

WHO OWNS HEAVENLY HAWAII

This is the first part of a three part article on the land tax catastrophe in the most beautiful of the 50 states. As with every other parcel in this world, welfare depends on who owns the land and who pays the taxes, not what the rediscount rate may be.

Recent articles in the media deplore the oppressed status of big landowners in Hawaii. Forbes Magazine regretted the way tax collectors were even invading the private paradise of Niihau, a 73 square mile island wholly owned by the Robinson family. Another heart-rending article in the L.A. Times noted that the drop in Hawaiian land values had cost Japanese investors one-third of the \$18 billion they had invested from 1985 to 1990. No tears were shed by the media as to the difficulties of the dwindling population of natives who face increasing unemployment and crime rates, exorbitant prices for the necessities of life, and who must pay rentals that have made Honolulu the third most expensive city in America in which to live. The sordid history of the land and tax systems of Hawaii is as wretched as that in Texas and California. All three states were created by revolutions fostered by American land grabbers who formed independent "Republics" and then petitioned for statehood from a country then eager to expand and to bear the white man's burden.

In 1984, the United States Supreme Court described Hawaii as being subjected to a "land oligarchy" in the case of *Hawaii Housing Authority v. Midkiff* 467 U.S. 229. This decision noted that the Hawaiian Legislature discovered: that "While the State and Federal Governments owned almost 49% of the State's land, another 47% was in the hands of only 72 private landowners. 18 landowners, with tracts of 21,000 or more acres, owned more than 40% of this land, and that on Oahu, the most urbanized of the islands, 22 landowners owned 72.5% of the fee simple titles. The legislature concluded that concentrated land ownership was responsible for skewing the State's residential fee-simple market, inflating land prices and injuring the public tranquility and welfare."

This supposedly heavenly Pacific island had tried to solve this economic mess by condemnation of land for resale or lease to tenants or the public, by sale of government land to native Hawaiians, and even a graded tax system under which land was assessed at 250% of the assessment on buildings. The last mentioned experiment

in what was called, "The Pittsburgh Plan" was aborted before it was allowed to function—a not unexpected consequence of a state politically, economically, and socially dominated by a dozen powerful members of the land oligarchy.

Let us examine the land history of Hawaii, and we will see how it got into this ungodly mess.

THE SAD, SAD, HISTORY OF LAND OWNERSHIP IN HAWAII

United States Supreme Court Justice O'Connor described the original Hawaiian land system in the Midkiff case (instigated by the powerful Bishop Estate) as follows:

"The Hawaiian Islands were originally settled by Polynesian immigrants from the Western Pacific. These settlers developed an economy around a feudal land tenure system in which one island high chief, the aliimui, controlled the land and assigned it for development to certain subchiefs, who would administer the land and govern the farmers and other tenants working it. All land was held at the will of the aliimui and eventually had to be returned to his trust. There was no private ownership of land. . . The common people had liberal rights to a commons area, where they could hunt, fish, gather plants and herbs, and use parcels of land for irrigation. They were not required to provide military service, and had the right to leave."

As the Supreme Court noted, the kings were regarded as trustees of the land which they administered on behalf of the Gods. With substantial free land available, the chiefs had to accord substantial decency towards the commoners to keep them home on the range.

The Hawaiian culture before the coming of the white men were described by Francine du Plessix Gray:

"Accumulation was unknown in this economy of subsistence, which was devoid of all outlet for trade. Social competition was based on ideals of largesse, hospitality and generosity which still prevail among Hawaiian people. Warfare was often more symbolic than real, a ritual, athletic jousting prefaced by gigantic spouts of poetry and genealogical recitation, by much intimidating gesturing and grimacing. And it could be abruptly ended by the appearance of a chief so sacred that all soldiers had to throw themselves onto the ground." ● ● ● ● ●

James Cook discovered Hawaii on January 18, 1778, while searching for a northern sea passage from the Pacific to the Atlantic.

Captain Cook has been blamed by many for the unfortunate influx of syphilis and gonorrhea transmitted by his sailors, which took such a heavy toll of the native population. Actually, Cook did his best to forestall this infestation. His Journal noted:

"The order not to permit the crews of the boats to go on shore was issued that I might do everything in my power to prevent the importation of a fatal disease into this island, which I knew some of our men laboured under, and which, unfortunately, had already been communicated by us to other islands in these seas. With the same view, I ordered all visitors to be excluded from the ships."

This order was ignored, as were similar orders made in future years to British and American sailors. The syphilis caused prenatal infection that often killed children either before birth or in infancy, while the gonorrhea caused inflammation of the reproductive tract, resulting in sterility. The famed William Bligh, an officer serving under Cook, estimated the number of natives at 242,000, but another officer, James King, estimated the 1778 population at 410,000. American missionaries estimated the population at 108,579 in 1835. The official government census of 1850 showed a decrease to 56,897, and in January 1876, the census showed a total population of 53,900.

THE COMING OF THE MISSIONARIES

In the 1820s, Hawaii was invaded by very conservative Congregationalist missionaries, the right wing of the Calvinistic Puritans whose persecuted predecessors had come over on the Mayflower to obtain religious freedom. They are known by some as the founders of Harvard and Yale universities and by others as the burners of witches in Salem. They were successful in bringing about the destruction of the ancient native religion and the arts and handicrafts associated with it. They were not successful in terminating the dancing of the hula (a very mild dance compared to the Tahitian hula). They were successful in causing the natives to wear full clothing, despite the tropical heat, and otherwise eliminating what was left of the Hawaiian culture. They were able to convince many of the natives to be ashamed of being Hawaiians. ● ● ● ● ●

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☞ They were not successful in barring the whoring and drinking that the sailors had initiated. And while some of the missionaries lived lives of Spartan austerity, some looked favorably at the introduction of Western ideas of private land ownership to Hawaii. It was said that "the missionaries told us to look to heaven, and while we did so, they stole our land."

THE LEGAL CHANGE OF THE LAND LAW FROM PUBLIC OWNERSHIP TO PRIVATE OWNERSHIP

During the first part of the 19th century, the King and his chiefs gave foreigners substantial lands in return for services, and had other laws passed to secure their titles.

The Hawaiian Constitution of 1840 set up a two-body legislature, with a house of nobles and a house of representatives. The Constitution attempted by resolution to revive the ancient theory that the King was a mere trustee of the land. It stated:

"Kamehameha I was the founder of the Kingdom and to him belonged all the land from one end of the Islands to the other, although it was not his own private property.

"It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property. Wherefore, there was not formerly and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had or has the direction of the kingdom." (emphasis added).

The nibbling away soon started. The Constitution was interpreted to mean that land already held by foreigners could not be reclaimed by the crown. Another plan was adopted allowing the island governors to enter into 50 year leases with foreigners.

In 1845, a Board of Land Commissioners was established to ascertain or reject all claims of individuals to land. The burden was on the claimant to establish his right to his holding. The natives were generally too unsophisticated to properly protect their claims, while the white men were able to pierce the bureaucratic veil. This was the same situation as in California, which, also had a Land Commission established in 1850, which greatly speeded the transfer of the common heritage to Caucasians with prejudice to the claims of the Mexicans. ☞

☞ The Grand Mahele (division) of land took place 1848-1850. Kamehameha III retained one million acres, most of which was sold, leased or given away to foreigners. This was supposed to do away with Hawaii's ancient feudal system. In fact, it established a new feudalism under the white man's fee simple system.

The natives were still required to prove their claims before the land commission. In addition, they had to pay a commutation tax of one-third of the value of their land, or give one third of that land to the government. Many natives did not understand the law, many feared reprisal from the chiefs, and there was a very short period of time to make the claims. Further, the natives were limited to land "really cultivated" by the claimant. Since large numbers of the natives had cultivated their lands in common, they were not allowed to claim that they had "really cultivated" the land they claimed. Only 28,600 acres were established as belonging to the natives when the Land Commission dissolved in 1855, compared to the million acres going to the king and 1.5 million to the chiefs. To further alienation of land from the natives, an 1846 act had authorized sales of Government Lands, and a 1850 law allowed any resident of Hawaii to own and convey land regardless of citizenship.

There is no record of any protest made by the Missionaries as to this repudiation of Biblical law on land ownership. (Leviticus, Ch. 25, verse 23)

BIG LAND GOES FOR SMALL PRICES

We Americans were quick to take advantage of the new law. Some of the land was awarded without compensation, such as the gift of 2,500 acres near Diamond Head to a former ship pilot of the King.

Today, the biggest landowner in the Islands is the Bishop Estate, originally composed of Crown lands, inherited by Princess Bernice Pauyhai Bishop, last of the Kamehameha line, who had married the original Bishop, an American missionary. The Estate is estimated to be worth 5 to 8 billion dollars, much of which is in prime urban land.

John Palmer Parker established his holdings the same old-fashioned way, marrying one of Kamehameha's granddaughters. • • ☞

☞ The Parker ranch, in the big island of Hawaii now boasts about 225,000 acres

As to the Robinsons their ancestor, Eliza Sinclair, paid \$10,000 for the whole island of Niihau, in 1863. The King offered Ms. Sinclair all of Waikiki and miles of inland Oahu for the same sum, but she turned this offer down, believing that the land was too swampy. The Robinsons subsequently bought over one sixth of Kauai, and their total holdings are estimated to be worth a half-billion dollars.

Government land was included in the grand redistribution. By 1864, 213 West-erners had bought over 320,000 acres of Government land. By 1893, 612,233 acres of land had been sold by the Kingdom at an average price of 92¢ an acre. Leaseholds were also popular. By 1890, 76 leases controlled 752,431 acres of Crown and Government land on long term leases at rates of only pennies per acre.

THE IMPORT OF PLANTATION WORKERS

The Great Mahele allowed sugar planters to accumulate vast holdings from the government, the chiefs, and the few native land owners. By the 1890s, four-fifths of Hawaii's arable land was in sugar plantations controlled by a few Americans.

The Hawaiian natives were unfortunately not enthusiastic about the prospect of long hours of monotonous and physically exhausting labor at minimum wages for the benefit of foreigners.

So, from the middle of the 19th century to World War II, the plantation owners imported over 400,000 workers and their dependents. This included 180,000 from Japan and Okinawa, 125,000 from the Philippines, 46,000 South Chinese, and a smattering of others. The plantation owners provided housing, medical care, etc. and even instructions on how to vote. By the latter part of the 19th century, fewer than 5,000 natives owned any land, let alone enough to fulfill the high property qualifications for voting.

The pineapple plantations were not established until later, when it was discovered that some Hawaiian land was not fit for sugar cane.

To be continued in the coming July-August issue of Insights • • • • • ☞