

STAND. COM. REP. NO. 595 -12

Honolulu, Hawaii

FEB 17, 2012

RE: H.B. No. 2672

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
H.B. No. 2672 entitled:

"A BILL FOR AN ACT RELATING TO THE OVERTHROW OF THE HAWAIIAN  
KINGDOM, "

begs leave to report as follows:

The purpose of this measure is to establish a commission  
within the Office of Hawaiian Affairs that will recognize and  
commemorate more than 21,000 native Hawaiians who in 1897 signed  
the Petition Against Annexation.

Ke Aupuni O Hawaii and several individuals supported the  
measure. The Office of Hawaiian Affairs offered comments on the  
measure.

Your Committee respectfully notes that the Office of Hawaiian  
Affairs should offer its comments regarding resources and funding  
for the Petition Against Annexation Memorial Commission to the  
Committee on Finance.

Your Committee also respectfully notes that the phrase,  
"overthrow of the Hawaiian Kingdom," may be the accepted and  
popular phrase, however, the continuing consciousness and  
assertion of nationality (nation-state) by the Native Hawaiians  
since 1893, rejects absolutely that presumption. Today, the  
Native Hawaiian, "the only aboriginal, indigenous, maoli people of  
Hawaii" are organizing themselves to re-establish their  
sovereignty and self-governance.

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Said the Queen, "I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom; Queen, do hereby solemnly protest any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, his excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

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

In October 1897, thousands of Hawaiian loyalists congregated at Palace Square to send a clear message to the United States Congress and President Grover Cleveland, that the vast majority of Hawaiian citizens were against annexation to the United States. Soon after the invasion by the United States in 1893, the so-called "Provisional Government" attempted to annex Hawaii to the United States. President Cleveland, however, refused to pursue annexation, and chastised U.S. Minister to Hawaii John Stevens for his role in the illegal and unconstitutional actions. Cleveland remained in office until March 1897.

Your Committee notes the following historical account:

When William McKinley replaced President Cleveland in 1897, he signed a new treaty of annexation with the Republic of Hawaii, sending it to the U.S. Senate for ratification. The Hawaiian annexation question split the Senate. Congressional delegates arrived in Hawaii to promote one or another side. Senator John Tyler Morgan (D-Alabama), chair of the Senate Foreign Relations Committee and author of the "Morgan Report", supported the taking of Hawaii. Morgan declared Minister Stevens had demonstrated "the privilege of interference", and allowed U.S. Ministers the right to take virtually any diplomatic or military action. This privilege, according to Morgan, ran only in favor of the United States and no other country.



On that October evening, Hawaiian loyalists came from throughout Hawaii to Palace Square. As the sun set, J. Kalua Kaho'okano declared the meeting's purpose to oppose annexation clearly so that Morgan and his fellow congressmen would witness and carry back to the United States the strong message of the Hawaiians. F.J. Testa, ardent Royalist, and editor of *Ka Makaainana*, a Hawaiian language newspaper, read a Memorial in Hawaiian and English, that set forth reasons against annexation. The Memorial declared the people were not supporters and held no allegiance to the Republic of Hawaii, which government had no legitimacy other than the force of arms. It pointed out that the Republic had no popular support and was held up by self-appointed individuals, constituting a minority in the community, most of them aliens. Its constitution was never submitted to a vote of the people, and it was with grief and dismay that the Hawaiian people saw the United States enter into a treaty with the Republic to extinguish the existence of the Hawaiian nation. It asked that no further action be taken until the Hawaiian people were able to vote on the question of annexation. The people gave Testa a resounding acclamation approving the Memorial.

James Keauiluna Kaulia, President of Hui Aloha 'aina, challenged and criticized the claims of Senator John Tyler Morgan. Kaulia asked how can the United States annex Hawaii in consistency with her principles, without undoing the theft in which Minister Stevens engaged. "Ask for the voice of Hawaii on this subject - Mr. Senator, and you will hear it with no uncertain tones ring out from Niihau to Hawaii - Independence now and forever."

The following month, four Native Hawaii gentlemen, John Richardson, William Auld, James Kaulia, and David Kalauokalani, left for Washington, D.C., to represent the Hawaiian people against the annexation treaty in Congress. They carried petitions of almost 40,000 names against annexation and presented them, and the Memorial, during the Senate debate on the treaty. The Senate voted and the treaty did not obtain the two-thirds vote required for ratification by the United States Constitution. The four returned home, and Hawaii nei celebrated. Celebration was short.

By mid-1898, the U.S. House of Representatives fashioned and adopted a Joint Resolution for the annexation of Hawaii. It was sent off to the Senate where the opposition attempted a filibuster for several weeks before the resolution was passed by a mere majority. On July 7, 1898, the President McKinley signed the resolution purporting to annex Hawaii as a territory to the United




States. Thus, the United States Congress side-stepped, and violated, its own Constitution

Your Committee also notes that there were actually two separate petitions, one from Hui Aloha 'aina and one from Hui Kalai Aina. The women's auxiliary to Hui Aloha 'aina, the Hui Aloha 'aina o Na Wahine, was most active in the distribution of the petitions.

Finally, your Committee hopes that the Legislature will find that the acts of courage and will of Native and other Hawaiians who petitioned against annexation merit commemoration in a permanent public memorial located on a single site.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2672 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,

  
FAYE HANOHANO, Chair



