KAH'OOLawe: ALOHA NO

A LEGISLATIVE STUDY OF THE ISLAND OF KAH'OOLawe
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ka po'e i aloha i ka 'āina

the people who love their land
Chapter I
INTRODUCTION

BLESS OUR HOMELAND, FOREVER

E KE AKUA HO’ALOHALOHA
KE NONOI AKU NEI MAKOU
E HO’OPOMAIKA’I MAI
I KEIA KULAIWI NEI
ME NA OAWA ANUHEA
A ME NA KAHAwAI OLA 'ALE'ALE
BLESS OUR HOMELAND, FOREVER

Oh, loving God
We ask Thee
To bless
This our Native Land
With its sweet valleys
And rippling life-giving streams

E KE AKUA KA MEA NANA HANA
'O MAKOU E PULAMA ALOHA NEI
I HANA LIKE 'OLE NAU
ALOHA 'AINA
MAI NA KUALOLA KI'EKI'E
A HIKI I NA KAHAkAI GULA NANI
BLESS OUR HOMELAND, FOREVER

Oh, Lord our creator
We will lovingly cherish
All of your many and varied creations
We love our birthsands
From the highest verdant mountains
To the golden shores so splendidly beautiful
E KE AKUA, E KO MAKOU MAKUA ALOHA
KE NONOI HA'AHA'A NEI MOKOU
E MALAMA MAI
I NA PUA HAWAI'I
'OIAI E 'IMI NEI MAKOU I KE KUMU
MAI NI'IHAU A HAWAI'I NEI
I KOU MAU MOMI
BLESS OUR HOMELAND, FOREVER

Oh God, our loving father
We humbly beseech Thee
To protect and keep us
The Natives of these Hawaiian Islands
While we seek the source, the true meaning
From Ni'ihau to Hawai'i
Your pearls

(Palani Vaughan)
SPECIAL COMMITTEE ACKNOWLEDGMENTS

A special mahalo nui to the many who participated in this project; those who spent the time to meet with Committee members, the many resource people, those who worked on the production of the report, including the Legislative Reference Bureau secretaries and Director, Samuel B.K. Chang, artist David Parker, and to the very many people who spent hours and hours discussing the subject: KAHO'OLAWE...ALOHA NO.

HOUSE COMMITTEE MEMBERS
Representative Jann L. Yuen, Chairman
Representative Richard Caldito, Jr.
Representative Minoru Inaba
Representative Kinau Boyd Kamalii
Representative Richard A. Kawakami
Representative Daniel J. Kihano
Representative Henry Haalilio Peters
Representative Calvin K. Y. Say

SENATE COMMITTEE MEMBERS
Senator John T. Ushijima, Chairman
Senator Richard S. H. Wong
Senator Mamoru Yamasaki
Senator Wadsworth Yee
e nihi ka hele,
mai ho'olawaihala

walk softly, commit no offense
'IMI A HO'ĀKOAKOA

OVERVIEW: A STUDY OF KAHO'OLawe
Chapter II
OVERVIEW AND STUDY METHODOLOGY

Kaho'olawe. One of Hawaii's eight major islands, it has become a prominent issue for residents of the State within the past two years. Military bombs, a stream of native trespassers, and the desolate beauty of a long forgotten island have caused a number of people to focus their thoughts on and seek an amicable solution to the enigma Kaho'olawe.

Legislative History

Interest in Kaho'olawe has simmered for many years. Senator Hiram Fong and Mayor Elmer Cravalho were among the first to take an interest, then Senator Daniel Inouye, Congresswoman Patsy Mink, and State Senators Henry Takitani and Mamoru Yamasaki. While various individual legislators had been interested in the matter of Kaho'olawe for some time, mass legislative interest was rekindled only after an attempt by George Helm (of the Protect Kaho'olawe 'Ohana) to address the members on the Floor of the House of Representatives during the 1977 legislative session.

After a meeting on the Iolani Palace grounds, members of the 'Ohana gathered in the rotunda of the State Capitol to pray and to seek a means to stop the bombing of the Island. George Helm and other 'Ohana members entered the House chambers, thinking that they might address the Representatives relative to their concerns. Speaker Wakatsuki was absent at the time, and Acting Speaker Kihano was interrupted by the 'Ohana's attempts to speak. Representatives Peters and Yuen managed to help calm the flaring tempers of members of the 'Ohana by:

(1) explaining the procedures of the House which forbade the proposed action; and

(2) asking them to return the next day to address the House after a Resolution had been introduced on the subject.

George Helm and the others agreed and then left the Chamber.

Early the next morning, staff talked to Billy Mitchell to aid in contacting George Helm prior to the morning Session. Helm was contacted and met with Representatives Peters, Caldito, Kamalii, and Yuen to discuss the Resolution that had been prepared and his plans for the morning. The 'Ohana members supported the Resolution, as written; but Helm continually expressed dismay with the political
process and his general distrust of "politicians". He could not understand why a subject of such vital interest could not readily be discussed by him on the Floor.

Before he was allowed to address the House members, the majority went into a long caucus to again discuss the matter. Representative Kamalii and other minority members talked informally with the 'Ohana in their caucus room while the majority members discussed suspending the rules to discuss this substantive matter. Eventually, the House rules were suspended and Helm was allowed to speak. For the first time in the history of the House, an outsider was permitted to address members on the Floor regarding a substantive issue.

Subsequently, the House adopted House Resolution No. 321, "HOUSE RESOLUTION REQUESTING A SOLUTION TO THE PROBLEMS OF KAHO'OLAWE", and House Concurrent Resolution No. 30, "OBSERVING THE NAVY'S VIOLATION OF EXECUTIVE ORDER No. 11593 AND REQUESTING CONGRESS TO HALT THE BOMBING OF KAHO'OLAWE"; and the Senate adopted Senate Resolution No. 392, "SENATE RESOLUTION REQUESTING A SOLUTION TO THE PROBLEMS OF KAHO'OLAWE". A copy of each resolution follows.

The confrontation on the Floor prompted a group of Hawaiian representatives to form a rather loose alliance for the purpose of learning more about the Kaho'olawe issue as explained by George Helm and other members of the 'Ohana. It gave them the opportunity to talk to the 'Ohana as a group and to investigate some of their concerns in subsequent meetings.

Legislative interest remained keen and the informal group of representatives continued their investigative meetings. After a personal visit with Hawai'i's Congressional delegation in Washington D.C., an interim Committee on Kaho'olawe was appointed by Speaker James Wakatsuki and President John Ushijima.

Purpose

The purpose of the Committee was to conduct a factual investigation of the issue and to seek objective and valid answers to questions that were usually emotionally posed. Throughout the investigations, the Committee agreed to keep a low profile, conducting research and looking for answers without any publicity.

The Committee then hoped to review the information garnered; determine how damaging, if at all, it may be to the relationship between the military and the local residents; and to transmit this information and relevant recommendations to the President of the United States and the United States Congress for further action.
REQUESTING A SOLUTION TO THE PROBLEMS OF KAHOOLAWE.

WHEREAS, the island of Kahoolawe has been unofficially under the jurisdiction of the U.S. Navy since Kahoolawe Ranch subleased it to the Navy in 1941, and officially with the issuance of Executive Order 10436 on February 25, 1953, when President Eisenhower directed the Navy to assume complete authority over Kahoolawe during the time of the Korean Conflict; and

WHEREAS, Kahoolawe belongs to Hawaii, not to the U.S. Navy which uses it as a bombing range; for under the agreement allowing naval use, the Navy is obligated to eventually restore and return Kahoolawe to civilian use; and

WHEREAS, the question is not whether Kahoolawe will be returned but when--when dates are set for the end of the bombing, the start of the cleanup, and the turnover; and

WHEREAS, until the Kahoolawe Aloha 'Aina 'Ohana again focused attention on the troubled island of Kahoolawe, it was relatively forgotten by much of Hawaii; and

WHEREAS, while the silvery hinahina and the rich grey colors of Kahoolawe were always represented at the parades of the islands, it was only deep within the hearts of the people that a true love and respect and a hidden sorrow for the 'aina remained; and

WHEREAS, there has been a growing awareness of the importance of land whether it is dry, wet, arable, or rocky to the people of Hawaii; and

WHEREAS, the deep spirit of Hawaii and the movement among Hawaiians to regain their culture and to help regenerate the roots of that culture by opening up access to the land has again surfaced in the Kahoolawe movement; and
WHEREAS, the people are justly disturbed, for so much in Hawaiian culture centers on the 'āina and the spirit of the land; and

WHEREAS, as the Kupunas again retold the legends of the land and taught its value, a new spirit was reawakened, and people began to question why they were being kept out of lands that were inhabited by their ancestors, simply because a new people came, imposing new laws; and

WHEREAS, the destruction by the military of land rich in history and ancient Hawaiian sites is unbearable to the people of Hawaii; moreover, it contradicts the intent of federal laws which seek to preserve the environment and to rediscover historical sites; and

WHEREAS, the military has the moral obligation to return this land to its proper use as soon as possible, and the dangers of unexploded bombs can be reduced to a reasonable level of acceptance so long as this duty is discharged with the same level of eagerness with which the bombs were put there in the first place; and

WHEREAS, both houses of the Legislature and the Governor and members of the Hawaii congressional team have expressed an understanding of the problems of Kahoolawe and support of efforts to stop the bombing; and

WHEREAS, while previous legislative resolutions and authoritative words were supportive of the cause, they were not heeded by the Navy, and the bombing continues---even at the expense of the lives of our native peoples; and

WHEREAS, positive action is needed; and

WHEREAS, the Kahoolawe Aloha 'Aina 'Ohana has taken it upon their shoulders to actively defend the land and to explain to the people and authorities their sincere concerns, it is imperative that they now be heard; and

WHEREAS, as the legislative body of Hawaii with representatives from every part of the State, the members of the House, all of them, deserve to hear personally about the plight of Kahoolawe, the lack of action on previously passed resolutions, and the concerns of the people today---for this is a forum that was designed to weigh the problems of the people and to offer viable solutions; and
WHEREAS, it is hoped that history will not again repeat itself and will not again make the Hawaiians a people of strangers in their own lands, labelled as criminals for practicing the values and beliefs which have its roots in this very soil, the 'aina o Hawaii; and

WHEREAS, let us rally to change the course of destruction and to save our 'aina, Kahoolawe; and

WHEREAS, ua mau keia o ka aina i ka pono; now, therefore,

BE IT RESOLVED by the House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, that the Department of the Navy is requested to immediately stop the bombing of Kahoolawe and to render the Island reasonably safe for human habitation; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Secretary of the Navy, the President of the United States, the members of Hawaii's delegation to Congress, the Governor, the Mayor of Maui, and the Kahoolawe Aloha 'Aina 'Ohana.

OFFERED BY:

[Signatures]

FEB 11, 1977
OBSERVING THE NAVY'S VIOLATION OF EXECUTIVE ORDER 11593 AND REQUESTING THE CONGRESS OF THE UNITED STATES TO TAKE IMMEDIATE ACTION THAT WOULD HALT THE BOMBING OF THE ISLAND OF KAHO'OLawe, HAWAI'I.

WHEREAS, Executive Order 11593 was issued on May 13, 1971; and,

WHEREAS, the island of Kaho'olawe is the location of as many as 50 archaeological and historical sites, including temples, shrines, dwellings and camp sites, burial sites and a possible adze factory; and

WHEREAS, these sites are likely to be eligible for inclusion on the National Register of Historic Places; and

WHEREAS, the United States Navy is still bombing the island of Kaho'olawe causing irreparable damage to the soil, coral reefs, vegetation, animal population and, specifically, the numerous valuable historical sites located there; and

WHEREAS, the United States Navy stands in violation of the following provisions of Executive Order 11593:

Section 1, which states that "Agencies of the executive branch of the government shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations..."

Section 2 (a), which states that the heads of federal agencies shall "no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places."

Section 2 (b), which states that heads of federal agencies shall exercise caution "...to assure that any federally owned property that might qualify for nomination
is not inadvertently transferred, sold, demolished, or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places.

now, therefore,

BE IT RESOLVED by the House of Representatives of the Ninth Legislature of the State of Hawai‘i, Regular Session of 1977, the Senate concurring, that the Congress of the United States is requested to take immediate and firm steps to bring about the cessation of any and all destructive activities on the island of Kaho‘olawe and implement procedures to require a cultural resource inventory of the archaeological remains situated thereon; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to Walter F. Mondale, President of the Senate, and to Thomas P. O'Neill, Speaker of the House of Representatives, and to each member of Hawai‘i's delegation to the United States Congress: Senator Daniel K. Inouye, Senator Spark M. Matsunaga, Representative Cec Heftel and Representative Daniel K. Akaka.

OFFERED BY:

Calvin K.Y. Say
Norman Mineta
James Ali‘i
Richard Fumio
Charles Toguchi
Helen Kagawa
Andrew K. Bace

H.C.R. NO. 80

MAR 4 1977
REQUESTING A SOLUTION TO THE PROBLEMS OF KAHOOLawe.

WHEREAS, under the jurisdiction of the Defense Department, the Island of Kahoolawe continues to be subjected to bombs and other explosives which are entirely alien to the original nature of the land; and

WHEREAS, Kahoolawe rightfully belongs to all the people of Hawaii; and

WHEREAS, repeated appeals have been made for the restoration of Kahoolawe and its return to the State of Hawaii; and

WHEREAS, the Kahoolawe Aloha 'Aina 'Ohana has refocused attention to the spiritual values that are inherent in Kahoolawe, symbolizing the deep love and respect for the 'aina that remains in the hearts of Hawaii's people; and

WHEREAS, the fundamental spirit of Hawaii and the movement among Hawaiians to regain their culture and to help regenerate the roots of that culture by opening up access to native lands is at the core of the Kahoolawe movement; and

WHEREAS, the continued bombing of Kahoolawe deeply disturbs those who treasure the history and traditions embraced in ancient Hawaiian sites; and

WHEREAS, it is the intent of Federal and State laws to preserve the environment and local historical sites; and

WHEREAS, there is a public desire for timely and positive action; and

WHEREAS, President Carter has asked the Secretary of Defense to immediately conduct a study to determine the feasibility of using non-explosive ordinance in military exercises on Kahoolawe; and
WHEREAS, this could be an important first step in achieving our goal of restoring peace to the island; and

WHEREAS, ua mau ke ia o ka aina i ka pono; now, therefore,

BE IT RESOLVED by the Senate of the Ninth State Legislature of the State of Hawaii, Regular Session of 1977, that the Defense Department is requested to take prompt action to comply with the President's directive; and

BE IT FURTHER RESOLVED that the department further pursue the President's policy to be responsive to the people by developing a timely program for the early restoration and return of Kahoolawe to the State of Hawaii, as is its proper jurisdiction; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States, to the Secretary of Defense, the members of Hawaii's Congressional delegation, the Governor of Hawaii, the Mayor of Maui, and the Kahoolawe Aloha 'Aina 'Ohana.
Method

The Committee conducted a series of meetings with people all over the State. Persons of varied ages and different economic, occupational, social, educational, and ethnic backgrounds were included in the meetings. Because many of the participants expressed concern over press coverage of the meetings, the meetings were held with very little fanfare in the communities. Community leaders and others interested in the subject were invited to participate. In this way an atmosphere of free and open discussion was created.

Both the military and the 'Ohana members were given separate forums before the Committee in order that other members of the public would not feel "pressured" or "unwilling" to express their sincere opinions because of the presence of parties with notably strong views.

The Committee continuously sought candid discussions on the subject from people representative of the general public and not simply one segment with a particular interest. At the beginning of each meeting, the Chairman explained that the Committee's purpose was to listen to the views being presented without argument or judgment and that the opinions expressed would be recorded and used in the final study.

In addition to the statewide meetings, the Committee conducted a literature search, met with various resource people familiar with the Island (kūpuna, archaeologists, historians, foresters, etc.), the Navy, and the 'Ohana. Throughout the study, the Committee's role was one of fact finding and objective investigation of the issue.
CONCLUSIONS

Because of the resurgent interest in the Kaho'olawe issue, an interim Committee on Kaho'olawe was formed to thoroughly investigate the issue in a low-key, fact-finding manner. The Committee did a thorough literature search of the issue and conducted statewide meetings with a number of different people (varied in ages, and representative of various social, economic, occupational, educational, and ethnic backgrounds). The Committee also met with resource people, including archaeologists, historians, kūpuna, and foresters, as well as the Navy and members of the Protect Kaho'olawe 'Ohana. Throughout the study, the Committee attempted to maintain a low-profile, fact-finding direction to its study.
ua hala nā kūpuna, a he 'ike kōli'uli'u wale nō
kō keia lā, i nā mea i ke au i hope lilo, iō kikilo.

the ancestors have passed on;
today's people see but dimly times
long gone and far behind.
MO'OOLELO

THE STORY OF KAHO'OOLawe ISLAND...
A STUDY IN DETERIORATION
Chapter III
MO'OLELO

Kaho'olawe has, in recorded history, been regarded as one of the State's eight major islands. The archaeology of the island will be discussed later in this chapter, but it should be noted that legend and tradition do speak of its creation.

Legend

Legend says the Island was created by Wakea, the progenitor of chiefs and priests and the ancestor of all Hawaiians; and Papa, his wife, who was considered symbolic of the female principal. A legendary chant relates the birth of Kaho'olawe:

"She brought forth with flowing of blood, Papa was weakened at the birth of the island Kanaloa [Kaho'olawe] It was born beautiful like the birds punua (young bird or child) and nai'a (porpoise), It was the child born of Papa..."

[Fornander VI - III 360]

Kaho'olawe, whose ancient name was Kohe mālāmālama o Kanaloa, was said to have been the legendary home of Kaumuali'i, the shark god and brother of the fire goddess Pele. Fishermen, aware of this legend, often offered gifts to the shark god for his good will.

The child island Kaho'olawe or "Kanaloa" as it was referred to in ancient chants, flourished as a fishing village, an adz factory producer, and as a special place for priests. The western most point of the Island, Lae o Ke ala i Kahiki, was said to be a key directional point in planning trips to the South Pacific and their legendary homeland, "Kahiki" or "Tahiti". Thus, this point was one part of a triangle used in the highly developed navigational system of the Hawaiians. In later years, Kamehameha the Great stated that he would be willing to make peace with a neighboring chief, Kahekili, if the latter would cede to him Kaho'olawe and three other islands. At that time, the Island was apparently still desirable enough to be mentioned in peace treaty negotiations.

In Committee discussions with many kūpuna (elderly persons of the grandparents' generation, in this case familiar with Kaho'olawe and consequently sought after for purposes of recording oral history), Ke ala i Kahiki was mentioned often. One woman explained that after the Hawaiians had settled the islands, a group of "renegade", or "adventuresome" Hawaiians left Hawaii using Ke ala i
Kahiki Point for navigational purposes and sailed to New Zealand where they settled into the culture of the Maori's. She said that both Hawaiian and Maori legend bare this story out. Furthermore, tests run by the bicentennial double-hulled canoe, Hokule'a, also support the theory that Ke ala i Kahiki was a key navigational point for a trip to the South Pacific.

It seems then, that Kaho'olawe played a major role in the early history of Hawai'i. It was neither a "forgotten" island, nor was it held in disrepute. Like the other islands, Kaho'olawe retained its own special attributes for which it was known throughout the Island Chain.

Archaeology

Archaeological surveys were conducted in 1913 by M. Stokes and again in 1931 by J. Gilbert McAllister. These early studies revealed evidence of heiau (places of worship), ko'a (fishing shrines), house foundations, camping sites, burial places, and various other artifacts. The studies were not exhaustive and have since been proven inconclusive in several areas.

The latest archaeological investigations have been more thorough and quite fruitful. With the cooperation of the Navy, a State team headed by Dr. Robert Hommon made some startling new archaeological discoveries. These will be elaborated upon later.

The archaeologists are permitted on the Island for approximately five days every month. Transported by the Navy and escorted by qualified Explosive Ordnance Disposal (EOD) technicians, the archaeologists have concentrated their early surveys in the target area before doing some preliminary work in the outlying areas. Their target area work has not yet been fully completed.

In this manner, they were able to preserve some of those artifacts in immediate danger from explosives. The Navy, in a cooperative effort, has already eliminated four targets in the impact area because of the teams' findings. Furthermore, Admiral Hayward has pledged his cooperation in removing any targets that may be a threat to a historical site or artifact-rich area.

During Committee discussions, some witnesses objected to the limited number of days during which the archaeologists were permitted on the island. They did not realize that one day in the field must necessarily be followed by several days of classification and analysis in the home office. The present schedule provides the team with enough time to analyze and classify the data in the home office following the field surveys, and has been deemed sufficient by the archaeological team.
Criteria For Evaluation

To date, approximately 35 per cent of the island has been surveyed and about 100 archaeological sites have been recorded. Of these, an estimated 96 sites are likely to be eligible for the National Register of Historic Places based on the following national criteria:

CRITERIA FOR EVALUATION

The following criteria are designed to guide the States, Federal agencies, and the Secretary of the Interior in evaluating potential entries (other than areas of the National Park System and National Historic Landmarks) for the National Register:

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yield, or may be likely to yield, information important in prehistory or history.

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; ...

Archaeological Findings

Despite the limited time available for the Committee investigation regarding Kaho'olawe, a great deal of unexpected information about the prehistory of Kaho'olawe and about ancient Hawaiian culture in general has been revealed by the archaeological findings. Examples follow:

1. On the east slope of Pu'u Mōiwi near the center of the island is an ancient quarry for stone adz heads that is second in size only to that on Mauna Kea (Big Island).

2. Nearly all of the adz heads found at Pu'u Mōiwi are of forms that are usually considered rare in the Hawaiian islands. An objective of future archaeological research will be to discover why this is so.

3. The making and use of fingernail-sized cutting tools of basaltic glass (similar to obsidian) were major activities of ancient Kaho'olawe residents. One site contains an estimated 10,000 to 20,000 tools and fragments of this substance. Basaltic glass artifacts are extremely important because each can be dated quickly, accurately and inexpensively by a method developed here in Hawai'i. The archaeologists have already analyzed samples from five sites which reveal a minimum occupation span of more than 450 years; from about AD 1150 to about 1600. (Total period of occupation is expected to be more than 900 years: from AD 100 or earlier to the present).
4. Before the archaeological investigations, only one verified Hawaiian quarry for basaltic glass had been found (on Mauna Kea). There is evidence now of numerous quarries on Kaho'olawe, one of which is a lava tube, actually mined by the Hawaiians, unique in the islands.

5. Archaeological investigations now indicate that Kaho'olawe was occupied on a permanent basis and parts of the central plateau may have been planted in sweet potatoes and other dry-land crops. This tentative conclusion contradicts the earlier views that most of the sites on Kaho'olawe are the remains of temporary fishing stations. Population density was probably equal to that of the Island of Lāna'i.

6. Preliminary archaeological and geological evidence suggests that as recently as the late 1300's, the water table was higher than at present, surface water was more abundant, present-day gulches were gently-sloping valleys, vegetation was more widespread, and conditions on the plateau were much more conducive to Hawaiian agriculture than at present. It is quite possible that large scale erosion and resultant environmental degradation was initiated by the introduction of goats to the island in the 19th century.

[Source: Archaeological report presented to the Committee by the State team.]

In discussion with the Committee, the archaeologists also stated that they had identified one structure as a heiau (place of worship) in the central plain, suspected that there may also be heiau in the coastal areas, and that a number of new ko'a (fishing shrines) and petroglyphs had been recorded.

The archaeologists explained that the extreme erosion of Kaho'olawe and the fact that it has never been bulldozed for agriculture or other development afford advantages for discovering the past that are not possible on the other islands. They also feel that the island was much more vegetated and attractive in the past, with known evidence pointing toward the Island having supported a permanent population.

Kūpuna explained to the Committee that the "Nāulu" rains (sudden showers) used to come from Kaho'olawe to 'Ulupalakua, Maui, keeping both areas green. A number of historical articles have also mentioned the one-time "greenery" and lushness of the Island, leaving
little question that Kaho'olawe was much like other islands in the chain when the rains and water were available to it. The loss of ground cover and massive erosion have severely damaged the Island. In addition the close water and weather ties to Maui have been confirmed by the kūpuna.

It is felt that the coastal sites were occupied around 1150 A.D., some 200 to 250 years before the inland sites which are now dated near the late 1300's. Each new trip to the Island has resulted in more archaeological finds and another piece to add to the history of Hawai'i.

Chronology of Events

A very brief history of the Island might best be illustrated by a time-line or brief chronology of events.

1779  Captain James King makes note of Kaho'olawe in his journal.

1790  King Kamehameha takes control of all the islands in Hawai'i.

1800  Vancouver is credited with giving goats to a Maui chief who in turn sent some to Kaho'olawe to multiply.

1832  Census shows a population of 80.

1830's - 1850's  For a short time, Kaho'olawe serves as a penal colony. It is unclear as to who started it and when, although at various times it has been attributed to Kina'u, Miriam Kekauluohi, and Ka'ahumanu. It seems that the concept of the penal colony was introduced to the Hawaiians by several escapees from such a colony. It was sometime after they had discussed penal colonies with the local rulers that Kaho'olawe was first designated as such.

It should also be noted that the crimes for which people were banished to the Island were primarily "white men's" crimes, i.e., crimes like adultery, divorce, and prostitution, as well as murder and theft. Most of the crimes had to be explained to the native Hawaiians as such, for they were foreign to the native Hawaiian culture at that time.
1850
Perkins reports trunks of akoko trees chewed by goats and damaged.

August 18, 1854
Z. Ka'auwai sought to lease the land for 50 years, at $200 per year.

1857
Ohe, tree tobacco, laau kau, calabash gourd vine, sugar cane, kalamalo and pili grass, umealo, kukaepua'a, kikania, pualele, akoko, aalii, sandalwood, and williwili found on Kaho'olawe. (Nahaolelua)

December 7, 1857
P. Nahaolelua (Governor of Maui) and Ioane Richardson recommend to Lot Kameameha an annual lease fee of $512 for Kaho'olawe.

1858
Natives reported growing sugar cane, melons, potatoes, and pumpkins on the highest part of the Island. This area was said to have very good soil. (Allen, 1938).

Wild dogs, pigs, and goats reported on Island (Allen, 1938).

December 7, 1858
R.C. Wylie obtained the first lease of Kaho'olawe. He brought in sheep to start a sheep ranch, but he failed because the imported sheep were diseased.

March 11, 1864
Elisha H. Allen obtained a fifty-year lease on the Island for $250 per year. He again started sheep ranching.

March 11, 1876
King Kalakaua visited the Island, reporting 20,000 sheep and 10 horses. He felt the Island was only good for grazing.

March 11, 1880
A.D. Courtney and W.H. Cummins assumed Allen's lease and introduced cattle to the Island. They estimated 2,000 sheep and 1,000 goats were there at that time.

April 27, 1887
R. von Tempsky and the Kinserly Brothers assumed the lease. An estimated 900 cattle and 12,000 sheep were reported there.

January 17, 1893
Queen Lili'uokalani was dethroned. President Cleveland rejected a request for annexation to the United States.
July 4, 1894  Hawai'i was proclaimed a Republic.

1898  President McKinley approved a second request for annexation. All public lands were ceded to the United States.

April 30, 1900  The Territorial Government was established and the Organic Act passed.

1901  B.F. Dillingham took over the lease and intended to raise sugar cane there.

December 28, 1903  C.C. Conradt assumed the lease with the intention of going back to sheep ranching.

December 28, 1906  Eben P. Low assumed the lease, again for sheep ranching. There were an estimated 3,200 sheep on the Island then.

1908  Sheep and goats had gone wild on the Island and were said to have caused considerable harm to the vegetation.

1909  The Island was badly eroded by wind and water, due in large part to overstocking of sheep, cattle, and goats.

1910  Superintendent of Forestry Ralph S. Hosmer recommends that the Island be made a forest reserve, for "it is evident that in a community believing in conservation, such waste as is now going on on an island that was formerly as productive as was Kaho'olawe, ought to be stopped..." He further explained that 'Ulupalakua used to be the recipient of 'Naulu" rains which originated over Kaho'olawe, but that these rains stopped after the loss of vegetation.

Judd wrote that "the top of the island which was once covered with from four to eight feet of good soil has been reduced largely to hardpan.

August 25, 1910  The Island was proclaimed a State Forest Reserve by Governor Frear. After a visit there, the Governor decided on an immediate restoration program involving the termination of the existing lease and the removal of all animals.
1911
The lessee, Eben P. Low, offered to aid in the conservation and reclamation efforts on Kaho'olawe. In return for remission of back rent due, he agreed to give up the lease and to remove his stock within one year.

February 25, 1913
An expedition, including Stokes, Cooke, Forbes, Judd, and others went to Kaho'olawe and reported house lots, adz chips, fishing heiau, caves, wooden idols, tapa, triple stone gods, and in a cave in a secluded bay on the south coast - a fish hook factory with an attached fishing heiau. He felt that the factory was used for hundreds of years before the arrival of Captain Cook. He mentions numerous finds at Hakioawa, Kanapou Bay, Kamohio Gulf, Waikahalulu Gulf, Hanakankea, before Ke ala i Kahiki Point, and toward Ahupuiki Bay.

1912-1918
Five thousand goats on the Island were destroyed. Island removed from Forest Reserve status. Limits were set on new lease, requiring eradication of goats and sheep and limiting the number of cattle, horses, and mules to be brought in. (See Appendix A)

1918
By this time, it was obvious that Kaho'olawe was not being "reclaimed" or "revegetated" under its forest reserve status, so it was returned to the Commissioner of Public Lands.

1919
Angus McPhee obtained the lease for $100 per year. His daughter, Inez Ashdown, reports that they had a house on Kuheia Bay, and two more homes for the cowboys. Two tanks provided water for the stock, water for bathing and washing came from a cistern near the house, but all drinking water was brought in from Maui.

Within two years, McPhee sold 13,000 head of live goat on Maui. They drove the wild goats and sheep, corralled them, and then shipped them to Maui. A fence was built, dividing the Island in half, so that the goats and sheep could be confined to the rocky hills of the east side.
They constructed ten 10,000 gal. redwood tanks and several 5,000 gal. tanks; and they also planted 5,000 trees and hundreds of pounds of Australian salt bush and grass seed. Coconut trees and watermelon flourished in the rich volcanic soil there. Governor Farrington was impressed with the progress that had been made.

December 19, 1927

Governor's Executive Order No. 308 set aside certain lands on Kaho'olawe for lighthouse purposes under the control and management of the Department of Commerce.

February 3, 1928

Presidential Proclamation No. 1827 (see Appendix B) set aside the same area for the same purpose.

1929

Some $40,000 had already been invested by McPhee on Kaho'olawe when disaster struck in the form of a storm. Manuel Pedro was the resident foreman and caretaker; Yamaichi, the ship captain; and Jack Aina, the head cowboy. One day, a young hand was killed during a high surf. Several of the hands subsequently refused to stay on the Island for fear that they were breaking a taboo by ranching on Kaho'olawe. Later, a newly built 150,000 gal. cistern was demolished along with a well, stone wall, and garden by a strong Kona storm.

McPhee was forced to go into partnership with Harry A. Baldwin in order to continue operations.

May 23, 1933

General lease No. 2341 was reissued to McPhee and Baldwin for a period of 21 years.

1941

The Kaho'olawe Ranch Co. (Baldwin and McPhee) invested more than $190,000 in the Island operation.

The company's new sampan was commandeered by the Army during the war, and quite a struggle arose between the military and the ranchers when the ranchers asked to retrieve 12 registered mares from the Island.
The Navy and Army subleased the Island from the ranch for $1 per year. It was then used as a target Island.

1944

Lighthouse facilities removed because the entire Island was being used as a bombing target.

1945

Inez Ashdown reports no remnants of the houses and tanks and that the cisterns and fences were rubble.

1947

Old stories about Kaho'olawe have appeared in the local newspapers and been passed on by word of mouth. One such story tells of Kaho'olawe being used as a port for opium smugglers. Alfred Deverel was said to have commanded an opium ship for Hung Tai, a Kihei merchant. They brought in opium and cached it on Kaho'olawe until they could sell it. One day, a young crewman was seen hiding a portion of the opium money. He was killed by Deverel and it is said that his ghost still haunts the Island.

Still later, Hung Tai heard that Deverel had hidden hundreds of thousands of dollars worth of gold and silver on Kaho'olawe. When Deverel replied that only he could know for sure, Hung Tai poisoned him. Nothing was ever found.

In still another story, Inez Ashdown explained that the Hawaiians believed that all the knowledge of the sea (currents, tides, depths, fish, plants, and animals) could be mastered on Kaho'olawe.

July 16, 1948

Angus McPhee died.

1961

United States Geological Survey (Dan Davis) and United States Marines conducted water survey on Kaho'olawe.

1964

Miloli'i Villagers object to Navy bombing practices in the area.

1965

Two planes dropped eight 250 lb. bombs on Ni'ihiwau which were intended for Ka'ula Rock.
1967

The Navy opened the waters off the Island to civilian fishermen on some weekends.

1969

Mayor Elmer Cravalho expressed concern over the Navy's inability to keep the animal population down, in violation of the Executive Order.

Navy studies indicate that there may be 10,000 tons of unexploded ordnance on the Island, including every calibre from 20 mm to 16 in. projectiles (Rear Adm. D.C. Davis). Davis further estimated that "fifty trained experts could, in approximately 200 working days, provide a reasonable 70 per cent surface clearance..."

1969

Navy announced 2,856 goats and 109 sheep killed on Kaho'olawe this year.

1969

Island animal population is out of control. Soil cover is non-existent in large areas. Practically all indigineous vegetation has been destroyed with little evidence of any conservation efforts.

March 1969

The fishermen of Miloli'i object to Naval bombing of Kauna Point, Hawai'i.

1969

A 500 lb. bomb was accidentally dropped on Maui.

April 23, 1970

Natives of Culebra Island fight Navy bombing of that Island.

1970

Kaho'olawe vegetation plan established. Conservation program begins. Humane Society suggests alternate means of animal extermination. Chemically treated alfalfa was tried, but did not work. Goats refused to eat it.

June 1970

Navy announced that it will stop using Kauna Point for bombing practice.

September 1970

Senator Hiram Fong requested a halt to the bombing of Kaho'olawe by January 1, 1972.

1971

University of Hawai'i Professor Kaare Gunderson proposes a plan for the use of Kaho'olawe:
1. Build a nuclear power plant which can supply the State with energy.

2. Use the coolant waters from the plant for a series of ponds along the Kaho'olawe coast to be used for aquaculture purposes (shrimp, lobster, clams, oysters, etc.).

3. Establish a desalinization system and use effluent to irrigate fields on Kaho'olawe.

4. Build an industrial park there, with Hanakanaea (Smugglers' Cove) as an operational base with canneries built nearby.

1971 Senator Mamoru Yamasaki introduces legislation regarding Kaho'olawe.

1971 Assistant Secretary of Defense Frank Sanders quotes a cost of $1,000,000 for a 70 per cent surface clearance of the Island.

1971 Navy Secretary John Chafee says Kaho'olawe will not be returned..."and I don't see any way for joint use..."

Mayor Cravalho and Council Chairman Goro Hokama label Chafee "the extreme height of arrogance".

1971 Mayor Cravalho, Life of the Land file suit to stop the bombing of Kaho'olawe and request an Environmental Impact Statement for the Island.

Thomas Hitch, Chamber Board Chairman, announced support of a Chamber of Commerce resolution favoring the continued use of Kaho'olawe as a target area. Mr. Hitch later wrote an "Economic Indicators" report defining the military presence in Hawaii as economically crucial.

November 1971 Federal Judge Tavares required the Navy to submit the necessary environmental impact information for review by the plaintiffs (Cravalho, etc.).
1972 Navy permitted a civilian party ashore to plant about 1,500 trees and shrubs.

1972 The Navy reduced the weight of individual bombs authorized to be dropped from 1,000 lbs. to 500 lbs.


May 1972 Federal Judge Tavares dismissed Cravalho's complaint after the Navy submitted its Final Environmental Impact Statement.

1973 Department of Land and Natural Resources reported that the ironwoods and tamarisk were growing best in the test plantings on Kaho'olawe.

February 1975 Representative Patsy Mink introduced legislation requesting the return of Kaho'olawe.

December 1975 President Ford signed a bill, pushed by Senator Inouye, directing the Department of Defense to study the possibility of returning Kaho'olawe to the State and the feasibility of removing unexploded ordnance.

The same bill provided $20 million to renovate Eniwetok in the Marshall Islands.

February 1973 Mayor Cravalho asked Hawai'i's Congressional Delegation to include a Kaho'olawe rider (clean-up, reforestation, and goat control) to a billion dollar Vietnam rehabilitation bill.

February 1973 Reforestation program reportedly progressing well.

February 1973 Charles Maxwell of the ALOHA organization proposed the return of Kaho'olawe to Hawaiians.

June 1974 A resolution, introduced by Senator Hiram Fong, passes; requests the Navy to immediately look for alternatives to the bombing of Kaho'olawe.
January 1976  Charles Maxwell leads an "occupation" of Kaho'olawe, including Walter Ritte, Emmet Aluli, and Gail Prejean. Invaders dubbed the "Kaho'olawe Nine".

"Kaho'olawe Nine" telegram President Ford to stop the bombing.

Governor Ariyoshi predicted, "it's only a matter of time before the military stops using Kaho'olawe as a bombing target and turns it over to the State..." He explained that he would like to see it used for recreational purposes... "for all the people of this State". He continued, "Hawaii, because of its location, is a very important and strategic base. I'm sure the military will continue to be here regardless of what happens to Kaho'olawe".

January 13, 1976  Another landing by Ritte, Aluli and two others.

January 16, 1976  The State and the Navy jointly announced a program to identify and survey historic sites on Kaho'olawe that could be listed on the National Register of Historic Places.

January 16, 1976  The Navy announced that they closed the waters off Kaho'olawe and would keep them closed until trespassers on the Island had been removed or as long as they suspected that further occupation attempts might be made.

January 17, 1976  Councilwoman Lai introduced a resolution seeking a halt to the bombing until a State legislative study on the issue could be completed. It was passed unanimously.

January 18, 1976  Invaders removed from Island.

January 29, 1976  Mayor Cravalho petitioned the Federal Aviation Agency to suspend the permits granting the Navy use of two air corridors over Kaho'olawe. (Results under May 27)

February 13, 1976  Religious ceremonies were permitted by the Navy on Kaho'olawe. About 70 people participated, including kāhuna Sam Lono and Emma deFries.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>February 18, 1976</td>
<td>State Senators Takitani and Yamasaki introduced resolutions requesting the President to rescind the Executive Order giving the Navy authority over Kaho'olawe. Only Senator Andy Anderson voted against it. The concurrent resolution was adopted in the House. (See SCR 44, SR 6, and SR 166 in Appendix C)</td>
</tr>
<tr>
<td>March 1, 1976</td>
<td>Clean-up study under Marinco Ltd. of Falls Church, Virginia, begins.</td>
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<tr>
<td>March 3, 1976</td>
<td>Five Moloka'i elderly Hawaiians (Mary Lee, William and Rose Wainui, Clara Ku, and Lani Kapuni) asked to visit Kaho'olawe. The Navy rejected their request despite an appeal by Mayor Cravalho.</td>
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<tr>
<td>May 12, 1976</td>
<td>First reference made to the Protect Kaho'olawe Association.</td>
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<tr>
<td>May 27, 1976</td>
<td>The Federal Aviation Agency established a new air route between Maui and Kaho'olawe which meets all FAA standards. The Federal Aviation Agency also withdrew authorization for the Navy to conduct ship-to-shore firing from outside the limits of the Kaho'olawe warning area.</td>
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<tr>
<td>August 10, 1976</td>
<td>Vibrations from bombing practice on Kaho'olawe caused a number of complaints from Maui residents in the Kihei through Kula areas.</td>
</tr>
<tr>
<td>August 13, 1976</td>
<td>Citizens suit filed (Aluli v. Brown) contending that Navy activities on Kaho'olawe are in violation of environmental laws, historic site laws, and freedom of religion.</td>
</tr>
<tr>
<td>October 18, 1976</td>
<td>The State Chamber of Commerce passed a resolution against the continued military bombardment of Kaho'olawe, a switch from their earlier position.</td>
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<tr>
<td>December 21, 1976</td>
<td>Report on clean-up estimates $5,050 per acre or from $77.4 million to about $130.7 million for Kaho'olawe.</td>
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<tr>
<td>January 30, 1977</td>
<td>Ritte, Helm, Sawyer, Ka'uhane, and Warrington land on Kaho'olawe. Stated purpose of landing:</td>
</tr>
<tr>
<td></td>
<td>a. Stop the bombs.</td>
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<td></td>
<td>b. Stop the desecration.</td>
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<td></td>
<td>c. Gain public attention - inform people of the concerns.</td>
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<td></td>
<td>d. Bring attention to authority's refusal to include a kama'aina witness on study teams.</td>
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<tr>
<td>February 2, 1977</td>
<td>Helm, Ka'uhane, and Warrington give up. Arraigned before Judge Thomas Young on misdemeanor trespassing charges. All pleaded &quot;Not Guilty&quot; and released on $500.00 bail each. Telegram sent by the 'Ohana to President Carter seeking a meeting to discuss &quot;this increasingly tense situation&quot;.</td>
</tr>
<tr>
<td>February 3, 1977</td>
<td>Forty-six searchers, including Marine and Navy ordnance specialists searched Kaho'olawe for Hawaiian invaders.</td>
</tr>
<tr>
<td>February 6, 1977</td>
<td>Lieutenant Colonel Phil Hinkle said: &quot;It is viewed as a mission accomplished with at least the knowledge that a thorough search effort eliminated to a large degree any doubts that anyone was on Kaho'olawe&quot;. Military resumed training, including the use of live ammunition. Trespassers not yet found. Two more activists, Glen Davis and Karl Mowat, were said to have joined Ritte and Sawyer on the Island because of the lack of response from President Carter.</td>
</tr>
<tr>
<td>February 9, 1977</td>
<td>Search resumed at request of Congressman Akaka and the White House. Glen Davis and Karl Mowat, saying they feared for their lives, gave up.</td>
</tr>
</tbody>
</table>
Training resumed at 9:30 a.m.

Maui Mayor Cravalho announced he would seek a temporary restraining order to prevent the military from conducting live ammunition practice.

Governor Ariyoshi and Admiral Hayward met to discuss Kaho'olawe.

February 10, 1977

'Ohana filed suit for a temporary restraining order against Kaho'olawe training operations.

Patricia Barris, a press spokesman for the White House said, "The Department of Defense has assured us that there will be no loss of life, and the official White House position is that the Department of Defense should handle the situation."

February 11, 1977

George Helm addressed the members of the State House of Representatives on the Floor of the House. A resolution on Kaho'olawe (H.R. 321) was passed unanimously.

Judge King denied two requests, one by the 'Ohana and one by Maui County for temporary restraining orders to halt the bombing of Kaho'olawe. King asked for memoranda from the attorneys on the ethical question of filing a suit that the clients are unaware of, how much a showing of imminent danger must be made; and that the invaders are deliberate violators of the law and knew of the dangers before going.

Maui County Council wired President Carter asking a halt to the bombing.

Local 142, Hawai'i ILWU, reaffirmed their position against the bombing.

The Council of Hawaiian Organizations appealed to President Carter to rescind Executive Order 10436 and stop the bombing.

February 20, 1977

Activists land on Kaho'olawe, including Joyce Kainoa.
February 1977 Activists Ritte and Sawyer reportedly on Kaho'olawe.

February 1977 'Ohana representatives (Helm and Ka'uahane), in addition to Pae Galdeira and Charlie Hopkins went to Washington D.C. to address the President on Kaho'olawe but failed to see him.

March 5, 1977 Ritte and Sawyer taken off the Island with seventeen goats.

March 7, 1977 Kimo Mitchell and George Helm missing at sea after Billy Mitchell last saw them near Molokini Islet. The three had gone to Kaho'olawe to get Ritte and Sawyer off the Island.

March 22, 1977 Senator Inouye gets President Carter's support for study of use of non-explosives on Kaho'olawe.

March 31, 1977 Marines come out with "Bomb Kahoolawe Ohana" T-shirts.

April 1977 Representative Richard Caldito, Jr. introduced a bill which would provide $50,000 to conduct archaeological studies of Kaho'olawe. Chairman Calvin Say passed the bill through his House Committee on Culture and Arts. The funds were included in the fiscal budget act for the 1977 session.

May 25, 1977 The Navy announces the use of puff rounds (they do not explode, but puff smoke) in its ship-to-shore firing practice 50 to 70 per cent of the time.

June 10, 1977 Attorney Gil Johnston asked to be relieved from representing Ritte in a federal court case when Ritte appeared in court in a malo (male's loincloth). Ritte appealed and won.

June 15, 1977 'Ohana filed a motion seeking an injunction to stop the Navy from using Kaho'olawe because of non-compliance with environmental and historic preservation laws.
June 24, 1977  Six trespassers found guilty (Ritte, Sawyer, Ka'uhane, Warrington, and Chang). Mowat and Kealoha later found guilty.

July 17, 1977  Ten or more people again land on Kaho'olawe.

September 15, 1977  Judge Wong finds the Navy in violation of federal law and requires a new Environmental Impact Statement within forty-five days and annually thereafter.

September 21, 1977  Maui County seeks payment from the federal government ($21,600) for the use of Kaho'olawe under the "Payments in Lieu of Taxes Act" signed by President Carter on July 27th.

1977 Various court actions continue.
CONCLUSION

Kaho'olawe was historically regarded as one of Hawai'i's major islands. It was said to be the home of the shark god, Kaumuali'i, and was later sought by Kamehameha the Great as booty in a negotiated peace settlement.

Ke ala i Kahiki Point, the legendary navigational point for long journeys into the South Pacific, is located on Kaho'olawe. It was this point that the Hawaiians used along with others to form a navigational triangle for trips to Tahiti, New Zealand, and other southerly areas.

Recent archaeological findings indicate that Kaho'olawe is studded with ko'a (fishing shrines), heiau (places of worship), house foundations, and artifacts. There are also indications of a unique adz factory and numerous tools fashioned out of basaltic glass. In addition, glass factories appeared to thrive on Kaho'olawe, and new evidence of dry-land crops (like sweet potatoes) was found. Of the 100 sites so far recorded, 96 are expected to qualify for the National Register.

Of the more significant archaeological findings are those indicating that the Island supported a permanent population. Geological evidence suggests that the Island's water table was higher than at present, surface water was more abundant, vegetation was more widespread, and conditions on the plateau were more conducive to Hawaiian agriculture than at present.

By reviewing the chronology of events related to Kaho'olawe, it is apparent that the Island has been a matter of concern to people in Hawai'i for many years. At every level of government - county, state, and national - Hawai'i representatives have introduced legislation seeking an end to the destruction of the Island and return to the State. United States Senator Hiram Fong and Maui Mayor Elmer Cravalho were among the first to seek a solution to the problem. The fight was later carried on at the national level by Senator Daniel Inouye, Representative Patsy Mink, and others, and on the state level by Senators Takitani, Yamasaki, and more recently the Joint Committee.

In the past two years, Senator Inouye has stood as the key congressional representative in seeking a solution to the Kaho'olawe issue with support from Congressman Akaka, Congressman Heftel, and Senator Matsunaga. Mayor Cravalho has also steadily maintained his interest in this area. Both fought at different levels to make some headway toward a solution to the problem. In January 1976, Governor Ariyoshi also predicted that, "...it's only a matter of time before the military stops using Kaho'olawe as a bombing target and turns it over to the State."
RECOMMENDATIONS

1. A volunteer program should be established so that the talents of archaeologists, historians, or others may be contributed to the project on a voluntary basis.

2. Additional staff should be hired to aid the archaeological team in its investigation of Kaho'olawe; and the use of Hawaiian historians should be encouraged.

3. The $50,000 appropriated by the 1977 legislature for the archaeological study of Kaho'olawe should be released for use by the Department of Land and Natural Resources.

4. Archaeological work in the target area should be expedited.

5. Processing of applications for registering eligible sites with the National Register of Historic Places should begin immediately rather than waiting until the whole Island has been surveyed.

6. Oral history studies concerning Kaho'olawe should be recorded.

7. Kama'āina witnesses, (meaning native born persons familiar with the culture and life style of an area), selected by the Department of Land and Natural Resources, should be used as resources by the archaeologists and historians. (NOTE: During a visit by the Committee to the Island, one such witness was able to explain things to the archaeologist and to point out matters of interest to the visiting party that may otherwise have gone unnoticed or in someway have been misinterpreted.) The Committee recommends the careful selection of such witnesses and the selective use of their resources by the archaeologists and historians.

8. The original Hawaiian place names for various areas of the Island should be maintained. Example: Hanakanaea, rather than "Smugglers' Cove".

9. The Committee should look into producing, through grants from agencies like the Hawaii Committee for the Humanities, an educational television program which gives an objective view of the many facets of the Kaho'olawe issue.

10. As a long-range project, a plan should be developed, utilizing Kaho'olawe as an educational tool for students
whereby Hawaiian history and culture may be learned in a first-hand manner with visits to the heiau, ko'a, village sites, religious areas, and so forth.

II. A mōhai aloha ceremony, the symbolic giving of aloha to the Island should be encouraged in recognition of the value of Kaho'olawe to both the people of old and today's people.
ho'olewa ka ukana i ke kua,
ka leo o ke kai uwē

the burden is swung to the back,
the voice of the weeping sea
'OHANA

OF THE PROTECT KAHO'OLawe 'OHANA
Chapter IV

'OHA'NA

Background

The Protect Kaho'olawe 'Ohana is the latest in a series of groups and individuals to take up the struggle against the bombing of the Island of Kaho'olawe. They are not the originators of the fight to reclaim Kaho'olawe, but since mid-1976, when they were formed, they have become one of the most vocal and potentially volatile groups to take up the cause.

For several years, the issue was argued at the congressional level, primarily by Senator Hiram Fong, Senator Daniel Inouye, and Congresswoman Patsy Mink. More recently Senator Daniel Inouye has taken up the major efforts in this area with support from Congressmen Daniel Akaka and Cecil Heftel, and Senator Sparky Matsunaga. Locally, the strongest and most vocal proponent for the return has been Mayor Elmer Cravalho of Maui who has not stopped fighting for the return after many years of effort toward this goal.

In January 1976, Charles Maxwell of Maui began a citizens' movement for the return of Kaho'olawe and planned the first occupation of the Island. Included among the first "invaders" were Emmet Aluli and Walter Ritte of Moloka'i. Gail Prejean also participated in the early activities. By May 1977, Aluli and Ritte had assumed leadership roles and headed the group that eventually became known as "The Protect Kaho'olawe 'Ohana".

Leadership

The 'Ohana is not the kind of a group that is run on the basis of by-laws or headed by an elected group of officers. There are no dues, no formal membership cards, and no single leader running the operation. It is a rather nebulous group held together by the belief in a common goal—the cessation of the bombing of Kaho'olawe and its return to the State of Hawaii. Assuming leadership roles over the past year have been several individuals, including Ritte, Aluli, George Helm (who was lost at sea), Francis Ka'uhane, Richard Sawyer, William Mitchell, and Frenchy DeSoto. In addition, one of the kūpuna (elders) who has steadily provided guidance to the group has been Aunty Emma deFries. There may be others, but the 'Ohana mode of operation makes it difficult to determine leadership from day to day. Moreover, after the jailing of Ritte and Sawyer on trespass charges, a number of other members moved to the forefront in the Kaho'olawe concern.
Hawaiian Concepts as an Influence on the 'Ohana

There are a number of ancient Hawaiian concepts that have had a major influence on the 'Ohana. While these have not always been completely understood, they have had a positive influence.

'Ohana

The 'Ohana loosely bases its name on the old Hawaiian concept of "'ohana", meaning "family, family clan, or extended family". The Hawaiians felt very strongly about members of their family, regardless of how distant the relationship might be. As long as a person was in some way related by blood, the family unifying force was felt.

Mary Pukui, the noted Hawaiian scholar, explains in her book Nānā I Ke Kumu (published in 1972 in Honolulu):

In old Hawai'i, one's relatives were both earthly and spiritual. Both were looked to for advice, instruction and emotional support. Thus communication with the supernatural was a normal part of 'ohana living. Each 'ohana traditionally had its own dream interpreters, its own haka (medium) through which a spirit spoke, and to summon this spirit, each clan had one or more spirit "masters" or kahus. Even mana, that storehouse of supernatural power, was handed down within the family line. All these mystic practices or communications led back in one way or another to those long dead, always cherished 'ohana members, the aumakua.

The Hawaiian, therefore, had not only a sense of belonging to the supportive here-and-now unit of family: he also had clear knowledge of his ancestors-become-gods in the dim past and his yet-to-be-born descendants....Or, to put it in modern terms we could say the 'ohana system helped give the Hawaiian a healthy sense of identity.

In discussing the 'ohana roles and rules, Pukui continues:

Within the 'ohana, each one knew where he stood in the family rating system....He also knew pretty much what he must and must not do. Rules, expressed or implicit through custom, governed conduct.

One area in which The Protect Kaho'olawe 'Ohana has had problems, as well as many other modern Hawaiian families, is discussed:

Very often Hawaiian families-in-trouble cherish the idea that they are 'ohana in the traditional sense--but
practice few or none of the traditions that helped the 'ohana function smoothly. Specifically: the obligation to forgive and release (mihi and kala) when asked for forgiveness; holding family discussions, prayers and, ideally, ho'oponopono to prevent and remedy hostilities; and observing the ho'omalu (period of silence) so tempers could cool and thinking become rational. There were even ways to replace the ranking senior if the 'ohana's head became incompetent or autocratic... Mo ka piko, the symbolic "cutting of the cord"...let individuals sever family ties with the knowledge that they might later be rejoined in 'ohana bonds. All these practices helped preserve the total 'ohana structure.

She further elaborates on the concept:

It is a sense of unity, shared involvement and shared responsibility. If mutual interdependence and mutual help. It is emotional support, given and received. It is solidarity and cohesiveness. It is love--often; it is loyalty--always. It is all this, encompassed by the joined links of blood relationship.

However,

"You are not 'ohana because you live in the same kuleana [area] or community. You can be neighbors and close friends--but to be 'ohana you must all come from the same root or be linked by the same piko," emphasizes Mrs. Pukui.

It is the blood tie (including its hanai and ho'okama equivalents) that is the core of 'ohana in its broad meaning of concept, or emotional force. Or, with concept put into practice, the core of "ohana living" or the "ohana way of life".

How then does the "family" concept apply to The Protect Kaho'olawe 'Ohana? It seems, not in the strict sense. What is probably meant is the characteristics of 'ohana--the cooperation, the feelings of unity and cohesiveness, the shared involvement and shared responsibility, the loyalty, and the love. Ordinarily, trying to superimpose the concept of 'ohana on an unrelated group is very difficult; but for many of the 'ohana members, a strong sense of unity is felt because of the more general common bloodline--Hawaiian. They stress the extended Family concept rather than the blood-tie relations. Aunty Edith Kanakaole described it as "the extended family with a cause".

The 'Ohana might be described as united, working toward a common goal, but stricken by internal "family squabbles". They still
manage to maintain an almost fierce loyalty to the cause in general and
the group in particular. Unlike the ancient concept, however, the
'Ohana has lacked a strong arbiter in the group and has instead
tended toward group decisions with various spokesmen leading them
into action at different points in time.

aloha 'āina

Another major concept which has been adopted by the 'Ohana is
that of "aloha 'āina". This is a relatively new term for an old part of
Hawaiian culture. In recent years, with the crush of an expanding
population and the need for more houses and more construction on
virgin soil, there has been a growing awareness of the importance of
land in Hawai'i - - - whether it is dry, wet, arable, rocky, or
barren.

The deep spirit of Hawai'i and the movement among Hawaiians to
regain their culture and to help regenerate the roots of that culture
by opening up access to the land has again surfaced in the Protect
Kaho'olawe 'Ohana concept of "aloha 'āina".

Emmet Aluli explained:

Aloha 'āina was something we felt first on Kaho'olawe. We
didn't even know what to call it. We only knew old
Hawaiians respected the land.

George Helm continued that the word 'aina, in addition to "land"
can be interpreted as "to feed"; and the land might be regarded as
the provider of food or feeding off the land. This is the essence of
the philogophy "aloha 'aina".

The concept had been dormant, but not forgotten. Throughout
the islands, in meetings with the Committee, individuals expressed
their concerns about "aloha 'āina". They stressed that you do not
"hurt" the land; that whatever you take, must eventually be replaced
by you. Others testified:

Bombing the 'āina (land) hurts us. It makes our hearts
cry. We have such great love for our 'āina that it is very
hard to express in words.

Over and over again, with a touching sincerity, people
expressed their deep love for the land and their concern over its
destruction. One man summed up the feelings included in the concept
of aloha 'āina:

The land is being hurt. The bombing is an obvious act of
desecration. As young Hawaiians we were taught not to hana
'ino (mistreat) land, for it is a living land of all our
people. *Aloha 'āina* is a deep love and sincere concern for the land and what happens to it. Any act of desecration must be viewed as an antithesis of all the people of the ancients.

Actually, the means of destruction is not a major concern of the concept. The fact that the land has been destroyed, whether by bombs or erosive action is of concern. "The land is hurt. It yet lives. Cure it. Help it. Do not let it die... *aloha ‘āina*.”

**pule**

The 'Ohana always begins and ends its meetings, discussions, and activities of all kinds with a pule (prayer). The idea behind a prayer or pule is not simply a religious utterance, for the members of the 'Ohana are of many different faiths. The pule does, however, set a peaceful tone from which to begin one's work. It helps focus attention on the problem at hand and unifies the group in aiming toward a solution.

As in the beginning, the first prayers leave participants with a quiet sense of peaceful achievement. The prayers help to reduce conflict and are supportive of the non-destructive philosophy of early Hawaiians.

**na'au**

The word, "na'au", means "gut", "intestines", and by association, "character", "intelligence", "emotions", or "heart". Traditionally in the old culture, Hawaiians believed that the intellect and emotions were centered in the intestinal area of the body while the head was the dwelling place for beneficient spirits. Thus "na'au" had the abstract meanings of "intelligence", "character", and emotional states. The "na'au" concept might be described today as "gut feeling".

**kūpuna**

"Kūpuna" means grandparent or relative of the grandparents' generation. In recent times, however, it has often been used to refer to elders who were traditionally regarded with respect in the ancient culture and often looked toward for advice and guidance. In the Hawaiian culture, the elders or kūpuna were revered and used as teachers of the culture; and grandparents were specially loved.

The 'Ohana included the kūpuna in their activist meetings. The leaders often sought their counsel and listened carefully to their historic tales of Kaho'olawe. While they were always included and
respected within the 'Ohana circle, their advice was not always followed to the letter. Aunty Mary Lee, Aunty Clara Ku, Aunty Emma deFries, Aunty Morna Simeona, Aunty Edith Kanakaole, Hoowale Kuloloio, Reverend Edward Kealanahele, and many, many, others were among the kūpuna consulted by various members of the 'Ohana.

One kūpuna, however, proved particularly helpful to the 'Ohana and played a major role as active counsel to the leadership. Aunty Emma deFries imparted her knowledge of the old Hawaiian ways to the 'Ohana, leading them spiritually, informing them historically, and constantly standing by their activities. She was regarded somewhat differently than other kūpuna because she was so well trained in the old Hawaiian religion and retained the status of a kahuna (priest). Suffice it to say that the 'Ohana usually respected and revered the kūpuna; and they constantly sought them out for guidance.

**ho'oponopono**

The term, "ho'oponopono" means "to make things right". It is a concept involving confession, discussion, and forgiveness. Mrs. Pukui in *Nānā I Ke Kumu* describes the process:

Ho'oponopono is to set things right with each other and with the Almighty. I took part in ho'oponopono myself for 47 years, from semi-Christian to Christian times. And whether my 'ohana [family] prayed to aumakua [ancestor gods] or to God, the whole idea of ho'oponopono was the same. Everyone of us searched his heart for hard feelings against one another. Before God and with His help, we forgave and were forgiven, thrashing out every grudge, peeve or resentment among us.....

...This ho'oponopono has certain specific requirements. Some concern procedure; others attitudes.

Among the characteristics of ho'oponopono which she discussed are:

1. A statement of the obvious problem to be solved or prevented from growing worse. (*kukulu kumuhana*)

2. The "setting to rights" of each successive problem that becomes apparent during the course of ho'oponopono. (This is mahiki).

3. Self-scrutiny and discussion of individual conduct, attitudes, and emotions.
4. A quality of absolute truthfulness and sincerity. ('oia'i'o, the "very spirit of truth")

5. Control of disruptive emotions by channeling discussion through the leader.

6. Questioning of the participants involved by the leader.

7. Honest confession to God and to each other of wrong-doing, grievances, grudges, and resentments.

8. Immediate restitution or arrangements to make restitution as soon as possible.

9. Mutual forgiveness and releasing from the guilts, grudges, and tensions occasioned by the wrong-doing (hala). This repenting-forgiving-releasing is embodied in the twin terms, mihi and kala.

10. Closing prayer.

The procedure is elaborated upon:

Nearly always, the leader called for the periods of silence called ho'omalu. Ho'omalu was invoked to calm tempers, encourage self-inquiry into actions, motives and feelings, or simply for rest during an all-day ho'oponopono. And once a dispute was settled, the leader decreed ho'omalu for the whole subject, both immediately and long after ho'oponopono ended....

...to bring about a true "righting of wrongs," certain attitudes were required. Some concerned the very decision to hold ho'oponopono. For this decision rested on the basic relief that problems could be resolved definitely if they were approached properly. They must be approached with a true intention to correct wrongs. Confession of error must be full and honest. Nothing could be withheld. Prayers, contrition and the forgiving-freeing of kala must come from the heart. Without these, ho'oponopono was form without substance....

The process requires close self-scrutiny of motives, guilts and aggressions, emotional depth, and the necessary periods of silence to help keep emotions under control and thinking clear. Nānā i Ke Kumu explains:

...In ho'oponopono, one talked openly about one's feelings, particularly one's anger and resentments. This
is good. For when you suppress and repress hostilities, pretend they do not exist, then sooner or later they are going to burst out of containment, often in destructive, damaging ways. Ho'oponopono used the 'safety valve' of discussion as one step towards handling old quarrels or grudges, and even more importantly, as prevention, so minor disputes could not grow into big grievances.

But 'talking things out' is not enough. Something constructive must be done about the cause of the grudge, the reasons behind the quarrel. And to get this done, talking about anger must be kept under control. Let the anger itself erupt anew, and more causes for more resentments build up. 'Setting things to rights' requires all the maturity one can muster. When run-away emotions take over, so do child-like attitudes and behavior. The ho'oponopono provision that participants talk about anger to the leader, rather than hurling maledictions at each other was a wise one.

Only when people control their hostile emotions, can satisfactory means of restitution be worked out. And usually, it's pretty hard to forgive fully and freely until, for example, property has been returned or damage repaired or one's good name has been cleared.

Ho'oponopono seems to be a supreme effort at self-help on a responsible, adult level. It also has the spiritual dimension so vital to the Hawaiian people. And even here, prayers, to aumakua in the past or God in the present, are responsible, adult prayers. The appeal is not the child-like, 'Rescue me! Get me out of this scrape.' Rather it is, 'Please provide the spiritual strength we need to work out this problem. Help us to help ourselves.'

While "ho'oponopono" is undoubtedly a valuable tool for problem solving, or simply for allowing people to live together amiably, it was not followed in the strict sense by the 'Ohana; nor is it followed or understood completely by many people today. The 'Ohana has made adaptations in the process, eliminated some aspects and added others. The result has been that some hard feelings have been soothed, and some solutions to problems reached. Still there is evidence that the most important steps of "forgiveness" and "releasing" are often lacking, and the agreement to let a subject lie once a solution has been achieved is often ignored.

The complete process of prayer, discussion, arbitration, contrition, restitution, forgiveness, and releasing, and the thorough looking into layers of action and feeling (mahiki) are not always evident among the 'Ohana actions. As one kūpuna explained it to the Committee, "sometimes you have to take a radical position to focus
attention on a problem, but after that should surface calm and a solution." She also felt that the 'Ohana may have been hurt by too much domination in the group from outsiders and not enough self-examination and self-understanding. What is sought now by many of those testifying before the Committee is the calm and subsequent solution.

The Role of the 'Ohana

The 'Ohana has, in the last year, played a major role in making public the current move to get Kaho'olawe returned to the State and the bombing stopped. Their "invasion" tactics and subsequent court cases have kept the issue in the public eye almost continuously. Throughout this time, they have peaceably pleaded their case to governmental officials, military officials, and the general public.

Their primary arguments included:

1. The Hawaiians have a deep respect for the land, which they view as a living thing. (aloha 'āina)

2. Any action which can be viewed as hurting the land, or desecrating it, is an affront to the entire culture of Hawai'i and most directly to its people.

3. Native Hawaiians have a rich cultural and spiritual heritage which is being ridiculed by the continued bombing of Kaho'olawe.

4. The military's actions are in violation of the laws on environmental protection.

5. The military's actions are in violation of the laws on historic preservation.

6. Other alternatives should be sought to meet the needs of the military.

7. The constitutionally provided "freedom of religion" requires that the native Hawaiians be allowed to practice their beliefs, especially in the area which used to be known as their own land.

Their message reached the public at a time when the native Hawaiians were going through a period of reawakening, a period of new interest in the old Hawai'i and its ways. As a result, many Hawaiians viewed with interest the actions of the "young Hawaiian activists".
In discussions with the general populace all over the State, the Committee heard much about public impressions of the 'Ohana. The majority of people meeting with the Committee expressed their strong support for the 'Ohana stand on seeking a return of the Island and a stop to the bombing. Many disagreed, however, with the methods of the 'Ohana including trespass and any other law breaking or "affront" to the established way of doing things (as in a court of law). Instead they recommended the lawful means of working through their elected representatives and other governmental officials.

Very few condoned the intentional breaking of laws and the disrespect sometimes shown in court, for they felt that "this was not the Hawaiian way". At the same time, they acknowledged the 'Ohana for again bringing the issue to the attention of the public. Many felt that the 'Ohana destroyed the dignity and grace for which the Hawaiians had long been known, and they strongly emphasized that while the cause was a good one, they as Hawaiians would prefer to be represented by "respectful, dignified" Hawaiians, preferably duly elected officials.

The 'Ohana does serve an important role as "communicator". Through the 'Ohana legislative liaison committee members, a link has been established between the 'Ohana grassroot membership and legislators and other officials. Communications flow in both directions. By communicating their concerns, they have helped to crystallize the issue and move officials toward resolving political conflicts over it. In essence, they act as lobbyists, with their efforts hopefully leading to a satisfactory solution and their involvement in the decisional process facilitating support in the polity for public policy on Kaho'olawe.

The 'Ohana has also contributed toward reawakening interest in a sense of history by the public and among officials. A sense of history is essential if a decision-maker is to avoid living only in the present and therefore assuming either that his own epoch is eternal or that it is easy to transform. With this sense of history, the decision-makers are given a standard of judgment which can protect them from short-sighted and possibly damaging decisions.
CONCLUSIONS

The Protect Kaho'olawe 'Ohana was founded in mid-1976, the latest among a long line of groups and individuals to bring public attention to the issue of Kaho'olawe. The 'Ohana bases its activities on a number of ancient Hawaiian concepts, including 'ohana (family), aloha 'āina (love of the land), ho'oponopono (making things right), na'au (gut-level action), kūpuna (consulting the elderly), and pule (prayer). While these concepts can serve as valuable tools for problem solving, they have not always been completely understood or followed by the 'Ohana. Even the adaptations that the 'Ohana followed, however, added a positive focus to their activities and a realization that the ancient Hawaiian culture had much to teach the society of today.

The 'ohana concept encompasses the feelings of unity and cohesiveness, cooperation, shared involvement, shared responsibility, loyalty, and love.

The aloha 'āina concept refers to a deep respect for and love of the land.

Pule is the tradition of prayer to impart a sense of peace and calm before and after action.

Na'au refers to "gut feelings" and a deep intelligence base from which to make decisions.

Kūpuna are the elders who were used as teachers in the old culture because of their rich experience in living and who were revered and respected by all. Today they are regarded as being closer in understanding to the people of old and able to share these understandings with the people of today.

Ho'oponopono is the mediating process; forgive, forget, and make things right.

Hōʻiliʻili ka manaʻo refers to the gathering of manaʻo and working out the dissension so that there is one solid manaʻo.

While the general public was usually sympathetic with the 'Ohana cause (return of the Island to the State and eventual restoration), some opposed their tactics and most particularly, their law breaking and incidents of personal affront to the established ways of doing things (as in Court). They felt these displays were "un-Hawaiian" and contradictory to the 'ohana philosophy of the ancients. Moreover, many were emphatic about negotiations for the return of the Island being conducted through the "proper" channels and their views being represented by duly elected officials.
Because of the positive influence of the ancient Hawaiian concepts discussed earlier, the 'Ohana has managed to help reawaken in the public an interest in history and a determination by various segments of the community to apply the philosophy of the past to the living of today. While the 'Ohana itself has not completely understood or applied these concepts, the interest they and the entire renaissance movement has sparked has had a spinoff effect of causing people to re-examine themselves and their attitudes in a positive manner. Like the 'Ohana, the people of today can learn much from the ancient culture that once flourished in these Islands.
RECOMMENDATIONS

1. As negotiations progress at the State or Congressional level, keep all concerned citizens informed. Many have stated their interest and deserve to be kept aware of official progress toward a solution.

2. Recognize the value of the ancient philosophy and concepts as they apply to the present-day life-style (including ho'oponopono, 'ohana, pule, and others).
let us then cease the fighting and rest in the noon of the day,
put away the fighting, my brother
HO'OMANA

THE RELIGIOUS ASPECTS OF KAHO'OOLawe
Chapter V
SPIRITUALISM

In their return to the "old way", many of the Hawaiians involved in the 'Ohana movement have experienced a renewed interest in the spiritual practices of old, or at least a mixture of Christian and ancient religious ways.

The ancient Hawaiians had many gods who offered help in the needs and activities of day-to-day life. With appropriate offerings and meaningful chants, the invisible gods (usually represented by wood, stone, or other such images) were called upon for help.

Dr. Peter Buck, in his Arts and Crafts of Hawaii, states:

Chief, warriors, craftsmen, and commoners had their own particular deities. The commoners conducted their simple ritual without any special setting, but craftsmen made simple shrines upon which to deposit their offerings. The chiefs had their services conducted at open-air temples by an organized priesthood, which elaborated a more complicated ritual with a higher grade of offerings. The commoners and craftsmen sought aid for their individual needs, but chiefly leaders sought divine assistance on matters of public importance which concerned the welfare of their people. Public services at the temples sometimes lasted several days, until chief and priest were satisfied that the ritual had been conducted without error and so had procured the 'aha, or perfection which commanded success.

It is evident then that the spiritual aspect of life was an integral part of the Hawaiian culture.

Stone Images

On Kaho'olawe, the archaeologists have reported stone images, or as is also common natural stones, used as images. Dr. Peter Buck explains that stone was often used to represent family or craft gods, but the gifted artists preferred wood or featherwork for their image-making. Unfortunately for the archaeologists and historians of today, the preferred works of wood or feathers had much less chance of surviving the hazards of time. Some people used natural stone, others carved the stone; but it was not the workmanship but the prayers and offerings which gave a material object mana (power) and made it a god. The manufacture of gods, especially by fishermen, was said to continue for some time after the general conversion to Christianity.
Shrines

In regard to temples and shrines, Dr. Buck states:

For every-day communication with his gods, the Hawaiian could conduct his simple ritual with his 'aumakua [family god] at some shrine or wherever it suited. The temple was an expansion of the shrine to meet the requirements of larger groups of people with more elaborate ceremony and ritual. Large temples were built for public ceremonies connected with some major event, such as war or the increase of food supplies. The ruins of many such open-air temples, or heiaus are found throughout the Hawaiian Islands.

Chiefs and an organized priesthood conducted the correct temple rituals, which sometimes lasted for days. Between such major events, the temple was left untended, which accounts for the seeming neglect remarked by early voyagers. When circumstances demanded it, an old temple was reconditioned or a new one was built. Some temples go back to a remote period, and others are known to have been built to the order of chiefs who lived in comparatively recent times. In building a new temple, the chief erected a monument to himself, for the name of the builder as well as the temple was recorded in the oral history of the people. Though an architect designed the temple and priests conducted the services, it was the chief who ordered the construction; and a chief might build more than one temple in his lifetime.

Fishing Ko'a and Fishing

Because Kaho'olawe's archaeological remains are strongly related to the fishing industry, it was interesting to note what Dr. Buck explains about fishing shrines:

Fishing shrines (ko'a) were the most numerous of the shrines, and their number denotes the great importance of the fishing industry. Emory...describes the fishing shrines of Lana'i as being rectangular enclosures or platforms, circular forms, and simple heaps of stones, none larger than 25 square feet. Bennett...says that a flat rock on which fish were laid was the principal and simplest form of shrine on Kaua'i and that the chief distinction of a fishing shrine was its location: "a rocky point at the end of a ridge or the terminus of a sand beach."

Offering remains still seen on the shrines are pieces of coral, fishbones, shell remains of crayfish and crabs,
sea urchin spines, and marine shells. These offerings were usually made before the fishing operations, but fishermen returning with a good catch generally laid the first fish caught on a convenient shrine as the share of the god who had brought success.

In discussions with the kupuna from Moloka'i, the Committee learned that Kaho'olawe was a favorite fishing ground of old Hawaiians. Even in historically recent times, people often sailed from Ma'alaea, Maui, to Kaho'olawe to fish. The kupuna tell of their ancestors carrying their 'umeke (calabash) filled with food or whatever they may need and going to Kaho'olawe to fish. The eels were fat, and when caught were cut open and the insides removed. The eel was rubbed with salt to remove the slime from its skin; it was rinsed off, then salted again. Then two cuts were made along the spinal column and the backbone removed. The rest of the eel was salted then left to dry. The eels kept well after drying and were brought back to the families for eating at some later time.

The kupuna explained that Kaho'olawe was long regarded as one of the best fishing grounds in Hawai'i. One area at Kamōhio Bay was said to be used by many kāhuna kamakau (fishhook-makers) whose work became so well-known that fishermen from Maui and Hawai'i travelled there to make offerings to the fish god and to barter for hooks.

Fishing and fish were not only important to Kaho'olawe, but to the ancient Hawaiian culture as a whole. Fish provided the main protein in their diet and was a major part of daily living. With salting, drying, and storing, the Hawaiians were able to keep fish for some time. They viewed the sea as a "great reservoir" of food and seemed to have eaten everything edible in it. They knew the sea and its creatures almost as well as the land. They had an intimate knowledge of fish and their habits, but this was always tempered with their offerings to the gods.

Old Beliefs and Practices

After the missionaries arrived in Hawai'i, many of the spiritual teachings of the ancient Hawaiians were forced underground. The ancient religion was banned, as were the ancient religious practices; and Christianity was imposed on the community.

Secretly, however, the rights have been handed down through certain Hawaiian families, and one of those publicly known to practice the old ways is Aunty Emma deFries, one of the chief advisors to the 'Ohana. Aunty Emma speaks of "calling the energies" to be a part of oneself, being in touch with nature. It was in part due to her ministrations and imparting of knowledge that the 'Ohana took such a strong interest in the spiritual aspect of old Hawai'i.
The long dormant feelings of love for nature were stimulated as the understanding of the 'Ohana grew. They learned about calling to the winds, the rain, the ocean, the sun, the sky, and the land itself. They learned to revere and respect all living things and to abhor desecration. As they learned the old ways, their hearts cried out all the more for the torture suffered by Kaho'olawe.

Sacred Grounds

Again in the Committee discussions around the State some kupuna and other persons learned in the ways of Hawaiian religion explained the sacred aspect of Kaho'olawe. The Island was designated as a "depository" of the Hawaiian chain. The Island itself was divided in ancient times so that every other major island in the chain had a central deposit point on Kaho'olawe. Periodically, people from the other islands would travel to their proper area on Kaho'olawe, make offerings, pray, and deposit their troubles there. They would leave cleansed and refreshed and their homelands would also be cleansed because the troubles had been removed and buried in their sacred area on Kaho'olawe—never to bother them again.

In other words, Kaho'olawe performed a sacred function. It played a specific role within the culture of the Hawaiians. So when today's Hawaiians refer to Kaho'olawe as a living land, they refer in part to the role that it plays within the culture. Some now fear that the bombing has been so intense for so long that the island depositories have opened (much like Pandora's box) and subsequently caused the people of each island many problems. Now, they explain, there is no place where the Hawaiians can go for their much needed spiritual recycling.

The Committee was also told by various kupuna that Kaho'olawe may have been used as a pu'uhonua, a place of refuge, an area of peace and safety away from other troubled islands. Even some of the early legends describe Kaho'olawe as the home of Kaumuali'i, the shark god and brother of volcano goddess Pele. It was said to be a place of safety for fishermen. Still others say that is was frequented primarily by priests, perhaps depositing the troubles of their people in the sacred Kaho'olawe depositories.
CONCLUSION

The spiritual aspect of life was an integral part of the ancient Hawaiian culture. Nature was revered and thanks always given for blessings received. The Hawaiians respected nature in all its forms and abhorred waste and desecration. Shrines, heiau, ko'a, and so forth were numerous on Kaho'olawe and served as an indication of the heavy dependence, locally, on the fishing industry.

After the missionaries arrived in Hawai'i, many of the spiritual teachings of the ancient Hawaiians were forced underground. The ancient religion was banned, as well as the ancient religious practices; and Christianity was imposed on the community.

The kūpuna spoke of Kaho'olawe as serving a very sacred function--acting as a depository for the rest of the Island chain, where people could go and bury their troubles--leaving refreshed and spiritually cleansed. Some feared that the bombs had opened the depositories on Kaho'olawe and subsequently caused the buried troubles to escape and be transmitted to their island of origin, once again causing the people of each island to be burdened.

Other kūpuna spoke of Kaho'olawe as a possible pu'uhonua, a place of refuge, but they were uncertain about this. Regardless, Kaho'olawe does have a strong spiritual aspect to it. The Hawaiians revered their land and each area served a particular function in the society. Thus to arbitrarily remove an island from the mainstream of life, apparently leaves a void in the culture of the Hawaiians which is only now being recognized. As in the early days of the formation of our nation, the freedom of religion has taught us to respect the religious values of all cultures, regardless of their ethnic origin.
RECOMMENDATIONS

1. Based on this country's history of support for the concept of freedom of religion, the Committee recommends that at designated times during the year (from one to six times, annually) Hawaiians be allowed to practice their religious ceremonies in areas like Kaho'olawe. They would be required to heed safety procedures established by the military and be responsible for any risks to themselves. Guidelines should be established by the Committee.

2. The heiau and ko'a on the Island should be preserved and restored. Again registration as a National Historic Site, where appropriate, should be sought immediately by the Department of Land and Natural Resources.
you stubborn sailors of the ocean
your reputation is injured
THE MILITARY

HOW IMPORTANT IS KAHO'OLAWE FOR THE TOTAL DEFENSE OF OUR NATION?
Chapter VI

THE MILITARY

The Navy produced a report, revised in April 1977, entitled A Report on the Island of Kaho'olawe, which detailed their views on the issue. Their stated purpose for keeping the Island is simple—protection of the United States and the preparedness to provide that protection. The report explains:

A high level of readiness can only be achieved through constant training which is both adequate in scope and frequent in opportunity. This training includes training with various air-to-ground and surface-to-surface weapons such as those currently being utilized at the Kaho'olawe target complex...

Target Area

The target training area is located in the central part of the Island and includes an estimated 7,750 acres, or about one-fourth of the total Island's acreage. (See Figure 1). This acreage includes a large safety zone, thus considerably less land is now subject to actual bombing impact.

The targets used on Kaho'olawe have been designed to give the troops "an experience as close to combat" as possible. However, the Committee has some question as to whether or not the design function can in fact be carried out when there is no way of predicting what the next war will be like or the combat experience needed to fight it. During the Viet Nam War, special training subsequent to boot camp was required in order to familiarize the troops with the kind of jungle war they were going to be fighting. The same may be true next time.

The targets include:

17 air-to-surface targets; and
22 surface-to-surface targets.

The three basic types of targets, as discussed in the Third Fleet's 1977 report are:

1. Point target

   Description: A single or small area target needed to assess the accuracy of a pilot, surface ship or weapons system. Point targets must be ground stabilized (i.e., their latitude, longitude, and elevation must be defined) and
possess characteristics of targets likely to be found in actual combat conditions.

Purpose: Required for use with high explosive conventional ordnance to ensure that the entire evolution of handling, loading, fuzing and delivering ordnance on target is at an acceptable level of readiness and safety. Point targets are also required to assess the effectiveness and delivery accuracy of certain weapons and guns.

Examples: 1. Strafing targets; and

2. Air-to-ground missile targets.

2. Area Targets:

Description: Area targets may consist of an array of point targets or be large targets such as a simulated runway, surface-to-air missile (SAM) site, anti-aircraft gun site, or storage area. Must be ground stabilized and resemble targets most likely to be encountered in an actual combat condition.

Purpose: Needed to test the combat effectiveness of several aircraft or surface ships in the coordinated neutralization of an area using conventional ordnance.

Example: Frequently used to assess the damage effectiveness of area type munitions such as cluster weapons.

3. Ringed Targets:

Description: Commonly associated with visible circular rings surrounding the target center or "Bulls Eyes".

Purpose: Used to pinpoint the miss distance of a weapon impact delivered from an aircraft. A ground stabilized target provides the maximum amount of information to observer, pilots and aircrewmen as to the degree of readiness an individual of a squadron has achieved at any time during a training cycle. Also used to train and assess the accuracy of pilots in the delivery of nuclear weapons by use of training weapons which have no nuclear components.
Example: "Bulls Eye" targets.

Also within the target area, or relatively nearby, are support services. Figure 2 enumerates the various spots on the Island which serve different functions or are otherwise noteworthy. At point 2 on the map are the ground observation posts; at Point 3 is the observation post; and at Point 1 is Hanakananae (Smugglers Cove). Hanakananae houses a portable motor-generator unit, spotting hut antenna facilities, vehicles, and generally serves as a base camp. The costs for maintaining Kaho'olawe as a target are minimal. The major costs incurred are for helicopter support services, estimated at $25,000 and $2,000 for maintenance.

Ordnance Used

Live (service) ordnance and inert (practice) ordnance are the two major kinds of ordnance used on Kaho'olawe. Training usually starts with inert ordnance and progresses to service ordnance when the troops develop more skill. The Navy feels that training involving the use of service ordnance is, "and will remain", a vital requirement.

Types:

1. 500 lb. bomb (Mark 82)
   Weight: 560 lbs. (of this 192 lbs. is the explosive charge)
   Largest used. Low drag, general purpose bomb.

2. 3 in., 5 in., 6 in., and 8 in. projectiles.

3. 250 lb. bomb (Mark 81).

4. Mark 76 and 104 practice bombs.

5. Standard shipboard ordnance.

6. Other aircraft ordnance.

7. Simulated special weapons.

8. Incendiary bombs.

9. Parachute flares
   Delivered by aircraft, ship, or ground units.
Used for illumination.

Usage

The Navy reports usage of Kaho'olawe by all the military forces; but in reviewing comments by the various forces, it is evident that the primary users are the Navy and the Marines. The other services appear to be able to get along without Kaho'olawe.

Marines:

1. Half the training involves aviation unit training (combat air support, aerial observer, and aircrew gunnery).

2. Strafing and high and low angle dive bombing with F-4's.

Navy:

1. Shore bombardment
   a. Destroyers train in all facets of gunfire support for "area" targets and close support for ground forces.

2. Carrier Air Wings (air units of aircraft carriers)
   a. Aggressive bombing practice.
   b. Operate singly or in groups of 20-40.

3. Close air support (air and naval gunfire liaison units)
   a. Training in directing air and shore bombardment to specific targets.
   b. Coordinate with all target users (Marine destroyers, gunfire forces, and carrier air wings).
   c. Forward air controllers direct aircraft runs on specific targets by positive radio contact and the use of mortars.

Table I, from the Third Fleet study on Kaho'olawe, displays the kinds of ordnance used, by activity.
TABLE I

Ordnance Expenditure by Activity

**FLEET MARINE FORCE PACIFIC**

<table>
<thead>
<tr>
<th>Type Tra Conducted</th>
<th>Targets Required</th>
<th>Type Ordnance Expended</th>
<th>Av Amt Expended by Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>CY-74     CY-75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MK-106, MK-106 Practice</td>
<td>MK-106 192 192</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bombs, MK-77 Napalm,</td>
<td>MK-82     1235 1235</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MK-45 Flares</td>
<td>MK-77     340 340</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MK-10 Smoke Grenades</td>
<td>MK-76     2730 2730</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MK-45     2040 2040</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MK-10     600 600</td>
</tr>
<tr>
<td></td>
<td>Ringed Area</td>
<td>MK-76</td>
<td>2.75&quot; 7657 7657</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MK-106</td>
<td>5&quot; 311 311</td>
</tr>
<tr>
<td></td>
<td>Ringed Area</td>
<td>MK-106, MK-106 Practice</td>
<td>20 MM 47500 47500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bombs, MK-77 Napalm,</td>
<td>7.62 MM 329000 329000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MK-45 Flares</td>
<td>.50 Cal 148500 148500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CBU-55, NCPTER, MK-18</td>
<td>CBU-55 54 54</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Smoke</td>
<td>NCPTER 40 40</td>
</tr>
<tr>
<td></td>
<td>Target</td>
<td>Live Naval Ord.</td>
<td>Live - -</td>
</tr>
<tr>
<td></td>
<td>Complex in Gen.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Target</td>
<td>Live Naval Ord.</td>
<td>Live - -</td>
</tr>
<tr>
<td></td>
<td>Complex</td>
<td>WP Illum.</td>
<td>Live - -</td>
</tr>
<tr>
<td></td>
<td>Target</td>
<td>105 MM HE, WP Illum.</td>
<td>Live - -</td>
</tr>
</tbody>
</table>

**FLEET TRAINING GROUP, PEARL HARBOR**

<table>
<thead>
<tr>
<th>Shore bombardment (Naval Gunfire Spt, NGFS)</th>
<th>Targets Required</th>
<th>Type Ordnance Expended</th>
<th>Av Amt Expended by Yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Live Naval Ord.</td>
<td>Live/ Illum 2172RDS 1099RDS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Illum, Inert</td>
<td>Inert 548RDS 343RDS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ships** 28</td>
<td>Firing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Firing</td>
<td>28</td>
<td></td>
</tr>
</tbody>
</table>
**TABLE 1**
(Continued)

* CY-74: 145 Pt targets/32 Area targets used in 146 exercises.
* CY-75: 82 Pt targets/22 Area targets used in 93 exercises.

** CY-76: With non-availability of west coast targets, number of ships in CY-76 must increase.

<table>
<thead>
<tr>
<th>NAVAL SURFACE FORCE PACIFIC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Naval Gunfire Spt</strong></td>
</tr>
<tr>
<td>(NGFS) Spotter Tra</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBMARINE FORCE PACIFIC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sp Wpns Test</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TACTICAL AIR SUPPORT SQUADRON (U.S. AIR FORCE)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rocket Qual (low)</strong></td>
</tr>
<tr>
<td><strong>Rocket Qual (high)</strong></td>
</tr>
<tr>
<td><strong>Night FAC</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>25TH INFANTRY DIVISION (U.S. ARMY)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COORDEX (All services)</strong></td>
</tr>
<tr>
<td>Aerial Gun Ex.</td>
</tr>
<tr>
<td><strong>Artillery Firing</strong></td>
</tr>
<tr>
<td>Complex</td>
</tr>
</tbody>
</table>

---
<table>
<thead>
<tr>
<th>Shore Bombardment</th>
<th>Point Area</th>
<th>Live Naval Ord</th>
<th>Included in FLETRAGRU Pearl Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. COAST GUARD</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAVAL AIR FORCE PACIFIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALPHA Strikes</td>
</tr>
<tr>
<td>Radar Bomb System</td>
</tr>
<tr>
<td>Rockets, FAC</td>
</tr>
<tr>
<td>All Targets</td>
</tr>
<tr>
<td>MK-76, MK-106, Practice</td>
</tr>
<tr>
<td>Bombs, MK-82, 2.75&quot;</td>
</tr>
<tr>
<td>Live (70%)</td>
</tr>
<tr>
<td>Inert (30%)</td>
</tr>
<tr>
<td>&amp; 5&quot; ZUNI</td>
</tr>
</tbody>
</table>

Source: Third Fleet Report on The Island of Kaho'olawe, revised 1977, Honolulu.
### TABLE II

**Usage in Hours by Activity**

**KAHOOLawe USAGE DATA**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Type Usage</th>
<th>Hours of Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CY-74</td>
</tr>
<tr>
<td>CGFMFPAC</td>
<td>Ground Units</td>
<td>720</td>
</tr>
<tr>
<td></td>
<td>NGF Spotters</td>
<td>1560</td>
</tr>
<tr>
<td></td>
<td>Ships qualified by spotters</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Aviation</td>
<td>1418</td>
</tr>
<tr>
<td>COMFLETRAGRU Pearl</td>
<td>Shore bombardment (NGFS)</td>
<td>540</td>
</tr>
<tr>
<td>COMNAVSURFPAC</td>
<td>Shore bombardment (NGFS)</td>
<td>(Included in FLE-306 TRAGRU Pearl totals)</td>
</tr>
<tr>
<td>COMSUBPAC</td>
<td>Torpedo firing</td>
<td>(Used, however few 0 hrs.)</td>
</tr>
<tr>
<td>326AD KUNIA</td>
<td>JCS Exercises (used 5 mo/yr), Training Events</td>
<td>40</td>
</tr>
<tr>
<td>22 TAS SQD</td>
<td>Rocket quals</td>
<td>216</td>
</tr>
<tr>
<td>25th INF DIV</td>
<td>COORDEX, aerial, artillery</td>
<td>72</td>
</tr>
<tr>
<td>**</td>
<td>** Airmobile and air cavalry tactical ops planned, however no projected usage currently available.**</td>
<td></td>
</tr>
<tr>
<td>COAST GUARD</td>
<td>Shore bombardment</td>
<td>32</td>
</tr>
<tr>
<td>COMNAVAIRPAC</td>
<td>ALPHA strikes, bombing, strafing, radar bomb system</td>
<td>259</td>
</tr>
</tbody>
</table>

4,886 3,651 5,162

**Source:** Third Fleet Report on The Island of Kahoolawe, revised 1977, Honolulu.
Again, it should be noted in viewing Table I, that the Surmarine Force Pacific, the U.S. Army, the U.S. Coast Guard, and the U.S. Air Force (other than the Tactical Air Support Squadron) each report no loss in training or otherwise if Kaho'olawe is lost to them as a target.

Table II displays the usage of the Island in terms of each activity with the following calculations aimed at determining actual usage. Again the lack of information and hard data prevent the drawing of reasonable and valid conclusions. For example, in 1974 the Navy reported a total of 4,886 hours of occupation of Kaho'olawe for all activities, see Table II. However, no explanation of how these activities were scheduled during that year is given. In the absence of this information one can answer that this total of 4,886 hours was uniformly scheduled over the 12-month period, or 407 hours per month. Assuming that maneuvers are scheduled on the basis of a 24-hour work day, this means that in 1974 the average usage of Kaho'olawe was about 17 days per month. Similarly usage in 1975 and 1976 were 13 and 17 days per month, respectively.

In the absence of any further information, one can make a number of assumptions regarding those usage data. A simple and not unreasonable assumption is that many of the activities listed in Table II can be carried out concurrently, thereby reducing these usage figures further. (Note: the usage data computed above was based on total hours of usage and disregarded any concurrent use). Thus, it is quite conceivable that the actual use of Kaho'olawe amounted to less than one week per month.

Various Calculations Based on the Data Provided by the Navy

1974:  
\[ \frac{4886}{12} \text{ (months)} = \frac{407}{6} \text{ (days)} = \text{about 13-1/2 days} \]
\[ \frac{407}{21} \text{ (working days)} = \text{about 19-1/2 days} \]

1975:  
\[ \frac{3651}{12} \text{ (months)} = \frac{304}{4} \text{ (days)} = \text{about 10 days} \]
\[ \frac{304}{21} \text{ (working days)} = \text{about 14-1/2 days} \]

1976:  
\[ \frac{5162}{12} \text{ (months)} = \frac{430}{6} \text{ (days)} = \text{14-1/3 days} \]
\[ \frac{430}{21} \text{ (working days)} = \text{about 20-1/2 days} \]

To make a reasonable judgment about the figures provided by the Navy, more information is needed. Including:

1. The total hours of occupation prior to 1974, for a period of at least five years.

Note: When the Navy was asked this question they referred the Committee again to the CINCPAC FLEET study. The information there is inadequate.
2. The number of times an "activity" actually required use of the Island and the time involved for that usage. Transport time to and from the Island should not be included - practice time only.

3. The actual schedule of usage in years prior to and following 1974.

Note: Questions on scheduling were said to have been too difficult to answer because of the amount of paperwork involved in looking back over several years usage. Unfortunately, this precludes the study from substantiating whether or not Naval use increased only after the protests began.

Ship Use

In terms of the ships homeported at Pearl Harbor, the Committee asked the question:

"How often are they away"?

It appears that they can be away from port anywhere from one day to six months. The Navy reported that they go to sea on a varying schedule and have fuel limitations within which to work (such limitations have not been specified). After reviewing this study, the Navy explained that the information sought was "classified".

"What about firing in other areas?" The Navy admits that firing does occur by homeported ships in other areas, such as the Philippines. Furthermore, the Committee recognizes that stations in Okinawa and the Northwest Pacific apparently manage to get along without the air support and shore bombardment targets in their homeports.

When asked the number of ships training at Kaho'olawe, the Navy again gave estimates of some 20-30 ships. This compares with over 200 ships reportedly using San Clemente.

<table>
<thead>
<tr>
<th></th>
<th>Kaho'olawe</th>
<th>San Clemente</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of ships using</td>
<td>20-30</td>
<td>over 200</td>
</tr>
<tr>
<td>Number of live rounds fired</td>
<td>1442 rnds</td>
<td>NA</td>
</tr>
<tr>
<td>Annual average</td>
<td>39 rnds</td>
<td></td>
</tr>
<tr>
<td>Number of puff rounds fired</td>
<td>1099 rnds</td>
<td>NA</td>
</tr>
<tr>
<td>Annual average</td>
<td>12 rnds</td>
<td></td>
</tr>
</tbody>
</table>

108
Specified Navy and Marine training needs include:

1. Anti-submarine warfare;
2. Surface gunnery;
3. Anti-air warfare;
4. Electronic warfare;
5. Shore bombardment;
6. Anti-submarine warfare;
7. Surface surveillance;
8. Mine warfare;
9. Electronic warfare;
10. Air-to-air warfare;
11. Close air support;
12. Air-surface warfare;
13. Amphibious operations;
14. Artillery firing; and
15. Direct fire weapons.

Of these, only two—close air support and shore bombardment, are limited to training at Kaho'olawe.

Coordinated Efforts

Figure 3 depicts one of the primary advantages of Kaho'olawe for training, i.e., training in coordinated efforts (land, air, and sea attacks). Troops learn to call targets, to fly below bombardment level and above another in a critical safety corridor. Although the training is extremely important, actual figures on how much time is spent on these particular kinds of efforts have not been made available.

The actual role of Kaho'olawe, its place within the total training plans of the State, and its real importance to the military when viewed on a worldwide scale remain questionable. The Committee has simply not been given enough information to substantiate the military claims.
Modern Warfare vs. Conventional Training

One of the areas which has caused considerable discussion during Committee meetings and generally with the lay public is that of the kind of training done on Kaho'olawe. "Why", they ask, "in this age of nuclear weapons, orbiting satellites, and rockets to the moon does the U.S. still need the kind of training in shore bombardment and close air support that Kaho'olawe provides?" The Navy gives a simplistic answer. They explain that if the U.S. is involved in anything but a conventional war, then anybody who survives at all will be lucky. Thus they train for conventional war.

Several magazines and newspapers have printed articles lauding the highly advanced state of training that has been developed using electronics techniques. Simulated exercises are said to provide excellent training in battle tactics, with fighters equipped with cameras and computers rather than missiles or other live ordnance. Their efficiency is judged on the basis of computer printouts, not "bulls eye" readings. And after ten days of such practice, trainees are said to come out with as much practical knowledge as ten-mission veterans. The Air Force has labelled this kind of training "the most realistic in its history". (See Newsweek, August 8, 1977.)

In 1976, the Navy stated that they could not use inert bombs on Kaho'olawe because of the characteristics of the inert ordnance. They explained that wars are not fought with inert bombs and crews must have their experience handling live ordnance.

Today, inert ordnance is used on Kaho'olawe along with some live ordnance; and plans to phase out live ordnance altogether are being processed. (See Tables III and IV.) The 'Ohana, on the other hand, has continually asked the military to use the Island without "hurting" it, i.e., use it for maneuvers, parachuting practice, or other things but not bombs.

The question of developing alternative means of training remains essentially unanswered by the military. Costs? Practicality? Hard data and facts are now needed if intelligent decisions are to be made. The role of the military in the islands, its value to the economy of Hawaii, and its pattern of goodwill in community affairs is not at issue. One man explained his view to the Committee which was typical of others:

I am a Hawaiian-American. As Hawaiians, national defense is important to us. But whenever the Navy says something, we take it with a grain of salt.

The unanswered question remains, just how vital is Kaho'olawe? How important is it to keep a target that handles a limited amount of the total military training now done in Hawaii? Do the military benefits of keeping the Island as a target outweigh those of returning
Table III

TODAY

TRAINING REQUIREMENTS INVOLVE USE OF:

A. INERT AND LIVE AIR AND SURFACE ORDNANCE

1. AIR - NAVY 75% INERT 25% LIVE. USMC 62% INERT 38% LIVE.

2. SURFACE - DUE TO SPOTTING REQUIREMENTS, IN NAVAL GUNFIRE SUPPORT TRAINING, MAJORITY OF ORDNANCE HAS BEEN LIVE.

3. GROUND
   ARTILLERY FIRE ENTIRELY LIVE ORDNANCE BECAUSE OF NON-EXISTENCE OF INERT SUBSTITUTES.
   MORTAR FIRE PRIMARILY LIVE ORDNANCE.

RELATIVELY LOW NOISE INTENSITY AND COST HAS RESULTED IN NO PREVIOUS NEED FOR INERT GROUND ORDNANCE.

SOURCE: Letter dated April 5, 1977 from Secretary of the Navy W. Graham Claytor, Jr.
FUTURE

With on-going research, development, and procurement, our goal is:

A. Reduce expenditure of live surface ordnance 50% by 1979 and nearly 100% by early eighties.

B. Reduce expenditure of live air ordnance by early eighties:

- Navy to about 15%
- Marine Corps to about 30%

Navy minimum requirement set by need for operational readiness evaluations.
Marine requirement set by need for:
  - ORE (operational readiness evaluation)
  - Realism
  - Ground crew experience

C. Enhance noise abatement by reduction of gun muzzle blast effects and live round explosions.

D. Ground - no programmed developments to provide substitutes for live ordnance.
   (While substantial amounts ground ordnance are expended - the noise and ecological impact is still small compared to air and surface ordnance.)

Source: Letter dated April 5, 1977 from Secretary of the Navy W. Graham Claytor, Jr.
it to the State? Until adequate data to the contrary is provided, the Committee can only speculate as to whether the target benefits outweigh the benefits which would accrue through its return to the State.

History of Questionable Statements

The question of military "need" is a question that has not yet been answered to the satisfaction of the Committee. As one man who has had business dealings with the military confided to the Committee:

"Dealing with the Army and the Navy is like night and day. The Navy has no feeling for the land. And in Hawaii, there is no land that is not worth something; perhaps not monetarily, but as it relates to the people...

You can only take the Navy's word in writing!"

1972 Military Land Needs Study

In 1972, the Department of Defense released a military study of land needs in Hawai'i entitled, A Plan for Department of Defense Facilities, State of Hawaii. The study had been headed by the Navy and listed the following purposes:

1. To determine landholdings required to support the long-range Department of Defense (DOD) presence in the State of Hawaii; and

2. To determine which landholdings could be released by the Department of Defense in consonance with Executive Order 11508, issued by President Nixon in February 1970.

(The Executive Order referred to requires that all federal agencies achieve greater use of federal land resources throughout the country).

The study (with major results summarized in Tables V and VI) was said to have considered:

1. Projected force levels to be stationed in Hawaii;

2. The facility requirements to support these force levels;
Table V
LAND USE SUMMARY, DOD LANDHOLDINGS

Current DOD Presence in the State of Hawaii:

Total number of DOD Installations and Facilities: 110

Total acreage of DOD Installations and Facilities:

<table>
<thead>
<tr>
<th>Service</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>175,690 acres</td>
</tr>
<tr>
<td>Navy</td>
<td>55,121 acres</td>
</tr>
<tr>
<td>Air Force</td>
<td>5,893 acres</td>
</tr>
<tr>
<td>Marine Corps</td>
<td>48,261 acres</td>
</tr>
</tbody>
</table>

TOTAL ACREAGE: 284,965 acres

Long-Range DOD Presence in the State of Hawaii:

Total number of DOD Installations and Facilities: 94

Total acreage of DOD Installations and Facilities:

<table>
<thead>
<tr>
<th>Service</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>170,034 acres</td>
</tr>
<tr>
<td>Navy</td>
<td>54,433 acres*</td>
</tr>
<tr>
<td>Air Force</td>
<td>5,233 acres</td>
</tr>
<tr>
<td>Marine Corps</td>
<td>47,701 acres</td>
</tr>
</tbody>
</table>

TOTAL ACREAGE: 277,401 acres

* Includes 1,918 acres to be acquired

Table VI
RECOMMENDATIONS FOR RELEASE OF DOD LANDHOLDINGS

<table>
<thead>
<tr>
<th>Service</th>
<th>ARMY</th>
<th>NAVY</th>
<th>AF</th>
<th>MC</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release Immediately</td>
<td>4,744</td>
<td>2,416</td>
<td>360</td>
<td>526</td>
<td>8,046 acres</td>
</tr>
<tr>
<td>Release Within 5 years</td>
<td>912</td>
<td>190</td>
<td>300</td>
<td>34</td>
<td>1,436 acres</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>5,656</td>
<td>2,606</td>
<td>660</td>
<td>560</td>
<td>9,482 acres</td>
</tr>
</tbody>
</table>
3. Military and dependent housing needs;
4. Current and future uses of all existing bases; and
5. Consolidation or joint use of military facilities.

In terms of actual land use, the study concluded that the Department of Defense landholdings in Hawaii (285,000 acres) could be reduced by 7,600 acres, or about 2.7 per cent.

Evaluation of Military Study

Subsequent to the publication of the military land-need study which had been headed by the Navy, the Comptroller General of the United States, better known as the G.A.O., evaluated the study and later published the, Questionable Aspects of the Military's Study of Land Needs in Hawaii.

The evaluation explains that the GAO examined the study because of:

1. DOD's extensive landholdings--about seven per cent in the State and about 25 per cent on the Island of O'ahu.
2. Public concern about the large landholdings.
3. Congressional interest in the shortage of land on O'ahu.

The comptroller emphasized throughout the evaluation that the study lacked supporting data to demonstrate the reasonableness of its conclusions. It further demonstrated that "the services efforts were directed mainly toward determining the reasonableness of existing land use, rather than determining long-range land needs".

The GAO report continues:

It appears that the study was directed primarily to determining the reasonableness of existing land use, rather than defining land requirements for the future.

In conducting the study, the services:

--Did not use existing DOD criteria.
--Did not use the guides developed by the study group.
--Used different planning and conversion factors for similar land categories.

--Applied different methods within an individual service to determine needs in similar land categories.

The extent of current military landholdings, particularly on the Island of Oahu, and limited amount of land warrants a definitive study of the military's long-range land needs in Hawaii. The Project FRESH study does not answer the question. Because of the questionable methods used in its development, the study:

--Does not accurately identify the military's long-range land needs.

--Should not be used as the basis for joint civilian military land-use planning.

--Should not serve as the sole basis on which DOD expects to spend about $1.4 billion over the next 15 years to satisfy its facility needs.

GAO RECOMMENDATIONS

Because of the questionable aspects of DOD's study, we recommend that the Secretary of Defense direct that the:

--Project FRESH report no longer be represented to the public and the Congress as a valid study of DOD's long-range land needs in Hawaii.

--Results of the study not be used as the basis for joint civilian-military land-use planning.

Many parallels to the Kaho'olawe case can be seen in the military land study case. Again the lack of supporting data, the lack of guidelines and standard criteria, and the attempt to justify the existing rather than seriously examine alternatives for the future are evident.
U.S. Pacific Forces

Currently heading the 232,000 members of the U.S. Pacific forces is Admiral Maurice F. Weisner. Serving under him is Admiral Hayward, CINCPAC Fleet, and under him, Admiral Samuel Gravely, Third Fleet. Included under Weisner's command are two Army divisions, two Marine divisions, with their attached aircraft, nine Air Force fighter squadrons, six aircraft carriers carrying twelve fighter squadrons and eighteen tactical bomber squadrons, and ten Poseidon missile-launching submarines based at Guam. Each division has a maximum of about 25,000 people, though few are at that level.

By looking at Figure 4, a map of the Pacific area, the breakdown of where these forces are located is evident. The forces are supported by large bases in Japan (12 bases), Okinawa, Guam, Hawai'i, and the Philippines. Additional bases are being planned for Diego Garcia, Saipan, and Tinian.

In the Philippines alone, some 16,000 U.S. personnel are stationed. The naval base at Subic Bay is the largest ship repair yard in the western Pacific. There is also a strong communication base at San Miguel and Clark Air Base near Manila, which provide training ranges and serve as a key link in the supply system for U.S. forces in the western Pacific and the Indian Ocean.

When reviewing the U.S. military presence in the Pacific, it appears that Hawai'i is not the center of the universe around which the protection of the United States revolves. Like Korea, it may be more a political benefit and a comfortable way station than a military necessity. Korea, a potential Pacific hotbed, is a case in point. The 32,000 troops stationed there have nearby reinforcements. There are five Phantom squadrons (about 100 planes) in the Western Pacific (three in Okinawa, two in the Philippines). The two aircraft carrier task forces carry about 48 fighters and 72 bombers. The B-52 squadron in Guam could be used for conventional bombing. The Marine division in Okinawa could supply ground troops, and the Navy bases in Japan and the Philippines necessary transport ships and landing craft.

The August 18, 1976 slaying of two U.S. Army officers by North Korean troops in the DMZ demonstrated the quick reaction of Pacific support troops. Within one day of the incident, U.S. forces in Korea were reinforced with a fighter squadron flown in from Okinawa, the aircraft carrier "Midway" and its escorts, and within a few days, a squadron of F-111 all weather bombers flown in from Idaho. Again, Hawai'i was not pivotal during the crisis situation.

Since the Navy has often mentioned its ships and carriers as well as the "threat" of withdrawal from Hawai'i and its consequent disastrous effect on the economy, a closer examination of this potential "injury" to Hawai'i was required. In terms of the six aircraft carriers deployed in the Pacific, it was determined that as of June 1977:
U.S. FORCES IN THE PACIFIC
(Commanded by Admiral Maurice Weisner)

1. Japan
   1 airlift squadron

2. China
   3,500,000 ground troops
   5,000 aircraft

3. South Korea
   1 Army division
   3 fighter squadrons

4. Okinawa
   2/3 Marine division
   plus air wing
   4 fighter squadrons

5. Taiwan

6. Philippines
   2 fighter squadrons
   1 airlift squadron

7. Guam
   1 squadron B-52
   10 Poseidon missile submarines

8. Hawaii
   1 Army division
   1/3 Marine division plus air wing

9. California
   1 Marine division plus air wing

10. Australia

11. Western Pacific
    2 aircraft carrier task forces
    2 amphibious landing groups
    4 anti-submarine plane squadrons

12. Eastern
    4 aircraft carrier task forces
    4 amphibious landing groups
    4 anti-submarine plane squadrons

13. U.S.S.R. (Far East)
    400,000 ground troops
    1,200 jet combat planes
    58 surface warships
    100+ submarines
Of Six Aircraft Carriers Deployed in the Pacific:

1. Two are always west of Hawai'i;
2. Two are always east of Hawai'i;
3. One is in training; and
4. One is being overhauled.

What then is the economic impact on Hawai'i? It is questionable. It is apparent that Hawai'i is not now used to support the entire Pacific force. In terms of rest and recreation it may well be a very important port, but military—it is still questionable.

In a November 1977 broadcast of the ABC television show, "Good Morning America", a news commentary discussed a secret Navy Report on the condition of the Pacific Fleet. The report concluded that the Fleet was in bad shape, with its ships "ill-repaired" and its troops "ill-trained". The news commentary noted that while the admirals have let the fleet deteriorate, they have not overlooked their own comfort. Apparently, servants and limousines were readily available, although combat equipment was in short supply. In addition, carriers and submarines were determined to be in better condition than the rest of the Fleet.

Again the Committee asks, how valid are the vague representations now being made by the Navy? What actually exists, and what is really needed? Is the entire Island of Kaho'olawe essential to the military well-being in Hawai'i?
CONCLUSION

What then is Hawai'i's role in terms of the military presence in the Pacific? It is the homeport of the Third Fleet; it is the headquarters for the CINCPAC Fleet. From here strategic moves in the Pacific area are planned. But in terms of essential training and troop action, Hawai'i's role does not appear to be the key to U.S. protection in the Pacific.

Admiral James Holloway, in an October 1977 U.S. News and World Report article, explains:

Our single major problem is the reduced number of ships in the U.S. Navy. But naval capability means two things: number of units and the individual quality of those units.

Our quality is very close to tops. Therefore, I'm able to say that the U.S. Navy is superior to the Soviet Navy, even though we have only 467 ships in the active Fleet, compared to 2,000 to 3,000 in the Soviet Navy, depending on what types you count.

Marine Corps General Louis H. Wilson adds:

The readiness of the Marine Corps is unprecedentedly high everywhere. We are at full strength--192,000--and 78 per cent of our personnel are high-school graduates. We don't want to get bigger--just better.

We have a worldwide mission. In fact, we are the strategic reserve for Europe, and now that we are not committed elsewhere, we can hold exercises there. Last year, we landed 8,000 marines in Norway, then moved them to the Jutland Peninsula, and now we're having a large exercise in the southern NATO area.

The basic concept of the Marines hasn't changed, but the days of slow, ponderous movement across beaches are gone. We can achieve our objectives now in a more efficient manner, using modern technology such as helicopters.

The Marines are not a luxury. A maritime nation such as ours has to have "a power-projection force." Our tactics, techniques and equipment are developed for this role. We can go over the beaches, go by helicopter and go by air. And I don't believe the days of amphibious operations are past.
There is an acknowledged deficiency, though: The Navy's ships don't have the big guns to pound a beach before landing. We have to depend on air strikes. However, some new weapons—lightweight 8-inch guns—are coming down the pike for the cruisers and some destroyer classes—but not as fast as we would like.

The Marines' stock in trade is readiness. We could get a division to Europe as fast as aircraft are available to move them. We expect to be the first to fight. We are ready to go.

General Wilson's comments are revealing, for he mentions that:

...the days of slow, ponderous movement across beaches are gone. We can achieve our objectives now in a more efficient manner, using modern technology....

This is exactly the point that the Committee wants to make. Given modern technology, given the uncertainty of what the next war will be like, given the specialized training that was required for Viet Nam (even after basics), given Hawai'i's questionable role in the Pacific, given all of these—how can the absolute need for Kaho'olawe be substantiated? So far, the Committee has not been given adequate valid and reliable data to support such a position. Until adequate data to the contrary is provided, the Committee can only speculate as to whether or not the benefits of maintaining Kaho'olawe as a target island outweigh the benefits which would accrue through its return to the State.
RECOMMENDATIONS

1. A review of the data presented by the Navy indicates that Kaho'olawe is important primarily to the Navy and the Marine Corps. It appears that the Army, the Submarine Force Pacific, the Air Force (other than the Tactical Air Support Squadron), and the Coast Guard could go without the use of Kaho'olawe as a target island. The Committee recommends that the Navy and Marine Corps increase their scheduling and coordinating of activities in other areas and begin a decrease of training activities on Kaho'olawe.

2. The Navy should accurately define the role of Kaho'olawe in terms of its place within the total military training plans for the State.

3. Because of the lack of supporting data, the lack of standard criteria, and the attempt to justify the existing rather than seriously examining alternatives for the future, the Third Fleet study on the Island of Kaho'olawe should no longer be represented to the public and the Congress as a valid study of the military need for Kaho'olawe.

4. Because the stated needs of the military presently require the use of only a portion of the Island, plans for clean-up procedures and safety guidelines to permit the opening of the other areas of the Island on a controlled and "shared use" basis should be initiated.

5. Immediate plans for the opening of Hanakanaea and Hakioawa beaches for limited and controlled public use, with security measures coordinated with Maui County, should be initiated.

6. Guidelines should be established to control access to the various historical and archaeological sites to protect these from not only bombing but despoiling by the public as well.

7. Guidelines for implementation of the study recommendations should be established.
ehuehu kai lele ka moi
nā wai nā 'oe a'e pakele aku?

the sea is raging, the moi leap
who will save you?
'O KĒIA AI'OLE O KĒLĀ

KAHO'OLAWE: A MATTER OF CHOICE
Chapter VII

ALTERNATIVES

The Navy has consistently reported that they have already conducted a thorough search for alternatives to the bombing of Kaho'olawe. They appear to base their evaluation of alternative sites on the following criteria:

Criteria For Judgment

I. **Target site size**
   A. Impact area
      1. Large enough for point targets, area targets, and ringed targets.
   B. Troop safety area
      1. Area for troops to maneuver during close air support exercises.
   C. Artillery firing range
      1. Area to put artillery pieces outside the impact area so that full-charge projectiles, when fired, will land within the impact area.
      2. For 155 mm projectiles, with a full-charge, minimum down-range distance needed is 8140 yds.
   D. Spotter locations
      1. Observation posts to spot ship-to-shore weapon impacts.
      2. Observation posts to spot artillery weapon impacts.
      3. Observation posts to spot air-to-ground weapon impacts.
E. Aircraft firing range
1. For attack techniques including strafing, rocket-missile firing, and bombing.
2. Area for built up targets (group of vehicles, buildings, etc.).
3. Able to train with naval gunfire spotting.

F. Naval gunfire firing range
1. Large enough for ship-to-shore bombardment.
2. Ship cannot see target due to distance or terrain.
3. Large enough for several targets.

II. Target site location
A. Adjacent to the sea
1. No firing over populated areas.
2. Seaward maneuvering room to permit positioning 1,200 to 30,000 yds. offshore.

B. "Reasonable" distance from operating base
1. About 100 to 150 nautical miles away for fighter and attack type aircraft.
2. Several hours steaming time for surface ships.

C. Not too close to populated areas
1. Ensure that live ordnance not a safety hazard to local residents.
2. No noise hazard.

D. Surrounding terrain
1. Area within 8 to 10 miles of target should be same altitude as the target impact area; if higher, is a hazard to aircraft on night maneuvers.
III. Target site terrain

A. Level terrain
   1. About 3,000 ft. long and 100 ft. wide to simulate a runway.

B. Uneven terrain
   1. Hills and valleys.
   2. Minimum rise of 100 ft. over a 180 ft. run.

C. Variety of terrain features
   1. To practice locating targets, firing at hidden targets, etc.

IV. Climate

A. Little or no cloud cover

B. Good weather
   1. Visibility of ten miles or more.
   2. Little rain.

V. Cost factors

A. Target development

B. Target maintenance
   1. Helicopter landing sites.
   2. Boat landing sites.
   3. Base camp structures.

C. Target user costs
   1. Transportation to and from the target area:
      a. Fuel for an F4J aircraft for one hr. is estimated at $600.00.
      b. Fuel for a fast frigate for one day at economical cruising speed is estimated at $10,000.
c. Fuel for a destroyer for one day is estimated at $6,500.00.

Alternatives Which Have Been Examined

The Navy reportedly examined possible alternative sites within the State, outside the State, and artificial and floating targets. None of these have proved satisfactory to them. Among those alternatives which have been rejected are:

1. Ka'ula Rock.
2. Pacific Missile Range Facility, Barking Sands, Kaua'i.
5. Pohakuloa Training Area.
6. Artificial Target Island
   a. (No formal studies prepared on this, but Navy estimates costs at $270,000,000 to $450,000,000.).
7. Floating Target
   a. Sea-towed sled.
   b. Floating island.
8. San Clemente.
9. Southern California areas.
10. Western Pacific operating areas.
11. Other military target areas.

In the Third Fleet Study, "A Report on the Island of Kaho'olawe", the Navy specifies the areas that have been examined and their reasons for their unacceptability as targets. Their comments include the following:
1. **Kaula Rock.**

The Rock is a 136 acre island that protrudes to a height of approximately 550 ft. above the sea and is 7/10 of a mile long by 1/3 of a mile wide, at its widest point. Kaula Rock is used as a target by aircraft, only, for the practice of certain maneuvers (such as multi-plane attacks) and weapons deliveries which are restricted from use on Kahoolawe, (multiple bombs on one run or bombs larger than 500 lbs.).

a. **Target size.**

Small size provides insufficient target impact area; provides no room for troop safety zone; artillery fired full-charge projectiles would land in the sea, with no accurate spotting (preparation of artillery emplacements would require blasting an area in the rock); no spotter locations are available; only one single point target is available for aircraft firing; and height, lack of target area, and lack of spotter locations preclude use as naval gunfire range.

b. **Target site location.**

Only disadvantage in target site location is the distance from the operating bases. Kaula Rock is approximately 55 nautical miles further from Oahu than Kahoolawe.

c. **Target site terrain.**

In addition to insufficient size Kaula Rock lacks a level area that could be used for an area target.

d. **Climate.**

Not a significant factor.

e. **Cost factors.**

Target development would require massive blasting and leveling of major portions of the Rock to convert it into a multiple target site. Addition of targets and target maintenance, under present conditions, would be difficult since the only access to the island is by helicopter and no structures are available for target maintenance crews.
f. Comment.

Kaula Rock is inhabited by 13 species of sea birds with an estimated population of 100,000 birds. Modification of the island to create an acceptable target would probably disrupt the bird population.

Committee Comment: The location of Ka'ula Rock, as discussed under item (b), and its distance from O'ahu, seems inconsequential when you compare travelling an extra 55 miles to gaining the use of an entire island. In an area where land is limited and regarded as very precious, having to travel an extra 50 miles should not be considered "too far" or "too expensive".

2. PMRF Barking Sands.

The Pacific Missile Range Facility, Barking Sands, Kauai, is an underwater weapons testing range that is currently being expanded from 50 square miles of open ocean to 1,000 square miles of open ocean. The range is instrumented for weapons testing and fleet training exercises.

a. Target site size.

The size of the PMRF, Barking Sands, is sufficient.

b. Target site location.

There are no disadvantages to the target location.

c. Target site terrain.

Unsatisfactory in all respects. No terrain features are available.

d. Climate.

Not a significant factor.

e. Cost.

Development of PMRF, Barking Sands as a usable alternative would be comparable to creating an artificial target island.
PMRF, Barking Sands cannot provide the terrain features that are necessary for certain aspects of the air-to-surface and surface-to-surface weapons training environment. PMRF, Barking Sands is designed primarily for underwater weapons testing, realistic testing of long-range weaponry, and maneuvering of vessels as they would move in the open ocean.

Committee Comment: It appears to the Committee that Barking Sands may be suitable for providing some training activities that are now limited to Kaho'olawe. Again scheduling and coordination by the military would have to be considered.


The Schofield Barracks Range Complex, a U.S. Army range, is used for troop maneuvers and artillery firing areas.

a. Target size.

Suitable in all respects.

b. Target site location.

The range is located several miles inland. Use of the range by aircraft would require flying over inhabited areas of Oahu, carrying service ordnance enroute to the target area, thus creating a potentially hazardous situation. Likewise, use of the range as a naval gunfire support range would require firing over inhabited areas and at a minimum distance of five miles which would preclude the carrying out of those naval gunfire exercises that require the ship to be less than 20,000 yds. from the target. Noise from naval gunfire and aircraft delivered weapons would be unacceptable to inhabitants who live close to the target area. Aircraft are also precluded from operating at night on the range because the surrounding terrain is several hundred feet higher than the range.
c. Target site terrain.

Meets the requirements.

d. Climate.

Use of the range would be limited by inclement weather and cloud cover about 48 per cent of the time.

e. Cost factors.

No additional cost factors are involved.

f. Comment.

The primary reason this range cannot be used as an alternative to Kahoolawe is that it is not suitable as an air-to-ground and ship-to-shore target site.


The Makua Valley Impact Area is a U.S. Army Range. It is used for troop maneuvers and firing of small explosive ordnance. The largest piece of explosive ordnance permitted on the Makua Valley Impact Area is the shell from a 106 mm recoilless rifle.

a. Target site size.

The Makua Valley Impact Area contains 4,922 acres, less than the 7,750 presently used as the target site on Kahoolawe. Unlike Kahoolawe, the surrounding land is unavailable for artillery firing sites as are troop safety areas.

b. Target site location.

The range is located approximately three miles inland from the coast. Use of the range by aircraft would require flying over inhabited areas of Oahu, carrying live ordnance enroute to the target area, thus creating a potentially hazardous situation. Likewise, use of the range as a naval gunfire support range would require firing over inhabited areas. Noise from naval gunfire and aircraft delivered weapons would be unacceptable, both from a comfort and a safety aspect, to the nearby population. The range is
located on a mountain side, thus creating a hazard to aircraft operating at night on the range.

c. Target site terrain.

Insufficient level terrain exists for laying out a simulated airfield.

d. Climate.

Although Makua Valley Impact Area has more inclement days than Kahoolawe, this is not considered a major limitation.

e. Cost factors.

Target development costs cannot be adequately determined since the area does not contain sufficient level ground for development of certain types of targets.

f. Comment.

The major reasons for the unsuitability of Makua Valley Impact Area is the inland location, coupled with the unsuitable terrain, and the proximity to an inhabited area.

Committee Comment: It appears that in the comparisons, such as those noted in item (a) above, Kahoolawe is used as a primary measure of judgment. Rather than examining needs by comparisons with standard criteria, the Navy seems to use Kahoolawe as its source of measurement and comparison.

5. Pohakuloa Training Area.

The Pohakuloa Training Area is a U.S. Army Range. The range, which covers 166,498 acres, provides an area for both heavy weapons firing and brigade-size maneuver exercises.

a. Target site size.

Pohakuloa is more than adequate in terms of size as an alternative to Kahoolawe.
b. Target site location.

It is located 21 miles inland, beyond the range of most naval guns. Because of the size of the range and the relatively small nearby population, noise is not considered an excluding factor. The range has an artillery impact area that has been used occasionally by Marine aircraft from MCAS Kaneohe Bay. Caution must be used in the approach to the target over land with externally carried service ordnance onboard. The terrain, which is sloping and at a level of approximately 6,000 ft. has mountains on either side which rise to over 13,000 ft. which prohibit the use of the range at night or in inclement weather by aircraft. In addition consideration must be given to the fact the range is 75 nautical miles further from Oahu than Kahoolawe.

c. Target site terrain.

The terrain at Pohakuloa meets all the terrain requirements for a target site, except a simulated runway would have to be laid out on a hillside instead of level ground. Such a site is not realistic for an airfield target.

d. Climate.

The Pohakuloa Training Area is characterized by low lying cloud cover. The range would be unusable, due to low cloud cover, during the day (night operations are precluded because of surrounding mountains) by aircraft approximately 36 per cent of the time, with 57 per cent unusable time during optimum training period (from noon to early evening). Thus a severe handicap is presented to the maintaining of scheduled aircraft training.

e. Cost factors.

Considerable target development work would have to be done at Pohakuloa since there are no permanent targets (such as built up targets - vehicles, building, etc., simulated SAM sites, simulated airfields, and so forth) for air combat missions. The targets presently there for close air support mission are large cheesecloth air panels laid on an accessible hillside. These panels lack permanency and are subject to
easy obliteration. Cost estimates on target development would be based on the number of man days/equipment time required to develop the targets. Such estimates have not been computed, since the target is otherwise unsuitable. The target maintenance costs and target user costs are not deemed to be significantly different from those costs for Kahoolawe.

f. Comment.

Unsuitable as an alternative for Kahoolawe primarily because (1) it is not usable as a naval gunfire support range, and (2) it is limited in use as an aircraft firing range because of low lying cloud cover and high surrounding mountains.

6. Artificial Target Island.

The construction of an artificial target island, with a variety of terrain features, such as hills, valleys, and level areas, and of comparable size to the target impact area on Kahoolawe, is not considered economically practical. No formal studies have been prepared, but rough estimates of the cost of creating an artificial island from a reef or shoal area range from approximately $270,000,000 to $450,000,000. Such cost estimates were based on an artificial island of about 300 acres in size. It has been suggested that perhaps Kahoolawe should be made available to the State of Hawaii for recreation purposes. To put this into context, consider that in 1974 the State of Hawaii operating expenditures for recreation were $4,351,000. The median estimate for building an artificial island as an alternative for Kahoolawe would cost about $360 million (not including the Ordnance Clearance Costs if the island is to be rendered safe). If such an expenditure were invested (conservatively) at 6 per cent a year it would provide an annual revenue of $21.6 million; more than five times the 1974 operating expenditures for recreation.

Committee Comment: Again, no formal studies have been done regarding the alternative. Substantive data has not been made available to the Committee. Furthermore, the comparisons cited by the Navy regarding recreational expenses are irrelevant.
7. **Floating Target Area.**

a. The sea-towed sled.

Sea-towed targets (usually towed by a tug) are used in naval gunnery exercises when attacks are simulated on other ships or on PT boat type targets. They are also used by aircrews for attacks on the same type of simulated targets.

(1) Target site size.

Only a few hundred square feet. Does not meet the requirements for target impact area, troop safety area, artillery firing range, nor spotter locations.

(2) Target site location.

Not a limiting factor.

(3) Target site terrain.

A sea-towed target fails to provide any terrain features whatsoever. It is impossible to conduct any training exercises which require terrain features on such a target.

(4) Climate.

Due to the mobility of the sea-towed target climate is not a factor.

(5) Cost factors.

Is a relatively inexpensive target site.

(6) Comment.

Because of its very small size, lack of variety and complete absence of terrain features a sea-towed target is not a suitable alternative for Kahoolawe.

**Committee Comment:** While a sea-towed target is small and lacks terrain features, it seems like an economical alternative for at least part of the training that is now conducted on Kaho'olawe. The Navy has pointed out, however, that the problem such a target could be used for is not what they need in terms of training.
b. The floating island target.

The construction of a floating island target of several acres and with terrain features, such as valleys, hills, and level areas would involve costs approaching the costs of the artificial island discussed above. In addition, the construction of a floating island target that would be sufficiently strong to withstand repeated impacts on all types of live ordnance is not currently feasible. Such an island would also be vulnerable to inert ordnance, thus requiring extensive repair on a regular basis.

8. Southern California Operating Areas.

There are operating areas in Southern California. The U.S. Navy maintains targets on the island of San Clemente, located 63 miles off the coast of California. San Clemente is used frequently by the Navy as a shore bombardment target. Unfavorable weather conditions prevent the unrestricted use of the island. San Clemente is primarily unsuited as an alternative to Kahoolawe for Hawaii based units because of the distance from Hawaii. Ships based in Hawaii would have to travel roughly 2,500 miles one-way (minimum of 4 to 5 days steaming time) to conduct their training exercises there. In addition to the time and fuel required, delays in availability of the target areas due to weather and competition with Southern California based units would result in local units being displaced for lengthy periods of time. Steaming to Southern California would result in highs and lows in training and readiness. Because of the distance involved San Clemente is not a suitable alternative for Kahoolawe.

Likewise, the use of Southern California target sites by Hawaii based aircraft is precluded because of the great distance involved. It has been estimated that to move a Marine Corps squadron the equivalent distance of from Hawaii to Southern California costs approximately $1.6 million (1972 estimate). To do this on a routine basis for aircraft firing exercises is not economically practical.

Committee Comment: While "unfavorable weather" may prevent the "unrestricted use of San Clemente, usage reports indicate that it is still used more than Kahoolawe. The Navy replies that the use is
higher because the member of ships using San Clemente is greater.

Although it is far away from Kaho'olawe, perhaps through careful coordination homeported ships could arrange for training there during sea cruises. A compromise might be arranged whereby aircraft training need not be moved to San Clemente but shared in other training areas, while ship bombardment could be concentrated at San Clemente.

9. Western Pacific Operating Areas.

The U.S. Navy, and the other services do have training areas in the Western Pacific. The use of these areas by Hawaii based units is unsuitable for the same reasons as use of the Southern California areas are unsuitable. In the case of the Western Pacific Operating Areas the steaming times, one-way, for a ship is increased from 4 or 5 days, to 12 or 18 days. The greater distance would involve increased costs, as well as additional time. In addition, Western Pacific operating areas are on foreign soil and subject to reversion to host governments. An increase in their use could jeopardize their availability to ships and squadrons deployed to or homeported in the Western Pacific.

Some alternatives that have been suggested in the Committee's public meetings include Baja, California and Palmyra Island. No information has been provided on these, although "distance" would undoubtedly be sited as a major limiting factor.

Simulated Training

As mentioned in another part of this report, simulated training has been suggested by a number of people. The May 25, 1976 issue of Business Week Magazine discusses "The Rapid Spread of Training by Simulator".

It explains that more and more machines are being built to train people, in a wide range of industries, to operate complicated equipment without risking expensive machinery or wasting time using the "real" thing for training purposes. The astronauts trained on simulators, the Concorde supersonic pilots trained on simulators, and while these may not be exactly the same as the "real" thing, they do provide effective training in an economical manner.
Culebra

While the Culebra issue is not completely parallel, it does represent a similar situation which is deserving of study. The Culebra beach and shore areas were taken over during the war for training. In more than 60 years, the Island (which is some 22 miles from Puerto Rico) was bombed by the Navy which owned most of the Island's ten square miles. In 1970, the Navy tried to evict the Islanders; the Islanders refused to go; and the Navy eventually backed down. The Navy's attempt to claim the whole Island, expand training operations, and relocate the residents failed.

The Navy long avoided the Island's return to the Islanders, in order that they might better "protect the free world"--including Culebra itself. They insisted that there were "no suitable alternatives" to Culebra and stated, "Culebra represents an important part of a half-billion dollar military complex developed to train the forces of the Atlantic Fleet and those of some allied nations.... This training is essential for a strong national defense...."

The natives, on the other hand, objected to the bombs, the targets, and the military destruction. They fought hard at all levels of government in what they viewed as a David and Goliath type struggle. With the help of congressional leaders from various parts of the U.S., they finally won. By 1977, the bombing had stopped and the Island was returned.

Miloli'i

For at least five years, Hawaiians from the tiny fishing village of Miloli'i campaigned to relocate the Kauna Point Bombing Range to an area that would not place the villagers or their means of living in jeopardy. The Kauna Point range began operations in 1960 and was located on an uninhabited slope of barren lava land in the ahupua'a (land division usually extending from the mountain to the sea) of Kapua. The bombs were inert with only a light charge of powder for marking purposes.

The Miloli'i villagers explained to the Committee that they had objected to the bombing because:

1. The area is rich in Hawaiian history and has numerous artifacts;

2. The safety zone extends over water nearby which is regarded as choice fishing grounds (their primary means of living); and
3. The personal danger that they were put in—sitting bombs which were dropped by the Navy's planes near fishermen and a family on the beach.

Again, the villagers eventually won. But it was not until 1970 that the Navy finally agreed to stop the bombing.
CONCLUSIONS

The Navy has used criteria for judging alternatives which are based on a description of Kaho'olawe itself. As a result, they have rejected:

1. Ka'ula Rock;
2. PMRF, Barking Sands, Kaua'i;
3. Schofield Barracks Range Complex;
4. Makua Valley Impact Area;
5. Pohakuloa Training Area;
6. An Artificial Target Island;
7. A Floating Target;
8. San Clemente;
9. Southern California areas; and
10. Western Pacific Operating areas.

While one particular location may not possess all the features necessary to serve as a viable alternative to Kaho'olawe, a combination of areas and careful scheduling may be able to satisfy the primary needs.

Furthermore, there may be other more suitable alternatives of which the Committee is yet unaware. The military training needs are still unclear, so reliable assessments cannot be made. What is the schedule? Where do the forces travel? How can logistics be arranged to make the best use of a number of training areas? With the information provided, no area can be completely ruled out.
RECOMMENDATIONS

1. When considering alternatives to Kaho'olawe, the Navy should look into a number of different areas which, with the proper scheduling and coordination, could satisfy their total training needs.

2. A compromise, whereby aircraft training need not be moved to San Clemente but shared in other training areas, should be arranged. At the same time, ship bombardment could be concentrated at San Clemente and coordinated, for homeported ships, with cruises.

3. The military should increase training by simulator.
pau ka luhi, ka 'e ha, ka 'ōpā

all tiredness, soreness, and weariness have vanished
HO'OMA'EMA'E 'ANA

DEFUSING KAHO'OLAWE
Chapter VIII
CLEAN-UP

Executive Order No. 10436 stipulates that Kaho'olawe should be rendered "reasonably safe for human habitation" and returned without cost to the local government. In response to this eventuality, the Congress of the United States requested a study, which was completed late in 1976, on the estimated cost of cleaning up Kaho'olawe.

This was not the first request for a cost estimate. In 1971, Senator Daniel Inouye requested similar estimates from the Navy and was disturbed with the answers provided. Navy Assistant Secretary Frank Sanders wrote:

...best available information indicates that about $1 million would be required to provide a reasonable 70 per cent surface clearance. However, upon completion there would be no guarantee that undiscovered projectiles would not be exposed and set off later.

We have not expended the funds to determine the cost required to accomplish the additional surface and sub-surface clearance to make the Island reasonably safe for human habitation.

Although the island has been primarily used as a land impact area, it must be assumed that the surrounding waters also contain much ordnance. This presents the additional task of extensive underwater clearance inside the 10 fathom curve. It is estimated that this task would require the services of 30 divers for a period of 12 to 18 months and would at best provide less than 50 per cent clearance of the water area.

Senator Daniel Inouye responded in part:

With all the know-how the department of defense has accumulated on explosives and detection I just cannot believe that this is an impossible task. We did it in World War II in much bombed population centers such as

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The 1976 Study

The 1976 study was requested by Congress, and asked that the Navy consider a plan for utilization of Kaho'olawe and determine the feasibility and cost of clearing unexploded ordnance and restoring the Island in a way to permit domestic use.

Marinco, Ltd. of Falls Church, Virginia, was contracted to do the ordnance removal survey. They surveyed the Island in March of 1976 and completed the study later in the year. The study included:

1. A detailed surface examination of about 6 per cent of the Island;
2. A surface survey of 14 per cent of the target areas;
3. An extensive surface reconnaissance of non-target areas;
4. An underwater survey along aircraft run-in lines and surface ship-firing zones conducted by Explosive Ordnance Disposal (EOD) divers;
5. Discussions with knowledgeable personnel;
6. The use of information from previous surveys.

Study Results

The study reveals that ever since Kaho'olawe has been used as a target (1941 on), nearly every type of conventional ordnance in the U.S. military inventory has been used on it. Moreover, because Kaho'olawe was once an "open" target, the whole Island and its surrounding waters has been subjected to some kind of contamination.

There is evidence of surface contamination by bombs, projectiles, and rockets. In the 1,656 acres that were surveyed, 561 hazardous items were noted. This is an average surface density of 0.34 items/acre. With 17 air-to-surface targets and 20 surface-to-surface targets, this is not unusual. (See Figure 5). Subsurface and underwater contamination densities could not be determined.
Study Assumptions

Due to the variety of ordnance contamination of unknown quantity on the Island, complete clearance would be very costly. The study used certain assumptions centered around the data which was available:

1. Environmental or ecological considerations will not interfere with the clean-up, including the detonation of live ordnance on land.
2. Certain gulches can be used as fill areas to dispose of scrap, then filled and seeded for erosion control.
3. Living, cooking, and recreational facilities will not be included in cost estimates. (Contract basis)
4. Inter-island transportation for holiday and off-time travel, mail, etc. will be by contract, other than emergency cases.
5. Primarily local labor will be hired with a guarantee of ten hours per week overtime to meet union demands for isolated area compensation.
6. No rush. Plan on ten hours a day, five days a week, 250 days in the work year.
7. Ten per cent of area is inaccessible and cannot be feasibly cleared under any option.

Why civilian labor is being used in the cost estimates is not clear, particularly since the military are responsible for the clean-up anyway?

Clearance Options

The controlling factors in any clearance option are:

1. The depth of contamination;
2. What the land will eventually be used for; and
3. The cost.

A number of options were examined "to provide a comparative assessment of feasibility and to offer several land-use alternatives". The study lists the following options:
Option A - Status quo. No clearance; continue using Kaho'olawe as an unrestricted target area.

Option B - Clear entire Island to a depth of 20 ft. to allow unrestricted use. (This option was discounted early in the study).

Option C - Strip contour to 18 in.; major ordnance removal to 4.5 ft. using detection equipment and selective excavation. (Selected as one of the most feasible alternatives).

Option D - Clear 50 per cent of Island using Option C techniques and the remaining 40 per cent on a selective basis. (Selected as one of the most feasible alternatives).

Option E - Clear entire Island of surface contamination. It is estimated that 70 per cent of the surface contamination could be removed by EOD personnel using conventional techniques and without disrupting the existing topography).

Option F - Selectively clear designated areas as determined by land use or shared (military-civilian) use.

Study Conclusions

The study findings and conclusions, as reported, are as follows:

a. In the opinion of the investigators, clearance of Kaho'olawe Island is feasible under either Option C or Option D. Neither option will assure 100 per cent clearance. Although selective clearance to a depth of 4.5 ft. on portions of the island is included under both options, the cost of mass excavation to a depth greater than 18 inches does not appear to be justified.

b. Clearance under Option C will provide for a reasonable assurance that the island is safe for
habitation, farming and limited land development wherein excavation will not exceed the cleared depth of 4.5 feet.

c. Clearance under Option D will provide for a reasonable assurance that the island is safe for habitation with limited land development in the strip contoured area (16,108 acres) provided excavation does not exceed the cleared depth of 4.5 feet. The remaining area (9,781 acres) should be restricted to wilderness park, forestation, grazing and those activities which do not involve excavation.

d. Certification of 100 per cent clearance cannot be granted for any decontamination project using currently-available equipment and techniques. In live impact areas, there is always the possibility of residual contamination which can be uncovered by natural erosion or further land development which involves excavation for building foundations, utilities, etc. The military is required to recover and dispose of all military ordnance uncovered subsequent to land turnover in accordance with the Joint Service Regulations for Explosive Ordnance Disposal (OPNAVINST 8027.1E). This only applies to recovery and disposal once the ordnance has been uncovered. Support of construction projects would have to be the subject of a separate agreement between the military and the landowner.

e. The lack of precedent for large-scale clearance and the magnitude of this effort in terms of cost indicates it would be prudent to undertake a pilot program to test procedures and confirm clearance rates. This would allow for refinement of cost estimates and subsequent cost benefit analysis based on land use alternatives.

f. In any range clearance operation, there is an assumption of risk to personnel and equipment because of exposure to buried unexploded ordnance. The use of proper procedures, rigid safety precautions and remote-controlled equipment should reduce the exposure to an acceptable level and minimize the unexploded ordnance hazard to personnel.

g. Underwater ordnance contamination exists and could present a hazard to fishing activities and to SCUBA divers. Cost estimates of underwater clearance were not within the scope of the study.
h. There is a need to develop a more effective area clearance capability within the military to include surface, subsurface and underwater contamination. This would preclude unnecessary clearance, reduce the inordinate costs to excavate areas to maximum ordnance penetration depths, and minimize exposure of personnel to buried unexploded ordnance. To achieve this capability, effort in the following areas of research and development should be intensified:

- ordnance detection/location/classification
- combined sensor techniques
- signal and information processing techniques
- clearance vehicles
- remote control techniques

Costs

In terms of actual costs, the study centers on Options C and D with estimates running between $77,386,439.00 and $130,741,757.00. The exact figures are included in Table.
The costs of clean-up may seem high, but as one citizen explained to the Committee, "Even if it costs $15 million to clean-up, this would add up to less than 75 cents per American. Isn't it worth that much to know that they are protected and then to clean-up their mess afterwards?"

When one considers that a single B-1 bomber costs $93.8 million and more, the $130 million spread over five or six years does not seem quite so unmanageable. This works out to a range from $21.67 million down to $12.83 million over six years. The question is not really whether or not the Navy should clean the Island; rather the question is "when?" According to the Executive Order granting the Navy use of the Island, the stipulation of clean-up before return is quite clear.

The findings of the clean-up study provide a basis for compromise; for it is evident that while the bombing may be gradually reduced, certain areas of the Island can be cleaned and restoration efforts begun. Since the bombing is centered on one part of the Island, areas outside the target area can be cleared and planted, starting at shorelines and moving inland.

The point is that the clean-up of Kaho'olawe is not unfeasible, it is now a matter of planning and scheduling.
RECOMMENDATIONS

1. The Navy should clean-up by increments, moving inland from the seashore areas; and clean-up plans should be expedited.

2. While the bombing continues, the Navy should consider recording the locations of suspected unexploded missiles or other ordnance.

3. The Navy should concentrate on clearing those certain areas which can be opened on a limited basis for controlled civilian use for such activities as hunting and fishing.

4. Whenever feasible, use of military personnel (EOD's) in the clean-up, primarily in the beach areas, should be considered, thus reducing projected costs.

5. Consideration should be given to using the Island for demolition training, i.e. "clean-up" practice, including underwater demolition training, thereby getting rid of some of the problem ordnance (unexploded) in the process.
ua ola nā kini o ka 'āina
i ka hui hana a'o ke kaona

the people of the land live
due to the company work
of the town
WAIWAI O KA 'ĀINA

THE ECONOMY
Chapter IX

ECONOMIC IMPACT

The economic impact on Hawai'i of the loss of Kaho'olawe as a training site is unclear. The military has at various times stated that they might have to withdraw some forces if Kaho'olawe were lost to them.

In a June 1977 "Economic Indications" report, the general military presence was deemed "economically crucial" to Hawai'i. If the civilian work force is considered, the following should be noted:

<table>
<thead>
<tr>
<th>Number of Civilians Employed by the Military:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
</tr>
<tr>
<td>22,760</td>
</tr>
</tbody>
</table>

This is a decline of 3,640 jobs in the last seven years, and represents a strong economic deficit.

The military side of the coin is brighter:

<table>
<thead>
<tr>
<th>Number of Uniformed Personnel Stationed in Hawai'i:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
</tr>
<tr>
<td>38,000</td>
</tr>
</tbody>
</table>

This is an increase of 5,100, as well as a corresponding increase in the number of military dependents. The payroll for the military, meanwhile, has increased to a total of $420 million (by the end of 1976).

The impact of the total military forces in Hawai'i then is important.

Again the question is raised, however, about the direct impact of the loss of Kaho'olawe for training. The Navy says unequivocally that the result will be the loss of more civilian jobs and the removal of troops from Hawai'i. Very little factual data has been provided which would support this opinion.

On the other hand, the value of Hawai'i to the military cannot be overlooked:

1. Hawai'i is strategically located in the Pacific.
2. Pearl Harbor is a highly developed port providing valuable services to the military.
3. A number of areas in Hawai‘i provide good terrain for amphibious and jungle training.

4. Hawai‘i is noted for its good weather and consequent year-round training capabilities.

5. The military has already invested large sums for defense facilities and recreational facilities in Hawai‘i (hotel at Fort DeRussy, etc.).

6. Hawai‘i is a welcome rest and recuperation port for the troops.

7. The community generally accepts the military presence on a friendly basis.

If these factors are weighed against the loss of Kaho‘olawe as a training area, the quick withdrawal of the military from Hawai‘i would seem unlikely.

The Navy provided the Committee with statements to "substantiate" their needs. The contention that certain forces "want" Kaho‘olawe, find it "convenient", and strongly desire its continued use is not really at issue. What remains questionable is the actual need based on hard data.

The military in part substantiates its "loss" claims on the basis of the following statements included in "A Report on the Island of Kaho‘olawe" revised in April 1977 by the United States Third Fleet:

I. Fleet Marine Force Pacific.

...Loss as a target facility would severely degrade the ability of FMFPAC forces to upgrade/maintain combat readiness. The specific impact of such loss on FMFPAC units is projected below.

A. Ground Unit Readiness.
   (Decrease 33-1/3 per cent)

   Ground unit readiness for 106 mm, 60 mm and 81 mm mortars and 105 mm howitzer, would decrease by one-third.

B. F-4 Aircraft Readiness.
   (Decrease 33-1/3 per cent)

   Readiness training conducted at the squadron level would be decreased by about one-third. This reduction would be in air-to-ground weapons delivery training, which would significantly affect the
primary mission capability of the F-4. No other target in the Hawaiian area is suitable for this type of training.

C. AH-1 Aircraft Readiness.
(Decrease 25 per cent)

AH-1 readiness would decrease by as much as 25 per cent since all other ordnance delivery ranges are beyond operational range of the aircraft when operating from Kaneohe and opportunity for coordination of supporting arms training would be greatly reduced. In order to maintain ordnance delivery capability, frequent deployments to Pohakuloa training area, or Barking Sands (PMR), for staging purposes prior to making ordnance delivery runs on Ka'ula Rock would be required.

D. Forward Air Controller (FAC)/Tactical Air Controller Airborne (TACA).
(Decrease 70 per cent)

FAC/TACA readiness would decrease 70 per cent as training and qualifications are conducted at Kaho'olawe.

II. Fleet Training Group, Pearl Harbor. (The scheduling authority for all Navy targets in the mid-Pacific)

...Units homeported in Pearl Harbor are able to gain/retain/renew Naval Gunfire Support (NGFS) qualifications. The loss of Kaho'olawe would require costly and disruptive deployments to southern California or western Pacific solely for this qualification. Lack of current qualification would degrade USN unit readiness for immediate deployment for regional crisis, or in response to national or treaty commitments. For the Navy, this would seriously degrade a primary mission, the ability to project sea power ashore.

III. Naval Surface Force Pacific.
(Decrease 30 per cent)

Eighteen Naval Gunfire Support (NGFS) exercise-capable ships are homeported at Pearl Harbor, each requiring annual shore bombardment qualifications. Without Kaho'olawe target complex there would be approximately a 30 per cent degradation in surface
warfare mission readiness. This would have a particularly serious effect on the ability to project power ashore, one of the primary missions of these ships.

IV. Submarine Force Pacific.
(No loss)

Elimination of Kaho'olawe as a target would result in no major degradation of combat readiness of COMSUBPAC units. Most older models of torpedoes have either been withdrawn from use as or are in short supply. There are no plans to expend any of these warshot units for training purposes. The newer torpedoes in general use are acoustic homing units and Kaho'olawe is not a suitable target for these.

V. 326th Air Division (U.S. Air Force).
(No loss)

No significant degradation.

VI. 22nd Tactical Air Support Squadron (U.S. Air Force).

Without the use of Kaho'olawe or a suitable alternative, this unit would be unable to maintain combat status under present guidelines contained in AFM 51-112 (the Air Force Manual that lays out the minimum requirements necessary for O-2 aircraft pilots to maintain combat readiness in mission areas such as high-speed fighter Forward Air Control (FAC), night air control, etc.). To restore the capability to maintain combat ready status would require the establishment of scorable targets and suitable tactical targets for forward air control missions (FAC) in some location.

VII. 25th Infantry Division (U.S. Army)
(No loss)

If current target facilities in the Hawaiian area remain available, the loss of Kaho'olawe as a target facility would not significantly affect combat readiness for units of the 25TH Infantry Division. The majority of training conducted on Kaho'olawe by the Division can be performed at the Pohakuloa training area on the island of Hawaii. However, use
of Pohakula is past and planned use in the future has been primarily limited by fiscal constraints (i.e., cost of transporting troops and artillery to the Island of Hawaii versus the shorter distance to Kaho'olawe). Because Kaho'olawe is a built up range it provides the Division with excellent ranges for air cavalry and airmobile/infantry exercises. At present the Division does foresee additional training requirements that would involve the island of Kaho'olawe. Concepts are being considered for airmobile and air cavalry tactical operations. Should funds allow, infantry company-sized, combined arms, live fire exercises are envisioned to exercise emergency readiness deployment capabilities.

VIII. U.S. Coast Guard.
(No loss)

No major degradation would occur, although Kahoolawe is utilized for shore bombardment exercises about four days annually.

IX. Naval Air Force Pacific.
(Limit capability)

The loss of Kaho'olawe would limit the mid-Pacific capability to support intensive aircraft carrier and carrier air wing (CV/CVW) exercises, coordinated strikes, and radar bomb system calibration. With no opportunity to exercise the ship and air wing teams prior to western Pacific deployment, it is anticipated a significant degradation of unit combat readiness would be realized.

Again it must be noted that the stated decreases are never substantiated by data. Furthermore, the Navy does not consider the alternative of decreased use of Kaho'olawe and the consequences on combat readiness and training schedules by such an action. In the absence of any data, a number of assumptions can be made which could lead to a number of conclusions on the part of this study.

Take for example the usage of Kaho'olawe by the Naval Surface Force Pacific in 1974. During that year, the Navy states that:

1. Eighteen ships were homeported at Pearl Harbor.
2. The complex was used 52 weeks per year on an average of two times per week.
3. The total hours of occupation was 540 hours.

Assuming that each exercise involves only one ship, then the total hours of occupation remains at 540 hours as previously stated and the number of exercises each ship must participate in to meet combat readiness standards is six (2 exercises per week X 52 weeks / 18 ships).

Furthermore, each of the exercises which took place in 1974, took approximately 5.2 hours (540 hours / [2 exercises per week X 52 weeks]).

However, if the number of ships participating in each exercise is increased to six, then the number of exercises required to maintain combat readiness can be decreased from 104 to 18. This translates into a reduction of total occupancy time from 540 hours to 94 hours (18 exercises X 5.2 hours per exercise). The Navy explains that this would not be a good use of training facilities at the time.

The point of these calculations, then, is merely to demonstrate that with the limited data provided a number of conclusions can be made in this study which provide strong support for the concept of "shared-use" or on the other hand strictly controlled use.

In addition, the lack of substantive data has caused much confusion for the Committee as reports were examined and informative decisions sought. Again using the same assumptions that were made for the 1974 data on the 1976 data, an apparent decrease in training time of 22 per cent required to maintain combat readiness was observed.

To illustrate, in 1974 the required annual training time, on the assumptions used, was about 31 hours per ship (6 exercises per ship X 5.2 hours per exercise). However in 1976, this training time was decreased to 24 hours per ship ([420 hours / 104 exercises] x 6 exercises per ship). No explanation is given for this decrease.

Why the decrease in training time of 22 per cent by the ships while still maintaining 100 per cent readiness? Can similar factors be incorporated in today's exercises to further reduce the training time on Kaho'olawe?

A number of questions remain:

1. What are the "givens"?
2. What does 100 per cent "readiness" mean?
3. What is the status quo?

4. How often does the Navy have to coordinate shelling with the Marines?

5. How much of the time is spent only on maneuvers?

6. How often do the ships come, how often do they bomb, and how often in coordination with other groups?

7. Of the 18 homeported ships,
   
   How often are they overseas?
   
   How often are they in port and when?

8. What were the total number of hours of occupation prior to 1974?

9. What is the exact number of times in which an "activity" used the "aina"?

10. What is the schedule of use for the year, before, and after?
    
    What do they do when they are away?
    
    Where do they go?
    
    Do they shell in other places too? Could they?
CONCLUSIONS

There are two major trends of thought among the public regarding the economic impact of the loss of Kaho'olawe as a target island.

The first is a frightened view - scared of the possibility of losing the military altogether. One woman explained:

The future of our kids is at stake. What will you be taking away from us by the return of Kaho'olawe? What about the loss of jobs? They said they'll move out! Pearl Harbor is important to us, we can't afford to lose it.

Again there must be noted the lack of substantiated data to warrant a pull-out. But the threat is a real one to people in the community.

The second view was summed up by a man who testified before the Committee:

They seem to be using economic black mail as a justification. So they pull out - Where will they go? It's time now to agree on a workable solution. It's time to compromise - on both sides.

The data provided by the Navy is too general to make any specific conclusions. Therefore, because claims of loss are unsubstantiated, no further statements as to the actual impact on the economy of Hawai'i of the loss of Kaho'olawe as a target can accurately be made. The most that can be said is that there may be an impact on the economy of Hawai'i if Kaho'olawe is removed as a target island; however, whether or not that impact would be significant is still questionable. Again, any predictions become very speculative.
RECOMMENDATIONS

1. Input from the Navy, in the form of valid factual data on economic implications, should be submitted to the Legislature and the Governor for evaluation.

2. Until valid and reliable data is submitted on the economic impact on Hawai'i of losing Kaho'olawe for training purposes, economic "doomsday" forecasts should not be taken seriously.
welwel, wale ko' u moena
nohowale iho la 'oe, pale ko eu

how long you have indeed slept
you sit calmly and make no stir
HO'OMALU

PROTECTING THE ISLAND Kaho'olawe: CONSERVATION
Chapter X

CONSERVATION

Kaho'olawe's vegetation has been studied by a number of people. Because the Island lies in the lee of Mt. Haleakala, it is cut off from much of the tradewind rains. The annual average rainfall is now estimated at 24 inches, most of which comes from a few Kona storms. Lua Makika and Lua Keāliahale (see Figure 6) act as natural reservoirs during the rainy season. In addition, a rather large man-made (through bomb action) crater near the shore serves as a rain-catch.

Water

Water has long been a problem on Kaho'olawe. Because Haleakala takes the moisture from the clouds to the northeast, the Island usually depends on Kona storms for its rain. Rainfall averages from 8 in. to 27 in. annually. Fresh water is sufficient for certain purposes only during the rainy season, when Lua Makika and Lua Keāliahale act as natural reservoirs.

In addition to the natural reservoirs, former residents reported three brackish water springs: one at Ahupū Harbor on the northwest side, one at Waikahalulu on the southwest side, and one at Kanapou on the east. Water stored in large cisterns during the Island's ranching days served as a primary source at that time. The springs are brackish for much of the year; so drinking water usually had to be brought in from Maui. Enough was stored for the livestock in the cisterns without having to continuously transport water from Maui.

In testimony before the Committee, one man described a comprehensive reservoir system, similar to that built on the Island of Moloka'i, which might be developed as part of a reclamation project. Such a project could provide Kaho'olawe with a steady source of much-needed water.

Erosion

With the introduction of sheep and goats, a large "hard pan" area developed. C.S. Judd (Thrum's Annual for 1917, the article entitled "Kaho'olawe") wrote:

The innumerable sheep and goats cropped the grass and other herbage so closely that the sod cover was broken. This gave the entering wedge for the wind to exert its influence on the light top soil. This unprotected and exposed soil could not stand the force of the strong trade wind but was
Figure 6
MAP OF KAHO'OLawe ISLAND

KEALAIKAHIKI CHANNEL

Lae o Kuikui
Hakioawa
Lua Keālialuna
Lua Makika
Kanapou Bay
Lae o Kākā

DUST BOWL

Lae o Keālialalo
Puu Mōiwi
(Valley)
(2 water holes)

Kamōhio Bay

Lae o Kūaka'iwa

Waikahalulu Bay

HanaKanaceE
lifted little by little and carried southwest across the island many miles out to sea in a great red cloud. In this manner the top of the island which was once covered with from four to eight feet of good soil has been reduced largely to hardpan.

T.C. Zschokke ("The Forests of Kaho'olawe" The Extension Letter, University of Hawaii Agricultural Extension Service, Vol. XLLL, No. 1, January 1932, Forestry Section) noted:

As a result of over grazing by cattle, goats and sheep, the soil cover was destroyed on all but the rocky lands where at best there is but little soil. The trade winds blow constantly with great force. The ordinary wind at the Nu'uanu Pali is a gentle breeze compared to the winds that sweep over Kaho'olawe.

He continues:

Originally, vegetation covered the tops of the hills and ridges on Kaho'olawe, and the Island was forested. Reports show that Wiliwili, Naio or false sandalwood, and true sandalwood grew there and it is logical to assume that other dry land plants associated with these on Maui and Lana'i would also occur there. At present there are a few Wiliwili left standing and except in sheltered spots there is no soil in which to start other trees. It is estimated that in the 60 years since wind erosion began its destructive action soil and subsoil to the depth of fifteen feet has been blown into the ocean.

List of Plants Collected on Kaho'olawe

In May 1970, Charles H. Lamoureux compiled a list of plants which had at one time or another, been collected on Kaho'olawe (Lamoureux, "Plants Recorded from Kaho'olawe, University of Hawaii, May 1970). For each plant, he listed:

<table>
<thead>
<tr>
<th>Native or Introduced species</th>
<th>Botanical name, the last record from Kaho'olawe (observer and date)</th>
<th>Hawaiian or Haole Name</th>
</tr>
</thead>
</table>

The list and coding follows:

* = species endemic to Kaho'olawe (found only on Kaho'olawe and no place else on earth).

N = species native to the Hawaiian Islands, but found on other islands as well as Kaho'olawe.
X = species introduced to the Hawaiian Island by man.

FERNS

N  Doryopteris decipiens (Hook.) J. Sm. Forbes, 1913
   "iwa iwa"

MONOCOTYLEDONS

AMARYLLIDACEA - Amaryllis family

X  Agave americana L.  
   (or A. sisalana)  
   Still on island, LeBarron  
   (Species uncertain)
   "century plant"
   "sisal"

GRAMINEAE - Grass family

X  Andropogon pertusus (L.) Willd.  
   Still on island, Le Barron
   "pitted beardgrass"

X  Cenchrus echinatus L.  
   Bryan, 1931  
   Still on island, LeBarron  
   "sandbur", "umealu"

X  Cynodon dactylon (L.) Pers.  
   Bryan, 1931; photo, 1939  
   Still on island, LeBarron
   "Bermuda grass", "manienie"

X  Chloris inflata Link  
   Bryan, 1931  
   Still on island, LeBarron
   "swollen fingergrass"

X  Chloris virgata  
   Still on island, LeBarron
   "feather finger grass"

X  Digitaria sp.  
   Reported by Nahoaolelua and Richardson, 1857
   "kukaepua'a"

N  Eragrostis variabilis gaud.  
   Reported by Nahoaolelua and Richardson, 1857
   "kalamalo"
N  **Heteropogon contortus** (L.) Beauv.  
Still on island, LeBarron  
"piligrass"

X  **Melinis minutiflora** Beauv.  
Stearns, 1939  
"molasses grass"

X  **Panicum maximum** Jacq.  
Bryan, 1931  
"Guinea grass"

X  **Setaria verticillata** (L.) Beauv.  
Still on island, LeBarron  
"bristly foxtail"

N  **Sporobolus virginicus** (L.) Kunth  
Bryan, 1931  
"'aki 'aki"

LILIACEAE - Lily family

X  **Cordyline terminalis** (L.) Kunth  
Stearns, 1939  
"ti"

DICOTYLEDONS

ARALIACEAE - Panak family

N  **Reynoldsia sandwicensis** Gray  
Reported by Forbes, 1913, as formerly present  
"ohe makai"

ASCLEPIADACEAE - Milkweed family

X  **Asclepias curassavica** L.  
Bryan, 1931  
"butterfly weed", "lau-lele"

BATIDACEAE

X  **Batis maritima** L.  
Still on island, LeBarron  
"pickle weed", "akulikuli-kai"

CACTACEAE - Cactus family

X  **Opuntia megacantha** Salm-Dyck  
Bryan, 1931  
Still on island, LeBarron  
"panini"
CAPPARIDACEAE - Caper family

N Capparis sandwichiana DC.
  Bryan, 1931
  "puapilo"

CASUARINACEAE - Casuarina family

X Casuarina sp.
  Still on island, LeBarron
  "ironwood"

CHENOPODIACEAE - Goosefoot family

X Atriplex semibaccata R. Br.
  Still on island, LeBarron
  "Australian salt bush"

X Chenopodium sp.
  Forbes, 1913
  "lambs quarters"

COMPOSITAE - Sunflower family

X Acanthospermum australe (Loefl.) Ktze
  Bryan, 1931
  "star bur"

X Emilia sonchifolia (L .) DC.
  Bryan, 1931
  "Flora's paintbrush"

X Heterotheca grandiflora Nutt.
  Bryan, 1931
  "telegraph plant"

* Lipochaeta bryanii Sherff
  Collected only by Bryan in 1931
  "nehe"

N Lipochaeta connata (gaud.) DC.
  Collected only by Remy in 1851-1855
  "nehe"

* Lipochaeta Kahoolawensis Sherff
  Collected only by Remy in 1851-1855
  "nehe"

X Sonchus oleraceus L.
  Forbes, 1913
  "pualele"

X Tridax procumbens L.
  Bryan, 1931
  "coat buttons"
Verbesina encelioides (Cav.) Benth.  
Bryan, 1931  
Still on island, LeBarron

Xanthium strumarium L.  
Bryan, 1931  
Still on island, LeBarron

CONVOLVULACEAE - Morning glory family

Ipomoea pes-caprae (L.) Sweet  
Bryan, 1931  
"beach morning glory"

Ipomoea sp.  
Bryan, 1931  
"morning glory"

Jacquemontia sandwicensis Gray  
Bryan, 1931  
"pa‘u-o-Hi‘iaka"

Merremia aegyptia (L.) Urban  
Davis, 1961  
"hairy merremia"

EPACRIDACEAE - Epacris family

Styphelia tameiameiae (Cham.) F. Muell  
Reported by Forbes, 1913, as formerly present  
"pu kiawe"

EUPHORBIACEAE - Spurge family

Euphorbia hirta L.  
Forbes, 1913  
"hairy spurge"

Euphorbia multiformis H. + A.  
Stokes, 1913  
"akoko"

Euphorbia thymifolia L.  
Stokes, 1913  
"thyme-leaved spurge"

GOODENIACEAE - goodenia family

Scaevola taccada (gaertn.) Roxb.  
Bryan, 1931  
"beach naupaka"
Acacia farnesiana (L.) Willd.
Still on island, LeBarron

Cajanu flavus DC.
Bryan, 1931

Desmodium triflorum (L.) DC.
Forbes, 1913

Desmodium uncinatum (Jacq.) DC.
Bryan, 1931

Erythrina sandwicensis Deg.
Few trees still on island, LeBarron

Indogofera suffruticosa Mill.
Still on island, LeBarron

Leucaena leucocephala (Lam.) dewit
Still on island, LeBarron

Mimosa pudica L.
Forbes, 1913

Phaseolus lathyroides L.
Bryan, 1931

Prosopis pallida (H & B ex Kunth)
HBK
Still on island, LeBarron

Abutilon incanum (Link) Sweet
"ma'o"

Gossypium tomentosum Nutt.
Forbes, 1913
"ma'o", "Hawaiian cotton"

Hibiscus brackenridgei gray
Collected only by Remy in 1851-1855
"ma'ohauhele"

Sida sp.
Still on island, LeBarron
"ilima"
MYOPORACEAE - Myoporum family

N Myoporum sandwicense (DC.) Gray
Reported by Forbes, 1913, as formerly present

MYRTACEAE - Myrtle family

X Eucalyptus camaldulensis Dehnh.
"Murray red gum"

X Eucalyptus citriodora Hook.
"lemon-scented gum"

X Eucalyptus sp.
At least three species still on island, LeBarron
"Eucalyptus"

X Psidium guajava L.
Stearns, 1939
"guava"

NYCTAGINACEAE - Four o'clock family

N Boerhavia diffusa L.
Bryan, 1931
"alena"

PAPAVERACEAE - Poppy family

N Argemone glauca var. inermis Deg.
and Deg.
Bryan, 1931. This variety was known only from Kahoolawe
"pua Kala"

PORTULACACEAE - Portulaca family

N Portulaca lutea Sol.
Forbes, 1913
"akulikuli"

N Portulaca sclerocarpa Gray
Collected only by Lydgate in 1960's
"ihimakole"

RHAMNACEAE - Buckthorn family

* Gouania cucullata St. John

* Goumania remyi St. John
Both species collected only by Jules Remy, 1851-1855

SANTALACEAE - Sandalwood family

N Santalum ellipticum Gaud.  
Collected by Remy in 1851-1855, and by Stearns in 1939

"sandalwood", "iliahi"

SAPINDACEAE - Soapberry family

N Dodonaea viscosa L.  
Reported by Forbes, 1913, as formerly present

"a'ali'i"

SOLANACEAE - Tomato family

N Lycium sandwicense gray  
Bryan, 1931

"'ohelo kai"

X Nicotiana glauca grah.  
Still on island, LeBarron

"tree tobacco"

STERCULIACEAE - Cocoa family

N Waltheria americana L.  
Still on island, LeBarron

"hialoa", "uhaloa"

URTICACEAE - Nettle family

* Neraudia kahoolawensis Hbd.  
Collected only by Lydgate in 1860's

"oloa"

VERBENACEAE - Verbena family

X Lantana camara L.  
Still on island, LeBarron

"lantana"

X Verbena litoralis HBK.  
Still on island, LeBarron

"ha'uo'i"
Change in Flora

Over the years there has been a drastic change in the fauna of the Island. The animals that were introduced there (goats and sheep) ate and killed off much of the vegetation. New plants were brought in, in an attempt to reclaim the land, and these in turn spread over much of the Island. With erosive action, a portion of the Island was changed from fertile soil to the bare hardpan described earlier when few plants could survive. Little effort was ever made to replant the native vegetation.

Replanting

Kaho'olawe has been variously described as "barren", "ruined", the prime example of "how to kill an Island". But the fact remains that it was not always this way, and it can be changed. As one forester explained, "man destroyed that Island; and with its return, our problems just begin". He pointed out that Kaho'olawe is a multi-faceted problem, and its denuding started long before the Navy gained jurisdiction. The problem to be faced now, is how to redress the nude Island.

In discussions with the Committee, several protective needs were pointed out:

1. Protection from wind erosion;
2. Protection from animal erosion;
3. Protection from unthinking or unscrupulous archaeologists (with the archaeological work at Lapakahi State Park cited as an example); and
4. Protection from bombing.

Goats

The feral goats on Kaho'olawe, like those on other islands, are a hardy breed. They vary in size and color and in recent history have been regarded as "pests". The Kaho'olawe goats are said to have been brought to the islands in 1793 by Vancouver. They reproduced so quickly that they were soon sited as a definite problem on most of the islands.
A 1904 Board of Agriculture and Forestry report states:

The forest problem on Lanai is essentially one of protecting the remaining native forest against the destructive ravages of the goats, which now run wild in large numbers, over the rougher and higher parts of the island...a start ought to be made speedily...for the destructive erosion of the mountain caused by the goats, is becoming more and more serious every month that it is allowed to go on..."

In 1909, it was estimated that 5,000 goats were present on Kaho'olawe, and from 1906 to 1914 another 4,300 goats were killed. When Angus McPhee took the Island for ranching, he shipped out some 13,100 goats to Maui. Even that did not eradicate them.

After the Navy took over the Island in 1941, the goats again flourished. Eradication efforts failed even though military hunting parties were periodically sent to the Island. On the islands where public hunting has been permitted, however, the goat population has gradually come under control.

Methods of control were discussed by Raymond J. Kramer in his Hawaiian Land Mammals, 1971, as follows:

At Hawaii Volcanoes National Park, on the Big Island, rangers' files show that 17,389 goats were removed in the five-year period from 1927 through 1931 (Yocom, 1967). These animals were removed by means of drives conducted by the territorial foresters. There is no data available for the next six years; for three of these years local riflemen took an unknown number until Office Order No. 288 ordered a stop to their hunting (hunting by private sportmen is contrary to National Park regulations). In 1938, 5,085 goats were removed from the park by Civilian Conservation Corps enrollees under the direction of park rangers. At the end of that year, the assistant park naturalist, Samuel Lamb, wrote an optimistic article, parts of which I quote: '...an area of approximately 70 square miles...was thoroughly combed during the spring and summer months. The final count shows that a total of 5,085 goats were rounded up, this represents 70 goats per square mile or one goat to every nine acres....'

It is a well-known policy of the National Park Service to preserve its lands in as nearly a natural state as is possible. Since goats are not native to Hawaii, they are an unnatural element. Also that they are very destructive to the native forests has often been shown. Over much of the area driven all forms of plant life have been reduced to a minimum, giving a very desertlike appearance to the landscape. Now that the goats have been brought under
control it is believed that some sort of vegetative cover will return over large areas. This will help to stop the erosion that has been in progress for many years as well as helping to bring about habitat conditions suitable for some of Hawaii's native birds.

Now that these lands in the National Park are surrounded by goat-tight fences it is believed that the number of goats can be kept very low. Follow-up drives can be conducted from time to time and Park Rangers on patrol, working in pairs, will be able to kill off small bands as they become established.

That the eradication of these exotic animals in the Territory of Hawai'i is an important step in conservation cannot be denied. Similar drives, conducted on territorial lands by CCC workers, constitute an important contribution to the future welfare of the island's forest. It is hoped that the work can be carried on for years to come (Lamb, 1938).

In 1968, the rangers conducted a goat drive which netted them 300 live goats. These goats were sold at auction for $2.85 each. The purchasers then took them to the plantation areas and again sold them for between $7.00 and $10.00.

Breeding and Food Needs

Goats have a gestation period of five months; and females can be bred at five months, males at one year. Since breeding goes on year round, the multiplying effect of an unchecked goat population is enormous. The goats eat a large variety of plants and can get along with very little water.

Damage Caused by Goats

Goats have been named one of the most destructive creatures in the Hawaiian ecosystem, other than man. Kramer (Hawaiian Land Mammals, 1971) lists several areas of destructiveness that apply to the goats on Kaho'olawe:

Increased erosion has been brought about by:

a. Overgrazing of native plants.

b. Elimination of some native plants, thus eliminating ground cover.
c. Disturbance of the soil by sharp hooves.

d. Complete elimination of plants from saddles, hogback ridges, goat trails, and along the rim of the crater by feeding or loitering herds of goats.

e. Pawing of the ground by billies before lying down.

f. Increased erosion by rainfall of soils disturbed by goats.

g. Increased erosion by wind of soils disturbed by goats.

h. Slides started by grazing goats.

i. Slides started by goats of all ages playing on the exposed cinders and basalt.

j. Slides started by rocks dislodged by feeding goats.

Damage to native plant communities also indirectly occurs when goats eat introduced vegetation (such as blackberries) and later defecate the hard-shelled exotic seeds in other areas. When the seeds sprout an unwelcome form of plant competition occurs with, unfortunately, the invader often winning.

Control of Goats

The Navy reports that their control of the goats on Kaho‘olawe may be judged successful. In the 1976 Third Fleet study on the Island of Kaho‘olawe, they write:

This is a successful ongoing program. Approximately 15,000 goats and sheep have been killed on Kahoolawe in the past 5 years. The population is now under control. Continuing efforts are required to maintain the population at a low level, and eventually achieve total elimination.

They also reported a recent kill of an estimated 800 goats. When these efforts are compared to those of Angus McPhee (13,000 caught and shipped live to Maui), the Navy’s "successful" program is not too impressive.

Unfortunately, many conservationists would disagree with the Navy assessment. Like other areas under federal control, the goats, lacking the public hunting controls, have flourished. In discussing the National Park policy which forbade "open access hunting", Kramer explained that this has served as a roadblock to turning certain lands over to the service because conservationists fear the effects of the uncontrolled goats.
State Plan

As one State forester explained, if replanting were begun today, it would not be completed within the next 50 years. Replanting efforts have begun, but not yet extensively. The State is now working on a plan to first plant trees which can survive the goats and the weather, and which will act as windbreaks for later plantings. Then, in protected areas, the State will replant native vegetation. It is hoped that the trees will then attract the fog drip, absorb the moisture, and eventually again become as green and fertile as Lāna'i or Ni'ihau.

The replanting is very difficult because of the lack of rainfall and the goats. So far, the tamarisk and the tobacco trees have grown best in test plots on the Island. The tamarisks are being planted primarily as windbreaks, before other less hardy vegetation are attempted.

Planting Method

To avoid injury because of ordnance both above and below the ground, a special planting method was designed involving what looks like a tin can casing containing plastic explosives. These "cans" are used to blow a hole in the ground; then a stick of dynamite is inserted. It is exploded again and the hole is enlarged to a depth of three feet, with loose dirt left in it and used to cover the plants. The process is safe and fairly inexpensive now; and the Navy's Jerry Swedberg is working on cutting the costs even further.
CONCLUSION

If Kaho'olawe is to be restored to anything near its natural condition, the removal of the goats from the land must be given top priority. The goats have no natural predators there and the plants have neither the capacity nor the defense mechanisms to withstand them.

Before an effective replanting program can be developed, the goats must be removed, preferably alive or through a public hunting program. While the governing Executive Order requires the Navy to keep the population below 200, it is estimated that there are considerably more on the Island. In the public Committee meetings, great distress was expressed by people who could not understand the killing of animals for that purpose alone. Thus a public hunting program or the rounding up of live goats would prove more humane and palatable to them.

A strong conservation and replanting effort headed by the Department of Land and Natural Resources is also a necessity at this time. Kaho'olawe can be saved, but efforts must begin now.
RECOMMENDATIONS

1. A major replanting effort on the Island should begin immediately with the military supporting State efforts in this area.

2. The State Department of Land and Natural Resources should be given reasonable access to replant and to maintain the replantings.

3. The Department of Land and Natural Resources should be provided transportation to and from the Island while planting, and then periodically thereafter for maintenance.

4. Establish, for the elimination of goats and other cloven-hooved animals, a public hunting program in conjunction with Maui County, the Department of Land and Natural Resources, and the Navy, with the understanding that the hunters go on the Island at their own risk. Committee to establish guidelines.

5. Consider providing hunters with marking devices to single out potential hazards that they may come upon.

6. Start the planting of native vegetation in the shore areas outside the target range.

7. Consider a live roundup of goats which could later be sold at public auction.

8. Water sources, including natural springs, should be marked and protected in the same manner as other historical sites.
ku ka nalu nui,
popoi ka nalu iki

the large wave will rise
the small wave will break
NA MEA E HO'OPUNI ANA

CERTAIN ENVIRONMENTAL CONCERNS
Chapter XI
CERTAIN ENVIRONMENTAL CONCERNS

The environmental concerns regarding Kaho'olawe culminated in a recent court case (Aluli v. Brown, No. 76-0380). The plaintiffs sought to stop the bombing of Kaho'olawe on the basis of the provisions of the National Environmental Policy Act, 42 U.S.C. Section 4321, et seq., the National Historic Preservation Act, 16 U.S.C. Section 470-470r, and Executive Order 11593 (See Appendix D).

The National Environmental Policy Act requires that an EIS be prepared "on proposals for legislation and other major federal actions significantly affecting the quality of the human environment". An EIS was filed by the Navy in 1972, but since that time significant archaeological finds were made and new controversy has settled on the Island. Sierra Club v. Morton, 395 F. Supp. 1187 (D.D.C. 1975); 40 C.F.R. Section 1500-5, 32 C.F.R. Section 214.6 provides for reassessment as follows:

Agencies have an obligation to reassess ongoing projects and programs in order to avoid or minimize adverse environmental effects. The section 102(2)(C) procedure shall be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the act on January 1, 1970. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of proceeding are reassessed pursuant to the act's policies and procedures and, if the project or program is continued, that further incremental major actions be shaped so as to enhance and restore environmental quality as well as to avoid or minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

The Navy did raise some questions as to whether or not their actions could have any effect on the human environment when Kaho'olawe was an uninhabited island. The Council on Environmental Quality guidelines state that the:

...statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed.... [The action] may be localized in [its]
impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases....

Thus it is evident that the human environment may be either directly or indirectly affected. Historic, cultural, and natural aspects of the nation's heritage must be safeguarded.

The Advisory Council on Historic Preservation instructs federal agencies to:

...coordinate NEPA compliance with the separate responsibilities of the National Historic Preservation Act and Executive Order 11593 to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

36 C.F.R. Section 800.2.

The Court ruled (Civil No. 76-0380, Opinion and Order):

...it is clear that an EIS must consider the possible effects of major federal actions upon historic and cultural resources...the court believes that an adverse effect upon the sites would have an indirect effect on human beings. Therefore the defendant's (Navy) aerial and surface bombardment of Kahoolawe is a major federal action significantly affecting the quality of the environment.

In terms of historic preservation, Executive Order 11593 provides that federal agencies institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites and objects of historical and archaeological significance (Section 1(3)). It provides:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places...

(b) exercise caution during the interim period until inventories and evaluations required by
subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places....

The Court ruled that:

...Any further actions taken by the defendants which may damage prospective sites should be referred to the Secretary of the Navy.

It continues:

In as much as the undisputed evidence shows that the entire Island of Kahoolawe might qualify for nomination for listing on the National Register, the agency head must refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

In the final judgment, the Court ruled that the Navy had to file a revised environmental impact statement annually as long as the bombing of Kaho'olawe continues. In addition, it orders:

Defendants are hereby ordered to comply forthwith with the applicable provisions of Executive Order No. 11593 and 36 C.F.R. Part 800, including but not limited to the continued full cooperation with the Hawaii Office of Historic Preservation in identifying, inventoring, and protecting historic sites on Kahoolawe; submission for nomination to the Secretary of the Interior of those sites which appear to qualify for listing in the National Register of Historic Places, without waiting for the completion of the survey of the entire island; and referral of its bombing actions on the Island of Kahoolawe to the Secretary of the Interior for an opinion respecting the entire island's eligibility for inclusion in the National Register.

Source: Civil No. 76-0380

September 15, 1977
CONCLUSIONS

The Committee is in general agreement with the Court regarding the environmental concerns on Kaho'olawe. Because the bombing can have a devastating effect on land, an environmental impact statement is only reasonable, regardless of whether or not people are living there. In addition, the immediate processing of sites to be submitted for the National Register should begin, if indeed they are to be preserved.

With judicial action on environmental concerns, the public has again been reminded that there is another Hawaiian Island deserving of the "protection" of the nation and its laws, a fact too often overlooked.
RECOMMENDATIONS

1. The Department of Land and Natural Resources and the Navy should work together to process the immediate register of historic sites on Kaho'olawe.

2. Annual environmental impact statements should continue while the Navy retains control of the Island.

3. State and federal environmental regulations should be followed.
nāna i hehei ia kapu o Kahiki

he stamps upon taboos of foreign lands
LEGAL QUESTIONS REGARDING THE ISLAND
After the numerous court cases regarding Kaho'olawe, it may seem that no other legal questions remain to be answered. Unfortunately, many questions are still unanswered, and are deserving of some discussion.

Land Title

The Navy has steadfastly claimed Title to the Island of Kaho'olawe; primarily based on Article II of the Annexation Treaty ratified by Congress in 1898:

...The Republic of Hawaii also cedes and hereby transfers to the United States the absolute ownership of all public, government, or Crown lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenances thereunto appertaining.

Subsequently, under Executive Order 10436, reading as follows, the Island was placed under the jurisdiction of the Secretary of the Navy.

EXECUTIVE ORDER No. 10436

Feb. 25, 1953, 18 F.R. 1051

RESERVING KAHOOLawe ISLAND, TErrITorY OF HAWAIi, FOR THE USE OF THE UNITED STATES FOR NAVAL PURPOSES AND PLACING IT UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY

WHEREAS it appears necessary and in the public interest that the Island of Kahoolawe, Territory of Hawaii, which comprises an area of approximately forty-five square miles, and which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, be taken and reserved for the use of the United States for naval purposes, except that portion comprising an area of 23.3 acres, more or less, heretofore taken for lighthouse purposes by Proclamation No. 1827 of the President of the United States dated February 3, 1928 (45 Stat. 2937); and
WHEREAS it is deemed desirable and in the public interest that provision be made for the conducting of a program of soil conservation on the island while the reservation made hereby is in force, and that the area within such reservation be restored to a condition reasonably safe for human habitation when it is no longer needed for naval purposes;

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The Island of Kahoolawe, Territory of Hawaii, except that portion taken by the United States for lighthouse purposes by Proclamation No. 1827 of February 3, 1928, is hereby taken and reserved for the use of the United States for naval purposes, and is placed under the jurisdiction of the Secretary of the Navy.

2. The Secretary of the Navy shall, within a reasonable period following the date of this order, eradicate from the island all cloven-hooved animals, or shall within such period and at all times thereafter while the area hereby reserved or any portion thereof is under this jurisdiction take such steps as may be necessary to assure that the number of such animals on the island at any given time shall not exceed two hundred.

3. The Territory of Hawaii shall have the right, at its expense and risk, at reasonable intervals to enter and inspect the island to ascertain the extent of forest cover, erosion, and animal life thereon, and to sow or plant suitable grasses and plants under a program of soil conservation: Provided, that such entrance and inspection shall not interfere unreasonably with activities of the Department of the Navy or of the United States Coast Guard.

4. When there is no longer a need for the use of the area hereby reserved, or any portion thereof, for naval purposes of the United States, the Department of the Navy shall so notify the Territory of Hawaii, and shall, upon seasonable request of the Territory, render such area, or such portion thereof, reasonably safe for human habitation, without cost to the Territory.

DWIGHT D. EISENHOWER

THE WHITE HOUSE
February 20, 1953.

¹48 U.S.C.A. Sec. 511.

The Chain of Title follows, with the memorandum of title included in Appendix E.
(Chain of Title) Kaho'olawae

KAMEHAMEHA I
1819

KAMEHAMEHA II
1824

KAMEHAMEHA III (1848) - Acknowledged as Government Land
1854

KAMEHAMEHA IV
1858
Robert C. Wyllie
and
Elisha H. Allen
1863
(Lease 47-A)

KAMEHAMEHA V
1863
Elisha H. Allen
1872
(Lease # 115)

LUNALILO
1874

KALAKAUA
1891

LILI'UOKALANI
1893

PROVISIONAL GOVERNMENT
1895 - Crown and Government Lands = public lands

REPUBLIC CEDED LANDS

Gubernatorial
Executive Order
(1927) set aside
U.S. Lighthouse -
cancelled 1952
1898

Presidential
Proclamation (1928),
takes for
lighthouse
purpose
1900

U.S. ORGANIC ACT
P.L. 186-3
73 Stat. 4
1918
Lease for
21 years
1919
Sublease
Angus McPhee
Lee St. John Gilbert

STATE OF HAWAII
subsect to section
18(b) of
Admission Act
1933
Kaho'olawe Ranch
1959
Lease for 21 years - cancelled in 1952
(Lease # 2341)
Constitutional References to Federal Lands

Section 5(c), (d), and (e) of the Admissions Act, reading as follows, raises additional questions:

(a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive Order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive Order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States. [Am July 12, 1960, Pub L 86-624, 74 Stat 422]
(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

It appears that at the time Hawai'i was made a state, federal agencies were required to report, within five years, their land needs in Hawai'i and those areas that were no longer needed were to be returned to the State (5(e)). The Navy reports that they did submit such a document and it was eventually submitted to the Committee for review.

Are the Navy needs still viable today? Is the entire Island of Kaho'olawe still required? The answer to the latter question appears to be no. In terms of the former question, however, the Committee feels that not enough hard facts, substantiated data, and valid information have been presented to support their claims.
Jurisdiction

The Navy has sometimes represented Kaho'olawe as a federal enclave, causing additional doubt and disgruntlement among the people involved in this issue. The Mayor of Maui explains that while the Navy may have Title, Kaho'olawe is still within the State of Hawai'i and subject to its jurisdictional control as a part of a certain political unit. After all, it is still part of Hawai'i.

The recent court rulings on the environmental aspects of this case, whereby the Navy has been required to submit an environmental impact statement annually, would seem to bear this out. Even though the Statehood Act confirmed lands held by the military, the question has never been resolved whether the property obtained under Executive Order can have its title transferred by the Statehood Act. Pending federal court cases relating to Indian and native land rights in Connecticut and Alaska, respectively, may eventually shed some light on this subject.

Furthermore, Executive Order 11593 (see Appendix D) presents the policy of the Federal Government to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation. It requires federal agencies to, among other things, administer properties in a spirit of stewardship and trusteeship for future generations; and to preserve archaeologically significant sites.

A recent court case, Aluli v. Brown, found the Navy in violation of Executive Order No. 11593 and ordered them to comply with the applicable provisions, including:

1. The continued full cooperation with the Hawaii Office of Historic Preservation in identifying, inventorying, and protecting historic sites on Kaho'olawe;

2. Submission for nomination to the Secretary of the Interior of those sites which appear to qualify for listing in the National Register of Historic Places, without waiting for the completion of the survey of the entire island; and

3. Referral of its bombing actions on the island of Kaho'olawe to the Secretary of the Interior for an opinion respecting the entire island's eligibility for inclusion in the National Register.

The judgment was strongly supported by the Committee, for it also coincides with a congressional declaration of policy (16 Sec. 470, Ch. 1a) which states:
(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) That, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) That, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Preliminary Archaeological Findings

In a preliminary report on the cultural resources inventory for Kaho'olawe, the State archaeological team reported finds which may meet the Congressional guidelines of areas which deserve protection because of their role in our historic past:

We have discovered archaeological sites in two regions surveyed: the central plateau and the northwest coast. Most of the sites on the severely eroded plateau consist of small hills or hummocks of top soil out of which cultural materials—artifacts, sea shells, charcoal, etc.—can be seen to be eroding and deposited on the red hardpan. Most of the coastal sites are located near the mouths of gulches and consist of clusters of platforms, terraces and stone enclosures that once served as foundations of pole and thatch structures and as working areas. These clusters are the remnants of small communities.

A complete discussion of the archaeological finds is included in Chapter III.
Terms of Executive Order

Under the terms of the Executive Order:

...when there is no longer a need for the use of the area...for naval purposes...the Department of the Navy shall so notify...and...render such area...reasonably safe for human habitation, without cost to the [State].

In addition, the Sand Island Act of 1969 provides that all ceded lands no longer required for the purposes of the United States shall be conveyed to the State of Hawaii.

Thus the question of military "need" remains a major one--yet unanswered to the satisfaction of the Committee. Again, not enough factual data have been presented by the Navy to substantiate their claims of continued "need". Vague generalities are simply not enough to prove the case.

Power to Maintain the Peace

The United States Constitution provides that the power to declare war is vested in the Congress of the United States. Only Congress, not the President, can declare war. Also implied in that power is the power to maintain the peace. However, included in the President's militia powers is the power to maintain the peace. The question then arises, "Who has the primary jurisdiction in maintaining the peace?" If it is the Congress, or at least equally shared with the Congress, then perhaps the return of Kaho'olawe can be achieved through Congressional action rather than Presidential actions. This is an avenue that has not yet been explored.
CONCLUSIONS

Legal questions regarding Kaho'olawe still remain. Constitutional questions require further articulation. While the Navy appears to want to treat Kaho'olawe as a federal enclave, it is locally regarded as still under the political jurisdiction of the State. The recent court rulings on the environmental aspects of this case, whereby the Navy has been required to submit an environmental impact statement annually, would seem to bear this out.

Are the Navy needs still viable today? Is the entire Island still required? Current data are not substantial enough to prove the need, and rather than wade through long and heavy court battles, the Navy and the State should consider negotiating an early amicable settlement.
RECOMMENDATIONS

1. The Navy and representatives of the State should enter into serious negotiations to:
   a. Establish a schedule of activities concerning Kaho'olawe;
   b. Determine which areas can be opened for public use within the next six months with particular attention to Hakioawa and Hanakanaea; and
   c. Reach an amicable settlement and together plan for the future of the Island.

2. The Committee should establish guidelines and terms for the negotiating efforts, keeping a close watch over all such proceedings.

3. Some kind of understanding should be reached as to the guidelines for managing Kaho'olawe and the manner in which it is used.

4. Community input in this process should be assured.
mai kali 'ē nō ka lā 'ē a'e, ka lā 'ānō ka lā maika'i

don't wait until another day,
today's a good day
KĀKO’O

CONCLUSIONS AND RECOMMENDATIONS
Chapter XIII

CONCLUSIONS AND RECOMMENDATIONS

After conducting meetings throughout the State with governmental officials, military representatives, 'Ohana members, resource people, and the general public, the Committee directed its own research into the issue of Kaho'olawe. The low-key, fact-finding activities of the Committee created an atmosphere in which people who had never before testified for a Legislative Committee felt comfortable enough to share their candid thoughts on the subject.

The Committee's major finding is that the Navy has not presented sufficient data to uphold their claim to the entire Island of Kaho'olawe for military use. While the Navy has orally declared their cooperation, they have not provided the Committee with hard data. When the record is reviewed, the Navy sometimes seems contradictory in its positions; and Culebra and Miloli'i are prime examples of these shortcomings.

It may be that the Navy control over Kaho'olawe has been helpful in one sense. While other islands have been bulldozed, through "progress", Kaho'olawe has remained relatively untouched. Although much has been lost to erosion, the archaeological treasures which have unwittingly been preserved there will contribute much to the study of Hawai'i's ancient culture.

After a thorough study of this issue, the Committee has a number of recommendations to make. While some may seem rather general at this point, it should be noted that the Committee will be held responsible for developing guidelines for the implementation of each recommendation and will oversee progress in these areas.

Recommendation 1

Plans for opening a portion of the Island for shared civilian-military use on a limited and controlled basis should begin immediately with a schedule for hunting, fishing, and religious ceremonial use.

Recommendation 2

A volunteer program should be established so that the talents of archaeologists, historians, or others may be contributed to the project on a voluntary basis.
Recommendation 3

Additional staff should be hired to aid the archaeological team in its investigation of Kaho'olawe; and the use of Hawaiian historians should be encouraged.

Recommendation 4

The $50,000 appropriated by the 1977 legislature for the archaeological study of Kaho'olawe should be released for use by the Department of Land and Natural Resources.

Recommendation 5

Archaeological work in the target area should be expedited.

Recommendation 6

Processing of applications for registering eligible sites with the National Register of Historic Places should begin immediately rather than waiting until the whole Island has been surveyed.

Recommendation 7

Kama'aina witnesses (meaning native born persons familiar with the culture and life-style of an area), selected by the Department of Land and Natural Resources, should be used as resources by the archaeologists and historians. (NOTE: During a visit by the Committee to the Island, one such witness was able to explain things to the archaeologist and to point out matters of interest to the visiting party that may otherwise have gone unnoticed or in some way have been misinterpreted.) The Committee recommends the careful selection of such witnesses and the selective use of their resources by the archaeologists and historians.

Recommendation 8

As negotiations progress at the State or Congressional level, keep all concerned citizens informed. Many have stated their interest and deserve to be kept aware of official progress toward a solution.

Recommendation 9

The heiau and ko'a on the Island should be preserved and restoration encouraged.
Recommendation 10

A review of the data presented by the Navy indicates that Kaho'olawe is important primarily to the Navy and the Marine Corps. It appears that the Army, the Submarine Force Pacific, the Air Force (other than the Tactical Air Support Squadron), and the Coast Guard could do without the use of Kaho'olawe as a target island. The Committee recommends that the Navy and Marine Corps look into scheduling and coordinating activities in other areas and begin a decrease of training activities on Kaho'olawe because though this is said to be going on now, improved coordination is indicated.

Recommendation 11

The Navy should accurately define the role of Kaho'olawe in terms of its place within the total military training plans in the State.

Recommendation 12

Because of the lack of supporting data, the lack of standard criteria, and the attempt to justify the existing rather than seriously examine alternatives for the future; the Third Fleet study on the Island of Kaho'olawe should no longer be represented to the public and the Congress as a valid study on the military need for Kaho'olawe.

Recommendation 13

Because the stated needs of the military presently require the use of only a portion the Island, plans for clean-up procedures and safety guidelines to permit the opening of other areas of the Island on a shared but controlled use basis should be initiated.

Recommendation 14

When considering alternatives to Kaho'olawe, the Navy should look into a number of different areas which, with the proper scheduling and coordination, could satisfy their total training needs.

Recommendation 15

A compromise, whereby aircraft training need not be moved to San Clemente but shared in other training areas, should be arranged. At the same time, ship bombardment could be concentrated at San Clemente and coordinated, for homeported ships, with cruises.
Recommendation 16

The military should consider increased training by simulator.

Recommendation 17

The Navy should clean-up by increments, moving inland from the seashore areas. Clean-up plans should be expedited.

Recommendation 18

While the bombing continues, the Navy should determine and record the locations of suspected unexploded missiles or other ordnance.

Recommendation 19

Concentrate on clearing those areas which can be opened on a controlled basis for civilian use for such activities as hunting and sustenance fishing, with consideration given to the people of Makena for non-commercial fishing.

Recommendation 20

Immediate plans for the opening of Hanakanaea and Hakioawa beaches for limited and controlled public use, with security measures coordinated with Maui County, should be made.

Recommendation 21

Whenever available, use of military personnel (EOD's) in the clean-up, primarily in the beach areas, should be considered, thus reducing projected costs.

Recommendation 22

Use of the Island for demolition training, not in terms of destruction but in terms of clean-up, including underwater demolition training, and get rid of some of the problem ordnance (unexploded) in the process. Ilio Point is one area that may be considered for this kind of clearance.
Recommendation 23

The Navy should base their projections on the economic impact to Hawai‘i of removing Kaho'olawe as a target Island on actual facts and hard data. Otherwise, their projections must be regarded as invalid guess work.

Recommendation 24

A major replanting effort on the Island should begin immediately, with the military supporting State efforts in this area.

Recommendation 25

The State Department of Land and Natural Resources should be given reasonable access to replant and to maintain the replantings.

Recommendation 26

The Department (DLNR) should be provided transportation by the military to and from the Island while planting and then periodically thereafter for maintenance.

Recommendation 27

The planting of native vegetation in the shore areas outside the target range should begin.

Recommendation 28

For elimination of goats, establish a public hunting program in conjunction with Maui County and the Department of Land and Natural Resources and the Navy with the understanding that the hunters go on the Island at their own risk.

Recommendation 29

Consider a live roundup of goats which could later be sold at public auction.
Recommendation 30

Annual environmental impact statements should continue while the Navy retains control of the Island.

Recommendation 31

With the Committee setting guidelines and overseeing procedures, the Navy and representatives of the State should enter into serious negotiations to:

(a) Establish a schedule of activities concerning Kaho'olawe.

(b) Determine which areas can be opened for limited, controlled civilian use.

(c) Reach an amicable settlement and together plan for the future of the Island with public input assured by Committee procedures, such as public hearings.

Recommendation 32

Recognize Kaho'olawe as one of the symbols of the Hawaiian renaissance and a key to the roots of Hawai'i.

Recommendation 33

Oral history studies concerning Kaho'olawe should be continued and suitably recorded.

Recommendation 34

The original Hawaiian place names for various areas of the Island should be maintained.

Example: Hanakanaea, rather than "Smugglers' Cove"

Recommendation 35

As a long-range project, a plan should be developed, utilizing Kaho'olawe as an educational tool for students whereby Hawaiian history and culture may be learned in a first-hand manner with visits to the heiau, ko'a, village sites, religious areas, and so forth.
Recommendation 36

The Committee should look into producing, through grants from agencies like the Hawaii Committee for the Humanities, an educational television program which gives an objective view of the many facets of the Kaho'olawe issue.

Recommendation 37

Recognize the value of the ancient philosophy and concepts as they might apply to the present-day life-style (including ho'oponopono, 'ohana, pule, and others).

Recommendation 38

The Committee should establish guidelines and terms for the negotiating efforts, and otherwise keep a close watch over all proceedings regarding Kaho'olawe and its future. The Committee should provide for procedures whereby community input will be assured, possibly through public hearings.
CONCLUSION

It is quite evident that Kaho'olawe, although not the key to the future of Hawaiians, is a dramatic symbol of their concerns today. It has jolted many people out of their complacency and caused them to reexamine both themselves and the world in which they live. It has helped to focus attention on other issues of concern to Hawaiians, including reparations, native claims, and other areas of grievance on the economic, political, social, and cultural fronts. Kaho'olawe stands as the tip of the iceberg - the real issue is the Hawaiian.
Kaho'olawe...........aloha no
Chapter XIV

SYMBOLISM

The Hawaiians are a proud and dignified people whose roots are buried in a civilization unequalled in Polynesia. They had a well-developed system of laws, a definitive system of government; an amazingly effective knowledge of medicine; a means for recording history; a deep understanding of the land, the sea, and all the creatures on it; a psychological means of addressing problems; a clever economic system; gifted artisans; and generally a flourishing society built on the love of nature and respect for mankind.

Eventually, imposed upon this culture was a western, "white", Christian culture which viewed Hawaii and its people as pagan and inferior. Within a relatively short time, the new culture was completely superimposed upon the native culture. Hawaiian? "Dumb!" "Lazy!" "Inferior" primitive pagans who needed to be shown the "true", the "right" way of living. Eventually, those who "made it" in the new culture looked back on a long struggle to conform. Some lost their "Hawaiianess" in the process, others fought to recapture it sometime later. It seemed that many growing up in that atmosphere and at that time felt nothing but shame for what they were born.

For a long time, "growing up Hawaiian" was a painful and embarrassing process. Minorities were not yet recognized as deserving of any particular rights. Those who obviously looked Hawaiian often suffered the scorn and ridicule of their teachers, playmates, and workers in the business community. Some sought refuge in the Christian churches, trying to prove their acceptability by being model churchgoers. Others sought refuge and comfort in the old Hawaiian religion, although this was always done in the utmost secrecy. Still others accepted the dogma that had been drilled into them and played the role of the inferior, stupid person, or criminal. Some tried to ignore their past and completely adopt the ways of the west, catering to the whims of the "whiteman" while suffering from the shame of self-denial and the pain within. And then there were those few who melted into the western world and were accepted as "white" because they did not even dare to acknowledge their heritage nor did they look Hawaiian. Again, always within their hearts was the nagging fear that someone would someday expose them as that ever-inferior being "the Hawaiian".

Renaissance

In the recent past, Hawai‘i's 150,000 to 200,000 Hawaiians have been exposed to a new interest in their heritage. After the 'ai kapu had been broken, dramatic changes in the ancient Hawaiian culture
quickly followed. After the Hawaiians had adopted the ways of the West, they were faced with a noticeable change in their rulers. The dress of the West, the language, the laws, and the social structure somewhat suddenly prevailed on their old way of life. The ruling aristocracy remained Hawaiian in race, but adopted the western customs—so much so that when they wanted something kept a secret, they wrote or spoke it in the Hawaiian language. Somehow, what had once been the primary language of a culture, the language used for every day communication had become esoteric, clandestinely used in diaries and seldom heard in the "proper places". The result? Two hundred years later a renewed interest by Hawaiians in learning a language that had nearly died, their own.

It was not only the language that suffered, however. For a long time, the minds of the Hawaiians were closed by Christianity. The kahuna (priests) were viewed as savages, black magic men, and never the respected clergy and teachers of another culture trying to protect what they had learned over the centuries. The western scientific technology and the western commercial and materialistic values dominated the lives of the Hawaiians—until today.

Now, a growing number of Hawaiians are being touched by the old values: the importance of the family ('ohana); the respect for the elders (kūpuna); getting rid of grudges and living without guilt, harmoniously (ho'oponopono); forgiving fully and completely (mihi); loving nature and respecting it sincerely—and much more. The new Hawaiians are being touched by the old ways, for they see in them a means of help for their everyday living, aide and comfort in managing their day-to-day lives. And they have at last been disenchanted with the culture that replaced their own.

This renewal of consciousness, this awakening of the Hawaiian people has resulted in a new cultural activism. Hawaiian artists have put on fantastic displays of their work in art shows such as that sponsored by Hale Naaua III, which is even planning showings in Europe. Hawaiian dance has shown a strong inclination toward relearning and again performing in the way of the ancients. Such relatively new groups as Kaha'i Topolinski's hula dancers, the Cazimeros', Darryl Lupenui's dancers, and others, as well as those of established hula masters, like Maiki Aiu Lake, are training their students in the ways of the old while at the same time imparting a knowledge and understanding of the values that existed then. Political awareness and activism have been rekindled. Even the literary arts are growing with the formation of a Hawaiian writers guild.

Kaho'olawe - A Challenge To Today's Values

In terms of spiritual challenges, a challenge to today's values, the most obvious symbol is Kaho'olawe. It is through this cause that
many Hawaiians of all ages have again grasped a piece of their history and culture. As one man said:

Kaho'olawe is a part of us. It makes us more conscious of ourselves and what we have suppressed for so long.

Still another explains:

Hawaiians have been asked to fit the mold of the West, yet their culture is different; so they get into trouble. Now they have to use what they learned from the West for their own benefit: courts, laws, etc. We have to use our intelligence now, not violence. It's time to display a kind of "intelligent discontent.

Others view Kaho'olawe as a symbol of the "misuse of land" and feel that today's Hawaiians are making a last stand against the complete loss of the culture. One man stated:

The Hawaiians have to stop backing up; but violence is not the answer.

A woman continued:

I believe in the Hawaiian resurgence; I like the way Alu Like operates, particularly with their aim of training Hawaiians for available jobs. Still, we are part of the U.S.A., and we need a strong military defense. The 'Ohana are very emotional, most are young and have never experienced the fright of "unpreparedness" that we felt when Pearl Harbor was bombed. The 'Ohana is a bad model for Hawaiians. You don't go out and break the law because you differ with it. There are legal means for change. These are the principles upon which our country was founded. We should be looking toward our elected representatives and the proper means for achieving our goals as far as Kaho'olawe is concerned.

One man testified that he could see the original pragmatism of using the Island, but the years have passed and things have changed. Hawaiians have felt an alienation in this their homeland and are now seeking roots. The young are searching and re-identifying with the things that they learn. And the old are once more teaching. He further stated that within today's system there are mechanisms to make the needed changes: laws, the legislature, our elected representatives.
Another man echoing these thoughts expressed concern that "some officials did not appear to be moving on this issue." He continued, "I think there must be a meeting of the minds now. People must realize that there are artifacts and historically important sites that may well be lost forever."

Some view Kaho'olawe not merely as a Hawaiian symbol, but as a potentially universal symbol of man helping man through a reclamation project that would see the Island reborn rather than eroded to death.

Another viewpoint touches, not really on Kaho'olawe, but on the methods of the 'Ohana:

We, the people of Hawaii, deserve more than the antics of the Kaho'olawe activists.... It's time more representative, intelligent, and decent Hawaiians speak up.

Finally, a man stated:

It comes down to a question of priorities: the cost of more expensive training vs. destruction of the remaining remnants of a culture.

UA MAU KE EA O KA 'AINA I KA PONO
Life of the land is perpetuated in righteousness
APPENDICES
Appendix A
CLAUSES TO BE INSERTED IN THE KAHOOLAWE LEASE

The Lessee shall, within one year from the date of the execution of this Lease (time being of the essence of this part of this contract), remove and (or) exterminate all Goats and Sheep which are on the land herein demised and during the remainder of the term of this Lease shall keep the said land free of all Goats and Sheep. It is expressly understood and agreed that if said Lessee shall fail to remove and (or) exterminate the said Goats and Sheep within said period of one year the Lessor herein may terminate this Lease and resume possession of the land hereby demised.

When the said Goats and Sheep shall have all been removed and (or) exterminated as in the preceding paragraph provided, but not otherwise, the said Lessee may pasture during the period from January to July, inclusive, of each year of the term of this lease, not to exceed 300 head of beef cattle and during the period from August to December, inclusive, of each year of the term of this Lease, not to exceed 50 head of beef cattle for fattening purposes on the parts of the land herein demised which sustain pili grass and algaroba trees. This number may be increased if after inspection the Lessor decides that a greater number can be properly sustained without detriment to the vegetation on the land.
Riding and pack animals not to exceed 20 head in number may be maintained on the island throughout each year of the Lease and will be so pastured as to further the spread of algaroba trees.

Tanks, troughs, and other facilities which the Lessee may erect for watering stock will be so placed at the lower elevations as to discourage the stock from wandering over the bare areas at the higher elevations of the land herein demised.

The Lessee shall make every effort to prevent and suppress fires on the land herein demised.

The Lessee shall keep a monthly record of rainfall on the island by reading the rain gages already established on the land and shall transmit the same monthly to the Lessor.

The Lessee shall furnish labor to plant and care for trees and other plants at locations on the land to be selected by the Superintendent of Forestry or such agent as he may designate, said trees and plants to be furnished by the Board of Agriculture and Forestry, and such work to be performed by the laborers so furnished at and under the direction of the Superintendent of Forestry or such agent as he may designate.
The Lessee shall at the direction of the Superintendent of Forestry or such agent as he may designate supply the fencing material and fence in, as a protection against stock, the areas to be planted as hereinbefore provided and shall install an adequate water storage system to carry the trees so planted through the dry seasons.

The Lessee shall give reasonable assistance to the Superintendent of Forestry or such agent as he may designate in facilitating the supervision and execution of the work of tree planting especially by furnishing the use of horses and by providing accommodations.
PROCLAMATIONS, 1928.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

WHEREAS, it appears, that the land hereinafter described, ceded by the Republic of Hawaii to the United States of America, and in the possession, use and control of the Territory of Hawaii is necessary for the uses and purposes of the United States of America, to wit, for Lighthouse purposes.

Now, therefore, I, Calvin Coolidge, President of the United States, by virtue of the authority in me vested, and pursuant to the provisions of Section 91 of the Act of April 30, 1900, (31 Stat., 159,) entitled An Act to provide a government for the Territory of Hawaii, as amended by Section 7 of the Act of May 27, 1910, (36 Stat., 447,) do hereby declare and proclaim that the following described land be and hereby is taken for the uses and purposes of the United States, to wit, for Lighthouse purposes:

All that piece and parcel of land situated on the Island of Kahoolawe, in the Territory of Hawaii, described as follows, to wit:

"Beginning at a point marked by 5/8" brass pin in a concrete block stamped "U. S. L. H. S.", said point bearing 139° 00' 30" and distant 540.4 feet from triangulation station "Hope", thence by true azimuths and distances, as follows:

1. 264° 34' 00" 138.93 feet to a brass pin in a concrete block stamped "U. S. L. H. S."; thence
2. 278° 54' 00" 290.0 feet to a point on the seashore at highwater mark;
3. Thence along the meanderings of highwater mark at seashore to a point which bears 840° 34' 00" and is distant 138.00 feet from the point of beginning; thence
4. 264° 34' 00" 138.0 feet to the point of beginning, AND CONTAINING AN AREA OF 23.3 ACRES MORE OR LESS.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 3d day of February, in the year of our Lord one thousand nine hundred and twenty-[seal] eight and of the Independence of the United States the one hundred and fifty-second.

By the President:

FRANK B. KELLOGG
Secretary of State.

February 3, 1928.
REQUESTING THE UNITED STATES GOVERNMENT TO RESTORE AND RETURN
THE ISLAND OF KAHOOLOAWE TO THE STATE OF HAWAII.

WHEREAS, Kahoolawe is one of the eight major islands in the
Hawaiian Archipelago and is located approximately eight miles off
the coast of the island of Maui; and

WHEREAS, all land is precious in an island state; and

WHEREAS, Kahoolawe is the site of two heiaus, nine ko'a (fishing
shrines), and numerous Hawaiian dwellings which are a valuable part
of Hawaiian history; and

WHEREAS, Executive Order No. 10436, issued by President Dwight
David Eisenhower on February 25, 1953, directed the Navy to assume
complete authority over Kahoolawe; and

WHEREAS, the United States Navy has been using the island as a
bomb target site, and is destroying the island, making it unfit for
habitation by humans or wildlife; and

WHEREAS, the bombing of Kahoolawe is dangerous to local air
traffic, has already caused a near collision between a Navy bomber
and a local air tour aircraft, and may have an adverse impact on the
development of the southern coast of the island of Maui; and

WHEREAS, Kahoolawe can protect and house its various species
of birds and marine life within wildlife sanctuaries which will
enhance the beauty of our island state; and

WHEREAS, parts of the island also have the potential of being
shooting game reserves and public parks thereby providing recreation
for many islanders; and

WHEREAS, Kahoolawe can be an economic asset to the State
because of its potential in scientific research and solar energy
production; and

WHEREAS, the Department of Defense is now doing a study on the
feasibility of returning the island of Kahoolawe to the State of
Hawaii pursuant to a rider introduced by Senator Daniel K. Inouye
in the Military Construction Appropriations Bill and will present,
within one year, its findings including cost estimates of rendering the island reasonably safe for human habitation; now, therefore,

BE IT RESOLVED by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, the House of Representatives concurring, that the Department of the Navy is requested to render the island of Kahoolawe reasonably safe for human habitation without cost to the State of Hawaii, as stated in Executive Order No. 10436; and

BE IT FURTHER RESOLVED that the President of the United States of America be requested to rescind Executive Order No. 10436, thereby returning full jurisdiction of the island of Kahoolawe to the State of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be sent to the President of the United States of America, the Secretary of Defense, the Secretary of the Navy, to each member of Hawaii's delegation to Congress, the Governor of the State of Hawaii, the Mayor of the County of Maui, and the Maui County Council.

OFFERED BY: Henry S. Takemoto
Stanley K. Iwasa, Madison Freiwald
Mark A. Hyards
John Kula
John Kukui
Edward M. Merry
Reuben C. Choy
Eugene T. M. Shiro
Samuel S. Onizuka
Patricia Saito

1/17/76
The Honorable James Wakatsuki  
Speaker, House of Representatives  
Eighth Legislature  
Regular Session, 1976  
State of Hawaii

Sir:

Your Committee on Water, Land Use, Development and Hawaiian Homes to which was referred S.C.R. No. 44 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO RESTORE AND RETURN THE ISLAND OF KAHOOLAWE TO THE STATE OF HAWAII", begs leave to report as follows:

The purpose of this concurrent resolution is to request that the United States Department of the Navy render the island of Kahoolawe safe for human habitation, and that the United States Government return jurisdiction of Kahoolawe to the State of Hawaii.

Your Committee finds that while the island of Kahoolawe is a potential historic, economic and recreational asset to the State, the present use of the island as a bomb target site by the United States Navy precludes any possibility of realizing these benefits.

Your Committee on Water, Land Use, Development and Hawaiian Homes concurs with the intent and purpose of S.C.R. No. 44 and recommends its adoption.

Respectfully submitted,

[Signature]
RICHARD A. KAWAKAMI, Chairman

[Signature]
RICHARD C. S. HO, Vice Chairman

[Signature]
NEIL ABERCROMBIE, Member
The Honorable John T. Ushijima  
President of the Senate  
Eighth State Legislature  
Regular Session of 1976  
State of Hawaii  

Sir:  

RE: S.C.R. No. 44  

Your Committee on Economic Development to which was referred S.C.R. No. 44 entitled:  

"SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO RESTORE AND RETURN THE ISLAND OF KAHOOLAWE TO THE STATE OF HAWAI".

begs leave to report as follows:  

The purpose of this Resolution is to request that the United States Department of the Navy restore the island of Kahoolawe so that it becomes fit, once again, for wildlife and human habitation, and that the United States Government then return jurisdiction of the island to the State of Hawaii.  

In public hearing, your Committee found that the island of Kahoolawe, one of the eight major Hawaiian islands, is too valuable as an historical site and, potentially, as a conservation and recreation site, to be left to the destructive effects of military bombing. Your Committee further finds that Kahoolawe can serve our economy scientifically, providing facilities necessary for scientific research and for the production of solar energy.  

Your Committee on Economic Development concurs with the intent and purpose of S.C.R. No. 44 and recommends its adoption.  

Respectfully submitted,  

FRANCIS A. WONG, Chairman  

STANLEY I. HAYA, Vice Chairman
REQUESTING THE U.S. DEPARTMENT OF DEFENSE TO EXPEDITE THE RETURN 
OF THE ISLAND OF KAHOOLAWE TO THE STATE OF HAWAII.

WHEREAS, Kahoolawe, smallest of the major Hawaiian Islands, 
once used for cattle and sheep ranching and agricultural pur­
poses; and

WHEREAS, Kahoolawe, harboring artifacts of ancient Hawaiian 
fishing culture, including religious shrines, was taken over 
by the U.S. Government during World War II for military purposes; and

WHEREAS, Kahoolawe, subjected to continual bombardment 
as a target practice range over the last thirty-five years, has 
become symbolic of man's degradation of the natural environ­
ment and of man's sublimated desecration of a native culture; and

WHEREAS, the people of the State of Hawaii recognize their 
right to the use of Kahoolawe; and

WHEREAS, the military estimated in 1971 that it would 

cost one million dollars to effectuate the seventy percent 
surface clearance of the ten thousand tons of unexploded 
ordnance remaining; and

WHEREAS, the Senate of the United States, by unanimous 
vote, and the President of the United States, by signature, 
recently directed the Department of Defense to do a feasi­
bility study of the return of Kahoolawe to the State of 
Hawaii; now, therefore,

BE IT RESOLVED by the Senate of the Eighth Legislature 
of the State of Hawaii, Regular Session of 1976, that the 
U.S. Department of Defense is urged to complete its feasibility 
study without delays; and

BE IT FURTHER RESOLVED that certified copies of their 
Resolution be transmitted to the President of the United States, 
the Secretary of the U.S. Department of Defense, the Chairman 
of the U.S. Senate Committee on Armed Services, Hawaii's
Congressional delegation, the Governor of Hawaii, and the Mayor of the County of Maui.

OFFERED BY:

Stanley K. Ito
Ann Chun
Roy Sakuma
Henry Fukunaga

F. O. Uno
John J. Bilfinger
Richard S. H. Wong

Joe K. Haga
Joe H. Toyoda

1/8/56
REQUESTING THE UNITED STATES GOVERNMENT TO RESTORE AND RETURN THE ISLAND OF KAHOOLAWE TO THE STATE OF HAWAII.

WHEREAS, Kahoolawe is one of the eight major islands in the Hawaiian Archipelago and is located approximately eight miles off the coast of the island of Maui; and

WHEREAS, all land is precious in an island state; and

WHEREAS, Kahoolawe is the site of two heiaus, nine ko’a (fishing shrines), and numerous Hawaiian dwellings which are a valuable part of Hawaiian history; and

WHEREAS, Executive Order No. 10436, issued by President Dwight David Eisenhower on February 25, 1953, directed the Navy to assume complete authority over Kahoolawe; and

WHEREAS, the United States Navy has been using the island as a bomb target site, and is destroying the island, making it unfit for habitation by humans or wildlife; and

WHEREAS, the bombing of Kahoolawe is dangerous to local air traffic, has already caused a near collision between a Navy bomber and a local air tour aircraft, and may have an adverse impact on the development of the southern coast of the island of Maui; and

WHEREAS, Kahoolawe can protect and house its various species of birds and marine life within wildlife sanctuaries which will enhance the beauty of our island state; and

WHEREAS, parts of the island also have the potential of being shooting game reserves and public parks thereby providing recreation for many islanders; and

WHEREAS, Kahoolawe can be an economic asset to the State because of its potential in scientific research and solar energy production; and

WHEREAS, the Department of Defense is now doing a study on the feasibility of returning the island of Kahoolawe to the State of Hawaii pursuant to a rider introduced by Senator Daniel K. Inouye in the Military Construction Appropriations Bill and will present,
within one year, its findings including cost estimates of rendering the island reasonably safe for human habitation; now, therefore,

BE IT RESOLVED by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, that the Department of the Navy is requested to render the island of Kahoolawe reasonably safe for human habitation without cost to the State of Hawaii, as stated in Executive Order No. 10436; and

BE IT FURTHER RESOLVED that the President of the United States of America be requested to rescind Executive Order No. 10436, thereby returning full jurisdiction of the island of Kahoolawe to the State of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to the President of the United States of America, the Secretary of Defense, the Secretary of the Navy, to each member of Hawaii's delegation to Congress, the Governor of the State of Hawaii, the Mayor of the County of Maui, and the Maui County Council.

OFFERED BY:

[Signatures]

1/17/76
APPENDIX D

EXECUTIVE ORDER NO. 11593

May 15, 1971, 36 F.R. 8921

PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT


Section 1. Policy. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 4701), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

Sec. 2. Responsibilities of Federal agencies. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The
agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

Sec. 3. Responsibilities of the Secretary of the Interior. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such
criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2 (e) of this order.

THE WHITE HOUSE,
May 13, 1971.

RICHARD NIXON.
APPENDIX E

- MEMORANDUM -
- OF -
- TITLE -

THE

- UNITED STATES OF AMERICA -

is

vested with the fee title to the-

- ISLAND OF KAHoolawe -

(A description and map of which is attached hereto and)
(made part hereof, marked Exhibit "A" by reference. )

The fee title is acquired by Article II of the Annexation Treaty ratified by the United States Congress on July 7, 1898, which recites in part with reference to the acquisition, thusly-

"The Republic of Hawaii also cedes and hereby transfers to the United States the absolute ownership of all public, government, or Crown lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenances thereunto appertaining."

Under the United States of America, the Island is encumbered by the following, thusly-
Presidential Executive Order No. 1827, dated February 3, 1928, 23.3 acres of the Island (description and map of which is attached hereto and made part hereof, marked Exhibit "B" by reference) for Lighthouse purposes, placed under the jurisdiction of

- THE DEPARTMENT OF COMMERCE -

and

By Presidential Executive Order No. 10436, dated February 20, 1953, the Island is placed under the jurisdiction of

- THE SECRETARY OF THE NAVY -

for Naval purposes.

- ORIGIN AND CHAIN OF TITLE -

Discussion As To The Origin-

Title to lands in the State of Hawaii officially became a reality at the time of the Enactment of the Law creating the Board of Commissioners to Quiet Land Titles, December 10, 1845, and subsequent Acts to implement the claim and disposition of lands from which emanates the "Mahele of 1848" [literally "The Division (of land) of 1848"].
A Short Historical Background Preceding The "Mahele".

By conquest, and the peaceful cessation of the Island of Kauai, Kamehameha First, popularly referred to as "Kamehameha The Great"; became the superior lord of the Hawaiian Kingdom and all the lands therein were his to dispose of and by no other.

About three years prior to his sojourn as a warrior, and conqueror, Kamehameha First married Kaahumanu. Subsequently, he bestowed upon her the title of Premier, or Vice-King, with equal powers, including the power of life and death throughout the Kingdom.

Kamehameha First, died May 8, 1819. He was succeeded to the throne by his eldest son by name of Kalani Kua Liholiho, begotten from his second wife named Keopuolani; the throne and all business of the Crown and State descended to him. He reigned under the name of King Kamehameha II. Kaahumanu remained Premier.

During the reign of King Kamehameha II, no notable reformation in the operation of the government, or the lands, were inaugurated by him. Disposition of lands continued as it was in the past, mostly conveyance of limited tenure.

Kamehameha II, died on July 14, 1824, six days after his consort, Queen Kamamalu, sometimes referred to as Kaahumanu Second. Their deaths took place while visiting England. He was succeeded to the throne by his brother Kalani Kauikeaouli, who is also a son of Keopuolani, the second wife of Kamehameha First. The throne and all business of the Crown and State descended to him. He reigned under the name of King Kamehameha III.
Kaahumanu (First) remained premier until her death in Manoa Valley, June 5, 1832, and was succeeded by Kahoanoku Kinau, half sister of Kalani Kaeuikeouli.

Abstractor's Note.
As time went by, the Office of Premier became less important, and was subsequently abolished. Little will be gained by continuing the discussion on the subject. Henceforth, no reference will be made of it in the rest of the discussion.

Continuing The Discussion On The Origin-

King Kamehameha III, with the House of Nobles, and Representatives, approved a Constitution and Bill of Rights for the Hawaiian Kingdom, on October 8, 1840. Thus, was inaugurated a constitutional government under a monarchial system. Not only a reform in the operation of the government was instituted, but, also a land reform.

- THE CHAIN OF TITLE -

With regards to the Government, and the lands of the Hawaiian Kingdom, the Constitution of October 8, 1840 recites in part, thusly:

"Kamehameha I was the founder of the Kingdom, and to him belonged all the land from one end of the islands to the other, though it was not his private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head and had the management of the landed property. Wherefore there was not formerly and it is not now any person who could or can convey away the smallest portion of land without the consent of the one who had or has the direction of the Kingdom."
These are the persons who had the direction of it from that time down - Kamehameha II, Kaahumanu, and at the present time Kamehameha III. These persons have the direction of the Kingdom down to the present time, and all the documents written by them, and no others, are the documents of the Kingdom."

While discussing the disposition of claims to lands in Privy Council, on December 11, 1847, the King and Chiefs passed a Resolution appointing Gerrit P. Judd, a Committee, to receive reports on what lands belong to the King.

As to the Island of Kahoolawe, the following notation appears on Page 200 of the Mahele Book of 1848 on file in the Department of Land and Natural Resources which reads, thusly-

"Kahoolawe no Aupuni G. P. Judd" - Translated "Kahoolawe for the Government G. P. Judd".

As provided under the Act creating the Board of Commissioners to Quiet Land Titles, passed December 15, 1845, the Island of Kahoolawe became the property of the Hawaiian Government under King Kamehameha III. On March 8, 1848, King Kamehameha III confirms the claim by executing a deed which recites in part, thusly-

Know all men by these presents, that I Kamehameha III by the grace of God, King of these Hawaiian Islands, do hereby give, make over and set apart forever to the chiefs and people of my kingdom, and convey all my right, title and interest in the lands situated here in the Hawaiian Islands, inscribed in pages 179 to 225, both inclusive, of this book, to have and to hold to my chiefs and people forever."
The deed appears on Page 225 of said Mahele Book of 1848. Pages 179 to 225 are odd numbered pages in said Mahele Book of 1848, listing all the lands of "Ko Ke Aupuni", translated - "The Lands of the Government". The notation should have been under "The Lands of Kamehameha III", to be readily understood.

In confirmation of the foregoing, the House of Nobles and Representatives, under Act of June 7, 1848, . . . "in the name of the Chiefs and People of the Hawaiian Islands, accept the following lands, viz"

"Names of Lands Ahupuaa District Islands"

*********

"Kahoolawe Mokupuni Okoa /1. (Koolau)* Kahoolawe"

*********

..."and we do hereby declare those lands be set apart as the lands of the Hawaiian Government, subject always to the rights of tenants."

Abstractor's Note.

With regards to "the rights of tenants," King Kamehameha III and his Chiefs, in Privy Council, discussed the subject of giving the tenants who live and cultivate the lands of the King, Government and Chiefs, fee simple title to their lands on which they

/1. Translated-"Kahoolawe - an Island -District of Koolau* -Kahoolawe Island
* The ditto mark under District implies that the Island of Kahoolawe is part of the District of Koolau, Island of Molokai. It is not.
live and cultivate. A Resolution was passed on December 21, 1849, approving same. With the land, went certain rights, which was also discussed in Privy Council on July 13, 1850. Wm. L. Lee, a Chief, who is also Judge of the Superior Court, advised Council that the Resolutions passed by the Privy Council, do not have the effects of Law. So, on August 6, 1850, the House of Nobles and Representatives passed an Act confirming the Resolutions. The "rights" set forth in Section 7 of said Act was amended July 11, 1851. And as a matter of fact, the "rights" are repeated under Chapter 7 - Miscellaneous Rights of the People, on Page 203, Volume 1 of the Hawaii Revised Statutes.

It is generally construed, that, if a tenant has awarded land within the boundaries of the land of the Chiefs, Government or King, his "rights" are limited to within the area, and not have widespread effects. There are no claims to lands on the Island of Kahoolawe. And the Island coming under the realm of the Government, no sale of any parcel has been made to anyone.

The Chain of Title Continues-

There are no instruments of record affecting the Island, made by King Kamehameha III.

On June 14, 1852, King Kamehameha III adopted a second Constitution. As in the First Constitution (October 8, 1840) provided, that should the King fail to appoint a successor to the throne, the power to do so rests with the House of Nobles and Representatives.
King Kamehameha III, died on December 15, 1854, and as provided under the Constitution, Alexander Liholiho, an adopted son, was appointed successor to the throne. The throne and all business of the State and Crown descended to Alexander Liholiho, who reigned under the title and name as King Kamehameha IV. King Kamehameha III failed to name a successor during his lifetime.

On April 1, 1858, a Lease was executed by the Minister of Interior, under King Kamehameha IV, to the favor of Robert C. Wyllie, and Elisha H. Allen. Leasing the subject Island for a term of twenty (20) years from date, at a rental of $505.00 per year. This lease is filed in the Department of Land and Natural Resources as General Lease No. 47-A.

On November 30, 1863, King Kamehameha IV died. As provided under the Constitution, Lot Kamehameha an elder brother was appointed to succeed him to the throne. The throne and all business of the Crown and State descended to Lot Kamehameha, who reigned under the title and name as King Kamehameha V. King Kamehameha IV failed to name a successor during his lifetime.

On March (no date) 1864, a Lease was given to Elisha H. Allen. Leasing the subject island for a term of fifty (50) years from January 1, 1863. Said Lease is filed in said Department as General Lease No. 115.

King Kamehameha V, after having been proclaimed King of the Hawaiian Kingdom, did on August 20, 1864 adopted a new Constitution, abrogating the Constitution of King Kamehameha III.
On December 11, 1872, King Kamehameha V died. As provided under the Constitution, William Charles Lunalilo was appointed to the throne. The throne and all business of the Crown and the State descended to King William Charles Lunalilo. King Kamehameha V had named Princess Victoria Kamamalu Kaahumanu to succeed him. She died unmarried on May 29, 1866.

On February 3, 1874, King William Charles Lunalilo died. And as provided under the Constitution, Prince David Kalakaua was appointed to the throne. The throne and all business of the Crown and the State descended to King David Kalakaua. King William Charles Lunalilo did not name a successor in his lifetime.

On March 22, 1880, a Consent by the Minister of Interior under King David Kalakaua was given the Assignment of Lease No. 115 by Elisha H. Allen to Albert D. Courtney and William H. Cummings, as noted in the records of said Department.

On April 27, 1887, the aforementioned Lease No. 115 was assigned to Kynnersley Bros. and R. von Tempsky, as shown on said records in said Department.

On July 7, 1887, King David Kalakaua adopted a new Constitution abrogating the Constitution of his predecessor.

On January 20, 1891, King David Kalakaua died. The throne and all business of the Crown and State descended to Princess Lydia Kamakaeha Liliuokalani, sister of the King, whom he named as his successor under Article 22 of the Constitution. She reigned under the title and name of Queen Liliuokalani.
Abstractor's Note.

The Hawaiian nation under the reign of Queen Liliuokalani, came to a tragic end in the year 1893. Of the circumstances surrounding its inception, and the subsequent results, this writer maintains a prejudiced position. However, for the sake of continuity as to the Chain of Title, or succession, the writer at this point, states, that the Chain of Title, or succession insofar as it concerns the Hawaiian nation under a Monarchial System of government, ends.

The Chain of Title Continues—

On January 17, 1893, a Provisional government under an elected President, as head of State took over, in its entirety, the government that was formerly under Queen Liliuokalani, including the control of all the lands not disposed of, in the Hawaiian Islands. The provisional government became a permanent institution on July 3, 1894 adopting its own Constitution; abrogating the Constitution of former governments, and operate under the style and name as The Republic of Hawaii with an elected President as Head of State.

On August 14, 1895, the Legislature under The Republic of Hawaii passed an Act relating to the lands in the Hawaiian Islands, calling it the "Land Act of 1895." That among other things set forth in said Act, the following is recited in part, thusly—

..."all lands heretofore called 'Crown' and 'Government' became known as 'public lands'."
All during the transitional period, Lease No. 115, herein-above mentioned, remained in full force and effect.

On July 7, 1898, a Treaty for the Annexation of the Hawaiian Islands was ratified by the Congress of the United States of America, as the result of an appeal made by the Republic of Hawaii. Of the many provisions of the Treaty, the following with regards to lands in the Hawaiian Islands, under Article II, recites in part, thusly-

"The Republic of Hawaii also cedes and hereby transfers to the United States the absolute ownership of all public, government, or Crown Lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenances thereunto appertaining."

On April 30, 1900, the Congress of the United States of America approved an Act to provide a government for the Hawaiian Islands, in place of the Republic of Hawaii. This Act is popularly referred to as "The Hawaiian Organic Act." All matters of the State, particularly with regards to the"public lands," came under the control and management of the new government operating under the style and name as the Territory of Hawaii.

On December 23, 1918, the Island of Kahoolawe was leased to Angus McPhee, for a term of 21 years from dated, at a rental of $600.00 per year. A Sub-Lease was given to one Lee St. John Gilbert, July 1, 1919. This Lease is filed of record in said Department as Lease No. 1049.
On May 23, 1933, a Lease was given to Kahoolawe Ranch, for a term of 21 years, at a rental of $100.00 semi-annually. This lease is filed in said Department as Lease No. 2341.

On September 30, 1952, the foregoing Lease No. 2341 was cancelled.

Abstractor's Note.

At the time General Lease No. 2341 was cancelled, the United States of America entered into the Korean conflict. The use of the Island of Kahoolawe for naval purposes became more evident. All plans for its purported return to the State of Hawaii (then under Territorial status) were abandoned.

By Act of March 18, 1959, Public Law L86-3, 73 Stat. 4, the Territory of Hawaii became a sovereign State of the Union of States; that is, the United States of America. That among the many provisions set forth in the Admission Act with regards to lands under the jurisdiction of the United States Congress, or the President of the United States of America, the subsection copied from the Hawaii Revised Statutes Volume 1, Page 87 is the most effective with regards to the subject matter. (See Exhibit "C").

The Abstractor ends this memorandum at this point, as he feels he has covered the subject of "title" to the Island sufficiently to render an opinion as to the legal possession.

Dated at Honolulu, Hawaii, March 9, 1976, 8:00 A.M.
RESPONSIBILITY OF THE ABSTRACTOR

The foregoing Memorandum was prepared for the exclusive use of the State of Hawaii through its Department of Land and Natural Resources. All information opinions expressed therein are not to be relied upon, used or taken out of context for the purposes of determining or settling of any private matter, by any person or corporation, individually or collectively.
(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article 1, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive Order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: Provided, however, That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense.
THE ADMISSION ACT

An Act to Provide for the Admission of the State of Hawaii into the Union

(Act of March 18, 1959, Pub L 86-3, 73 Stat 4)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7 (c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Case Notes

Hawaii not denied "equal footing" by reason of C.A.B. control over interisland air transportation. 363 F.2d 120.

§2. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (off-shore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Case Notes

See also notes to State Const. Art. XIII §1.
Question of jurisdiction over channels between islands raised but not decided. 47 H. 87, 384 P.2d 536.
Territorial waters extend only three miles from each island. 235 F. Supp. 990.

§3. The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

§4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a
Sec. 4  THE ADMISSION ACT

provision of the Constitution of said State, as provided in section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no other manner: Provided, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

§5. (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States. [Am
(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Revised conveyance procedures. Act of December 23, 1963. Pub. L. 88-233, 77 Stat. 472, provides: That (a) (i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5 (g) of Public Law 86-3 (73 Stat. 467), or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5 (c) or become the property of the United States pursuant to section 5 (d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any
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the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the “Administrator”) with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: Provided, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

Sec. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of public trust established by section 5 (f) of Public Law 86-3, and shall be subject to the terms and conditions of that trust.

Attorney General Opinions

Duty imposed under paragraphs (c) and (e) on federal agency to report on its continued need of land is limited to lands ceded to U.S. upon annexation and does not extend to lands acquired by U.S. thereafter. U.S. Att. Gen. Op. June 12, 1961.

Case Notes

Hawaii’s suit in supreme court, seeking to extend duty to acquired lands, dismissed on ground that U.S. could not be sued without its consent. 373 U.S. 57.

Under submerged lands act, Hawaii’s boundaries extend one marine league. 235 F. Supp. 990.

§6. As soon as possible after the enactment of this Act, it shall be the duty of the President of the United States to certify such fact to the Governor of the Territory of Hawaii. Thereupon the Governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue his proclamation for the elections, as hereinafter provided, for officers of all State elective offices provided for by the constitution of the proposed State of Hawaii, and for two Senators and one Representative in Congress. In the first election of Senators from said State the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No identification or designation of either of the two senatorial offices, however, shall refer to or be taken to refer to the term of that office, nor shall any such identification or designation in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

§7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in section 6 shall be chosen by the people. Such elections shall be held, and the qualifications of voters thereof shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution
of the proposed State of Hawaii may prescribe. The Governor of Hawaii shall certify the results of said elections, as so ascertained, to the President of the United States.

(b) At an election designated by proclamation of the Governor of Hawaii, which may be either the primary or the general election held pursuant to subsection (a) of this section, or a territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) Shall Hawaii immediately be admitted into the Union as a State?

"(2) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved

(Date of approval of this Act)

and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved

(Date of approval of this Act)

reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of section 2 of this Act in lieu of any other language; article XI shall be deemed to include the provisions of section 4 of this Act; and section 8 of article XIV shall be deemed amended so as to contain the language of the third proposition above stated in lieu of any other language, and section 10 of article XVI shall be deemed amended by inserting the words "at which officers for all state elective offices provided for by this constitution and two Senators and one Representative in Congress shall be nominated and elected" in lieu of the words "at which officers for all state elective offices provided for by this constitution shall be nominated and elected; but the officers so to be elected shall in any event include two Senators and two Representatives to the Congress, and unless and until otherwise required by law, said Representatives shall be elected at large".

In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall cease to be effective.

The Governor of Hawaii is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on
said propositions shall be made by the election officers directly to the
Secretary of Hawaii, who shall certify the results of the submission to
the Governor. The Governor shall certify the results of said submis-
sion, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the
preceding subsection have been duly adopted by the people of Hawaii,
the President, upon certification of the returns of the election of the
officers required to be elected as provided in section 6 of this Act,
shall thereupon issue his proclamation announcing the results of said
election as so ascertained. Upon the issuance of said proclamation by
the President, the State of Hawaii shall be deemed admitted into the
Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, the persons
holding legislative, executive, and judicial office in, under, or by author-
ity of the government of said Territory, and the Delegate in Congress
thereof, shall continue to discharge the duties of their respective offices.

Upon the issuance of said proclamation by the President of the United
States and the admission of the State of Hawaii into the Union, the
officers elected at said election, and qualified under the provisions of
the constitution and laws of said State, shall proceed to exercise all the
functions pertaining to their offices in, under, or by authority of the
government of said State, and officers not required to be elected at said
initial election shall be selected or continued in office as provided by
the constitution and laws of said State. The Governor of said State
shall certify the election of the Senators and Representative in the
manner required by law, and the said Senators and Representative shall
be entitled to be admitted to seats in Congress and to all the rights
and privileges of Senators and Representatives of other States in the
Congress of the United States.

§8. The State of Hawaii upon its admission into the Union shall
be entitled to one Representative until the taking effect of the next
reapportionment, and such Representative shall be in addition to the
membership of the House of Representatives as now prescribed by
law: Provided That such temporary increase in the membership shall not
operate to either increase or decrease the permanent membership of the
House of Representatives as prescribed in the Act of August 8, 1911
(37 Stat. 13), nor shall such temporary increase affect the basis of apor-
tionment established by the Act of November 15, 1941 (55 Stat. 761;
2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress there-
after.

§9. Effective upon the admission of the State of Hawaii into the
Union—

(a) the United States District Court for the District of Hawaii es-
established by and existing under title 28 of the United States Code shall
henceforth be a court of the United States with judicial power derived
from article III, section 1, of the Constitution of the United States:
Provided, however, That the terms of office of the district judges for the
district of Hawaii then in office shall terminate upon the effective date.
of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended by striking out the words "Hawaii and". The second sentence of the same section is amended by striking out the words "Hawaii and", "six and", and "respectively".

§10. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District for the District of Puerto Rico,"

§11. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the term shall be six years"; and

(d) subsection (d) of section 541 of title 28, United States Code is repealed.

Cross References

See Public Law 89-554, 80 Stat. 378, 660.

§12. No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the
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limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Case Notes

Remand to Supreme Court of State as successor of Supreme Court of Territory. 274 F.2d 356.

§13. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Case Notes

Right of appeal from judgment of Supreme Court of Territory preserved by this section. 279 F.2d 636, 637, note 1; 283 F.2d 86; 287 F.2d 51, 52.
§14. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof, "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, as amended, is further amended by striking out paragraph (4) thereof and by renumbering paragraphs (5) and (6) accordingly;

(d) the first paragraph of section 373 of title 28, United States Code, as amended, is further amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii";

Provided, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: And provided further, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in office as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(i) section 91 of title 28, United States Code, as heretofore amended, is further amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island,"; and

(j) the Act of June 15, 1950 (64 Stat. 217; 48 U.S.C., §644a), is amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island.".
§15. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as provided in section 4 of this Act with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States: Provided, That, except as herein otherwise provided, a Territorial law enacted by the Congress shall be terminated two years after the date of admission of the State of Hawaii into the Union or upon the effective date of any law enacted by the State of Hawaii which amends or repeals it, whichever may occur first. As used in this section, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Hawaii) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Hawaii at the time of its admission into the Union, (2) are not "Territorial laws" as defined in this paragraph, (3) are not in conflict with any other provision of this Act.

Attorney General Opinions

The two-year proviso terminating a territorial law enacted by Congress was intended to apply specifically to the administration of laws regulating intrastate commerce and is not applicable to the public land laws. Att. Gen. Op. 61-68.

Case Notes

As to cut-off period. Congress had in view specifically the termination of federal responsibility for the administration of laws regulating intrastate commerce. 44 H. 634, 361 P.2d 390.

By section, C.A.B. jurisdiction over carriage by aircraft between places in the State continued to be an exception to rate-making authority of state public utilities commission during transition period. 44 H. 634, 361 P.2d 390.

Authority of Congress to provide for government of Hawaii prior to statehood was derived from Art. IV, §3, cl. 2, U.S. Const. 44 H. 634, 361 P.2d 390.

A statute invalid under Sherman Act at time of statehood would not have been continued in force by this section. 283 F.2d 86, 89, note 2.

Concerning continuance of certain acts of Congress for two years, see 235 F. Supp. 705, 712.


§16. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained
in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are controlled or owned by the United States and held for Defense or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for Defense or Coast Guard purposes: Provided, however, That the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President of the United States and/or the Secretary of Defense.

§17. The next to last sentence of the first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) as amended by section 19 of the Act of July 7, 1958, (72 Stat. 339, 350) is amended by inserting after the word “Alaska” the words “or Hawaii.”

§18. (a) Nothing contained in this Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.
(b) Effective on the admission of the State of Hawaii into the Union—

(1) The first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C., §1156), is amended by inserting before the words "an island possession or island territory," the words "the State of Hawaii, or";

(2) Section 605 (a) of the Merchant Marine Act, 1936, as amended (46 U.S.C., §1175), is amended by inserting before the words "an island possession or island territory", the words "the State of Hawaii, or"; and

(3) The second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U.S.C., §1204), is amended by inserting before the words "an island possession or island territory" the words "the State of Hawaii, or". [Am July 12, 1960, Pub L 86-324, 74 Stat 423]

§19. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, or restore nationality heretofore lost under any law of the United States or under any treaty to which the United States is or was a party.

§20. (a) Section 101 (a) (36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., §1101 (a) (36), is amended by deleting the word "Hawaii,"

(b) Section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C. 1182 (d) (7), is amended by deleting from the first sentence thereof the word "Hawaii" and by deleting the proviso to said first sentence.

(c) The first sentence of section 310(a) of the Immigration and Nationality Act, as amended (66 Stat. 239, 8 U.S.C. 1421(a), 72 Stat. 351) is further amended by deleting the words "for the Territory of Hawaii, and"

(d) Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 305 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. 1405).

§21. Effective upon the admission of the State of Hawaii into the Union, section 3, subsection (b), of the Act of September 7, 1957 (71 Stat. 629), is amended by substituting the words "State of Hawaii" for the words "Territory of Hawaii".

§22. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word in other circumstances shall not be affected thereby.

§23. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress are hereby repealed.