

WHO OWNS HEAVENLY HAWAII

THE SECOND OF A SERIES

For many years, comparative peace reigned in Hawaii. The Hawaiian kings mainly accepted the suggestions of their missionary advisers as Gospel. The natives were generally not too restless, although there were a few grumbling trouble makers who disliked the fact that practically all of their land was taken over by Americans, and there were property qualifications for voting that few natives could meet. Less than 5,000 natives owned any land. As to the plantation owners, they became more and more prosperous, particularly after the Reciprocity Treaty was passed which gave the United States control of Pearl Harbor in exchange for duty-free import of Hawaiian sugar into the states.

To insure American control, the Hawaiian League, representing the larger planters, and lead by Lorin Thorston, a descendant of one of the first missionary families, by threats of force made King David Kalakaua sign what was called, "The Bayonet Constitution." This enlightened document required the Hawaiian royalty to sign any and all bills that the cabinet ministers approved of, abolished his favorites programs, and purged most of his political appointees. ☞

On Kalakaua's death in 1892, his sister, Queen Liliuokalnia (author of the farewell song "Aloha Oe") took the thrown. By this time, the plantation owners had decided that it was necessary to destroy Hawaiian independence, and to make Hawaii a part of the U.S. The McKinley Act of 1891 had removed all tariffs on imported sugar, but it granted a bounty on sugar home-grown in the United States, which made competition difficult. The plantation owners felt no more loyalty to Hawaii than did the Polish landowning nobility a century before, who arranged for the division of their country among Russia, Germany and Austria, to insure that their peasants would not become troublesome.

In 1893, it was rumored that Queen Liliuokalnia was planning to declare a new constitution which would limit the vote to Hawaiian-born or naturalized citizens. Realizing the vicious nature of such a radical suggestion, there were emergency meetings of what some called the Annexation Club. later, the "Committee of Safety." The Queen referred to them as "the Missionary Boys."

They owned most of the land, and ☞

controlled the economy. They sent a delegate to Washington to gain support from the Administration.

The Secretary of the Navy, after meeting with President Harrison, told the delegate: "The president authorizes me to say to you that if conditions in Hawaii compel you to act as you have indicated, and you come to Washington with an annexation proposition, you will find an exceedingly sympathetic Administration here." With this unsubtle indication of support, the Committee of Safety reported that lives and property of Americans in Hawaii were in danger.

On January 1893, the U.S. Minister to Hawaii thereupon ordered four boatloads of U.S. Marines to land in Honolulu "to protect American lives and property." With the marines in support, the rebels seized control of the government building, declared the monarchy abolished and proclaimed the existence of a provisional government. Grover Cleveland succeeded Harrison. In 1893, he asked for a reexamination of the annexation treaty, declaring: "If a feeble, but friendly state, is in danger of • • • ☞"

being robbed of its independence and sovereignty by a misuse of the name and power of the United States, the United States can not fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation." But the US Senate Foreign Relations Committee issued a report which stated that U.S. relations with Hawaii were unique and not to be judged by normal concepts of conduct because "Hawaii has been all the time under a virtual suzerainty of the United States."

On March 15, 1894, the planters' revolutionary provisional government called a convention to draft a constitution for the proposed "Republic of Hawaii." A new Constitution was approved, and Sanford Dole, a large landholder, and later founder of the Dole Pineapple Company, was elected President. The new constitution was so drawn that very few natives and no Orientals could vote, to say nothing of being eligible to serve in the Legislature.

In January 1895, Liliuokalani's supporters attempted a somewhat farcical counter-revolution which was suppressed in two weeks. A few Government supporters were killed and Liliuokalani was put under house arrest until she abdicated and renounced all claims to the throne (It was claimed that an ammunition dump was found in her flower garden.)

In 1898, the Republic of Hawaii surrendered sovereignty of their Island to the USA. It also conveyed absolute title to all of Hawaii's public lands to the United States. These lands included both Government land, and what had been Crown Land under the monarchy, amounting to 1.75 million acres. In 1910, Liliuokalani sued the United States to recover the value of that 1.75 million acres of Crown land. The Court ruled against her, holding that the Crown Lands belonged to the office, not to the individual. So, when the royal office ceased to exist, on the Queen's abdication, "they became as other lands of the Sovereignty and passed to the defendant as part and parcel of the public domain."

HAWAIIAN HOMES COMMISSION ACT PROVIDES HOMES FOR WHOM?

By 1920 it was obvious that the position of the Hawaiian community had deteriorated seriously. The crime rate for native Hawaiians was much higher than other groups, the rate of juvenile delinquency was much higher, and they were badly depressed economically.

The hundreds of thousands of imported plantation workers were in even worse condition. Prior to annexation, the Penal contract labor system allowed the badly treated workers to escape sugar cane fields only through suicide or desertion. After annexation, the Penal Contract was legally abolished, but many of the conditions of forced labor continued illegally on many plantations. Fourteen or more men often slept together in rooms fifteen by twenty, the black snake whip continued to be used by some overseers, and the minimal wages could be docked without reason, but special attention was drawn to the plight of the natives.

In 1921 the much applauded Hawaiian Homes Commission Act was enacted. It designated 188,000 acres of public lands as "available lands" to be leased out to native Hawaiians (those with 50% or more native blood) at a nominal fee for 99 years. The sugar interests did not oppose the bill. It excluded cultivated sugar cane lands, lands under homestead or purchase lease, under certificate of occupancy or forest reserves. Most land available was arid, and much was lava rock. When Hawaii became a state in 1959, only 1,673 natives had homesteads and thirty years later native Hawaiians leased only 32,713 of mostly marginal Hawaiian land under the Act.

The better lands went as might have been expected. The beneficiaries included J. Atherton Richards, former trustee of the powerful Bishop Estate, who got hold of a 9,370 acre ranch on home-lands. They included Diamond Head developer and Aloha Air founder Ruddy Tongg, who had a 1,126 acre ranch. And it included state legislator Harvey Tajiri who operated his campaign headquarters and auto body shop in home-lands. Rudy subletted his home-lands for six times the amount he was paying the Department of Hawaiian Home Lands for it. Ruddy's son Ronald said, "I don't mean to be so cold and uninterested, but when you get right down, that's the bottom line."

The Homeland agency allotted \$1.4 million to ease traffic and put up street lights around the Price Kuhjo Shopping Center in Hilo on homelands leased by non-natives, and spent millions of dollars installing infra structure in two industrial parks that served only non-native lessees. The agency's deputy director asserted that his expenditure was proper because it was designated "economic development."

Other sweet deals involved the Hawaiian Home Lands program leasing 7,512 acres to the immense Parker Ranch for \$31,512 and the lease of 295 acres for its training center for \$1 a year for 65 years.

As the Grimm Brothers used to say, "That's the way of the world."

THE 1967 LAND CONDEMNATION LAND REFORM ACT NO GREAT IMPROVEMENT

Similar lack of substance is the Hawaiian Land Reform Act of 1967, which provides for a condemnation scheme, whereby real property was taken by condemnation, and then sold or leased to natives or sold to others with public notice. The Housing Authority had not completed a single transaction under the convoluted scheme, before it ended up in the U.S. Supreme Court in 1984; in the Midkiff case. Of more interest than the Act itself, which proved to be useless, are the judicial remarks as to the constitutionality of the Act. The Circuit Court of Appeals concluded that the Act was "a naked attempt on the part of the state to take the private property of A and transfer it to B solely for private use and benefit." We have quoted some of the remarks of Justice O'Connor of the Supreme Court in reversal of the 9th Circuit decision. She also wrote:

"The people of Hawaii have attempted, much as the settlers of the original 13 Colonies did, to reduce the perceived social and economic evils of a land oligopoly traceable to the monarchs. The land oligopoly has, according to the Hawaiian Legislature, created artificial barriers to the normal functioning of the State's residential land market and forced thousands of individual homeowners to lease, rather than buy, the land underneath their homes. Regulating oligopoly and the evils associated with it is a classic exercise of a state's police power."

And referring to the "original 13 Colonies, Justice O'Connor stated:

"After the American Revolution, the colonists in several states took steps to eradicate the feudal incidents with which large proprietors had encumbered land in the colonies."

Our establishment economists, who deny that there are any "social and economic evils of a land oligopoly," and whose books nowhere even mention the word "land" should read those words even though they were applied to an unworkable scheme to eliminate those evils.. . . .

To be continued in the coming September-October issue of Insights