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ABSTRACT

For many years, Hawai‘i has been a favored destination of vacationers and adventurers, colonizers and usurpers. Its beautiful landscape and strategic placement lend itself for these purposes. However, there is another side of Hawai‘i that many do not see, and even less understand. When the sunscreen, ABC Stores, and hotel lū‘au’s are left behind, one will find that there is a part of Hawai‘i that longs for the return of its independence, its identity, its rights. This Hawai‘i no longer wishes to see its people impoverished or imprisoned. It no longer wishes to be forgotten in history books, and remembered only when it’s time to plan a family trip over the summer. This is the Hawai‘i being fought for by those in the Hawaiian sovereignty movement and is addressed in this article.

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Past, Present, and Politics

A Look at the Hawaiian Sovereignty Movement

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Introduction

For many years, Hawai‘i has been a favored destination of vacationers and adventurers, colonizers and usurpers. Its’ beautiful landscape and strategic placement lend itself for these purposes. However, there is another side of Hawai‘i that many do not see, and even less understand. When the sunscreen, ABC Stores, and hotel lū‘au’s are left behind, one will find that there is a part of Hawai‘i that longs for the return of its independence, its identity, its rights. This Hawai‘i no longer wishes to see its people impoverished or imprisoned. It no longer wishes to be forgotten in history books, and remembered only when it’s time to plan a family trip over the summer. This is the Hawai‘i being fought for by those in the Hawaiian sovereignty movement, and this is the movement to be addressed in this article.

The participants and supporters of the Hawaiian sovereignty movement want some form of independence or self rule; they want native communities to rise up and work towards the common goal of nationhood; and, perhaps most of all, they want to live in a place where native Hawaiians have been given, as much as possible, their way of life back, as it once was before colonization, assimilation, and acculturation took over their identities.

In order to gain a general overview of the Hawaiian sovereignty movement, one must first understand who the people are that the movement implicates. According to the Merriam-Webster Dictionary, Hawaiian is defined as being “A native or resident of Hawai‘i, especially one of Polynesian ancestry.” The language, “especially,” implies that the term “Hawaiian” cannot only be used to describe those of Polynesian ancestry, but also those who are born in or have become residents of Hawai‘i but are not of Hawaiian Polynesian descent. As such, for the purposes of this article the definition of a *native* Hawaiian will refer to someone who is specifically of Hawaiian Polynesian ancestry. This definition is chosen because being native Hawaiian, for many in the sovereignty movement, is about *blood*. Native Hawaiian sovereignty leader, lawyer and scholar Mililani

Trask, writes that “To be Hawaiian (for political and other reasons) you have to have the koko (blood). I don’t agree with, and do not support, the concept of being ‘Hawaiian at heart’ . . . You never hear of someone being ‘Japanese at heart.’ There is a racial connotation to that phrase.”¹

Haunani-Kay Trask, a Professor of Hawaiian Studies at the University of Hawai‘i, Mānoa and sovereignty leader, writes that, “there is the claim [by non-natives] that Hawaiians, the Native people of Hawai‘i, are the same as settlers to Hawai‘i. Apart from denying Hawaiians their 2,000-year-old *indigenous*² history, this position also equates a *voluntary* status (settlers) with *involuntary* status (a forced change in nationality resulting from colonization). This argument often underlies state and federal policy.”³ Haunani-Kay Trask emphasizes that the difference between Kanaka Maoli – Native Hawaiians – in Hawai‘i today, and Hawai‘i residents who are not of native Hawaiian blood is simply that residents who settled in Hawai‘i voluntarily gave up their homeland rights; native Hawaiians, on the other hand, have had those rights taken from them.⁴

Therefore *native Hawaiian* is used in reference to the indigenous peoples of Hawai‘i who existed in the archipelago before Western contact, as well as the people of native Hawaiian blood, whose histories are tied inextricably with the history of that place dating back 2,000 years. The “Hawaiian sovereignty movement” refers to the purposes of the movement itself, since not all those who participate in the movement are native Hawaiians. Though the sovereignty movement is a fight to gain self-determination and self-governance for native Hawaiians, many non-natives are supporters of the cause as well and will most definitely be implicated in any of its results.

Identity, History, and the Hawaiian Sovereignty Movement

The issue of being a native Hawaiian, or simply a resident of Hawai‘i, becomes part of the larger discussion of the Hawaiian sovereignty movement when we take into account what the movement hopes to achieve, and why change is

¹ Ho’oipo Decambra, “An Interview with Mililani Trask,” *He alo a he alo: face to face, Hawaiian voices on sovereignty* (Honolulu: The Hawai‘i Area Office of the American Friends Service Committee, 1993), 113.

² Defined as “having originated in and being produced, growing, living, or occurring naturally in a particular region or environment.”

³ Haunani-Kay Trask, *From a native daughter: colonialism and sovereignty in Hawai‘i* (Honolulu: University of Hawai‘i Press, 1999), 30.

⁴ *Ibid.* Haunani-Kay Trask and Mililani B. Trask are sisters.

desired and/or necessary. To understand this, one must first understand the history of Hawai‘i.

United States interests in Hawai‘i, as more than a friendly neighbor became clear to the Hawaiian monarch, as well as to the people of Hawai‘i, when white settlers began buying up a majority of the Kingdom’s land, as well as asserting themselves in the national government. These strategic moves inevitably made it easier for white landholders, businessmen and other rich plantation owners to usurp power from the already dwindling native population and weakening monarchy. When Queen Lili‘uokalani assumed the throne and attempted to establish a new constitution in 1893 (which was to rectify the dismal situation of native Hawaiians), United States businessmen such as Sanford B. Dole and American Minister to the Islands John L. Stevens took it upon themselves to enlist the help of U.S. troops stationed at Pearl Harbor to protect American lives which they claimed the new constitution purportedly put in jeopardy. In direct violation of Kingdom law as well as international treaty, the troops were marched to ‘Iolani Palace and, under the threat of military power, the Queen was ordered to step down from her throne.⁵ She was subsequently imprisoned in her bedroom for eight months before the new Provisional American government in place in Hawai‘i released her and forced her abdication. The Hawaiian Kingdom was illegally annexed in 1898.

Dudley and Agard estimate before contact with the West (1778), 1 million native Hawaiians lived in the Hawaiian archipelago. By 1892 this number had diminished to a mere 40,000.⁶ “Today,” Dudley and Agard write, “there are a mere 8,244 [full-blooded native Hawaiians left]. That is 992,000 less people [than before Western contact], a decrease of more than 99%.”⁷ This dismal history, coupled with the persistence of Western colonization in the State of Hawai‘i today⁸, has led to the creation of the Hawaiian sovereignty movement in the mid-1970’s that still remains true to its cause in 2009. Thus, it is said that:

⁵ *Act of war: the overthrow of the hawaiian nation*, DVD. Directed by Puhipau, and Joan Lander. (San Francisco, CA: CrossCurrent Media, National Asian American Telecommunications Association, 1993).

⁶ *Ibid.*

⁷ Michael Kioni Dudley and Keoni Kealoha Agard, *A call for Hawaiian sovereignty* (Honolulu: Nā Kāne O Ka Malo Press, 1993), 87.

⁸ According to the 2002 Native Hawaiian Databook, native Hawaiians have the highest percentage of abortions by teens under the age of 17, the highest percentages of drug abuse by teens in the 9th-12th grade level, the highest percentage of State offenders and third highest percentage of murder victims, the highest rate of arrests among youths, and the second highest percentage of homelessness. *Native Hawaiian databook* (Office of Hawaiian Affairs, 2002), http://www.oha.org/index.php?option=com_content&task=view&id=101&Itemid=173 (accessed Jan. 14, 2009)

Deep in the soul of all Hawaiians is a desire to speak our own language, to relate with the natural world publicly and unashamedly as our ancestors did, to think our own thoughts, to pursue our own aspirations, to develop our own arts, to workshop our own goods, to follow our own moral system, to see our own people when we look around us, to be Hawaiians again. We long to make contributions to the world as Hawaiians, to exist as a Hawaiian nation, to add 'a Hawaiian presence' to the world community. Establishment of a sovereign Hawaiian nation will give us that chance.⁹

Natives and non-natives alike have begun fighting for self-governance, for independence, and for justice by both participating in and through the support of the Hawaiian sovereignty movement. They are mobilized and educated, and are ready to become players in the political arena that determines the future of Hawai'i, the unwillingly and illegally colonized playground of the United States. The movement has been building strength, and the voices of its followers are now ready to be heard. What are some of the options that the people of Hawai'i have regarding sovereignty? Are sovereignty, self-governance, independence, and justice feasible goals? Is the movement for sovereignty a practical and probable enough ambition to be achieved? And what do those who live in Hawai'i today think of the movement? These are all questions this article hopes to answer.

This is not meant to be a comprehensive critical analysis of the depth and breadth of entire movement. Instead, I develop of general description of three different, representative perspectives of the movement, in the hope of spurring further dialogue and research on the topic as a whole.

The History of the Hawaiian Sovereignty Movement

E Kū Kanaka. Stand tall, people of Hawai'i. This is a call for strength, confidence, and perhaps sovereignty as well.¹⁰ But what is sovereignty? When did it begin? What does it mean for future native Hawaiians? This section will explore those questions in order to better understand what exactly the Hawaiian sovereignty movement is. It will do so by expanding on the brief history of the movement given in the previous section, as well as by investigating

⁹ Dudley and Agard, ix.

¹⁰ Shawn Malia Kana'iaupuni, "Ka'akālai Kū Kanaka: A Call for Strengths-Based Approaches from a Native Hawaiian Perspective," *Educational Researcher* 34, no. 5 (2005): 36.

the ways that resistance has manifested itself, both historically and contemporarily, in order to offer a field of reference when considering the path sovereignty has taken to get to its current state.

The first step in this discussion, however, is to define in clear terms what the accepted meaning of the word ‘sovereignty’ is. According to the Merriam-Webster Dictionary, ‘sovereignty’ refers to “supreme power especially over a body politics; freedom from external control; autonomy; controlling influence,” and can also be summed up to mean “an autonomous state.” With this in mind, let us begin by discussing what the Hawaiian sovereignty movement is, at its root, and what it hopes to accomplish.

The Birth of a Movement

When I think of sovereignty, sovereignty sounds like there’s a group of people – Hawaiians – who are living in a dominant culture – Western – who feel that some of the policies, attitudes or ways put a halt to some of their own goals. And when this group of people, Hawaiian people, come together and say: “Let’s form this community,” or nation, or whatever you call it; and say: “let’s draw up something that we can have a voice in how we want to govern our lives.” I know that’s a crude definition but that’s the way I look at it, just a group of people who say: “Okay, this is what we want: we don’t want Joe Blow over there telling us what to do, we respect Joe Blow, but we would like that same respect in return.”¹¹

This passage above is an excerpt from an interview in which a Wai‘anae man, and sovereignty leader, articulates what many in the movement feel is at the root of sovereignty. Dudley and Agard chronicle the start of the sovereignty movement and offer a key reason for its inception when they state that, “After decades that saw Hawaiians denying and neglecting their cultural heritage, the early 1970’s brought a renewal of interest in traditional Hawaiian music, arts, and crafts...The time was right...It was okay to be Hawaiian again...And Hawaiians began to be *proud* of being Hawaiian again.”¹² This sense of pride in Hawaiian culture and history is, according to Dudley and Agard, what helped to facilitate the birth of the sovereignty movement. Native Hawaiians are *proud* to be indigenous to this land; they are *proud* to have their own language, music, and society; and most of all, they are *proud* to have had their own government. The

¹¹ Ho’oipo Decambra, “An Interview with Lyle Kaloi,” *He alo a he alo: face to face, Hawaiian voices on sovereignty* (Honolulu: The Hawai‘i Area Office of the American Friends Service Committee, 1993), 94.

¹² Dudley and Agard, 107.

sovereignty movement is a fight to regain that government, that source of pride.¹³

This sense of pride manifested itself in grassroots organizations beginning to protest and rally publicly against further land dispossession suffered by native Hawaiians, and the continuing urbanization of *kaikua'ana o nā kanaka*.¹⁴ Haunani-Kay Trask writes that “[The] Hawaiian Movement evolved from a series of protests against land abuses, through various demonstrations and occupations to dramatize the exploitative conditions of Hawaiians, to assertions of Native forms of sovereignty based on indigenous birthrights to land and sea.”¹⁵ Specifically, the protest movements that began in the 70’s were first known as anti-eviction efforts, or efforts to thwart the continued use of the island of Kaho‘olawe for target practice by the United States military. “The movement [then] evolved both cultural and political demands that focused on the historical injury of the overthrow and annexation. The goals of [the native Hawaiian sovereignty] movement now include some form of self-government, the creation of a public educational system in the Hawaiian language, and legal entitlements to a national land base, including water rights.”¹⁶

What sets the Hawaiian sovereignty movement apart from many other movements for indigenous rights is that, although many native and non-native Hawaiians have mobilized as a community in the name of sovereignty, they have taken that mobilization a step farther and organized themselves into more than 300 different factions.¹⁷ These factions, while in agreement on the need for self-determination in a general sense, are vying for recognition, legitimacy, and in most cases, different forms of sovereignty in the name of Hawai‘i. In a two-day sovereignty convention held in 1988, spokespersons from six of the major pro-sovereignty groups came together to clearly state their stances on a number of positions concerning the native community. What was made clear at this conference was that:

¹³ *Ibid.*, 107.

¹⁴ Literally translates to: “the older sibling of the Hawaiian people.” Refers to the historical *Kumulipo* (the genealogical legend – or creation story – of Hawaii), which names the land as the older sibling of the people. It instills in the people a sense of familial connection with the land, and requires them to care for it, as it cares for them.

¹⁵ Haunani-Kay Trask, *From a native daughter*, 66.

¹⁶ Haunani-Kay Trask, “Native social capital: The case of Hawaiian sovereignty and Ka Lāhui Hawaii,” *Policy Sciences* 33, no.3-4 (2000): 150.

¹⁷ Daniel Wood, “Hawaii’s Search for Sovereignty,” *The Christian Science Monitor*, October 17, 1994, 10.

it was not yet time [for sovereignty groups] to solidify on one stand. The Hawaiian people as a whole need to be presented with a number of possibilities for future nationhood, and have the time to explore them, so that when they are finally asked to vote, they will make the most enlightened choice.¹⁸

In the years since the conference, these different groups have continued to take their views out to the people for consideration. Some groups, like Kōkua Kalama, were formed in direct opposition to the further development of Hawaiian lands, and continue to focus on the dispossession and rights of native Hawaiians. Groups like ‘Ohana o Hawai‘i (The Extended Family of Hawai‘i), which was founded in 1974 and is one of the longest running native Hawaiian sovereignty organizations, focus primarily on the political aspects of sovereignty, “having taken the case of the illegally overthrown Hawaiian nation before the World Court at The Hague, and before a number of other international tribunals, calling for the decolonization of Hawai‘i, and laying the groundwork for recognition of an eventual declaration of actual sovereignty.”¹⁹ And still other groups, like A.L.O.H.A. focus on reparations for the illegal overthrow and annexation of our monarchy and our kingdom.

But perhaps the clearest and most concise reason for the creation of the Hawaiian sovereignty movement comes from the legal testimony of international scholar, Professor Francis Boyle, who stated that:

The State of Hawai‘i, the federal government, are...the civilian arms of the military occupation authority, and...do not have sovereignty powers. The sovereignty resides in the people...An independent sovereign nation is one way a people who are threatened with extermination by means of [cultural] genocide can attempt to protect themselves...What is the best way to protect the existence of your people?...To proclaim your own state, [to restore the inherent sovereignty of the people] and then ultimately seek international recognition and finally United Nations membership...²⁰

With this in mind, supporters of sovereignty hold to a saying that dates back to the time of Kamehameha I, the first king of Hawai‘i, which translates to: “So many Hawaiians are not surviving in the world of the white man. Give us our

¹⁸ Dudley and Agard, 125.

¹⁹ Ibid., 113.

²⁰ Francis Boyle, “Restoration of the Independent Nation State of Hawai‘i Under International Law,” *St. Thomas Review* 7 (1995): 743.

lands and seas, and let us return to the ways of our culture. Hawaiians can survive if they can be Hawaiian and live Hawaiian.”²¹

The Tools of Struggle

Since the early days of U.S. occupation in the islands, survival for Hawaiians has been synonymous with resistance to American oppression, and early forms of resistance are what Hawaiians now consider the first indications of the impending push for sovereignty.²² In 1998, a committee wishing to educate the public on the 1897 anti-annexation struggle by native Hawaiians obtained 556 pages – 21,269 signatures – of the official petition opposing annexation.²³ From then on, people would have physical proof that their grandparents or great-grandparents were activists for sovereignty. “The petition, inscribed with the names of everyone’s kūpuna [elders], gave people permission from their ancestors to participate in the quest for national sovereignty. More important, it affirmed for them that their kūpuna had not stood by idly, apathetically, while their nation was taken from them. Instead, contrary to every history book on the shelf, they learned that their ancestors had, as James Kaulia put it, taken up the honorable field of struggle.”²⁴

Contemporary native Hawaiians learned that their ancestors had not willingly allowed their country, their homeland, and their beloved leaders to be taken over. Instead, they had fought in a number of ways to stem off the flow of American colonization. One of the most common ways of proclaiming solidarity, both then and now, was through the use of ‘olelo Hawai‘i, or the Hawaiian language. “Songs, poems, and stories with the potential for kaona, or ‘hidden meanings,’ presented...opportunities to express anticolonial sentiments. People made use of these forms, and they created and maintained their national solidarity through publication of these and more overtly political essays in newspapers.”²⁵

For example, in the days following the overthrow of Queen Lili‘uokalani, and the imprisonment of many of her followers, Hawaiian language newspapers used key phrases and morals in the stories and legends printed on their pages to

²¹ Dudley and Agard, 93.

²² Noenoe K. Silva, *Aloha betrayed: Native Hawaiian resistance to American colonialism* (Durham: Duke University Press, 2004), 4.

²³ *Ibid.*, 4.

²⁴ *Ibid.*, 4.

²⁵ *Ibid.*, 5.

encourage those who were fighting for sovereignty, and instill hope in those who felt as if it were a losing battle. The Queen regularly submitted songs and poems to their papers that spoke to her people in ways that she was not allowed to do vocally, reminding them that they were the rightful heirs of the land, that their monarch had not forgotten them, and that justice would prevail. “Four mele [songs] were apparently smuggled out of the queen’s prison room to the newspaper *Ka Makaainana*, where they were published in weekly installments. Her main message in these mele was that her heart was still with her people and her nation, and that contrary to the representation being made by the [pro-republic] papers she had not abandoned the *po‘e aloha ‘aina* or the struggle for their nation.”²⁶ Today, those mele and stories are used as a source of pride and inspiration for participants in the Hawaiian sovereignty movement.

As the occupation by America went on, those loyal to the Hawaiian Nation of the time signed petitions calling for the reinstatement of the Queen and the return of the kingdom. The Queen herself, once released from her eight-month imprisonment by the illegal Provisional Government, went to Washington to appeal to American government officials for justice to be done.²⁷ What is important to note here is that unlike many other struggles for decolonization, such as conflicts like the Northern Ireland Troubles, the native Hawaiian struggle from its outset has been a non-violent one, with supporters of sovereignty choosing to use cultural and international politics as weapons, and trusting that those methods would be enough to restore a kingdom.

Today’s sovereignty activists continue to fight in the same manner that their ancestors did. In *Ka Lāhui Hawai‘i*’s 1995 Master Plan, the organization includes a section entitled “Commitment to Peace, Disarmament, and Non-Violence” which reads:

The practice of peace requires that we resolve conflict in a non-violent manner. This commitment to non-violence relates not only to our undertakings in the political arena, but involves the seeking of non-violent solutions to family, personal, and community problems...Disarmament means that the Hawaiian Nation shall not engage in acts of militarism, nor shall it endorse military undertakings on its land or territories.²⁸

²⁶ *Ibid.*, 180-203.

²⁷ *Ibid.*, 5.

²⁸ Haunani-Kay Trask, *From a native daughter*, 211-212.

This commitment to peace means that native Hawaiians have had to find ways of demonstrating their displeasure with the operating government while still maintaining law-abiding methods.

For example, today's sovereignty activists often use the hula to increase unity among the people, as well as create a more culturally political stance on which to state their case. This could be seen years ago in the opposition by the community to attempted legislation, such as Senate Bill 8, which would have prohibited kumu hula²⁹ from gathering the necessary materials needed for dance by making even more land private property in Hawai'i, and thus unavailable for use. Alone, this may not sound like such a drastic move on the part of the government, but this bill followed nearly a hundred years of land dispossession and privatization suffered by native Hawaiians, and would have been yet another attack against native Hawaiian culture at the hands of the government.

Prior to this, and "although the hula movement embodied practical aspects of native resistance to colonial domination, many kumu hula...did not perceive hula itself as political nor did they see the political resistance of Hawaiians as impacting or influencing hula."³⁰ This was all about to change.

In the 25 hours of constant demonstration at the State Building in downtown Honolulu on February 25, 1997, along with sovereignty organizations, activists, and supporters, "Kumu hula throughout the Hawaiian Islands mobilized hundreds of their hula students in an extraordinary feat of grace and power never seen in modern colonial times...[it was] the politicization of hula... Thus, [the Hawaiian community] all agreed to allow the most sacred symbol of hula into a political arena and to use this cultural instrument for a most political purpose."³¹

As a result of this mass demonstration, the pounding of 100 pahu³² every hour on the hour, and the power that cultural force can wield, Senate Bill 8 was eventually shot down before the hula practitioners left the State Building. Since then, "Hula kū'ē is the term now widely used in the hula community. It means a dance performed to resist, protest or oppose the status quo. Hula kū'ē is

²⁹ Teachers and practitioners of native Hawaiian dance.

³⁰ Momiala Kamahale, "Ilio'ulaokalani: Defending Native Hawaiian Culture," *Amerasia Journal* 26, no. 2 (2000): 40.

³¹ Kamahale, 52.

³² Sacred drum used exclusively for the hula.

resistance that is equated with endurance and survival.”³³ Hula kū’ē is now the term for the use of hula in the sovereignty movement.

But the question remains as to whether a movement, any movement, can bring about real change and decolonization via cultural politics. It seems difficult to tell. The Hawaiian sovereignty movement is not just cultural politics, however. Couple those politics with educated key players, and organizations that are willing to take their struggle to the international arena in the form of Indigenous Rights Conferences and World Court cases, then yes, the Hawaiian sovereignty movement can bring about real change and decolonization.

The foundation laid in this section in regards to the history of the sovereignty movement, as well as the general sense of what the movement is about and how it operates, will be now be used to begin a much more in-depth examination of the vehicles of the movement. I will discuss three specific organizations, their principles and theories, their methods, and their goals, in the hopes that by doing so, one will gain a deeper understanding of what sovereignty can mean for everyone it would touch.

An Overview of Key Organizations

One of the most famed of all Hawaiian sayings was uttered by one of the Kingdom’s greatest chiefs while embarking on his journey towards building a unified Hawaiian Nation. It is seen as a call for solidarity and courage, and is still repeated by many today:

Imua e nā pōki’i	Forward my brothers and sisters
A inu i ka wai ‘awa’awa	And drink the bitter water
A‘ohe hope e ho‘i mai ai.	There is no turning back now.

As previously discussed, and in keeping with this sentiment, the Hawaiian sovereignty movement has chosen to move forward, and since the early 1970’s has begun forming factions within the movement as a whole with varied, and sometimes conflicting, positions on self-governance and self-determination. With so many different organizations fighting for sovereignty, it’s difficult to imagine what independence would look like should pro-sovereignty Hawaiians emerge victorious from the debate over American decolonization. Many

³³ Kamahale, 56.

questions surface: What sorts of organizations are there? What are the options for sovereignty? What are the differences between these organizations?

Due to the sheer number of Hawaiian sovereignty organizations and the diversity in terms of their goals, theories, and methodologies, it would be impossible to discuss each and every one at length here. Instead, I examine three organizations in the hope of exposing the reader to as much of an in-depth exploration of sovereignty as possible, as well as gaining a thorough understanding as to what some of these groups are trying to achieve and how. Featuring these three organizations over the many others in existence does not indicate that their practices represent the practices of all. Rather, the preference simply indicates that information on these groups was most readily obtainable, and their practices were widely varied enough that it would offer the most diverse cross-section of Hawaiian sovereignty organizations available. These groups are Ka Lāhui Hawai‘i, the Provisional Government of the Independent Nation State of Hawai‘i, and the Hawaiian Kingdom Government.

Ka Lāhui Hawai‘i is arguably one of the most mobilized and public native Hawaiian sovereignty organizations. Some of its key members have also held positions in the Office of Hawaiian Affairs, as well as the Center for Hawaiian Studies at the University of Hawai‘i.

The Provisional Government of the Independent Nation State of Hawai‘i has been chosen as a representative group because, while it too is large in number, it can also be regarded as an example of the organizations willing to take tangible steps towards proclaiming sovereignty *now*. This organization features a charismatic leader with a considerable land base among its supporters. Members of the group already consider to be the independent Nation of Hawai‘i.

Finally, the Hawaiian Kingdom Government is discussed because, unlike many other organizations in the movement, this organization is unique in that it operates on the assumption that the Kingdom of Hawai‘i has always been, and is still currently, very much in existence in Hawai‘i today. The Hawaiian Kingdom Government also views itself not as a sovereignty organization, but rather as a stand-in for the official Kingdom government until such a time when the citizens of the Kingdom can elect their own representatives who will assume governing powers.

I shall look at each of these individual organizations, their methods, and their goals, in order to lay the groundwork for a more well-rounded discussion of the practicality and feasibility of each group. Some key concepts to note are: 1) The

mission and purpose of each organization; 2) How the term sovereignty is used and defined; 3) The method of sovereignty proposed, and how the organizations plan to achieve it, and 4); the support each organization has and who is allowed to participate.

Ka Lāhui Hawai'i

Ka Lāhui Hawai'i is most simply described as a native initiative for self-government.³⁴ Founded in 1987 by the organizations' former Kia'āina,³⁵ Mililani Trask, and others as a consolidation of several Hawaiian rights groups, Ka Lāhui's primary objective is securing recognition of a sovereign government for native Hawaiians.³⁶ The organization has also been described by Ka Lāhui Hawai'i's press secretary Haunani-Kay Trask, as a way to focus discontent felt by native Hawaiians "over continued state abuse of the trust lands and revenues," and raises an issue that had previously been ignored: "inclusion of Hawaiians in federal Indian policy that recognized over 300 Native nations in the United States while not extending this recognition to Hawaiians."³⁷

Exactly what sovereignty is, and the kind of sovereignty that will be implemented by the organization should it have the opportunity to do so, is an issue very clearly defined by Ka Lāhui Hawai'i. "Sovereignty is defined...as the ability of a people who share a common culture, religion, language, value system and land base, to exercise control over their lands and lives, independent of other nations,"³⁸ and furthermore, "an essential part of sovereignty and self-determination is the right of a native people, as a government, to define who they are."³⁹

The five elements of sovereignty now agreed upon within Ka Lāhui Hawai'i are as follows:⁴⁰

³⁴ Haunani-Kay Trask, *From a native daughter*, 37.

³⁵ Governor, President, Head of the Executive Branch.

³⁶ Mililani B. Trask, "Ka Lāhui Hawaii: A Native Initiative for Sovereignty," *Turning the Tide: Journal of Anti-Racist Activism, Research & Education* 6 (1993): 5-6.

³⁷ Haunani-Kay Trask, *From a native daughter*, 71.

³⁸ *Ibid.*, 71.

³⁹ Decambra, 117.

⁴⁰ Mililani B. Trask, "Ka Lāhui Hawaii", 5-6.

- 1) A strong and abiding faith in ke Akua.⁴¹
- 2) A people with a common culture.
- 3) A land base.
- 4) A government structure.
- 5) An economic base.

According to members of the organization, “When you assume responsibility for these elements of sovereignty, change occurs. We are not in a position where we can continue to point a finger at the State because there’s 20,000 people on a list for housing [referring to the Department of Hawaiian Home Lands]... Home-rule requires that we fashion the solution and that we demonstrate that we are capable of doing the job... Self-sufficiency is the goal of nationhood.”⁴²

But how exactly does Ka Lāhui Hawai‘i, an organization that advocates nation-within-a-nation⁴³ status for Hawai‘i, according to Ka Lāhui Lt. Governor Keali‘i Gora,⁴⁴ propose to achieve sovereignty? To put it plainly, Ka Lāhui would like U.S. recognition as an indigenous nation, and from there will begin to seek reparations, as well as native Hawaiian entitlements (such as native lands held in trust by the United States). They propose to go about achieving this by seeking inclusion for native Hawaiians in existing U.S. federal policy, which is the vehicle through which Native Americans have obtained the right to be self-governing. Through this, native Hawaiians will have access to the federal courts for judicial review on the overthrow, illegal annexation, and the current position and plight of the native Hawaiian community.⁴⁵

However, federal recognition is not the end goal for sovereignty. “As a first step for the Hawaiian nation, Ka Lāhui proposes achieving – through treaty – recognition as a sovereign nation... with ‘nation to nation’ status like that of the

⁴¹ God.

⁴² Decambra, 115-117.

⁴³ According to Mililani B. Trask, ‘Nation to Nation,’ or ‘Nation within a Nation,’ “is a term used to describe how America relates to its Native people. Under the existing U.S. policy, America wants to establish government to government relations with its Native people. This is why over 500 Indian and Native Alaska governments (councils) have been established. When the U.S. gives money, land, or programs to the Sioux or Navaho, federal representatives meet with Indian governments to work out the details. Right now Hawaiians have no such government.” See Mililani B. Trask, “Ka Lāhui Hawaii: A Native Initiative for Sovereignty,” 5-6.

⁴⁴ Christine Donnelly, “No Legal, Moral or Historical Basis: One opposer of sovereignty says, ‘This isn’t about righting some wrong; it’s about getting power and money and land’,” *Honolulu Star-Bulletin*, March 20, 2000: Supp5, <http://archives.starbulletin.com/2000/03/20/special/index.html> (accessed Jan. 14, 2009).

⁴⁵ Mililani B. Trask, 5-6.

Iroquois...Ka Lāhui would then move to place the Hawaiian land base on the United Nations list of non-self-governing territories.”⁴⁶ This strategic move of placing the Hawaiian land base, made up of trust lands that would have theoretically been returned to the Hawaiian nation as part of a reparations package by the U.S., on to the U.N. list of non-self-governing territories would grant the new government “special guarantees” of security allotted to these types of nations. Furthermore, it would give the new nation the right to decide what type of relationship it wants with the U.S. in future dealings.⁴⁷

Alongside the organizations’ Lt. Governor, former Kia’āina, and press secretary, are some 23,152 adult members, more than 8,000 of which are native Hawaiians, who are committed to regaining native lands and re-establishing native Hawaiians as a self-governing people.⁴⁸ With such large numbers, Ka Lāhui is considered by many to be one of the largest and most mobilized of the sovereignty groups,⁴⁹ with room to spare for anyone who wishes to join. According to Mililani Trask:

[non-native Hawaiians] should not be frightened. My advice to that person is to...work with us. There’s a great deal of work that has [to be done]...I don’t have time to deal with their guilt. [We] need help. I think you might find people who feel that way, but they don’t want to help. They feel that they’re not Hawaiians, they’re not involved in it...To these people, my advice is, better educate yourself about sovereignty, better become involved, because this is not a fencepost you can straddle...Sovereignty is not an issue that just addresses the concerns of 20% of the population of this state. Sovereignty is going to impact everyone.⁵⁰

However, the requirements of one becoming a citizen in Ka Lāhui’s sovereign Hawaiian nation are slightly more complicated than they are to simply join the organization. While everyone, both native and non-native, is encouraged to be a part of and are welcome in the nation, only those with native Hawaiian blood are allowed to become full citizens. Those who are residents of Hawai’i but are not of native Hawaiian blood are allowed to become honorary citizens of the Hawaiian nation, and although they are not allowed to vote or to hold elective

⁴⁶ Dudley and Agard, 135.

⁴⁷ Ibid., 135.

⁴⁸ Christine Donnelly, “Holo I Mua: Official Transcript,” *Honolulu Star-Bulletin*, March 20, 2000: Supp1, <http://archives.starbulletin.com/2000/03/20/special/index.html> (accessed Jan. 14, 2009).

⁴⁹ Haunani-Kay Trask, *From a native daughter*, 74.

⁵⁰ Decambra, 121-122.

office, they are allowed to be members of island councils and are not excluded in debates and discussions surrounding the government and politics of the nation.⁵¹

In order to make every possible effort to ensure that this form of sovereignty becomes more than just a discussion, in the early 90's Ka Lāhui began reorganizing itself into a firmly structured government. One of the ways it chose to do so was by drafting an organizational (and hopefully national) Constitution. "In 1994, Ka Lāhui created the most comprehensive plan for the attainment of Hawaiian sovereignty yet devised... The inclusive vision of the Master Plan follows, at one and the same time the language of international law *and* the cultural precepts of Native Hawaiians."⁵²

The *Ho'okupu a Ka Lāhui Hawai'i: the master plan 1995* includes eight sections that cover issues that range from an emphatic commitment to peace to plans for economic development and positioning within the international arena.⁵³ The Constitution also sets forth what the organization believes are native Hawaiian traditional and cultural rights, as well as providing that the native Hawaiian people have the right to elect their own government. Such a government will be, according to Ka Lāhui, democratic in nature, with its political process being the elective process, and its cultural process being Lōkahi, or harmony. Under this plan, all residents and citizens in Hawai'i exist under two Constitutions: The Constitution of the U.S. and the Constitution of the State of Hawai'i—*Ho'okupu a Ka Lāhui Hawai'i*.⁵⁴

With the *Ho'okupu* as a hopeful constitution for a new nation, Haunani-Kay Trask states firmly that, "No other Hawaiian entity... has even approached the level of analysis and practical self-government that Ka Lāhui Hawai'i has attained."⁵⁵ With this level of practicality and structure, Ka Lāhui keeps its main goal clearly in sight: "The primary objective of Ka Lāhui is to secure recognition for a sovereign government for the Hawaiian people... Native Hawaiians are ready and entitled to govern their own lands."⁵⁶

⁵¹ Ibid., 121.

⁵² Haunani-Kay Trask, *From a native daughter*, 74.

⁵³ Ibid., 211.

⁵⁴ Mililani B. Trask, "Ka Lāhui Hawaii", 5-6.

⁵⁵ Haunani-Kay Trask, *From a native daughter*, 78.

⁵⁶ Mililani B. Trask, "Ka Lāhui Hawaii", 5-6.

The Provisional Government of the Independent Nation State of Hawai'i

Formerly known as the Nation of Hawai'i, then the 'Ohana Council, the Provisional Government of the Independent Nation State of Hawai'i is the third incarnation of one of the most radical sovereignty organizations in today's current movement.⁵⁷ Headed by native Hawaiian activist Dennis "Bumpy" Kanahale, founder of Pu'uhonua o Waimānalo Village,⁵⁸ and unanimously elected as the Head of State, the Provisional Government of the Independent Nation State of Hawai'i have organized themselves, educated the community, and become a powerful force fighting for sovereignty.

Kanahale, who has worked to strengthen the cultural authority of native Hawaiian elders in the community since the 1980's, and has also served on the Board of Directors for organizations such as the International Indian Treaty Council, envisions the Nation State of Hawai'i as one day encompassing all of the Hawaiian Islands. The Head of State feels that this Nation, which will prosper on international trade and banking, free of control by the U.S. federal and state governments, will be a place where Native Hawaiians will have far more political and economic clout than they do now.⁵⁹ The current, comprehensive mission of the Nation State of Hawai'i is that it:

will continue to develop...educational programs for the people of Hawai'i, develop its legislative, executive, and judicial infrastructure, begin to implement home rule on each of the islands, engage the illegitimate state of Hawai'i in a smooth and peaceful transition, and seek formal international recognition to rejoin the world community of nations.⁶⁰

This very independent form of sovereignty is founded upon the Black's Law Dictionary definition of sovereignty, which follows that:

[Sovereignty is:] the supreme, absolute, and uncontrollable power by which any independent state is governed; supreme political authority; the supreme will; paramount control of the constitution and frame of government and its administration; the self-sufficient source of political

⁵⁷ Wood, 9.

⁵⁸ Native homesteads in Waimānalo, where residents enjoy a subsistence living much like that of their ancient Hawaiian ancestors.

⁵⁹ Mark Matsunaga, "The Birth of a Nation in Pu'uhonua," *Honolulu Advertiser*, July 9, 1995, A1.

⁶⁰ The Provisional Government of the Independent Nation State of Hawai'i, "Nation of Hawai'i Ratifies New Constitution," <http://www.hawaii-nation.org/conprom.html> (accessed Jan. 14, 2009)

power, from which all specific political powers are derived; the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation...⁶¹

The Nation State of Hawai‘i also calls upon the *Restatement of the Law Third* in the context of Rights and Duties of States, which reads that sovereignty, in plain terms, “implies a state’s lawful control over its territory generally to the exclusion of other states, authority to govern in that territory, and authority to apply law there.”⁶²

According to Kanahale, this independence is of the utmost importance when dealing directly with the unique case of native Hawaiian sovereignty. “Independence’ means more than just political independence. Right now, Hawai‘i is a very ‘dependent’ society, depending on outside sources, primarily the United States, to meet most of our needs... Therefore we are subject to the control of outside forces. We lack self-reliance and suffer from great vulnerability. Hawai‘i must become more independent in many ways to ensure the future stability of our land and people... The only true sovereignty is independence.”⁶³

Therefore, the “true sovereignty” that the Nation State of Hawai‘i is vying for comes in the form of full independence from the U.S. government. Christine Donnelly, a journalist for *The Honolulu Advertiser* and project coordinator for *olo I Mua*, the Hawaiian Roundtable discussion on Hawaiian Sovereignty, describes how “[Supporters of full independence] reason that the 1959 vote for Hawai‘i statehood was invalid and believe the United States should recognize and support reinscription of Hawai‘i on the United Nations List of Non-Self-Governing Territories eligible for decolonization,”⁶⁴ which would in turn open up discussion for the creation of a completely independent Nation.

Kanahale states that, as the Head of State and public representative of the Nation State of Hawai‘i, “I believe in independence, I believe [the U.S.] stole Hawai‘i, and that it is a crime to steal anyplace in the world... We cannot forget the violation they did... because that violation, under international law, allows us

⁶¹ Ibid.

⁶² Ibid.

⁶³ Dennis Kanahale, “Voices on Sovereignty: Sovereignty is Coming Soon,” *Honolulu Advertiser*, October 11, 1994: A12, http://www.cwis.org/fwdp/Oceania/5_essay.txt (accessed Jan. 14, 2009).

⁶⁴ Donnelly, “Holo I Mua,” Supp1.

restoration of our government.”⁶⁵ Steve Toyama, the Nation State of Hawai‘i’s Head of Security, further explained that “[The U.S.] cannot annex by internal ‘resolution’ nor make a territory or a state from something illegally taken. This is the crux of our argument...[Our organizations has been advised] that under International Law we can restore our independent nation-state in any form we wish and need not ask anybody but ourselves for permission.”⁶⁶

Those who are in full support of the Nation State of Hawai‘i reach numbers near to 7,000 citizens⁶⁷ and native Hawaiians as well as non-natives are invited to offer support. Kanahale sites one of the most common misconceptions about his pro-independence organization is that non-native Hawaiians would no longer be welcome or offered citizenship in the sovereign nation. “However, this fear is truly unfounded...Those non-Hawaiian residents who wish to become citizens in the nation will share the rights and responsibilities of citizenship, like any other country...There are many innocent people of all nationalities who care deeply about Hawai‘i. It is our responsibility to care for all these people, protect them, and include them as we develop our Country.”⁶⁸ Like other nations, the Nation State of Hawai‘i makes no blood-quantum requirement for citizenship, and allows full citizenship to those who are not native Hawaiians but who are permanent residents of the Nation.

Development for this Nation has already been underway as the group, under its former name the ‘Ohana Council, publicly announced its Proclamation of Restoration on January 16, 1994, the 99th anniversary of the overthrow of Queen Lili‘uokalani. The proclamation, which encompasses the entire Hawaiian archipelago, reclaimed all land, waters, natural resources, and political status that once belonged to the Hawaiian Kingdom.⁶⁹ It also sites, in accordance with both previous Kingdom documentation, and contemporary international laws, that “The Independent and Sovereign Nation of Hawai‘i will establish procedures for according citizenship by means of naturalization to *all people* who are habitual residents of Hawai‘i as of today’s date.” (emphasis added)⁷⁰

Furthermore, not only was the Proclamation of Restoration drafted and ratified, but the Nation State of Hawai‘i has already ratified a Constitution as well, which

⁶⁵ Ibid.

⁶⁶ Steve Toyama, e-mail to Amanda Pacheco, September 30, 2005.

⁶⁷ Matsunaga, A1.

⁶⁸ Kanahale, A12.

⁶⁹ The Provisional Government of the Independent Nation State of Hawai‘i. “Proclamation”

⁷⁰ Kanahale, A12.

was made public on January 16, 1995, the 100th year anniversary of the overthrow. The Constitution of the Nation State of Hawai‘i lists the history of subjugation of the native Hawaiian people, and then begins its Chapters and Articles which include, but is not limited to, sections on:⁷¹

- Equal Protection of all citizens within the Nation
- The Business of the Nation, both internally and internationally
- Instructions on the formation of a Citizens’ Assembly to represent the people
- The powers of the different bodies of government.

In keeping with native Hawaiian culture and tradition, the Constitution also lays the foundation of Nā Kūpuna Council, a council of elders to help with the affairs of running the government. Nā Kūpuna Council would be the equivalent to, but not in substitution of, advisors to the President of America.⁷² Furthermore:

While the Constitution is based on the “inherent sovereignty” of Kanaka Maoli people and is designed to protect and perpetuate the culture and rights of the original people of these islands, at the same time it is an inclusive document that recognizes the unique multi-cultural heritage of modern Hawai‘i, and provides for citizenship and participation in government for all the inhabitants of the [Nation State of Hawai‘i].⁷³

Aside from a Proclamation and a Constitution, Kanahele sites ‘patience’ as a fundamental aspect of obtaining sovereignty for the Nation State of Hawai‘i:

[We were] the rowdiest group [in the Hawaiian sovereignty movement], so if anybody would make trouble, it would have been us...[but] we’ve learned you don’t have to fight [the government]. We just have to have patience, and we have to educate each other, and we have to be concerned about the non-Hawaiians as well as our own people as we develop this process.⁷⁴

One of current concerns for Kanahele and the organization is getting international acknowledgment by as many nations as possible, as a prerequisite for

⁷¹ The Provisional Government of the Independent Nation State of Hawai‘i. “Nation”.

⁷² Ibid.

⁷³ Kanahele, A12.

⁷⁴ Joan Beecher, “Series on Hawaiian Sovereignty: What’s Next?” *Voice of America*, November 15 1996: #4-09460.

acceptance to the United Nations.⁷⁵ In 2005, Kanahele tried to rally his fellow sovereignty movement leaders in endorsing his call to retake 'Iolani Palace. Unfortunately, no responses were received. However, in an interview with Kanahele by *SPASIFIK* Magazine, a publication for New Zealand's Pacific Islander and Maori communities, the Nation State of Hawai'i leader stated firmly, "It is time...for us to take our seat of government back. Then we can gather there, in the footsteps of our ancestors, to decide on our pathway back to independence."⁷⁶

The Hawaiian Kingdom Government

It is difficult to determine a specific year that the Hawaiian Kingdom Government began, as this particular organization operates on the premise that the original Hawaiian Kingdom never actually stopped existing and the organization is simply a continuation of that government in exile.⁷⁷ What is clear is that it wasn't until 1995, when Keanu Sai and an associate embarked publicly claimed the Hawaiian Kingdom Government as an *organization*. Finding its beginnings as a co-partnership firm attempting to register with the proper governmental organization for operation rights, The Perfect Title Company, led by Sai, petitioned for registration under the annexed Hawaiian Kingdom. According to rules set forth by both international law and the Constitution of the Kingdom of Hawai'i, in the absence of a governmental body present for the registration, The Perfect Title Company could serve in the *acting* position of the Regent or Council of Regency of the Hawaiian Kingdom until a permanent Regent or Council of Regency could be elected by a legally constituted Legislative Assembly.⁷⁸

How this came to be is quite complicated, but in theory, according to the Constitution of the Kingdom of Hawai'i, the organization – the Hawaiian Kingdom Government – was established when the true government officials of the Kingdom were in absentia. By registering the Perfect Title Company as a

⁷⁵ Wood, 11.

⁷⁶ Gretchen Kelly, "Hui Pu: Hawaiians Unifying for Independence?" *SPASIFIK Magazine*, (September/October 2005) [page number unavailable, ed.].
<http://www.hawaiiankingdom.info/C1126750129/E20050922123842/index.html> (accessed Jan. 14, 2009).

⁷⁷ The Hawaiian Kingdom Government, "Government Re-established",
<http://www.hawaiiankingdom.org/govt-reestablished.shtml> (accessed Jan. 14, 2009).

⁷⁸ The Hawaiian Kingdom Government, "The Establishment of the First Co-partnership Firm under Kingdom Law since 1853", <http://www.hawaiiankingdom.org/govt-reestablished.shtml> (accessed Jan. 14, 2009)

corporation under the Hawaiian Constitution, the Perfect Title Company registered another co-partnership firm which it called the Hawaiian Kingdom Trust Company. This second company then became the acting body for the Hawaiian Government through the process of ascension under Hawaiian Kingdom Law, elected *acting* officials to the *acting* Council of Regency, elected Sai, a scholar of international law, as *acting* Regent, and became the Hawaiian Kingdom Government until such a time as the absent government can reconvene.⁷⁹

According to Sai, all of this hinges on how one defines the term ‘sovereignty.’ Following Black’s Law Dictionary, Sai cites sovereignty as ‘supreme authority’ over the territory of an independent state.⁸⁰ Therefore, sovereignty is a legal construct, while the government of an independent state is the agent that exercises this sovereignty. According to this definition then, *governments* are not sovereign and, as they are not the sovereign entity, can be legally or illegally overthrown, while the sovereignty of the *state* can remain.

To put it plainly, the sovereignty of the Hawaiian Kingdom, according to the Hawaiian Kingdom Government, never ended. Governments can be altered through constitutional means, internal revolt or by sanctioned foreign intervention, but the sovereignty of a recognized State, under international law, can only be affected through the *consented* merger with another sovereign state, political and social dismemberment *in accordance with international law*, or as the result of internal revolt.⁸¹

Sai took his case, and the assertion that he was the *acting* Regent of the Hawaiian Kingdom Government, to the World Court of Arbitration in 1999, by way of a minor dispute which originated on the Big Island of Hawai‘i. Before the Court, he argued that “when a nation, such as the United States, has a treaty with another nation, such as the Kingdom of Hawai‘i, the United States cannot impose its own domestic laws.”⁸² Which is to say that it’s illegal (by way of the established treaties) for one country to go to another country and overthrow the

⁷⁹ Ibid.

⁸⁰ David Keanu Sai. “The American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State,” (Ph.D. dissertation, University of Hawai‘i, 2008): 7, [http://www2.hawaii.edu/~anu/pdf/Dissertation\(Sai\).pdf](http://www2.hawaii.edu/~anu/pdf/Dissertation(Sai).pdf), (accessed Jan. 14, 2009).

⁸¹ Ibid., 8-10.

⁸² Anne Keala Kelly, “Kingdom Come,” *Honolulu Weekly*, April 18-24, 2001: 11, http://www.alohaquest.com/arbitration/news_honoluluweekly_010418.htm (accessed Jan. 14, 2009).

government of that country just because it has the military and economic might to do so.

Furthermore, Sai also points out that the United States annexed Hawai‘i through the passage of a joint resolution, which was signed into law by President McKinley in 1898. However, as a general rule in American jurisprudence, the U.S. legislative branch – the Congress – does not have treaty making powers. This power belongs solely to the Senate when in executive session. Congress’s legislative powers are limited to the territory of the United States. In other words, because the joint resolution that purported to annex the Hawaiian Nation was made without proper legal ratification under U.S. law, there could have been no cession of territorial sovereignty recognizable under international law.

Although the World Court refused to rule in the case due to the absence of the United States at the hearings,⁸³ the Hawaiian Kingdom Government remains convinced of its position that the Hawaiian Kingdom is still very much in existence, particularly since under the laws of occupation, the United States, as the occupier, must administer the laws of the occupied State whether the organization gets diplomatic recognition or not.⁸⁴ In the eyes of the Hawaiian Kingdom Government, the lapse of time between the illegal overthrow and the 21st century means nothing more under international law than that the United States has held Hawai‘i under prolonged occupation. “We already have sovereignty... We are working to end the occupation.”⁸⁵

Because the Hawaiian Kingdom Government functions in the absence of the lawful Hawaiian Kingdom government, the form of sovereignty they endorse is full independence from the United States. The difference between this form of absolute independence and other forms supported by sovereignty movement organizations is that the Hawaiian Kingdom Government is not working towards establishing a new nation, but rather is trying to re-establish an already existing nation. With this in mind, the primary objective of the Hawaiian Kingdom Government is cited as exposing the occupation of the rightful Hawaiian Nation, as well as providing a catalyst for the transition and the ultimate end of the occupation of the Hawaiian Kingdom.⁸⁶

⁸³ The Permanent Court of Arbitration, “Lance Paul Larson v. The Hawaiian Kingdom,” Arbitration Award: 35, <http://www.pca-cpa.org/upload/files/LHKAward.PDF> (accessed Jan. 14, 2009).

⁸⁴ Sai, “The American Occupation”, 186.

⁸⁵ Kelly, “Kingdom Come”, 11.

⁸⁶ The Hawaiian Kingdom Government, “The Chairman’s Welcome,” <http://www.hawaiiankingdom.org/index.shtml>, (accessed Jan. 14, 2009).

After this transition takes place, the Hawaiian Kingdom Government intends to continue overseeing governmental affairs for the nation until such a date as the people of the Hawaiian Kingdom can elect an appropriate leader. For now, the government will continue to be overseen by the *acting* Regent and Council, as they are under the firm belief that an election of a Monarch is presently premature.⁸⁷

Aside from leadership roles, the Constitution followed by the Hawaiian Kingdom Government also provides the groundwork for who will be granted citizenship in the Kingdom. The number of citizens currently enrolled in the Hawaiian Kingdom Government comes directly from the government census conducted in the Kingdom in 1890, in addition to anyone born in the Hawaiian Islands prior to August 12, 1898, the date of the second American occupation.⁸⁸ Using this information, as well as recent Hawaiian population statistics taken in 1990, calculations can be made which would estimate the number of Hawaiian subjects (both native and non-native) presently existing in the islands as compared to the foreign national population. Thus, the number of subjects the Hawaiian Kingdom Government considers as citizenry is a minimum of 164,225.⁸⁹

The Constitution of the Kingdom, however, also provides the stipulations as to who can become citizens:

States who regained their former independence are called restored States, and as these States are not new there would be no need to redefine a new body of citizens, but rather utilize the laws that existed before the occupation to determine the citizenry... The Hawaiian citizenry of today is comprised of descendants of Hawaiian subjects and those foreigners who were born in the Hawaiian Islands prior to 1898. This exclusion of the Hawaiian citizenry is based upon precedence and law, but a restored Hawaiian government does have the authority to widen the scope of its citizenry and adopt a more inclusive model in the aftermath of prolonged American Occupation.⁹⁰

⁸⁷ David Keanu Sai, "The Vision of the acting Council of Regency," Focus on Hawaiian History: 2, http://www.hawaiiankingdom.org/pdf/Acting_Council_of_Regency.pdf, (accessed Jan. 14, 2009).

⁸⁸ David Keanu Sai, "Hawaiian Nationality: Who Comprises the Hawaiian Citizenry?" Focus on Hawaiian History: 1-2, http://www.hawaiiankingdom.org/pdf/Hawaiian_Nationality.pdf, (accessed Jan. 14, 2009).

⁸⁹ The Hawaiian Kingdom Government. "Hawaiian Subjects in the Islands Estimated at a Minimum 164, 225." *The Polynesian* (October 2000): 1.

⁹⁰ Sai, "Hawaiian Nationality", 1-2.

This also allows, therefore, that citizenry be offered to anyone born in Hawai‘i, not just those of native Hawaiian blood. Furthermore, these non-native citizens, much like non-native citizens in the latter part of the 1800’s, are allowed the benefits of full citizenship, including voting rights and the option of running for political office.⁹¹

All legal decisions for the organization are made in accordance with the Constitution of the Kingdom of Hawai‘i, which is, as stated earlier, still considered the lawful and just Constitution of Hawai‘i. “[The Constitution of 1864] still has legal effect in the Hawaiian Kingdom, due to Article 78, which provides that, “laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.”⁹²

Aside from their Constitution, the Hawaiian Kingdom Government sites as one of its articles of reference the *Strategic Plan of the acting Council of Regency*. Made up of three phases, the Strategic Plan serves as a guide for the organization and was developed in order to address the long-term occupation of Hawai‘i, and the effects of that occupation on the politics, economics, and mentalities of the native Hawaiian population and the national population of Hawai‘i as a whole, as well as the international community. The three phases of the Strategic Plan are as follows:⁹³

- 1) Verification of the Hawaiian Kingdom as an independent State and a subject of International Law
- 2) Exposure of Hawaiian Kingdom Statehood within the framework of international law and the laws of occupation as it affects the realm of politics and economics at both the international and domestic levels
- 3) Restoration of the Hawaiian Kingdom as an independent State and a subject of International Law

⁹¹ Ibid.

⁹² The Hawaiian Kingdom Government, “Constitutional History,” <http://www.hawaiiankingdom.org/constitutional-history.shtml>, (accessed Jan. 14, 2009).

⁹³ The Hawaiian Kingdom Government, “Strategic Plan of the *acting* Council of Regency,” 6 http://hawaiiankingdom.org/pdf/HK_Strategic_Plan.pdf, (accessed Jan. 14, 2009)

Currently, Sai places the Hawaiian Kingdom Government in phase two. “The exposure phase...is clearly education. And as such, we need to understand the terminology associated with prolonged occupation...Hawai‘i can’t be decolonized if it was never colonized, but Hawai‘i can be de-occupied because it is presently occupied. Phase two of the strategic plan will expose the occupation in order for the de-occupation to begin.”⁹⁴

So what exactly are Sai and the Hawaiian Kingdom Government working towards?

Queen Lili‘uokalani protested [annexation] at home and in Washington, D.C., and entered into an estoppel agreement with President Grover Cleveland, wherein the president asked the queen effectively to pardon the traitors who were calling themselves the provisional government. In return for this, the United States would support the reinstatement of the Hawaiian monarchy. She agreed; however, to this day, the United States has not lived up to its end of the agreement.⁹⁵

The Hawaiian Kingdom Government is seeking recognition and the implementation of this agreement, and will continue to function as the true government of the Hawaiian Kingdom until such a time comes to pass.

Putting Theories into Practice

Queen Lili‘uokalani, the last reigning monarch of the Hawaiian Kingdom, was certainly an activist for native Hawaiian sovereignty. As evidenced in many native Hawaiian newspapers of her time, she was naturally one of the first to formally oppose annexation and was an extremely passionate supporter of her people.⁹⁶ As shown by the varying theories offered by the organizations presented in the previous section, sovereignty for Hawai‘i in the current day and age can mean many things. Whatever the theory, however, sovereignty clearly would entail continuing the fight of Hawai‘i’s beloved Queen.

⁹⁴ David Keanu Sai, E-mail to Amanda Pacheco, October 12, 2005.

⁹⁵ Kelly, “Kingdom Come”, 11.

⁹⁶ Silva, *Aloha betrayed*, 5.

“Onipa‘a kākou,” Lili‘uokalani’s call to both native and non-native Hawaiian residents to remain steadfast in times of struggle, was a sentiment she believed in, and it remains in wide use today by Hawaiian sovereignty activists.⁹⁷ Unfortunately, much like Lili‘uokalani a century ago, the current Hawaiian sovereignty movement has come up against many obstacles in its nearly four decades of activism. Some of the obstacles facing the three sovereignty organization in particular will be covered in this section. Specifically, the key concepts under discussion are: 1) The practicality and feasibility of the theories and methods of achieving sovereignty put forth by each organization; and 2) The probability that these proposals for sovereignty would be supported by the Hawaiian public and the U.S. government.

By taking a closer look at three organizations – Ka Lāhui Hawai‘i, The Provisional Government of the Independent Nation State of Hawai‘i, and The Hawaiian Kingdom Government – and by exploring and fleshing out these key ideas, it is the hope that the reader will gain a wider breadth of knowledge as to what the sovereignty movement needs to achieve in order to fully realize its goals and regain what was once taken from the Hawaiian people.

Practicality and Feasibility

Ask here the important question of whether or not the proposals of each organization are in fact proposals which could be successfully implemented to achieve sovereignty. This includes examining whether or not the organization has a cohesive explanation of how a new government and new nation would be created, and if these explanations address issues from realistic political, economic, social perspectives. Is the proposed idea for sovereignty something that the people would theoretically support? Why or why not? And finally, should the organization be successful in achieving sovereignty for Hawai‘i, has it considered where the new nation would go?

Ka Lāhui Hawai‘i

“The drafting of a constitution which incorporates traditional, cultural and spiritual values and practices with current processes and which can be altered to accommodate the need of the indigenous people to change,”⁹⁸ is cited as one of

⁹⁷ The Queen Lili‘uokalani Trust, “Deed of Trust,” <http://www.onipaa.org/4.html>, (accessed Jan. 14, 2009).

⁹⁸ Haunani-Kay Trask, *From a native daughter*, 215.

Ka Lāhui Hawai‘i’s major accomplishments. In terms of practicality, this offers an overview of Ka Lāhui’s Constitution, which states that the organization has successfully bridged native Hawaiian culture with aspects of contemporary practices. In fact, Ka Lāhui’s Constitution is believed by many, including one of the organizations founding members Haunani-Kay Trask, to be the most comprehensive plan for the attainment of Hawaiian sovereignty that any organization has yet devised.⁹⁹ This plan and Constitution, named *Ho’okupu a ka Lāhui Hawai‘i*, was purportedly the first step an organization had ever taken to pro-actively tackle both questions of feasibility and practicality, and bring those two concepts together coherently in one document that laid the foundation for the creation of a new Hawaiian nation. Broken down, what Ka Lāhui has done is to create somewhat of a blueprint, both clear and public, for what they propose for sovereignty.

For example, Section III of *Ho’okupu a ka Lāhui Hawai‘i*, entitled “Dealing with the United States” highlights its main points as being:¹⁰⁰

- *The Evolution of the United States Policy Relating to Hawai‘i and its Indigenous People*: Here, Ka Lāhui lays out the basis for their argument for sovereignty, citing treaties and international policies that the United States had with the Kingdom of Hawai‘i, and has violated by continued colonization.
- *The Current Policy of the United States Towards Hawaiians: The Policy of Non-Recognition, Denial, and State Wardship*: Ka Lāhui provides evidence for the claim that continued colonization of Hawai‘i has been detrimental to native Hawaiians.
- *Ka Lāhui Hawai‘i’s Position Regarding United States Policy*: The organization rejects the illegal and continued actions of United States policies regarding native Hawaiians, accepts the Apology Bill offered by the United States, and begins a proposal for reconciliation.

This third notation regarding reconciliation is where Ka Lāhui will have to argue their case of practicality and feasibility. According to this section, reconciliation for Ka Lāhui will bring about final resolutions to the overthrow, misuse of native

⁹⁹ Ibid., 74.

¹⁰⁰ Ibid., 216-221.

land trusts, violations of human and civil rights of Hawai‘i residents, and will require the U.S. to recognize Ka Lāhui as the legal and governmental representative for the Hawaiian people.¹⁰¹ “Probably the most controversial point in Ka Lāhui’s bill is a commitment from the United States to decolonize Hawai‘i through the United Nations process for non-self-governing territories...Decolonization is seen by many as an extreme move that will receive little federal support.”¹⁰² However, Mililani Trask has stated that she thinks achieving sovereignty is “very feasible, and I think the appropriate way to pursue it is through...a multifaceted approach and strategic plan for moving the issue of federal recognition and status through the U.S. Congress.”¹⁰³

By endorsing federal recognition, Ka Lāhui takes a position that perhaps offers the most practical avenue for achieving sovereignty: engaging the United States as well as international bodies in the discussion, and allowing the colonizing power to be included in debates that will eventually result in a decision made by that power. Ka Lāhui has also stated that, after the initial phase in which the organization will assume leadership of the new nation, the new government will hold a democratic election in which citizens of the nation will be able to elect their own representatives to serve in office.¹⁰⁴

Aside from actions outlining what sovereignty would mean for Hawai‘i, Ka Lāhui’s Constitution also offers suggestions for economic and educational development programs that would form the support system of the new nation brought about by decolonization by the United States.¹⁰⁵ Both feasible and practical, Ka Lāhui proposes that, once the United States honors the reparations package and native land trusts are once again under native Hawaiian control, the nation will have sole jurisdiction over revenues received from those land trusts, and will use such revenues (such as taxes from lands leased to the United States) “in order to support economic initiatives for housing, employment, education, and the development of [the nations] own businesses and those of its citizens.”¹⁰⁶

So, while Ka Lāhui may seemingly be asking the United States for a lot, the avenues that the organization is taking in order to bring about sovereignty and

¹⁰¹ Ibid., 222-223.

¹⁰² Pat Omandam, “Bills drawn outlining status of Hawaiians,” *Honolulu Star-Bulletin*, June 21, 2000, A4.

¹⁰³ Donnelly, “Holo I Mua”, Supp1.

¹⁰⁴ Mililani B. Trask, “Ka Lāhui Hawaii”, 5-6.

¹⁰⁵ Haunani-Kay Trask, *From a native daughter*, 232.

¹⁰⁶ Ibid., 233.

change in Hawai‘i are arguable very practical and feasible. Boasting upwards of 23,000 adult members,¹⁰⁷ one could infer that more than 23,000 people agree.

The Provisional Government of the Independent Nation State of Hawai‘i

It is time...for us to take our seat of government back. Then we can gather there, in the footsteps of our ancestors, to decide on our pathway back to independence.¹⁰⁸

For Kanahele and other members of The Provisional Government of the Independent Nation State of Hawai‘i, native Hawaiians are justified in their desire to take their government back from the United States. Still, other members of the sovereignty movement are skeptical about the practicality, feasibility, and perhaps reasonability of the practices the Nation State of Hawai‘i has, and therefore, “[Kanahele’s] call for a recapture of [‘Iolani Palace] has not yet been endorsed by the entire coalition.”¹⁰⁹

However, regaining this political seat isn’t the only plan Kanahele’s group has for beginning to pro-actively seek nationhood. In fact, Kanahele may be a perfect example of proof that independence is within the grasp of all native Hawaiians. In a place called Pu‘uhonua o Waimānalo, on the island of O‘ahu, Kanahele and other sovereignty supporters have planted the seeds of the self-proclaimed Nation of Hawai‘i. In this village, there are more than two-dozen dwellings occupying the sloping foot of the Ko‘olau Mountains, where villagers work in restored taro paddies and drive cars that carry Nation of Hawai‘i license plates. An estimated 60 to 80 citizens populate Pu‘uhonua, where children are educated on-site, and much of what is used on the premises is either produced there or donated, making it an almost completely self-sustaining township. The land itself is leased from the state as part of an 55-year agreement between the two organizations to “get rid of a 200-resident tent city” the group had used to occupy beachfront, as well as to put an end to members passing out leaflets on the beaches of Waikīkī asking non-native Hawaiian tourists to leave the islands.¹¹⁰

“Kanahele’s nation [numbering around 7,000 citizens, both within Pu‘uhonua and elsewhere] has adopted a constitution, claimed the right to try a federal fugitive, and embarked on an education campaign that blends radical politics,

¹⁰⁷ Donnelly, “Holo I Mua”, Supp1.

¹⁰⁸ Kelly, “Hui Pu”, [page number unavailable, ed.].

¹⁰⁹ Ibid.

¹¹⁰ Wood, “Hawaii’s Search for Sovereignty”, 10.

right-wing economics, and Hawaiian [culture].”¹¹¹ Through this the Nation State of Hawai‘i has at least begun to show that independence is possible through their organization, arguably much more convincingly than other organizations have at this time.

Unfortunately, some sovereignty activists and leaders are convinced Kanahele and the somewhat radical nature of his organization are less practical than they may seem. Mililani Trask has previously stated that, “Everything [Kanahele’s] done has been detrimental to sovereignty. His approach has been to basically tap into the [U.S. State] system by using sovereignty as an excuse to avoid responsibility.”¹¹² Others, such as pro-sovereignty leader Kekuni Blaisdell, worry that the groups’ previous “tourists-go-home” tactics could discredit the sovereignty movement as a whole, as well as cause those who are on the fence to shy away from supporting native Hawaiian causes.¹¹³

The Nation State of Hawai‘i, unlike Ka Lāhui Hawai‘i, has not offered a comprehensive and detailed public plan for actually going about achieving sovereignty. The organization gained control of Pu‘uhonua o Waimānalo Village through an agreement with the State for the lease of that land, but the organization has not yet breached the subject of attempting an agreement with the United States for control over Hawai‘i as a whole. While the organization offers validation that its methods have worked in the past, it has not offered a plan of what those methods are and how it will play out on a federal and international level.

Yet the Nation State of Hawai‘i remains convinced of its ability to achieve sovereignty, and has continued to discuss several practical provisions for the success of a sovereign nation in educational lectures given by Kanahele throughout the State of Hawai‘i. Kanahele is also CEO of Aloha First, a native Hawaiian owned and operated non-profit organization whose purpose is “to facilitate the development of a comprehensive blueprint and roadmap for Native Hawaiian reconciliation and restitution, and to provide support, guidance, programs, services, for the business and asset formations required to make it all happen and keep it all moving forward.”¹¹⁴

¹¹¹ Matsunaga, “The Birth of a Nation in Pu‘uhonua”, A1.

¹¹² Ibid., A1.

¹¹³ Wood, “Hawaii’s Search for Sovereignty”, 10.

¹¹⁴ “About Aloha First,” <http://www.alohafirst.com/about.html>, (accessed Jan. 14, 2009).

In addition to the group declaring independence from the United States in 1994, and continuing to live as an independent nation in Pu‘uhonua, Kanahele and other members of the group have devised an economic plan for the Nation State of Hawai‘i. “We could take advantage of our unique global position in the center of the Pacific Rim, controlling our 200 mile Exclusive Economic Zone, and becoming a center for international trade and development of global ethical banking, while...investing in the diversification of our local economy with innovative community based projects for meaningful employment and self-sufficiency.”¹¹⁵ This plan, however, seems almost theoretically impossible, and the Nation State of Hawai‘i has yet to put into practice, support by way of action, or explain the position of the United States in this proposal for partial Pacific Rim control.

A much more viable option for an economic base, however, can be found in Kanahele’s support for the creation of a Native Hawaiian Bank, owned and operated by native Hawaiians, which will initially provide the majority of, if not all, financial and economic support for native Hawaiian programs that are currently poorly funded by the federal government. This practical, and arguably feasible plan will eventually provide the initial economic base for the new nation, should the group achieve the form of sovereignty they propose.¹¹⁶

The Hawaiian Kingdom Government

The Hawaiian Kingdom Government tackles the idea of practicality through their Strategic Plan, as previously discussed in the last section. The first phase of the Strategic Plan states that the Hawaiian Kingdom Government’s role is to achieve “[v]erification of the Hawaiian Kingdom as an independent State and a subject of international law.”¹¹⁷ The use of the term “verification” implies that it is the position of the Hawaiian Kingdom Government that, under international law, Hawai‘i remains a kingdom still, and is therefore already sovereign. This is unique in that it’s the major basis for the entire organization; sovereignty isn’t simply a theoretical and idealistic goal, but it’s the practical solution to an issue within the international arena.

¹¹⁵ Kanahele, “Voices on Sovereignty”, A12.

¹¹⁶ Dennis Kanahele, “Follow the Money: Native Hawaiian Economics,” http://bumpykanahele.com/hawaiian_economics.php, (accessed Jan. 14, 2009).

¹¹⁷ The Hawaiian Kingdom Government, “Strategic Plan,” 6.

The second phase of the Strategic Plan is the "[e]xposure of Hawaiian Kingdom Statehood within the framework of international law and the laws of occupation as it affects the realm of politics and economics at both the international and domestic levels."¹¹⁸ As a continuation of phase one, phase two speaks to the education and public involvement required if the Hawaiian Kingdom Government wishes to succeed. Rather than simply publicly protesting U.S. occupation, the Hawaiian Kingdom Government is using education to make the general public, much of whom aren't well-informed on the subject, more aware of the international violations the U.S. has committed against the Nation of Hawai'i, and more importantly, what can and should be done about those violations.

To prove the feasibility of sovereignty, the Hawaiian Kingdom Government has gone as far as to file a complaint with the United Nations Security Council in 2001. The complaint was a request from the Hawaiian Kingdom Government to the Security Council to "investigate the Hawaiian Kingdom question, in particular, the merits of the complaint, and to recommend appropriate procedure or methods of adjustment."¹¹⁹ The complaint also gained media coverage for, and called international attention to, the illegality of continued U.S. occupation within the rightful Hawaiian Kingdom.

Phase three of the organizations plan to achieve sovereignty in a straightforward, practical sense is akin to its end goal: "The restoration of the Hawaiian Kingdom as an Independent State and a subject of International Law."¹²⁰ From this phase onward, the newly reinstated Government would take its place as a restored State among the Nations, reactivate the Hawaiian Constitution as the operating constitution, and continue to decide Hawai'i's position in the international arena and its relationships with other Nations through the *de jure* government already operating as the Hawaiian Kingdom Government.

Chair of the Council of Regency and *acting* Minister of the Interior of the Nation of Hawai'i according to the Hawaiian Kingdom Government, Keanu Sai, has shown how practical and feasible it is for the organization to attempt achieving sovereignty by continuously engaging in the international arena. In 1997, Sai and his organization sued President Clinton in the Supreme Court, "asking the justices to compel Clinton to honor the 1850 treaty between the Hawaiian

¹¹⁸ *Ibid.*, 6.

¹¹⁹ *Ibid.*, 9.

¹²⁰ *Ibid.*, 6.

Kingdom and the United States,”¹²¹ which, had he succeeded, would have set a precedent for the people of Hawai‘i to operate under a Kingdom Government once more. Then, in 1999, a citizen who claimed that the Hawaiian Kingdom Government failed to protect him against legal action taken by Hawai‘i State police took the Hawaiian Kingdom Government before the Permanent Court of Arbitration. The Kingdom took the position that they were unable to protect him due to United States law.¹²²

However, the practicality of The Hawaiian Kingdom Government has been challenged, specifically by anti-sovereignty scholar and former Office of Hawaiian Affairs trustee candidate, Kenneth Conklin. Conklin has stated that the case taken to the Court of Arbitration was a “fraudulent...use of the international court at The Hague for a propaganda circus.”¹²³ Furthermore, although Sai has succeeded in taking cases regarding the Hawaiian Kingdom to international courts, he has yet to win a case, or gain substantial support from international bodies that will force the United States into discussions about sovereignty.

Realistically speaking, while the law may be on the side of the Hawaiian Kingdom, the United States is the most powerful government in the international arena, and as such, has decisive power on any debates surrounding the sovereignty of Hawai‘i. If the Hawaiian Kingdom Government is adamant about achieving sovereignty, perhaps there needs to be a greater effort at engaging the United States itself in these debates, instead of relying on international law to force the U.S. into compliance.

However, although there are obviously some, like Conklin, who disagree emphatically with the reasonableness of the politics of the Hawaiian Kingdom Government, the international arena has in fact taken notice and has listened to several of these cases. Sai considers this proof that sovereignty is possible.¹²⁴

¹²¹ Rob Perez, “Perfect Title Co-Founder Sues Clinton in High Court,” *Honolulu Star-Bulletin*, December 18, 1997: A1, <http://www.hawaii-nation.org/mandamus-highcourt.html> (accessed Jan. 14, 2009).

¹²² Lance Paul Larson v. The Hawaiian Kingdom Government, “Memorial of the Hawaiian Kingdom Government,” The Permanent Court of Arbitration: 1 http://www.alohaquest.com/arbitration/pdf/Memorial_Government.pdf (accessed Jan. 14, 2009).

¹²³ Kenneth Conklin, “Fraudulent Hague Arbitration – The Use of ‘the International Court at the Hague’ for a Propaganda Circus,” <http://www.angelfire.com/hi2/hawaiiansovereignty/fraudhague.html> (accessed Jan. 14, 2009).

¹²⁴ Perez, “Perfect Title”, A1.

Probability

Now consider the issue of probability within each of the three organizations, focusing on the methods used by the organizations to gain public support. What are the organizations doing to rally more support for their particular model of sovereignty? What are they doing to discourage support? What is the United States position regarding the form of sovereignty proposed by each organization? Now that we have examined the practicality and feasibility of each organization, what is the probability that it will create a sustainable government?

Ka Lāhui Hawai'i

As previously noted, Ka Lāhui numbers more than 23,000 members, and is the consolidation of several grassroots sovereignty organizations which have joined forces to create a strong, coherent option of government for Hawai'i. Two key figures and founding members in the movement are sisters Mililani and Haunani-Kay Trask. Under their leadership, Ka Lāhui has become a faction of the Hawaiian sovereignty movement much like a political party. They have represented native Hawaiians in the World Council of Indigenous People's at the United Nations, given lectures at universities around the country educating people on Hawaiian affairs, and have also assisted in the organization of the initial native Hawaiian vote for or against sovereignty.¹²⁵

But high media coverage and an organization base within the University of Hawai'i system has led Ka Lāhui members to suffer accusations of blatant racism and discrimination in the past,¹²⁶ which in turn may reflect unkindly on Ka Lāhui by association. In fact, several news articles have been published which clearly connect politically and culturally charged statements made by Haunani-Kay Trask as being directly linked to the ideology of the sovereignty movement as a whole, a mentality that, if strengthened, could lessen the probability of sovereignty for the organization.

One of the strongest, and perhaps most far-fetched criticisms made concerning Haunani-Kay Trask, Ka Lāhui, and the sovereignty movement (by association) was leveled by conservative columnist Ryan O'Donnell:

¹²⁵ Speak Out, "Hawaiian Sovereignty and Indigenous Rights," <http://www.speakoutnow.org/People/HaunaniKayTrask.html> (accessed Jan. 14, 2009).

¹²⁶ Ryan O'Donnell, "Hate America Professor," *FrontPageMagazine.com*, June 25, 2003, <http://www.frontpagemag.com/Articles/Printable.aspx?GUID={CE95A956-9158-4DFA-8ED9-116843A010EA}> (accessed Jan. 14, 2009).

Even more chilling than Professor Trask and her movement's vision of an independent and racially segregated Hawai'i, is their open sympathy for the terrorists who murdered thousands on September 11th. Speaking to crowds after the 9/11 attacks, Trask proclaimed, 'Chickens have come home to roost. . . . What it means is that those who have suffered under the imperialism and militarism of the United States have come back to haunt in the 21st century that same government. . . . Why should we support the United States, whose hands are soaked with blood?'¹²⁷

Almost in direct contrast to the complaints of racism against Ka Lāhui, by those who do not support sovereignty in any form, are complaints and skepticism from fellow sovereignty activists regarding the level of nationhood Ka Lāhui endorses. According to Keali'i Gora, Ka Lāhui Hawai'i endorses a nation-within-a-nation status much like Native Americans for the native Hawaiian nation.¹²⁸ Activists like Bumpy Kanahele and other native Hawaiian factions, however, find nation-within-a-nation status an unsatisfactory solution to a larger problem. According to Kanahele:

[Agreeing to federal recognition] could be a trap. . . . You know, that sticky trap they catch all the rats inside? . . . That's what we feel we're walking into. Now unless somebody can convince me that we will never lose the right to independence, because there's no other example out there that has gone into a nation-within-a-nation that came out an independent country [I won't endorse federal recognition].¹²⁹

If recent polling on the Akaka Bill, legislation currently under debate in the Senate which would grant native Hawaiians a status much like Native Americans, is any indication, federal recognition still remains widely unpopular among Hawaiian residents, both native Hawaiian and non-native. According to a statewide survey taken by the Grassroots Institute of Hawai'i in 2005, there is a 2 to 1 ratio of opposition for federal recognition of a native Hawaiian nation, with more than 60% of those polled disagreeing with the Bill.¹³⁰ Unless the organization can continue to distinguish its model of sovereignty form the one proposed by the Akaka Bill, this mentality among Hawai'i residents could prove to lower the probability that Ka Lāhui Hawai'i and their nation-within-a-nation form of sovereignty has of succeeding.

¹²⁷ Ibid.

¹²⁸ Donnelly, "Holo I Mua", Supp1.

¹²⁹ Ibid.

¹³⁰ Grassroots Institute of Hawai'i, "New Statewide Survey: 2 to 1 Oppose Akaka Bill," July 14, 2005, <http://www.grassrootinstitute.org/Akaka/PollResultsLarge.htm> (accessed Jan. 14, 2009).

The Provisional Government of the Independent Nation State of Hawai'i

Kanahele's group was at one point commonly thought to be one of the most radical organizations in the Hawaiian sovereignty movement, particularly after the groups' occupation of a beachfront on O'ahu before moving to Pu'uhoonua o Waimānalo Village.¹³¹ However, Kanahele's organization sought out to achieve a land base to begin a Hawaiian Nation, and as a result Pu'uhoonua o Waimānalo was formed. Whether or not this alludes to sovereignty being within reach for Kanahele's group is anyone's guess.

Unfortunately, other well-known sovereignty activists such as Mililani Trask distrust Kanahele's work, and have claimed that Kanahele and his organization do not represent the majority of Hawaiians (though, to be fair, with 300 factions operating in the sovereignty movement, it would be difficult to argue that *any* one organization represents a majority of Hawaiians).¹³² Furthermore, in regards to the Nation State of Hawai'i fighting for full independence, Mililani Trask states that, "If we woke up tomorrow in an independent Hawai'i, none of our problems would have gone away...[Most Hawaiians] are not worried about independence. They're worried about paying their bills."¹³³ The former leader of Ka Lāhui has also said that the declaration Kanahele's group made asserting their independence from the United States was "merely a statement, not a form of government. At least three similar declarations have been issued [by other groups] during the past 20 years, none of them resulting in any substantial change for native Hawaiians."¹³⁴ And although these statements may infer that Kanahele's group will not gain the needed support by "most Hawaiians," such an attack against the politics of the organization could also infer that the Nation State of Hawai'i has become a strong alternative to Ka Lāhui Hawai'i in the struggle over a form of sovereignty to represent a Hawaiian nation.

Aside from the criticisms of rival groups on the probabilities of the Nation State of Hawai'i gaining sovereignty, one must examine the actions such a group has or has not taken, and what these could mean for the future of the organization. Of the three organization included in this article, the Nation State of Hawai'i has arguably done the least to engage in the international arena, participating less

¹³¹ Wood, "Hawaii's Search for Sovereignty", 10.

¹³² Burl Burlingame, "10 Who Made a Difference in 1994," *Honolulu Star-Bulletin*, January 2, 1995, A7, <http://www.hawaii-nation.org/10diff.html>, (accessed Jan. 14, 2009).

¹³³ James Podgers, "Greetings from 'Independent' Hawaii," *ABA Journal* 83 (1997): 74.

¹³⁴ Jon Yoshishige, "Group Declares Hawaiian Independence," *Honolulu Advertiser*, January 17, 1994, A1, <http://www.hawaii-nation.org/procart.html> (accessed Jan. 14, 2009).

often in indigenous affairs in the United Nations, as well as gaining little publicity for Hawaiian affairs in international law. One of Mililani Trask's main critiques of Kanahele's group is that it uses the state to further internal matters, while ignoring what will gain sovereignty for the Hawaiian people: international agencies.¹³⁵

However, Kanahele has managed to create the foundation for an independent Hawai'i in Pu'uhonua, and with it has begun to tackle the next step, what many believe to be the crucial step, in maintaining a successful nation: the formation of an economic base in the form of his proposal for the Native Hawaiian Bank.¹³⁶

Unfortunately, according to federal officials, when it comes to the official U.S. position on Hawai'i becoming the independent nation Kanahele claims it will:

There is nothing the president, Congress or any federal agency can do to allow Hawai'i to secede from the union and be led by a native Hawaiian government...The only way that could occur is if two-thirds of the 50 states voted to amend the U.S. Constitution to allow the secession...But that's an unlikely scenario at best...¹³⁷

Although the Nation State of Hawai'i may have a proposal for an economic base of a Hawaiian Nation, they have yet to make public the initial step of a comprehensive plan for achieving that Nation.

The Hawaiian Kingdom Government

If the Nation State of Hawai'i avoids the international arena to a point where it could harm their politics, the Hawaiian Kingdom Government may do the exact opposite. The organization, which operates in an official capacity as though the Hawaiian Kingdom were still in effect, fights its battle for independence completely in the international arena, using international law as its biggest supporter.

Acting Minister of the Interior, Keanu Sai, has stated that, "the important issue between the Hawaiian Kingdom and the United States is really that of an

¹³⁵ Matsunaga, "The Birth of a Nation in Pu'uhonua", A1.

¹³⁶ Kanahele, "Follow the Money".

¹³⁷ Pat Omandam, "Official: Hawaiian independence unlikely," *Honolulu Star-Bulletin*, December 11, 1999: A3, <http://archives.starbulletin.com/1999/12/11/news/story4.html> (accessed Jan. 14, 2009).

international dispute, dealing with treaties. We're talking [about the recognition] of these treaty violations [to begin] working towards reconciliation and possible reparations."¹³⁸ Because the Kingdom operates at a completely international level, it is Sai's position that "Laws passed by Congress affect the other 49 states but not Hawai'i, because Hawai'i remains a nation with standing among other nations and was never part of the U.S....In pleadings and oral arguments before the international court, the United States, in its occupation of Hawai'i, has violated international law by administering its laws instead of kingdom laws."¹³⁹ Sai remains convinced of the probable success of reclaiming the Hawaiian Kingdom with the law on his side.

An interesting note of support for his claim is the award issued by the Permanent Court of Arbitration at The Hague, at which Sai represented and defended the Hawaiian Kingdom Government against legal action taken by a self-proclaimed "Hawaiian Kingdom citizen." The courts went so far in their award as to acknowledge the continued existence of the Hawaiian Kingdom, under international law, regardless of a century of U.S. occupation.¹⁴⁰

Unfortunately for the organization, however, due to the United States' refusal to recognize the Hawaiian Kingdom Government as a legal body to which the lawsuit was applicable, and because it was not a party to the immediate lawsuit, the Court of Arbitration could not conduct a hearing on the matter of Hawaiian national independence.¹⁴¹ This brings to the foreground the reality that the United States has the power to decide the fate of Hawai'i, and therefore must be addressed as the political entity in control of the State of Hawai'i rather than simply an obstacle taking illegal actions against a sovereign kingdom.

The probability of the organizations' success may also prove doubtful when it one considers that the Hawaiian Kingdom Government has brought several claims before U.S. and World Courts in previous years, and each case has been overturned, denied, or ruled in favor of the opposing argument. For example, when on behalf of the Hawaiian Kingdom Government Sai attempted to sue

¹³⁸ David Keanu Sai, "Supreme Court, International Courts,"

http://www.alohaquest.com/scripts/supreme_court_international.htm (accessed Jan. 14, 2009).

¹³⁹ Lester Chang, "Kingdom advocates predict World Court victory," *The Garden Island*, February 4, 2001: page number unavailable,

<http://www.kauiworld.com/articles/2001/02/05/news/export5974.txt> (accessed Jan. 14, 2009).

¹⁴⁰ The Hawaiian Kingdom Government, "Arbitral Award Verifies Continued Existence of Hawaiian Kingdom," *The Polynesian* Feb. 2001: 2

http://www.alohaquest.com/arbitration/news_polynesian_0102.htm (accessed Jan. 14, 2009).

¹⁴¹ The Permanent Court of Arbitration, "Lance Paul Larson v. The Hawaiian Kingdom," Arbitration Award: 44, <http://www.pca-cpa.org/upload/files/LHKAward.PDF> (accessed Jan. 14, 2009).

former President Bill Clinton, the Supreme Court's action came in a one-line order stating that Sai's petition for a writ of mandamus was denied, due to the inability of the courts to recognize the Hawaiian Kingdom Government as a nation, as it still existed within the United States.¹⁴²

The question remains as to whether engaging in the international arena is enough to ensure the realization of sovereignty. The Hawaiian Kingdom Government has shown by example that, as legal scholarship follows that Hawai'i has never relinquished control over its sovereignty to the United States, there can be no legal justification for the century that the United States has remained in power in Hawai'i. In light of this, one can propose that what first must happen, before an organization such as this can gain its full momentum in order to actively and successfully achieve sovereignty, is that it must deal with the legal issues of nationhood and self-determination within the boundaries of the United States and their occupation. Although Sai may be of the impression that Hawai'i can't be decolonized because it was never actually colonized (though it is currently *occupied*) one arguably cannot simply bypass state and federal laws and deal directly with international laws. Perhaps the United States is simply too powerful for that in this day and age.

The Obstacle Facing Sovereignty Initiatives

Aside from the challenges each organization faces on an individual level – be it debates over principles, issues of representations, conflict over methods, etc. – there is one challenge that most movement activists and participants can agree on: the need for more support and unity.¹⁴³ According to Keali'i Gora, “Ka Lāhui and [other sovereignty organizations] are really calling upon all Hawaiians to unite. And we really believe that it's time for us to put down our spears and come together, stand in solidarity, and seize this tremendous opportunity. This is a once in a lifetime chance for us to build this nation by uniting our people.”¹⁴⁴

The people of Hawai'i, however, have concerns of their own that call into question the practicality, feasibility and probability of the sovereignty movement

¹⁴² Rob Perez, “Court won't hear case of title firm's co-founder,” *Honolulu Star-Bulletin*, March 23, 1998: page number unavailable, <http://archives.starbulletin.com/98/03/23/news/index.html> (accessed Jan. 14, 2009).

¹⁴³ Donnelly, “Holo I Mua”, Supp1.

¹⁴⁴ *Ibid.*

becoming a success. I include below some of the voices of the people of Hawai‘i as they shuffle through the ideologies and theories, much like this article did, that make up the Hawaiian sovereignty movement:¹⁴⁵

“I support recognition, but not all of the movements’ politics. It’s calling for self-governance and I don’t agree with that. I also don’t agree with native Hawaiians trying to get the [U.S.] military out of Hawai‘i. I absolutely support OHA and I know a lot of organizations don’t. Ka Lāhui hasn’t done anything great really except unite Hawaiians and make them aware of sovereignty issues. The Nation of Hawai‘i began as one of the most radical groups. They abandoned their cause to occupy ceded lands, refused to pay rent and taxes, gave sanctuary to some other people that refused to pay taxes, and [Kanahele] ultimately ended up in jail! This organizations...methods were not justified and resulted in nothing.”

– native Hawaiian, 27

“There are too many organizations to choose from. And I don’t particularly feel like now is the time during which change can be effected—the world isn’t ready to accept and recognize us as an independent nation, and our people are not ready or able to govern ourselves. I fully support the movement, though I agree that it is not one movement, but rather separate entities pushing for variations of one goal in different ways. It must become a unified fight if anything is to be accomplished, and the movement itself lacks direction and people aren’t sure what they would be getting themselves into if they were involved.”

– native Hawaiian, 24

“I don’t support the movement because it is too far to the [left], in most parts. I feel Hawaiians should have some form of sovereignty though, maybe some sort of government within a government. I feel they should have some compensation for the land that was taken, be it financial or re-instatement of the land. I also feel that Hawaiians should have some form of recognition from the U.S. But I think the movement has too many groups though, and they are unable to agree on one

¹⁴⁵ These interviews were conducted by the author, either by phone or email, between the months of July and October, 2005. All participants are, or have been, residents of the state of Hawaii for a majority of their lives, although some have recently moved out of the state. They are both native Hawaiians, and non-native, as cited below their answers. All participants are the friends, family members, colleagues or acquaintances of the author, and have given their permission to be included in this article. This limited number of opinions is not meant to be representative of all members of the Hawaiian community, but rather, simply offer a tiny glimpse into some of the attitudes present in Hawaii today as regards the sovereignty movement.

concept. The groups are pushing their own agendas instead of the agenda which is best for all the Hawaiian people.”

– native Hawaiian, 50

“I don’t [support the movement] because I’m not convinced of its efficacy. I think the feelings behind it are justified, but the organizations are too divided to bring about constructive change. Radical groups that want complete independence from the U.S. and banning of all foreigners do not have my support. I will support groups that are not purely racist and have a comprehensible idea of how to restore rights to Hawaiians and incorporate old ideals and ways to improve general economic strife resulting from the capitalistic nature of the U.S.”

– non-native Hawaiian, 24

“I support sovereignty. I am a representative of my people. However, I’m not entirely supportive of the facilitators of the movement and their methods. Currently, a lot of people running the show are misinforming those who are/should be eligible to participate in a sovereign entity. I don’t feel that a race-based nation will benefit anyone. But I’m all for an independent nation...I don’t think it’s fitting for the people of Hawai‘i to be governed by individuals halfway around the world who can’t even pronounce our name correctly.”

– native Hawaiian, 22

“I feel that sovereignty is a fight only for native Hawaiians. It’s their right to fight for what they think is right, and what they deserve. Other people can empathize with them, but you have to be Hawaiian in order to fully understand what it’s like to lose something and then fight for it. That’s a problem with the movement, I think. Non-native Hawaiians don’t feel they have the right to fight with and for the cause.”

– non-native Hawaiian, 47

“I think sovereignty is a scary concept. Some people may feel that it’s not needed, but others may also feel that they’ll lose everything once sovereignty happens. I think the main thing is that people end up happy, and I’m not sure sovereignty can do that for everyone.”

– native Hawaiian, 24

“I think the struggle for sovereignty is futile. I think it’s not a possibility, but an ideal, and not much of an ideal at that, because no matter how much I agree with the historic facts...I know that not only would any attempt to achieve our

past government system be chaotic and dangerous, but the U.S. would simply never let it happen. Sovereignty is impractical and unfeasible.”

– native Hawaiian, 24

“I believe the struggle for sovereignty is headed in the right direction, but have witnessed too many instances of race discrimination between the native Hawaiians and the ‘haoles’ [non-natives]. . . I disagree with the kind of hatred portrayed by the natives towards the whites in [sovereignty] meetings. I believe compromise is the only answer. The movement is justified and long overdue, but I question the qualifications of the native people that will run the new Republic. Also, there is not enough support. . . most people feel it’s a losing battle.”

– native Hawaiian, 47

“I find the idea of sovereignty frightening, and I don’t feel it’s wise to try and ‘undo’ Hawaiian history. But I believe my ideal outcome for sovereignty would be a compromise between the Hawaiian people and the U.S. government that would ensure both parties having a fairly equal share in the decision making for the islands. Also for native Hawaiians to have a louder voice in socio-political happenings in the islands. But I’m not sure about the forms of sovereignty that are our options right now.”

– native Hawaiian, 24

“I support sovereignty. And I think the organizations need to motivate these natives so that they play a more active role in the movement and it can be more effective. Until then we’re just going to be going in circles and it’s just going to seem like a bunch of complaining. Plus, I don’t think anything is really going to change. I feel we’re going to be fighting this for decades to come. There needs to be more support. There isn’t enough because we’re lazy and some people don’t want change. We need 100% from our natives, and even non-natives have shown more support at times.”

– native Hawaiian, 24

“I support the movement to a point. There are a lot of issues I don’t agree with. But I think the Hawaiian people need to be recognized as the indigenous natives of Hawai‘i and receive compensation for what the Americans have done throughout Hawaiian history. I feel that the U.S. government should be recognized for the faults that they have done to Hawai‘i and its people.”

– native Hawaiian, 47

“I am all for sovereignty, but not cutting off all connections with the U.S. Hawai‘i as a whole would not be able to handle it. I’d like to gain sovereignty but still have the protection of the U.S. Sort of like Puerto Rico, I guess. But I think more native Hawaiians aren’t involved in the movement because they don’t know the facts of the sovereignty movement. Knowing there is a movement isn’t enough, people need to be more educated regarding what it’s about.”

– native Hawaiian, 23

Conclusion

The term Kūna‘e translates to “stand firmly and unyielding against opposition.”¹⁴⁶ Many people, Kanaka Maoli and those from other ethnic and racial backgrounds alike, have answered the call to stand firmly and unyielding, and indeed, as discussed in previous sections, pro-sovereignty organizations number into the hundreds. This sheer number, however, has often been a point of contention many have with the Hawaiian sovereignty movement. Indeed, the few opinions offered in the last section show that many of those who are not part of the movement choose not to become members not because of the movement’s lack of strength of persistence, but rather, because of a lack of unity.

Growing up as a native Hawaiian, I have always been exposed to the truth about my history and people, though I did not learn it in any textbook: we were illegally occupied by the United States; our Queen was illegally dethroned; native Hawaiians, like every other group of peoples in the world, deserve to have our rights recognized and respected. And there has always been a plethora of choices as to the form the resolutions to these issues would take, almost to a fault.

The three organization discussed here represent the diversity of theories and methodologies present within the sovereignty movement. While these groups in no way represent all of the different viewpoints that the movement puts forth, I had hoped that, given their public involvement and the media attention they draw to themselves and one another, this choice would allow me to firmly grasp some of the theories, principles, and problems behind the movement today.

¹⁴⁶ Mary Kawena Pukui & Samuel H. Elbert, *New pocket Hawaiian dictionary* (Honolulu: University of Hawai‘i Press, 1992), 72.

In summary then, Ka Lāhui Hawai‘i, one of the largest and most comprehensive of the organizations, engages both the U.S. government and the international arena in issues concerning native Hawaiians as an indigenous group. Ka Lāhui is constantly lobbying and educating the public, and the organization has also proposed one of the more detailed and thorough Master Plans within sovereignty movement as a whole.

However, in some circles the group has gained the reputation of being discriminatory, and key members of Ka Lāhui have been accused in the media as using sovereignty to create a race-based nation, despite their commitment to allowing non-native Hawaiians to become honorary citizens of Ka Lāhui and their proposed nation. The organization has also been challenged by rival sovereignty factions which claim that the *nation-within-a-nation* status that Ka Lāhui endorses is *necessary*, but not *enough* of a resolution to satisfy native Hawaiians.

On the other hand, The Provisional Government of the Independent Nation State of Hawai‘i, which proposes a completely independent Nation of Hawai‘i, has been criticized by sovereignty activists as being too radical. Our interview answers also show us that previous actions taken by the organization may have damaged their reputation permanently in the eyes of the general public. Furthermore, many activists also feel that some level of engagement within the international legal system is key to achieving sovereignty, and while the Nation of Hawai‘i agrees, they have yet to engage themselves in internationally in a formal manner.

This organization, however, is the only organization to successfully implement an actual “nation” within the current state of Hawai‘i. Pu‘uhonua o Waimānalo Village serves as evidence that the proposals of the organization, at least on a smaller scale, are practical, feasible, and possible. The organization is also currently involved in perfecting a plan for an economic base of the Nation, with their proposal of the Native Hawaiian Bank.

Finally, the Hawaiian Kingdom Government continues to function and operate as the *acting* government of the Hawaiian Kingdom, despite U.S. annexation. If nothing more, this particular organization has shown how difficult the fight for sovereignty is when one considers the political power wielded by the United States. Though the Hawaiian Kingdom Government has engaged the U.S. in several legal battles, the organization has yet to gain significant headway in the international or national level.

However, one of the significant accomplishments of the organization to date is that, through rallies and lectures, members of this organization, far more than others, have begun spreading the word throughout the State of Hawai‘i about the legal basis for the restoration of the Hawaiian Kingdom. The Hawaiian Kingdom Government has both domestic and international law on its side, and has even succeeded in gaining an award from the Permanent Court of Arbitration at The Hague, which acknowledged the continued existence of the Hawaiian Kingdom, under international law, in spite of the century-long U.S. occupation.

In light of these factors, it is clear that though the fight for sovereignty is alive and well within the Hawaiian community, there is much debate about what an “ideal” plan for achieving sovereignty would entail. Perhaps it is a *nation-within-a-nation* form of federal recognition. Perhaps it is complete independence from the United States. Or perhaps it needs to be a completely new form of sovereignty, unique to the history and culture of Hawai‘i itself. Whatever the decision, and whenever that decision needs to be made, it is my hope that this article contributes to the work currently being done by Hawaiian activists within the movement to achieve what many consider their most important goal for the time being: educating the general public, and offering the people of Hawai‘i enough options and information so that they are better equipped to make a sound decision once the time arrives.

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