

## Advice for Hawaii: The Dole—Burgess Letters

Alfred L. Castle

The facts surrounding the rapid construction of the Hawaiian Republic's constitution are well documented. Sanford Dole, the doyen of the provisional government which came to power in Hawaii after the overthrow of Queen Liliuokalani in January 1893, refused in December to permit the reinstatement of the monarch. Hope of joining the United States was dashed by President Cleveland's refusal to support the proposed treaty of annexation; the provisional government, therefore, decided to call a constitutional convention to lay the ground-work for a republican government. The anti-democratic attitudes of Lorrin Thurston and Sanford Dole in their approach to the matter of delegate selection and ratification are also well known. Often overlooked, however, is the correspondence between Dole and Professor John William Burgess, dean of the faculty of political science in Columbia University. The correspondence, in the form of four letters preserved in the manuscript collection of Columbia's Butler Library, record Dole's request for advice from Burgess, and the recommendations which the latter made for the writing of the Republic's new constitution. These letters shed light on the extant political theory that was responsible for the notably un-republican characteristics of the new constitution. The letters also are of interest to historians of political thought in the United States in the 1890s.

The background and philosophy of John W. Burgess make for interesting reading. He was educated at Göttingen, a student of professors influenced by Kant, Hegel, Treitschke, and Greist. In his classes at Columbia University (after 1880), Burgess maintained that political forms were conditioned by racial or "ethnic" factors. With Johann

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Wappaus, the ethnological statistician, he described the nations of Europe as being derived from the Greek, Latin, Celtic, Teutonic, and Slavic "races." The racial heritage of a nation, claimed Burgess, determined the appropriate state or constitution for a people. The Greeks and Slavs, for example, were racially incapable of maintaining political life beyond the limited community. For these people, no extended state was possible and, thus lacking in basic political skills, their affairs would always be arranged by foreign powers. The Slavs specifically were inherently unable to carry on an intelligent self-rule and thus were perpetual victims of Caesarism and church dictatorship.<sup>1</sup> After 1917, he could conclude that socialism had taken root in Russia because of the natural proclivity for collectivism found among the Slavs.<sup>2</sup>

Even lower on the political plane were the Celts. Their characteristic political trait was personal attachments to traditional authorities such as tribal chieftains. Correlatively, the dominant form of Celtic political organization was and would likely remain the insignificant military state forever rocked by internecine civil war. The fundamental want of political genius doomed the Celtic world to petty violence, corruption, and disorder. The mass Irish immigration into the United States from 1820-1860 had been dangerous and could account for the lower level of political intelligence, bossism, vote-buying, and fraud so frequently found in large urban areas by the 1890s.<sup>3</sup>

The hero, in the eyes of Burgess, was the Teuton. It was to him that all complex and extended European states owed their origin and their sustenance. The genius of Teutonic political capacity was felt in diverse places.

The Visigoths in Spain, the Suevi in Portugal, the Lombards in Italy, the Franks in France and Belgium, the Anglo-Saxons and Normans in England, the Scandinavian Teutons in Denmark, Norway, and Sweden, and the Germans in Germany, Holland, Switzerland and Austria have been the dominant elements in the creation of these modern states.<sup>4</sup>

Naturally, Burgess also viewed the United States as only the most recent example of a Teutonic national state. He spent much literary effort in delineating the special characteristics of this special nation state.

Chief among the desirable qualities of the United States was "Teutonic individualism" and the "Aryan" need for activity and work in private enterprises. In brief,

the freedom of association, incorporate and unincorporate, must continue to exist under full constitutional guaranty, protected by the courts, of all those rights and immunities which are of a purely private character.<sup>5</sup>

Thus collectivism, even in mild forms, was anathema. Government ownership of public utilities, for example, might prove to be the end of American liberties. Socialism, the ultimate *bete noire* for Burgess, was clearly a non-Aryan ideology which would ultimately undermine individual achievement if allowed to spread. His solution was to limit immigration to Teutons or those non-Teutonic "elements" who might have been sufficiently "Aryanized" into political maturity.<sup>6</sup>

Burgess rarely tired in his efforts to contrast the political capabilities of America's early "Teutonic" immigration with the lack of capacity found in the "new immigration" of the 1890s. The Germans, Swedes, Norwegians, Danes, Dutch, and English settlers possessed conscience, intelligence, and self-control and, therefore, were able to support civil and political liberties. But by the end of the 19th Century, a new ethnic strain had appeared that endangered America's political heritage:

. . . Slavs, Czechs, Hungarians, . . . they are inclined to anarchy and crime. . . . They are, in everything which goes to make up folk character, the exact opposite of genuine Americans. It remains to be seen whether Uncle Sam can digest and assimilate such a morsel.<sup>7</sup>

Furthermore, the very presence of these immigrants from southern and eastern Europe had increased the power of concentrated labor unions which had led to the increase of governmental agencies, like the police, to handle the new danger. This increase in governmental power was viewed with alarm as Burgess saw the increase in a central power as coming at the expense of individual liberty.<sup>8</sup>

One final article of faith for Burgess was his denial of natural law as a foundation for civil and political liberties. In his view, the rights and protections provided by a constitution were properly seen as legal and historical rather than universal and natural. Their existence and maintenance depended upon the political capacity of the dominant classes in a nation state. The properly educated Teuton, felt Burgess, could never view the exercise of political rights and power as a universal natural right of man *qua* man. The exercise of political right was contingent upon innate political intelligence, and of this intelligence the Teutons were the only qualified judges. Democracy had flowered only among such ethnic groups and "no other peoples or population have ever given the slightest evidence of the ability to create democratic states."<sup>9</sup> It was through this ideological prism that Burgess was to view the populations in Hawaii.

The first contact between Sanford Dole and John Burgess came in a letter from Dole written from Honolulu, March 26, 1894. In this brief,

initial correspondence, Dole indicated that his reading of Burgess' classic text, *Political Science and Constitutional Law*, had been "of great help" to him. He also mentioned that leaders of the revolution were at work upon a new republican constitution and were seeking additional ideas concerning the exact form the new government should take. The specific interest in Dole's first letter was the matter of executive power. Dole expressed his agreement with Burgess' position that the best executive would be independent in tenure and would "exercise a veto power, a military power and an ordinance power active enough and strong enough to defend his constitutional prerogatives." Dole, however, was concerned that Burgess had allowed too much power to reside in the hands of the cabinet and its leaders. Dole was clearly disposed to the strong, unfettered centralized executive for a Hawaii that had seen so much recent turbulence.

On March 31, 1894, Dole wrote a second letter in which he sought further advice. The basis of the letter was Dole's reservations about the role of certain non-white voters during the period of the monarchy.

Under the monarchy, there were two classes of legislators who sat together and who were elected by voters having different qualifications. There are many natives and Portuguese who had had the vote hitherto, who are comparatively ignorant of the principles of government, and whose vote from its numerical strength as well as from the ignorance referred to will be a menace to good government.

Dole went on to indicate that the new Hawaiian constitution would likely include strict voting qualifications for the upper house of the legislature. These would include educational and property qualifications. Knowing that the prerequisites for voting would cause some permanent discontent, he asked Burgess whether there was a viable alternative to keeping "irresponsible elements" and "professional politicians" out of Hawaii's new government. Offering further elaboration, Dole indicated that Hawaii had

no subordinate governments. The town meeting, county or state governments do not exist in our system. We have election districts each of which elects one representative. Would the following plan be safe? Both houses numbering eighteen members each. The lower house to be divided into electoral divisions of three members in each, which shall every two years elect one-third of the upper house, each division electing one member thereof; the members of the upper house to serve six years. The upper house to elect the President.

Dole recommended haste in Burgess' reply, as the elections for the Constitutional Convention were planned for May 2nd.

On April 13, 1894, Burgess responded to Dole's initial letter written March 26th. Burgess understood the Hawaiian problem to be

the construction of a constitution which will place the government in the hands of the Teutons, and preserve it there, at least for the present. I think you can accomplish this with the existing material at your hand provided the Teutons are substantial (sic) united in purpose and will act harmoniously.

Burgess included among the Teutons Americans, English, Germans and Scandinavians. It was this group of under 5,000 people that would have to lead the new republic. As discussed earlier, his entire intellectual training had prepared him for this conclusion.

Not wishing merely to pontificate upon the virtues of a politically chosen race, Burgess also supplied Dole with some specific suggestions as to a viable Hawaiian Teutonic state. First, he seconded Dole's concern that the legislature reflect the conservative interests of the educated and propertied establishment. This could best be effected by requiring property qualifications and advanced age for membership in the legislature. This would be particularly important for elections for the "House of Nobles" which should be given equal or greater power than the lower legislative body. Secondly, Burgess strongly urged the creation of a strong presidency. Equally important was the election of the president by a conservative electoral college. Hawaii should

elect your president by a college of electors, equal, as to numbers, to the membership in the two legislative houses; that one half of these electors should be elected by the voters for the members of the lower house of the legislature, and the other half should be elected by the voters for the upper house of the legislature; and that the presiding officer of the electoral college should be selected by lot from among the members of the college, and should have no vote except in case of a tie.

An alternative plan to render the electoral college still more conservative was to require property qualifications and "advanced age" for membership in the college. In no case should the masses be permitted to directly limit the prerogatives of a "Teutonic" president in the exercise of his wisdom and duty. At the same time, stability would not be endangered as non-Teutonic elements would lose no powers that they had exercised under the pre-revolutionary constitution. In any event,

the plan of electing the senate by the lower house and the president by the senate is substantially the Venezuelan (sic) system, which has been found to work very badly. I would not advise it in any case, certainly not for the period next succeeding a revolution. It puts too much power in the hands of the lower house of the legislature.

Finally, Burgess made a brief observation about the proposed Hawaiian judiciary. Judges, who should come from the right Teutonic circles, should also be appointed for life or during good behavior. They should be expected to administer justice equally to all as befitted the political and legal capacities of his race.

The final correspondence came in Dole's letter of December 18, 1894. Dole had earlier mailed a copy of the Hawaiian constitution as finally adopted to Burgess, although this had not yet been acknowledged. This final letter praised Burgess for his "clear knowledge" of the problems peculiar to the Hawaiian political scene. Dole also acknowledged "the great help" Burgess' ideas on the science of government had been to those responsible for the constitution. He concluded that

Mr. Thurston aided me largely, and our draft was carefully scrutinized by a dozen or more thoughtful men which were called together for that purpose, and who gave many days to it, going over every sentence with great deliberation; and so the draft which was submitted to the constitutional convention, was constructed.

The degree to which Burgess actually influenced the thinking of the "thoughtful men" alluded to by Dole is uncertain. We can safely conclude that Burgess did at least ratify and lend formal academic respectability to their actions. A brief review of the leading stipulations of the adopted constitution does confirm that Burgess' recommendations were followed in spirit. First, candidates for all offices and the voters for the senate would have to meet substantial property qualifications. Secondly, all voters would become eligible for voting by proving themselves able to speak, read, and write English; in addition, they would have to explain the new constitution in English. Naturally, this provision would ensure the dominance of the "5,000 Teutons" that Burgess had expressed so much faith in. Lastly, only citizens by birth or those naturalized could vote. Because neither China nor Japan had a naturalization agreement with Hawaii, this effectively disfranchised large elements of the republic's population.<sup>10</sup> Foreigners, on the other hand, who had supported the revolution against the queen in 1893 would be given the franchise. The circumstances surrounding the initial constitutional convention are also revealing. To qualify for the election of delegates to the constitutional convention, a voter had to swear allegiance to the republic. Naturally, most native Hawaiians would not make such a blanket oath of allegiance and, hence, were denied formal right to participate in the elections. Additionally, and despite the clearly unrepresentative method of delegate selection, the constitution was made law by proclamation following its approval in the convention. Less respect for democracy could hardly have been shown by the leaders of the provisional government.

The Dole-Burgess letters are of special interest to historians of both men and their age. Both men, despite their difference in training and backgrounds, shared many *a priori* assumptions about the ethnic superiority of Teutonic peoples. These assumptions, in the case of Burgess,

colored his considerable contributions to historical and political research. An entire generation of scholars would continue and eventually challenge his lead. In the case of Dole, his assumptions shaped the political nature of both the provisional government and the republic. The central implications of the "Teutonic hypothesis" were to have a major impact well into the 20th Century in both Hawaii and the United States.

#### NOTES

- <sup>1</sup> Burgess, "Political Science and History," *Annual Report of the American Historical Association*, 1 (1896), 203-211.
- <sup>2</sup> Burgess, *Reminiscences of an American Scholar*, (New York: Columbia University Press, 1934), p. 72.
- <sup>3</sup> Burgess, *Political Science and Comparative Constitutional Law*, (Boston: Ginn and Company, 1890), vol. 1, p. 33.
- <sup>4</sup> *Ibid.*, p. 38.
- <sup>5</sup> "The Ideal of the American Commonwealth," *Political Science Quarterly*, 10 (September, 1895), 413.
- <sup>6</sup> *Ibid.*, p. 407.
- <sup>7</sup> Burgess, *Uncle Sam! Address at Cologne*, 3 March 1907.
- <sup>8</sup> Burgess, *Reminiscences*, p. 376.
- <sup>9</sup> Burgess, "The Ideal of the American Commonwealth," p. 407.
- <sup>10</sup> The Chinese and Japanese population in 1890 was 27,661. The naturalized foreign population was 7,495.