

A POLITICAL REVIEW OF THE SITUATION IN HAWAII: 2002

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On 17 January 1893, the monarchy of Hawai'i was deposed by a group who "represented the American and European sugar planters, descendents of missionaries and financiers" (US Public Law 103-150). With the aid of the United States minister, John L. Stevens, and US military forces, they were able to deliver Hawai'i into the hands of the US federal government. In a case of historical déjà vu, it seems the same adversaries from a century ago have now been reincarnated and are attacking what is left of native rights in Hawai'i.

Since the 1970s there has been slow, deliberate progress in raising public awareness of Hawai'i's unique history, culminating in the "Apology Bill" (US Public Law 103-150) of 1993, a formal apology by the US government to the Hawaiian people. However, a shift toward a more conservative political climate under the new Bush administration, beginning in November 2001, and the hyper patriotism inspired by September 11th, have fueled vigorous attacks on native Hawaiian rights and entitlements. These renewed attacks have prompted leaders of the Hawaiian independence movement to stress the need for a stable, protected path toward self-determination.

The Office of Hawaiian Affairs (OHA) and the Department of Hawaiian Homelands (DHHL) are two of the most highly targeted agencies run by the State of Hawai'i. Since its inception in 1978, the Office of Hawaiian Affairs has served as a liaison agency between the native Hawaiian people and the State of Hawai'i. In that capacity, the office manages Hawaiian trust assets and entitlements, such as land and money, and programs for housing and education. As the beneficiaries of this trust, those of Hawaiian ancestry alone elect the OHA trustees and have a say in issues relevant to the trust. The Department of Hawaiian Homelands was established as

part of the Hawaiian Homes Commission Act in 1921, which set aside 200,000 acres of land for native Hawaiian homesteading. Both of these agencies exist in an effort to address the needs and concerns of the Hawaiian people who suffered the loss of a nation.

Prior to the conservative shift in the US federal government, the stage was already being set by local challenges to the Office of Hawaiian Affairs. In 1996, Harold "Freddy" Rice, a non-Hawaiian rancher and businessman, was turned away after requesting a ballot to vote in OHA elections. On this refusal, Rice sought legal recourse, accusing the state government of violating his civil rights. Claiming that the Hawaiians-only policy reserved for the Office of Hawaiian Affairs by the state government was racist, he sought its abolishment. The infamous case quickly went up the judicial hierarchy and was finally heard by the US Supreme Court in early 2000. This time the justices of the Supreme Court agreed with Rice and his legal team, and in February 2000, the US Supreme Court opened voting in OHA elections to non-Hawaiians. Fortunately, the court confined its ruling to the voting practices of the State of Hawai'i and did not make any further determinations regarding native entitlements. However, any sense of relief over the narrow ruling was tinged with feelings of dread as the case set a dangerous precedent.

Immediately following the Rice v Cayetano ruling various anti-native rights groups filed lawsuits challenging the very existence of the Office of Hawaiian Affairs, the Department of Hawaiian Homelands, and more broadly, any programs meant to assist Hawaiians. John Carroll, Patrick Barrett, and most recently, Earl Arakaki are among the plaintiffs rotating the lead on lawsuits threatening native Hawaiian agencies and entitlements.

While these lawsuits originate outside the Hawaiian community, the July 2002 admission of a non-Hawaiian student to the Kamehameha Schools, a private institution that offers quality education to

Hawaiian children, seemed to relocate the threat to the boardroom of a Hawaiian trust institution. Citing legal challenges to the school's tax-exempt status as a religious institution, and its policy of preference for Hawaiian children, the Kamehameha trustees admitted a non-Hawaiian student to the Maui campus, despite a waiting list of dozens of Hawaiian children. The Hawaiian community, which sees the Kamehameha Schools as one of the few remaining, distinctly Hawaiian strongholds was outraged by the decision. The demands of alumni, students, and many others in the Hawaiian community ranged from requests for explanations and apologies to outright calls for trustees' resignations. Seeking a solution would be simpler if the trustees' decision was seen as an isolated incident, but it is not. Rather, it is one more symptom of a larger problem of native entitlements sliding away.

In the midst of this rapidly eroding landscape, enter US Senator Daniel Akaka and his bill for federal recognition of a "Hawaiian Governing Entity." Introduced in 1999, this was an immediate response to the *Rice v Cayetano* case and the need to rectify and clarify the relationship between the US government and the Hawaiian people, as well as to protect the one hundred or more federally funded programs and agencies that assist Hawaiians. It was meant to provide a "process for the recognition by the United States of the Native Hawaiian Governing Entity" and to create "an avenue for federal recognition of a Native Hawaiian Government parallel to the existing petition process for Native Americans" (Kanehe 2001, 863). Heralded as the "most viable antidote to the feared unraveling of entitlements for Hawaiians" (Boyd 2000, 8), the "Akaka bill," as it has come to be known, may turn out to be nothing more than a Band-Aid on a gushing head wound. The controversial bill has gone through several drafts and amendments, the latest of which is currently stalled in US Congress.

Passage of the bill would establish a relationship between a Native Hawaiian

Governing Entity and the US Government by establishing an office within the US Department of the Interior to focus on native Hawaiian issues and to serve as a liaison agency between native Hawaiians and the federal government, and establishing an interagency coordinating group to be composed of representatives of the federal agencies that administer programs and implement policies impacting native Hawaiians (US Senate 2001).

Proponents of the bill also regard it as a stepping-stone toward independence. As efforts progress, they hope the legislation would eventually lead to secession from the United States. The Native Alaskans recently received federal recognition from the United States and are encouraging native Hawaiians to pursue the recognition avenue. While Alaskan recognition has not been ideal, it has nevertheless preserved their entitlements and provided a platform for further development of their self-determination.

While sponsors of the Akaka bill stress its defensive assets, opponents of the bill believe that we must be on the offensive and forcefully pursue international avenues. They view the Akaka bill as an "impediment to achieving independent status" under international law. In the eyes of a colonizing government, it may very well be seen as a settlement and cripple all other efforts in the international arena. While the bill may afford temporary legal protection for native programs and entitlements, they say the price is too high. By being recognized as Native Americans by the US government, the Kānaka Maoli risk giving up their identity and extinguishing any chance of independence through the United Nation's decolonization process. Many advocates of Hawaiian independence remind us that the Kingdom of Hawai'i still exists despite foreign occupation. Thus, as an internal US legislation, the Akaka bill has no bearing on kingdom law.

A second category of opponents to the Akaka bill includes those who

made the measure necessary. Rice, Arakaki, and other members of anti-affirmative action groups, such as Campaign for a Color-Blind America, disapprove of any native entitlements and dismiss them as racist. Despite history, these groups equate the Office of Hawaiian Affairs, the Kamehameha Schools, and actions like the Akaka bill with “apartheid” and “ethnic cleansing” and claim that no reparations are owed to the Hawaiian people.

It is ironic that the Rice v Cayetano case consolidated the efforts of various sovereignty advocates, while the Akaka bill has effectively divided Hawaiians. The silver lining in the cloud threatening to eclipse native Hawaiian entitlements, however, is the generation of political discussions and choices on a scale larger than ever before. As local legal challenges to agencies such as the Office of Hawaiian Affairs, Department of Hawaiian Homelands, and the Kamehameha Schools increase, the federal recognition bill is more and more tempting to opponents despite its shortfalls. The Alaskan natives have reiterated their solicitation of federal recognition, saying that the first bill passed regarding their recognition was not ideal either, but it provided semi-autonomy over their lands and assets as well as protection from opponents to native rights. So, the Kanaka Maoli of Hawai‘i now stand at another critical crossroad in Hawaiian history: to support or oppose federal recognition in the face of multiplying legal attacks.

Whether we make the choice to extol the protective properties of the Akaka bill or disregard it for its wavering loyalties, the goal remains the same. We must proceed with assertive wisdom and use every resource to pin down self-determination in spite of the efforts of our adversaries in the US legal system, international arenas, and hedonistic Hollywood.

There is no doubt that colonialism is alive and well in Hawai‘i. Lorrin Thurston, John Stevens, and W O Smith, the architects of the overthrow of the Kingdom of Hawai‘i,

have been reincarnated as Harold Rice, Patrick Barrett, and Earl Arakaki. The Kamehameha trustees have disappointed the people who look to them for leadership and passively yielded to the demands of our adversaries, much like the cabinet that abandoned our last queen, Lili‘uokalani, in her hour of need. As I write this, America is (July 4). Will the Hawaiian people once again be able to celebrate its Independence Day? Or, will history repeat itself and relinquish the Hawaiian Nation to a footnote in history?

R e f e r e n c e s

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