1819, was a "native" of France. *United States ex rel. Umecker v. McCoy*, D.C.N.D., 54 F.Supp. 679, 681, 682.

*Black's Law Dictionary 4th Edition (1951) page 1176.*

The most important and relevant definition of —Citizens & —Native is from Law of Nations; Vattel, Book 1, Chapter 19, §212, to wit:

**§ 212. Citizens and natives.**

“The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country.”

Neither the written Constitution for the Kingdom of Hawai'i or its statutory laws made any reference to aboriginal status, rights or privileges of anyone. The Constitution and statutory laws of the Kingdom of Hawai'i did make provisions for citizens and aliens, and their respective rights within and under the representative government. Those sovereign rights and obligations were not relinquished by the de jure government of the Kingdom of Hawai'i or by the people of that recognized Nation. See: Public Law 103-150, Apology Bill.

Now, how is —First Nation Government defined? Is it a nation or state in the purview of the Law of Nations or International Law, or is it some type of hybrid corporate entity without true sovereign will and power?

The other definitions may be just as egregious but are not worth covering due to irrelevancy or to other improprieties included in the wording of the defective Bill.

**LAWFUL AUTHORITY.**

Can the State of Hawai'i create a Nation, State or Tribe?

Constitution for the United States of America, Article IV, Section 3, Clause 1, to wit:

—New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Creation of another State or Tribe; The State of Hawaii is not authorized by the U.S. Constitution to create another State or Indian Tribe, and it is not authorized to incorporate or admit a foreign Nation into the Union of the United States of America. Objection is made against the proposed Bill upon the grounds that the Bill is extra-Constitutional and is not within the limited powers of the State.

State of Hawai'i is prohibited pursuant to Constitution for the United States of America, Article I, Section 10, Clause 1, to wit:

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

These are absolute prohibitions imposed against the several States. Every good faith effort should be made to ensure that the fundamental law and principles upon which it is founded upon are at the forefront of any political action.

### **CONCLUSION & OFFER OF ASSISTANCE**

The Kingdom of Hawai'i was a well-recognized and treated sovereign Nation. The United States of America, itself, treated with the Hawaiian Nation on numerous matters regarding trade and reciprocity. The objective is to reinstate a Nation, not to create and grant special privileges to a lesser corporation or to create and empower a municipal type organization. Those higher standards of procedure and recognition must be followed if we are to succeed.

Public Law 103-150 calls upon the State of Hawaii to assist in the reinstatement of the Nation of Hawai'i. If the purpose of SB1520, like other Bills, is to correct the unlawful acts done to the Nation of Hawai'i and to the its people then we sincerely offer our knowledge and appreciative assistance to fulfill President Grover Cleveland and Queen Lili'uokalani's desires. Our joint and sincere efforts will also bring back some honor to a great nation, the United States of America, and help to fulfill the obligations and just duty to reinstate and recognize the Nation of Hawai'i

Please keep us fully and timely informed of this and any other proposed Bill that effects the rights and interests of the Nation of Hawai'i and its people, and we thank you for your meaningful, just and honest efforts to further Public Law 103-150.

Feel free to look at our Position Paper and other references:

[www.kingdom-hawaii.org](http://www.kingdom-hawaii.org)

Or e-mail: [kingdom@pixi.com](mailto:kingdom@pixi.com)

Kingdom of Hawai'i

1777 Ala Moana Blvd, #116-102

Honolulu, Hawai'i 96815

*Signed & Sealed*

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**ADVOCATE GENERAL of the Kingdom of Hawai'i**  
**DENNIS W. RAGSDALE, Sui Juris, Sovereign**  
**Jure Soli, Jure Sanguinis, Jure Coronea**



February 14, 2011

**JOINT COMMITTEE ON SENATE BILL 1520**

**COMMITTEE ON HAWAIIAN AFFAIRS**

Senator Brickwood Galuteria, Chair

Senator Pohai Ryan, Vice Chair

**COMMITTEE ON JUDICIARY AND LABOR**

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

**TESTIMONY IN OPPOSITION TO SENATE BILL 1520 (SB1520)**

I am John Pilipo Souza, a Hawaiian National, by birth and by my human rights choice. I oppose SB 1520, and any legislation that compromises my Birthright and Nationality, and/or any legislation that promotes prejudice and discrimination among all people as that I see in the provisions aligned with Senate Bill 1520, nationally known as Akaka.

Most of us here not indigenous of Hawaii have one thing in common. We are descendants of immigrants who came to Hawaii as labors seeking a better life. The indigenous Hawaiian people of the Islands welcomed our ancestors with kindness and aloha even to the point where some married. Not a normality for immigrant labor people of the world. What some have done or condone against the first people here is hewa. This Senate Bill 1520, like SB1, perpetuates that curse, and in any form or matter before all of us today, would not be allowed by our very own ancestors who found that better life for themselves and for you and I as their descendants. The culture of first people of Hawaii gave us life, liberty and the pursuit of happiness. We have no right to take that away that from those who bestowed upon us a makana, a gift, just as King Kamehameha III, Kauikeaouli did for his people in 1839.

Most of us here never worked in a cane field or sugar mill, and some have in a pineapple cannery. But as children of immigrant labors we are ma'a to the olelo of plantation cultures of the world. The plantations of Hawaii nei are still here. Only the crops have changed.

May I remind all of Hawaii nei, you cannot make sugar out of aaaa kaka

malama o ka aina I ka pono,

Pilipo Souza

Hawaiian National / Greatgrand son of Portuguese Labor Immigrants .

c/o 47-279 -D- Hui Iwa Street

Kaneohe, Ko Hawaii Pae Aina

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**Senator Clayton Hee, Vice Chair**  
**Senator Maile Shimabukuro, Vice Chair**

**SB 1520 RELATING TO GOVERNMENT**  
**(Establishes procedures for state recognition of a first nation government)**

**Hearing Date: Monday February 14, 2011**  
**Time: 3:00 pm**  
**Room 224**

**Senator's PLEASE STOP, you are doing this backwards!!**

**The State, I believe, can and should take responsibility to set the law as well as the facts right first, both in terms of procedure and historical context. Most people who read the Apology Resolution of 1993 will tell you that a half truth was told since the illegal actions described therein never resulted in a fair or democratic redress even while it called for reconciliation. It thus told a big lie despite all that was admitted to because in the end it never called for a lawful tribunal, where the best chance for redress (review and fact finding) would've been possible. Unilateralism (the federal doctrines on Native Hawaiians), is now the presumed framework or default position within which all redress issues are analyzed and debated. This framework makes it impossible to achieve the Constitutional outcomes or institutions that can repel discrimination lawsuits, and the State of Hawaii is part of this framework. The discrimination lawsuits should remind us that where people seek democracy, unilateralism will never suffice to correct injustice. Moreover, any natural government "of the people," cannot be born by a unwanted Congressional act if it is to be truly self-governing. The danger is that you will have used legislation to create government entitlement not a natural right. All legislation on this subject must flow from this uniquely American natural rights doctrine if it is to produce natural rights as some have tried to suggest to you already. A natural right means no presumption of power where it is not enumerated in law. Here alone is where the State of Hawaii has a role to be trustee if anything. A Hawaiian trust obligation administered by the State must reflect this natural rights view of law if it is to be lawful. In other words it must have a moral purpose. State authored Legislation can only protect the liberty of native Hawaiians; the State cannot be involved in or attempting to create a tribe or nation whatsoever if that tribe or nation does not want to**

**be federalized, nor does it have the power to compel anyone towards this end. Federal Recognition legislation is patently unconstitutional since even as Public Law 103-150 attests, and the Akaka Bill itself recognizes, that native Hawaiians never relinquished their inherent sovereignty. The State of Hawaii cannot make, re-make, facilitate, or recognize a native tribal structure unless it uses the original organic documents such as the treaties of Friendship, Navigation, and Commerce. This would include the famous Monroe and Tyler Doctrine's along with the Bill of rights, which prohibit Congress from acting unilaterally over Hawaii or any foreign country. The State of Hawaii must (not should or may) follow the historical protocols, which include Grover Cleveland's message about America's libertarian traditions in foreign policy. By this legislation the state of Hawaii is indicating that it can facilitate a totally different process than the sort authored in the past by Congress or the Interior Department under the doctrine of unilateralism. The State, in offering to facilitate a process that looks at redressing what happened in 1893, will no longer be hamstrung by faulty federal doctrines, proving that it can facilitate a COMPLETELY different process than the feds. This would serve to avoid the legal pitfalls resulting from federalism (fiat creation of DHHL), which even US Senators have admitted was a perverted doctrine since Congress had no authority to unilaterally proscribe a trust obligation over a foreign people. The 1993 Apology to Native Hawaiians admits that Hawaii was a fully recognized NATION at the time of the overthrow. This admission means that the Hawaiian Monarch was unlawfully seized by members of the provisional government who were aided and abetted by the US Navy.**

**This history cries out to you and I still today that what is needed is a better foundation for reconciliation than the one statehood produced. A better procedure should at the very least mean a different more historically correct process must govern the redress issues. Legal obligations should never be revised in order to accommodate an unnatural and unrighteous union, which is what you will be doing if you don't take the time to correct the history. The procedure you take must be proscribed in law, otherwise it will be challenged and exposed for the fraud it is at some point.**

**The attempt to establish a "procedure for state recognition of a first nation government" must begin with some kind of formal tribunal if it is to be a honest effort to do right by the U.S. Constitution. Such a tribunal would uncover the relevant legal questions about the constitutionality of statehood and it would ensure that the question of legitimacy is openly and objectively redressed before such recognition efforts become codified into law. The claim for example that Kanaka Maoli are indigenous peoples of the United States, is false and should be open for debate "before" the Legislature recognizes any such first nation, especially since the legislation you offer explicitly attempts to remedy what happened in 1893.**

**Legitimacy issues regarding how statehood was promulgated and or what events preceded or enabled its creation cannot be bypassed, buried, or overlooked, especially since DHHL, which is a fiat or manufactured trust obligation, was and is still believed to be unconstitutional. Using the remedial language of the Admissions Act (DHHL) to justify a first nation process only confuses matters and further perpetuates the fraud's and lies advanced by the self proclaimed Republic of Hawaii, who ceded Hawaii national lands to the United States, who admitted in the 1993 Apology Resolution (Public Law 103-150) to having played a significant role in the 1893 overthrow.**

**It is impossible, constitutionally speaking, to define native Hawaiians as Native Americans (indigenous peoples of America). A trust obligation that is lawful would not and cannot be forced on a people who wish to remain separate and self-governing, nor should it involve blood quantum, as DHHL now requires. If Congress or the State of Hawaii manufactures the recognition process (does it back words), it will have ignored the constitutional limitations that are spelled out in the Bill of Rights regarding the scope of Congress' power both domestically and in foreign matters. Such a process should never ignore the treaties, which also speak to the question of Congress' prior sworn obligations not to create a protectorate over Hawaii. The State of Hawaii is attempting by this legislation to permanently subjugate native Hawaiians to set of extra rules that would in the end prevent any and all legal paths to total independence.**

**Just because there is a building called the State Capitol, and just because its officials are elected, doesn't mean everything that happens within its walls are legit or legally binding on Kanaka Maoli, who will remain a separate nation (people) with or without your legislation. If the State of Hawaii were really legal, lawmakers would not still be haggling over how to recognize native Hawaiians!! If the racial provisions of Statehood were in fact constitutional, and if Native Hawaiians were really truly Native Americans as the 1959 Admissions Act says they are, we would not be revisiting the race issues year after year, rehashing as we do all the contradictions and implications built into Statehood. The fact that you are seeking legislation to make or recognize a first nation attests to the perversion of US power in the islands. You cannot make legislation to create a nation that you are simultaneously tying with this same legislation to undermine and destroy. Neither Congress nor the State**

**of Hawaii has the power to enact laws that create a protectorate while the native people continue to REFUSE TO RELINGUISH THEIR INHERANT SOVEREIGNTY. If our nation still exists (albeit in dormant form) then there should be no need for recognition legislation except to create what would be a formal tribunal or something close to it. If the first question about legitimacy can be dealt with separately from the issue of how to address reconciliation for the overthrow, you might actually have a path that would produce the once and for all out come we all desire. In other words instead of trying to do two separate actions involving two very different issues, you should deal with each issue separately and in order. Failing to do this as I have outlined it will make you appear to be trying to avoid the truth.**

**Legislators need to first ask if there really is what some are calling an outstanding or longstanding injustice that still needs to be satisfied (redressed). What is the constitutionally permissible way (other than DHHL) to remedy this particular kind of injustice? Once this question is settled only then can you proceed to the reconciliation issue.**

**If the State does recognition and reconciliation in a political vacuum, i.e., as if Annexation and Statehood were perfectly legit, the process will always be deemed by Hawaiians to be unjust and unconstitutional. There must be a way to do reconciliation without ending up with DHHL, and the perverted trust obligation we now call the State of Hawaii, where it is presumed that native Hawaiians in fact relinquished their sovereignty. You cannot have it both ways. If sovereignty was never fully relinquished then you have no recourse other than to deal with the legality issues first. Doing it backwards as you seem to be doing now belies your so-called commitment to justice.**

**If you cannot get the protocol correct, and if you keep putting the cart before the horse as you have here, then the process to recognize a fist nation will be done in a political vacuum, no different than when the Provisional Government had conspired to do away with our civil minded Queen, guaranteeing that superficial remedies will need to be redone over and over again. Committing Hawaiians to this kind of redundancy will only further injure those who have been denied due process at every stage going all the way back Annexation.**

# The 1897 Petition Against the Annexation of Hawaii

## Background

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When the Hawaiian islands were formally annexed by the United States in 1898, the event marked end of a lengthy internal struggle between native Hawaiians and white American businessmen for control of the Hawaiian government. In 1893 the last monarch of Hawaii, Queen Lili'uokalani, was overthrown by party of businessmen, who then imposed a provisional government. Soon after, President Benjamin Harrison submitted a treaty to annex the Hawaiian islands to the U.S. Senate for ratification. In 1897, the treaty effort was blocked when the newly-formed Hawaiian Patriotic League, composed of native Hawaiians, **successfully** petitioned the U.S. Congress in opposition of the treaty. The League's lobbying efforts left only 46 Senators in favor of the resolution, less than the 2/3 majority needed for approval of a treaty. The League's victory was shortlived, however as unfolding world events soon forced the annexation issue to the fore again. With the explosion of the U.S.S. *Maine* in February of 1898 signaling the start of the Spanish American War, establishing a mid-Pacific fueling station and naval base became a strategic imperative for the United States. The Hawaiian islands were the clear choice, and this time Congress moved to annex the Hawaiian islands by Joint Resolution, a process requiring only a simple majority in both houses of Congress. On July 12, 1898, the Joint Resolution passed and the Hawaiian islands were officially annexed by the United States.

The Hawaiian islands had a well-established culture and long history of self-governance when Captain James Cook, the first European explorer to set foot on Hawaii, landed in 1778. The influence of European and American settlers quickly began to alter traditional ways of life. Originally governed by individual chiefs or kings, the islands united under the rule of a single monarch, King Kamehameha, in 1795, less than two decades after Cook's arrival. Later the traditional Hawaiian monarchy was overthrown in favor of a constitutional monarchy. Eventually, the monarchy itself was abandoned in favor of a government elected by a small group of enfranchised voters, although the Hawaiian monarch was retained as the ceremonial head of the government. Even elements of daily life felt the social and economic impact of the white planters, missionaries and businessmen. The landholding system changed, and many aspects of traditional culture were prohibited including teaching the Hawaiian language and performing the native Hula dance.

In 1887, the struggle for control of Hawaii was at its height as David Kalakaua was elected to the Hawaiian throne. King Kalakaua signed a reciprocity treaty with the United States making it possible for sugar to be sold to the U.S. market tax-free, but the *haole* - or "white" - businessmen were still distrustful of him. They criticized his ties to men they believed to be corrupt, his revival of Hawaiian traditions such as the historic Hula, and construction of the royal Iolani Palace. A scandal involving Kalakaua erupted in the very year he was crowned, and it united his opponents, a party of businessmen under the leadership of Lorrin Thurston. The opposition used the threat of violence to force the Kalakaua to accept a new constitution that stripped the monarchy of executive powers and replaced the cabinet with members of the businessmen's party. The new constitution, which effectively disenfranchised most native Hawaiian voters, came to be known as the "Bayonet Constitution" because Kalakaua signed it under duress.

When King Kalakaua died in 1891, his sister Lili'uokalani succeeded him, and members of the native population persuaded the new queen to draft a new constitution in an attempt to restore native rights and powers. The move was countered by the Committee on Annexation, a small group of white businessmen and politicians who felt that annexation by the United States, the major importer of Hawaiian agricultural products, would be beneficial for the economy of Hawaii. Supported by John Stevens, the U.S. Minister to Hawaii, and a contingent of Marines from the warship, U.S.S. *Boston*, the Committee on Annexation overthrew Queen Lili'uokalani in a bloodless coup on January 17, 1893 and established a revolutionary regime.

Without permission from the U.S. State Department, Minister Stevens then recognized the new government and proclaimed Hawaii a U.S. protectorate. The Committee immediately proclaimed itself to be the Provisional Government. President Benjamin Harrison signed a treaty of annexation with the new government, but before the Senate could ratify it, Grover Cleveland replaced Harrison as president and subsequently withdrew the treaty.

Shortly into his presidency, Cleveland appointed James Blount as a special investigator to investigate the events in the Hawaiian Islands. Blount found that Minister Stevens had acted improperly and ordered that the American flag be lowered from Hawaiian government buildings. He also ordered that Queen Lili'uokalani be restored to power, but Sanford Dole, the president of the Provisional Government of Hawaii, refused to turn over power. Dole successfully argued that the United States had no right to interfere in the internal affairs of Hawaii. The Provisional Government then proclaimed Hawaii a republic in 1894, and soon the Republic of Hawaii was officially recognized by the United States.



The overthrow of Lili'uokalani and imposition of the Republic of Hawaii was contrary to the will of the native Hawaiians. Native Hawaiians staged mass protest rallies and formed two gender-designated groups to protest the overthrow and prevent annexation. One was the *Hui Hawaii Aloha Aina*, loosely translated as the Hawaiian Patriotic League, and the other was its female counterpart, the *Hui Hawaii Aloha Aina o Na Wahine*. On January 5, 1895, the protests took the form of an armed attempt to derail the annexation but the armed revolt was suppressed by forces of the Republic. The leaders of the revolt were imprisoned along with Queen Lili'uokalani who was jailed for failing to put down the revolt.

In March of 1897, William McKinley was inaugurated as President of the United States. McKinley was in favor of annexation, and the change in leadership was soon felt. On June 16, 1897, McKinley and three representatives of the government of the Republic of Hawaii --Lorrin Thurston, Francis Hatch, and William Kinney-- signed a treaty of annexation. President McKinley then submitted the treaty to the U.S. Senate for ratification.

The *Hui Aloha Aina* for Women and the *Hui Aloha Aina* for Men now organized a mass petition drive. They hoped that if the U.S. government realized that the majority of native Hawaiian citizens opposed annexation, the move to annex Hawaii would be stopped. Between September 11 and October 2, 1897, the two groups collected petition signatures at public meetings held on each of the five principal islands of Hawaii. The petition, clearly marked "Petition Against Annexation" and written in both the Hawaiian and English languages, was signed by 21,269 native Hawaiian people, or more than half the 39,000 native Hawaiians and mixed-blood persons reported by the Hawaiian Commission census for the same year.

Four delegates, James Kaulia, David Kalauokalani, John Richardson, and William Auld, arrived in Washington, DC on December 6 with the 556-page petition in hand. That day, as they met with Queen Lili'uokalani, who was already in Washington lobbying against annexation, the second session of the 55th Congress opened. The delegates and Lili'uokalani planned a strategy to present the petition to the Senate.

The delegation and Lili'uokalani met Senator George Hoar, chairman of the Senate Committee on Foreign Relations on the following day, and on December 9, with the delegates present, Senator Hoar read the text of the petition to the Senate. It was formally accepted. The next day the delegates met with Secretary of State John Sherman and submitted a formal statement protesting the annexation to him. In the following days, the delegates met with many senators, voicing opposition to the annexation. By the time the delegates left Washington

on February 27, 1898, there were only 46 senators willing to vote for annexation. The treaty was defeated in the Senate.

Other events brought the subject of annexation up again immediately. On February 15, 1898, the U.S. Battleship *Maine* was blown up in Havana harbor in Cuba. The ensuing Spanish-American War, part of which was fought in the Philippine Islands, established the strategic value of the Hawaiian islands as a mid-Pacific fueling station and naval installation. The pro-annexation forces in Congress submitted a proposal to annex the Hawaiian Islands by joint resolution, which required only a simple majority vote in both houses. This eliminated the 2/3 majority needed to ratify a treaty, and by result, the necessary support was in place. House Joint Resolution 259, 55th Congress, 2nd session, known as the "Newlands Resolution," passed Congress and was signed into law by President McKinley on July 7, 1898.

Once annexed by the United States, the Hawaiian islands remained a U.S. territory until 1959, when they were admitted to statehood as the 50th state. The story of the annexation is a story of conflicting goals as the white businessmen struggled to obtain favorable trade conditions and native Hawaiians sought to protect their cultural heritage and maintain a national identity. The 1897 Petition by the Hawaiian Patriotic League stands as evidence that the native Hawaiian people objected to annexation, but because the interests of the businessmen won out, over the coming decades most historians who wrote the history of Hawaii emphasized events as told by the Provisional Government and largely neglected the struggle of the Native Hawaiians. Today, there is a growing movement on the Islands to revive interest in the native Hawaiian language and culture. Primary sources such as this petition bear witness that there is another side to the story.

The annexation petition with its voluminous signatures, along with many related records, is filed in the Records of the U.S. Senate, Record Group 46, at the National Archives and Records Administration. The petitions are available on microfilm as publication M1897.

## Resource

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Silva, Noenoe K. *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism*. Durham: Duke University Press, 2004, pages 123-163.

## The Documents

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### The 1897 Petition Against The Annexation of Hawaii



February 14, 2011

## Testimony in support of SB1520, Relating to Government

Submitted to: The Committees on Hawaiian Affairs and Judiciary and Labor

From: Kitty M. Simonds, President Maunalua Hawaiian Civic Club

Aloha Senator Galuteria and Senator Hee and members of the Committees on Hawaiian Affairs and Judiciary and Labor,

SB1520 proposes the creation of a first nation government providing recognition of a native Hawaiian government by the State of Hawaii through a governor appointed commission. We support the intent of the bill and hope that it will not hinder Congressional efforts for recognition of native Hawaiian right to autonomy.

We want to ensure that the dialogue regarding this issue, SB01, and HB1627 continues.

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