
State will request $5 million more for Waikiki upgrading. N.d. *The Honolulu Advertiser.*

HAWAIIAN NATIVE CLAIMS SETTLEMENT STUDY COMMISSION

October 17 (legislative day, October 11), 1977.—Ordered to be printed

Mr. Matsunaga, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S.J. Res. 4]

The Committee on Energy and Natural Resources, to which was referred the joint resolution, S.J. Res. 4, establishing the Hawaiian Native Claims Settlement Study Commission, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

The amendment is as follows:

1. Strike out all after the title and insert the following:

Whereas in the year 1893 the United States Minister accredited to the sovereign and independent Kingdom of Hawaii, acting wholly without the authority or knowledge of the Congress or the President, unlawfully conspired with a small group of non-Hawaiian residents of that kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii; and

Whereas in pursuance of such conspiracy the United States Minister and the naval representative of the United States, also acting without authority, caused Armed Forces of the United States to be put ashore and deployed in support of the overthrow of that indigenous and lawful government; and the United States Minister thereupon extended diplomatic recognition to a provisional government formed by the conspirators without the consent of the people or of the lawful government of Hawaii, which provisional government was sustained solely by the Armed Forces of the United States; and

Whereas, on December 18, 1893, in a message to the Congress, President Grover Cleveland did report fully and accurately on these illegal actions, which statement acknowledged that "by an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of the Congress, the government of a feeble but friendly and confiding people has been overthrown", that "a substantial wrong has thus been done with a due regard for our national character as well as the rights of the injured people requires that we endeavor to repair", and that "the United States cannot fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation"; and

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Whereas a claim for repair of these wrongs to the Hawaiian people was presented to the Government of the United States of America by Queen Liliuokalani, the lawful monarch of Hawaii, and on July 15, 1893, a petition for redress was also presented by the Hawaiian Patriotic League, representing Aboriginal Hawaiians; and

Whereas, in 1898, Hawaii was annexed to the United States, and by such annexation, among other things, the United States acquired ownership of vast landholdings that had been common property of the Aboriginal Hawaiians prior to the overthrow of their indigenous government; and

Whereas some eighty-four years have now passed without the wrongs done Aboriginal Hawaiians having been repaired: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a wrong has been committed against the Aboriginal Hawaiians which the United States is obligated to endeavor to remedy; that no wrong such as this committed eighty-four years ago in far different circumstances to a specific people few of whom survive today can be fully rectified in this or future Congresses; that the Congress, however, is desirous of determining whether a suitable remedy for such wrong can be fashioned; and that the Congress wishes to establish a commission of Aboriginal Hawaiians and other citizens to advise it on all matters pertaining to the best manner in which to provide such remedy.

ABORIGINAL HAWAIIAN CLAIMS SETTLEMENT STUDY COMMISSION

Sec. 2. (a) There is hereby established the Aboriginal Hawaiian Claims Settlement Study Commission (hereinafter referred to as the “Commission”).

(b)(1) The Commission shall be composed of fifteen members appointed by the President, of whom eight shall be from a list of not less than eighteen persons submitted to the President by the Governor of Hawaii. No less than nine of the members shall be of the blood of Aboriginal Hawaiians who inhabited the Hawaiian Islands prior to 1778 (hereinafter “Aboriginal blood”), three of whom shall be of one-half degree or more of Aboriginal blood, three of whom shall be of one-quarter or more degree of Aboriginal blood, and three of whom shall be of any degree of Aboriginal blood. Each of the islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu shall be represented on the Commission by at least one member of Aboriginal blood who is an inhabitant thereof, and all persons of any degree of Aboriginal blood who are not residents of the State of Hawaii shall be represented by a member of any degree of Aboriginal blood who is not a resident of the State of Hawaii. The President, prior to appointing the members of the Commission and the Governor, prior to submitting recommendations for members, shall consult Aboriginal Hawaiian organizations and the Aboriginal Hawaiian community in each of the islands named in this paragraph (1).

(2) The Commission shall elect a Chairman and Vice Chairman from among its members.

(3) Eight members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(4) Vacancies in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointments.

(5) Each member of the Commission shall receive $100 for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as shall be provided from time to time by regulations adopted by the Committee on House Administration of the United States House of Representatives.

(6) The first meeting of the Commission shall be called by the President within the sixty-calendar-day period following the date of approval of this resolution.

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 33 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title: and
(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(c) Each Federal department, agency, and instrumentality is authorized to furnish to the Commission such data, reports, information, and other resources as the Chairman of the Commission may request.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall—
(1) conduct a study of the culture, needs, and concerns of the Aboriginal Hawaiians; the nature of the wrong committed against, and the extent of the injuries to, the Aboriginal Hawaiians by reason of the actions set forth in the preamble of this resolution; and various means to remedy such wrong;
(2) hold such public hearings with public notice as it deems necessary to further such study, but not less than one hearing in each of the islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu in the State of Hawaii and at another site elsewhere in the United States where a substantial number of persons of Aboriginal blood resides;
(3) provide public information concerning the actions set forth in the preamble wherever possible in advance of public hearings and such other methods employed by the Commission to obtain public participation in the study;
(4) publish, within one year of enactment of this resolution, a draft report of the findings of the study and make said report available to appropriate Federal and State agencies, Aboriginal Hawaiian organizations, and the public;
(5) solicit written comments from such agencies and organizations and the public;
(6) consider such comments in preparing the final report of the findings of the study; and
(7) submit to the President and the Committee on Energy and Natural Resources of the Senate and Committee on Interior and Insular Affairs of the House of Representatives, within six months of the publication of the draft report, the final report of the findings of such study, such report to include all written comments on the draft report submitted to the Commission.

COMMISSION RECOMMENDATIONS

SEC. 4. (a) The report required by section 3 shall provide recommendations for a remedy. Such recommendations shall include—
(1) the distribution, expenditure, investment, or other use of funds as a component of any such remedy, including, where appropriate, innovative uses of the funds which will permit such moneys to be employed successively for the benefit of Aboriginal Hawaiians, such funds to be appropriated in equal increments over a period of years;
(2) the provision of land as a component of any such remedy through any method, including the surplusing of Federal lands and amendments to the Hawaiian Homelands Commission Act of 1920 (42 Stat. 109): Provided, That should the surplusing of Federal lands be recommended as a component of any such remedy, the Commission shall propose a method or methods for resolving, whenever a tract of such land is offered, whether such tract shall be conveyed to the State under applicable law or the Aboriginal Hawaiians under a subsequent Act to provide for such remedy;
(3) such other recommendations concerning the components set forth in clauses (1) and (2) of this subsection as the Commission deems appropriate;
(4) the preservation and enhancement of Aboriginal Hawaiian culture and life styles and the education of Aboriginal Hawaiians as principal purposes of any such remedy;
(5) the blood quantum or other requirements for eligibility to receive the benefits of any remedy, and, if the Commission deems appropriate, to receive specific benefits or shares of benefits;
(6) the form or forms of organization best suited to receive, distribute, or administer the benefits of any remedy; and
(7) other matters concerning any such remedy, including, but not limited to, alienability and tax status of the benefits of any such remedy, provision of technical assistance to Aboriginal Hawaiians on the use of such benefits, and the reporting to the Federal Government and the Aboriginal Hawaiians of the disposition of such benefits.

(1) Any such recommendation shall, to the extent possible, be designed to assure that any such remedy—

(1) will be a final settlement of all claims of Aboriginal Hawaiians against the United States arising from the actions set forth in the preamble of this resolution;
(2) will be capable of prompt implementation with a minimum of litigation;
(3) will be in conformity with the real economic and social needs of the Aboriginal Hawaiians;
(4) is fashioned and will be implemented with the maximum participation of Aboriginal Hawaiians;
(5) Will not create a wardship or trusteeship;
(6) will not diminish any right, privilege, or obligation of the Aboriginal Hawaiians as citizens of the United States or the State of Hawaii; and
(7) will not relieve, or diminish any obligation of the United States or the State of Hawaii to protect and promote the rights and welfare of Aboriginal Hawaiians as citizens of the United States or the State of Hawaii.

TERMINATION OF THE COMMISSION

SEC. 5. Except as provided in subsection (b) of section 7, upon the expiration of the sixty-day period following the submission of the report required by section 3, the Commission shall cease to exist.

SAVINGS CLAUSES

SEC. 6. No provision of this joint resolution shall be construed as—

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Aboriginal Hawaiians to sue the United States, or any of its officers with respect to claims arising from the actions set forth in the preamble of this resolution; or
(2) constituting a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

SEC. 7. (a) There are hereby authorized to be appropriated for fiscal years 1979 and 1980 such sums as are necessary to carry out the provisions of this resolution. Until October 1, 1978, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 5.

2. Amend the title so as to read: “Joint resolution establishing the Aboriginal Hawaiian Claims Settlement Study Commission, and for other purposes.”.

I. PURPOSE

In the year 1893, the U.S. Minister accredited to the independent Kingdom of Hawaii, the naval representative of the United States in Hawaii, acting wholly without the authority or knowledge of the Congress or the President, unlawfully committed and deployed Armed Forces of the United States in support of the overthrow of the lawful
Government of Hawaii. This joint resolution (S.J. Res. 4) acknowledges this wrongdoing on the part of representatives of the Government of the United States and the need to make reparation to the Aboriginal Hawaiian people. The purposes of this joint resolution (S.J. Res. 4) are to recognize the validity of claims against the United States by Aboriginal Hawaiian people based on the 1893 incident and to establish an Aboriginal Hawaiian Claims Settlement Study Commission to conduct a study of the culture, needs, and concerns of the Aboriginal Hawaiians; the nature of the wrong committed against, and the extent of the injuries to, the Aboriginal Hawaiians by reason of the 1893 incident; and various means to remedy such wrong. The proposed Study Commission would submit a report of its findings to the Congress and recommend remedies to repair the wrong perpetrated against the Aboriginal Hawaiian people.

II. BACKGROUND AND LEGISLATIVE HISTORY

Senate Joint Resolution 4 represents the first step toward redressing a wrong committed against the Aboriginal Hawaiian people some 83 years ago. The incident forming the basis for the Aboriginal Hawaiian claims recognized by this legislation is described in full in a message to the Congress by President Grover Cleveland, December 18, 1893. The message is set forth in the Executive Communications sections of this report. The facts of that incident and subsequent pertinent events are as follows:

Hawaii came to the attention of the Western world with its “discovery” in 1778 by Capt. James Cook of the British Navy.

The Kingdom of Hawaii was established in 1795 with the unification of the Hawaiian Islands by Kamehameha I.

In 1848, Kamehameha III decreed a major redistribution of land ownership in Hawaii known as the Great Mahele. Under the Great Mahele, the lands were divided as follows: 1 million acres to the King as his personal property (the crown lands); 1.5 million acres to the Kingdom of Hawaii (the Government lands); 1.5 million acres to 240 high ranking chiefs; and 30,000 acres to commoners.

Early in 1893, a group of non-Hawaiian residents of Hawaii desiring the annexation of Hawaii to the United States organized as the Committee of Safety with their goal the overthrow of the Kingdom of Hawaii.

In support of the committee, the U.S. Minister and the naval representative of the United States caused U.S. Marines from the U.S.S. Boston, lying at anchor in Honolulu Harbor, to be landed in Honolulu on January 16, 1893, without the authorization of the Hawaiian Government.

Queen Liliuokalani, monarch of Hawaii, was deposed by the Committee of Safety. The Queen stated that she was resigning under protest, with the belief that she would be reinstated once the United States became cognizant of the circumstances of her overthrow. However, the U.S. Minister to Hawaii, John L. Stevens, recognized the Provisional Government of Hawaii immediately after the overthrow of the Queen.

A draft treaty of annexation, worked out by representatives of the Provisional Government of Hawaii and representatives of the United
States, was submitted to the Senate on February 14, 1893, by President Harrison.

New President Grover Cleveland, upon hearing conflicting reports regarding the circumstances of the change in governments in Hawaii and possible U.S. participation in the change, withdrew the proposed treaty of annexation from the Senate, and appointed James Blount of Georgia, former chairman of the House Committee on Foreign Relations, Special Commissioner to travel to Hawaii and report back to him on the Hawaii situation.

Commissioner Blount arrived in Honolulu in March 1893, to undertake his study. Based on Blount’s study, Secretary of State Walter Q. Gresham reported to the President that Minister Stevens had helped to overthrow the Hawaiian monarchy. He advised Cleveland not to put the treaty of annexation before the Senate again, and suggested that the monarchy be restored. He wrote in his report: “Her (Liliuokalani’s) submission was thus coerced (by the actions of Minister Stevens and the troops from the Boston). The affair was discreditable to all who engaged in it. It would lower our national standard to endorse a selfish and dishonorable scheme of a lot of adventurers.”

On July 15, 1893, a petition for redress of grievances was presented to the U.S. Government by the Hawaiian Patriotic League on behalf of the Aborigional Hawaiians.

President Cleveland, in a message to Congress on December 12, 1893, on the Hawaiian issue, stated:

* * * by an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress, the Government of a feeble, friendly and confiding people has been overthrown. * * * a substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires that we endeavor to repair * * * the United States cannot fail to vindicate its sense of justice by an earnest effort to make all possible reparation.

On July 4, 1894, leaders of the Provisional Government of Hawaii proclaimed the establishment of the Republic of Hawaii, and assumed ownership of the Government and crown lands without compensation.

Exactly 4 years later, President McKinley signed a treaty annexing Hawaii to the United States. Under the treaty, the Republic of Hawaii ceded and transferred to the United States “the absolute fee and ownership of all public, Government and crown lands * * * belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereto appertaining.”

Thereafter, on June 19, 1900, Hawaii became the Territory of Hawaii through enactment of the Hawaii Organic Act.

The Hawaiian Homes Commission Act was signed into law July 9, 1921, (42 Stat. 108, as amended), addressing the belief that the Hawaiian people had to a great extent been alienated and separated from their historical domain to such a degree that they were in danger of becoming extinct as a distinct culture, the statute set aside 203,500 acres of Hawaii land for the use of Native Hawaiians.

On August 20, 1959, Hawaii became the 50th State of the Union.

The history of this incident shows that U.S. interests opposed Queen Liliuokalani’s efforts to regain her throne and restore the Kingdom of
Hawaii. The Kingdom was succeeded by a provisional government, which later transformed itself into the independent Republic of Hawaii intent upon the later annexation of Hawaii to the United States, which was finally consummated in 1898. The Constitution of the Republic expropriated the crown lands without compensation and made them available for purchase by westerners. Because of the unauthorized involvement of official representatives of the United States in the internal affairs of an independent, friendly government, the Aboriginal Hawaiians lost their self-government, their rights to Crown and government lands, and other less material but no less important aspects of their civilization. A tragic consequence has been the aggravation of a trend toward demoralization and alienation of the Aboriginal Hawaiian people from their former national, cultural, and individual identity. In many ways they have become strangers in their own land, a situation similar to that of the American Indians.

History also makes it clear that in yielding to the superior forces of the United States to avoid bloodshed, Queen Liliuokalani did so in anticipation that the United States would eventually act to remedy the wrong committed in its name. A claim for repair of the wrong done to the Hawaiian people was submitted to the U.S. Government by the Queen. A petition for redress of grievances was presented to our Government on July 15, 1893 by the Hawaiian Patriotic League on behalf of the Aboriginal Hawaiians. Neither claim was honored. President Cleveland's hope for a legislative plan to redress the wrong perpetrated in the name of the United States has never been realized.

The efforts to obtain congressional consideration of the plight of Aboriginal Hawaiians began on June 27, 1974, when U.S. Representatives Spark Matsunaga and Patsy Mink introduced H.R. 15666, the proposed Hawaiian Native Claims Settlement Act. The bill would have established an Hawaiian Native Claims Settlement Corporation to receive benefits from an immediate settlement involving both land and funds. The following year, Representatives Matsunaga and Mink reintroduced the bill as H.R. 1944 for the consideration of the 94th Congress. In February, 1975, the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs held field hearings on H.R. 1944.

The Senate began consideration of the Aboriginal Hawaiian claims issue with the introduction of Senate joint resolution 155 by Senator Daniel K. Inouye on December 18, 1975. Rather than providing an immediate settlement of the claims, the resolution would have established a commission to conduct a comprehensive investigation of the claims issue and to report back to the Congress with recommendations for a remedy within 1 year. The Senate Committee on Interior and Insular affairs held field hearings on Senate Joint Resolution 155 in February, 1976. The resolution was reported with an amendment by the committee on September 29, 1976.

Senate Joint Resolution 4, identical to Senate Joint Resolution 155, as reported by the Interior Committee, was introduced on January 10, 1977. Field hearings were held on the measure by the Public Lands and Resources Subcommittee on July 6 and 7, 1977.

Through its hearings and markups of the resolutions last year and this year, the committee has apprised itself of the historic well-documented affair which gave use to the Aboriginal Hawaiian claims.
The overthrow of the Hawaiian Kingdom is a dark chapter in American diplomatic and military history, made darker still by the long failure of the Congress to consider the wrong the United States had committed and to answer President Cleveland's call to repair that wrong. By enactment of Senate Joint Resolution 4, the Congress would establish a procedure for determining what, if any, action the Congress can take to finally settle the claims of the Aboriginal Hawaiians. The recommendations submitted to the Congress by the Aboriginal Hawaiian Claims Settlement Study Commission cannot substitute for the congressional determination, but are expected to assist the Congress in making that determination.

III. Need

In the consideration of the Aboriginal Hawaiian claims issue, four traditional approaches to settlement of Native claims were considered: use of the Court of Claims; use of the Indian Claims Commission; passage of a special jurisdictional act; and passage of a settlement act. The Court of Claims appeared an unlikely vehicle for settling Aboriginal Hawaiian claims. Although the Court of Claims once had jurisdiction to hear claims of Indian tribes, that jurisdiction was removed from the court in 1863. In any case, Aboriginal Hawaiians do not constitute an Indian tribe. In addition, any action brought in the Court of Claims by the Aboriginal Hawaiians based on the court's continuing jurisdiction over claims against the United States founded upon the Constitution would likely be unsuccessful as it is doubtful that a fifth amendment taking could be established. (Judicial doctrine does not afford fifth amendment rights to "aboriginal title". Only land taken in violation of treaty terms is regarded as a fifth amendment taking. Proponents of an Aboriginal Hawaiian claims settlement argue that the question of whether Native land taken illegally from a sovereign power is a constitutional taking is sui generis.) Furthermore, any claim so made before the Court of Claims would probably be time-barred under the statutory requirement that claims be filed within 6 years of their accrual.

The Indian Claims Commission does not possess the same problems as a possible situs for settling Aboriginal Hawaiian claims in that the Indian Claims Commission Act allows claims on ethical as well as legal grounds and it waives defenses based on the passage of time. However, the act would have to be amended to permit the bringing of the Aboriginal Hawaiian claims because the act applies only to claims of Indians or Natives on the mainland or in Alaska. Additionally, the Commission does not have the capacity to consider such claims in that it has had its life already extended on four occasions in order to complete its case load and it now has only 1 more year and one quarter of its dockets yet to go (and of those, approximately 150 dockets, 50 involve complex accounting issues).

The use of special jurisdictional acts was always the least popular and most inefficient method of resolving Indian claims. For example, at least one tribe was required to wait 71 years until litigation had been completed and the awards made. These problems were the principal reason why special jurisdictional acts, made necessary when jurisdiction was removed from the Court of Claims in 1863, were eliminated by the Congress in 1946 in favor of the Indian Claims Commission.
The final approach to settlement is through passage of a settlement act. This approach, best exemplified by the Alaska Native Claims Settlement Act, avoids the detailed factfinding concerning such matters as the value of the land at the time of Government taking which has complicated the settlement of Indian claims by other means.

As evidenced by its action on the Alaska Native Claims Settlement Act in 1971, the Committee on Energy and Natural Resources believes congressional enactment of a settlement act is the best method of fashioning a settlement of legitimate native claims. The committee believes, however, that the determination of a proper settlement can be made only on a detailed factual base. The committee, in its consideration of the Alaska Native Claims Settlement Act, was indebted to the work of another commission. On March 8, 1968, the chairman, wrote the Federal Field Committee for Development Planning in Alaska asking that the Commission study Alaska Native land claims.

The report on that study, Alaska Natives and The Land, provided the necessary information to legislate the settlement act. As no such commission presently exists in Hawaii, Senate Joint Resolution 4 would establish one and ask it to conduct the study to provide the groundwork necessary for a future Congress to consider what, if any, settlement can be fashioned for the Aboriginal Hawaiian people.

IV. Committee Amendments

During markup, the committee agreed to an amendment in the nature of a substitute to Senate Joint Resolution 4. The substituted resolution amends the title, the preamble, and the text of the joint resolution. The title was amended to substitute "aboriginal" for the term "native" in order to accommodate a preference expressed by supporters of the legislation. The preamble was restated, in part, in order to conform it to language contained in President Grover Cleveland's message to the Congress of December 18, 1893, and to conform it to the resolution as retitled by the committee.

The significant amendments to Senate Joint Resolution 4 are:
1. Membership on the Commission, Sec. 2(b)(1). The Committee increased the size of the Commission from 11 to 15 members and increased from six to eight the number of members to be appointed by the Governor of Hawaii. Additionally, the committee provided that each of the islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu shall be represented on the Commission by at least one member of aboriginal blood who is an inhabitant of that island.
2. Commission Study, Sec. 3. The committee provided that the Commission shall hold public hearings in order to further the study of the wrongs committed against the aboriginal Hawaiians, with advance notice and information regarding the public hearings. Additionally, the committee provided that a draft report of the findings of the study shall be available to the public within 1 year of enactment of the resolution. The public would then have 6 months in which to comment on the report before it is submitted to the Congress. Originally, section 3 called for submission of the final report, without publication of a draft, within 1 year.
3. Commission Recommendations, Sec. 4. The committee made several minor word changes in section 4 to provide the Commission with the utmost flexibility in making its recommendations.

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4. *Authorization*, Sec. 7. The committee authorized appropriations necessary to carry out the provisions of this resolution beginning in fiscal year 1979 and thereafter. The committee added a provision permitting the expenditure of appropriated funds for appearances of Commissioners before the Congress after the Commission's termination.

**V. SECTION-BY-SECTION ANALYSIS**

**CONGRESSIONAL FINDINGS**

Sec. 1 contains findings that in 1893, the U.S. Minister to the Kingdom of Hawaii unlawfully conspired with a group of U.S. citizens to overthrow the Kingdom; that U.S. Armed Forces participated in the overthrow; that President Grover Cleveland, in a December 18, 1893, message to Congress, denounced this action and indicated his belief that the United States had an obligation to endeavor to "make all possible reparation" for this wrong; that Queen Liliuokalani made such application for redress on behalf of Native Hawaiians; that the United States acquired ownership of Aboriginal Hawaiian lands obtained from Aboriginal Hawaiians through the overthrow in the 1898 annexation of Hawaii; and that the wrongs done Aboriginal Hawaiians have not yet been repaired.

**DECLARATION OF PURPOSE**

Sec. 1, also declares that the Congress, while it recognizes that any action it might take cannot be a sufficient remedy for these wrongs, desires to see whether a remedy can be fashioned, and wishes to be advised on this matter by a commission of Aboriginal Hawaiians and other citizens.

**SECTION 2. ABORIGINAL HAWAIIAN CLAIMS SETTLEMENT STUDY COMMISSION**

Subsection 2(a) provides for the creation of the Aboriginal Hawaiian Claims Settlement Study Commission.

Subsection 2(b) provides that the Commission shall be composed of 15 members appointed by the President, eight of them from a list of 18 proposed by the Governor of Hawaii; that nine shall be Aboriginal Hawaiians, three of 50 percent or more native blood, three of 25 percent or more native blood, and three of any degree of native blood; that one Aboriginal Hawaiian shall represent each of the six major Hawaiian islands, and one Aboriginal Hawaiian shall be a U.S. citizen not a resident of Hawaii; and that the President is to consult with the Aboriginal Hawaiian community and the Governor of Hawaii with regard to his appointments. The Commission is to elect a chairman and vice chairman from their membership. A quorum for the Commission is eight, but a smaller number can conduct hearings. The Commission members are to receive $100 per day while on Commission business, plus travel and expenses.

Under Subsection 2(c), the President is required to call the first meeting of the Commission no later than 60 days after the approval of this resolution.
Subsection 2(d) authorizes the Chairman of the Commission to appoint an executive director and general counsel and other necessary staff to the Commission and specifies certain conditions with regard to their employment. Temporary services to the Commission are to be provided at a rate of no more than $100 per day.

Subsection 2(e) provides an authorization for Federal agencies to assist the Commission.

SECTION 3. DUTIES OF THE COMMISSION

Subsection 3(1) requires the Commission to conduct a study of the “culture, needs and concerns” of Aboriginal Hawaiians, including the wrong committed against and the extent of the injuries to Aboriginal Hawaiians as a result of the events of 1893, and possible means of remedying those wrongs.

Subsection 3(2) directs the Commission to conduct public hearings as it deems necessary, but no less than one each on the six major Hawaiian islands and one elsewhere in the United States.

Subsection 3(3) provides that the Commission shall make available public information with regard to its study.

Subsection 3(4) requires the Commission to issue a draft report on its study within 1 year of the enactment of the resolution.

Subsection 3(5) and (6) direct the Commission to submit to the President, the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs a final report 6 months after publication of its draft report.

SECTION 4. COMMISSION RECOMMENDATIONS

Subsection 4(a) specifies that the Commission must consider, among other things, the utilization of funds in a manner which benefits Aboriginal Hawaiians; the provision of land, including the surplusing of Federal lands; any other recommendations the Commission may deem necessary with regard to land and funds; the preservation of the Aboriginal Hawaiian lifestyle and the education of Aboriginal Hawaiians as goals of the remedy; the degree to which blood quantum or other requirements should determine eligibility for benefits under the recommended remedy; the manner in which the recommended remedy is to be administered; and any other matters the Commission may deem desirable to be included in any subsequent remedy.

Subsection 4(b) provides that the Commission's recommendations are to be designed to assure, to the extent possible, that any subsequent remedy be a final settlement of Aboriginal Hawaiian claims arising out of the events of 1893; be expeditiously implemented with a minimum of litigation; address the real needs of Aboriginal Hawaiians; assures the maximum participation of Aboriginal Hawaiians; creates no wardship or trusteeship; does not detract from Aboriginal Hawaiians' basic rights of citizenship; and does not relieve the United States of its responsibility to Aboriginal Hawaiians as citizens.
SECTION 5. TERMINATION OF THE COMMISSION

Section 5 provides that the Commission will cease to exist within 60 days after its submission of its final report, except with regard to the sections of the resolution which provide the authority under which funds may be expended to provide for the appearance of former Commissioners before the Congress regarding Congress' consideration of the recommended remedy.

SECTION 6. SAVINGS CLAUSES

Section 6 provides that the bi-1 is not to be construed as conferring jurisdiction to sue or as granting Aboriginal Hawaiians with consent to sue the United States with respect to claims arising from the events of 1893 and is not to be construed as granting a precedent for any Native American to reopen any past settlement of like claims. These savings clauses are similar to those contained in the Alaska Native Claims Settlement Act.

SECTION 7. AUTHORIZATION

Subsection 7(a) provides for the appropriation of such funds in fiscal years 1979 and 1980 as may be necessary to carry out the purposes of the bill. It also provides that until such funds from the contingency fund of the Senate upon vouchers approved by the chairman, the fund to be reimbursed later with regularly appropriated funds.

Subsection 7(b) authorizes the Secretary of the Treasury to set aside a portion of appropriated funds to provide for the appearance of Commissioners before the Congress after the termination of the Commission.

VI. COST AND BUDGETARY CONSIDERATIONS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-150, 91st Congress) the committee provides the following estimate of the cost of Senate Joint Resolution 4, prepared by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for Senate Joint Resolution 4, a joint resolution establishing the Aboriginal Hawaiian Claims Settlement Study Commission, and for other purposes.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin, Director.
CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

October 14, 1977.

2. Bill title: Joint resolution establishing the Aboriginal Hawaiian Claims Settlement Study Commission, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on October 10, 1977.
4. Bill purpose: The proposed legislation establishes a 15 member commission to study remedies for a wrong committed by the U.S. Government against native Hawaiians in 1893. This is authorizing legislation which requires subsequent appropriation action. Such sums as are necessary to carry out the provisions of this resolution are authorized to be appropriated for fiscal year 1979 and fiscal year 1980. Payment from the Senate contingent fund are authorized until such appropriations are made.
5. Cost estimate: By fiscal years.

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<td>1979</td>
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Pursuant to section 7(a) of the resolution, Commission expenses will be paid out of the Senate contingent fund until specific appropriations are made, as authorized in the resolution, for fiscal years 1979 and 1980.

The costs of this bill fall within budget function 800.

6. Basis of Estimate: For the purpose of this estimate, it is assumed that this legislation is enacted April 1, 1978, and that the Commission begins its work 60 days thereafter.

The Commission is assumed to have a one and a half year life. In order to estimate the costs of this legislation, assumptions were made about the likely activities of the Commission, and a budget for these activities was developed. These assumptions are based on the historical experience of similar programs. In addition to the legislatively stated number of commissioners (15), it is assumed that there will be nine professional staff members (including an executive director and a counsel) and five administrative support personnel. The estimated costs of the commission are: personnel compensation and benefits—$683,000; travel and transportation—$85,000; other overhead—$89,000.

This cost estimate addresses only the costs of the Commission and does not consider the cost of any proposed remedy. The remedy will require additional, specific legislative action.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

VII. COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 10, 1977, by unanimous voice vote of a
quorum present recommends that the Senate pass Senate Joint Resolution 4, as amended.

VIII. EXECUTIVE COMMUNICATIONS

There were no executive communications received by the committee regarding Senate Joint Resolution 4. Set forth below is the text of the message to Congress of December 12, 1893, by President Cleveland:

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and renoncements of her cabinet, renounced the project for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu numbering from 50 to 100, mostly resident aliens, met in a private office and selected a so-called committee of safety, composed of 13 persons, seven of whom were foreign subjects, and consisted of five Americans, one Englishman, and one German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument. Nevertheless, at the call and under the auspices of the committee of safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the committee of safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the U.S. minister, addressed him a note representing that the public safety was menaced and that lives and property were in danger, and concluded as follows:

"We are unable to protect ourselves without aid, and therefore pray for the protection of the U.S. forces."

Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered the
committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic-stricken at their position that they sent some of their number to interview the minister and request him not to land the U.S. forces till the next morning. But he replied that the troops had been ordered and whether the committee were ready or not the landing should take place. And so it happened that on the 16th day of January 1893, between 4 and 5 o'clock in the afternoon, a detachment of marines from the U.S. steamer Boston, with two pieces of artillery, landed at Honolulu. The men, upward of 160 in all, were supplied with double cartridge belts filled with ammunition and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies.

This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the bone fide purpose of protecting the imperiled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the de facto and the de jure Government. In point of fact the existing Government, instead of requesting the presence of an armed force, protested against it. There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance and so as to command the Hawaiian Government building and palace.

Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens, whose residences and places of business, as well as the legation and consulate, were in a distant part of the city; but the location selected was a wise one if the forces were landed for the purpose of supporting the Provisional Government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction. When these armed men were landed the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquility except the landing of the Boston's marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the U.S. forces on the plea of danger to life and property the committee of safety themselves requested the minister to postpone action exposed the untruthfulness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something
which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the U.S. forces.

Thus it appears that Hawai‘i was taken possession of by the U.S. forces without the consent or wish of the Government of the islands, or of anybody else so far as shown except the U.S. minister. Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

The U.S. forces being now on the scene and favorably stationed, the committee proceeded to carry out their original scheme. They met the next morning, Tuesday, the 17th, perfected the plan of temporary government, and fixed upon its principal officers, 10 of whom were drawn from the 13 members of the committee of safety. Between 1 and 2 o’clock, by squads and by different routes to avoid notice, and having first taken the precaution of ascertaining whether there was anyone there to oppose them, they proceeded to the Government building to proclaim the new Government. No sign of opposition was manifest, and thereupon an American citizen began to read the proclamation from the steps of the Government building, almost entirely without auditors. It is said that before the reading was finished quite a concourse of persons, variously estimated at from 50 to 100, some armed and some unarmed, gathered about the committee to give them aid and confidence. This statement is not important, since the one controlling factor in the whole affair was unquestionably the U.S. marines, who, drawn up under-arms and with artillery in readiness only 76 yards distant, dominated the situation.

The Provisional Government thus proclaimed was by the terms of the proclamation “to exist until terms of union with the United States had been negotiated and agreed upon.” The U.S. minister, pursuant to prior agreement, recognized this Government within an hour after the reading of the proclamation, and before 5 o’clock, in answer to an inquiry on behalf of the Queen and her cabinet, announced that he had done so.

When our minister recognized the Provisional Government, the only basis upon which it rested was the fact that the committee of safety had in the manner above stated declared it to exist. It was neither a government de facto nor de jure. That it was not in such possession of the Government property and agencies as entitled it to recognition is conclusively proved by a note found in the files of the legation at Honolulu, addressed by the declared head of the Provisional Government to Minister Stevens, dated January 17, 1893, minister’s recognition of the Provisional Government, and states that it is not yet in the possession of the station house
(the place where a large number of the Queen's troops were quartered), though the same had been demanded of the Queen's officers in charge. Nevertheless, this wrongful recognition by our minister placed the Government of the Queen in a position of most perilous perplexity. On the one hand she had possession of the palace, of the barracks, and of the police station, and had at her command at least 500 fully armed men and several pieces of artillery. Indeed, the whole military force of her Kingdom was on her side and at her disposal, while the committee of safety, by actual search, had discovered that there were but very few arms in Honolulu that were not in the service of the Government.

In this state of things, if the Queen could have dealt with the insurgents alone, her course would have been plain and the result unmistakable. But the United States had allied itself with her enemies, had recognized them as the true Government of Hawaii, and had put her and her adherents in the position of opposition against lawful authority. She knew that she could not withstand the power of the United States, but she believed that she might safely trust to its justice. Accordingly, some hours after the recognition of the Provisional Government by the U.S. minister, the palace, the barracks, and the police station, with all the military resources of the country, were delivered up by the Queen upon the representation made to her that her cause would thereafter be reviewed at Washington, and while protesting that she surrendered to the superior force of the United States, whose minister had caused U.S. troops to be landed at Honolulu and declared that he would support the Provisional Government, and that she yielded her authority to prevent collision of armed forces and loss of life, and only until such time as the United States, upon the facts being presented to it, should undo the action of its representative and reinstate her in the authority she claimed as the constitutional sovereign of the Hawaiian Islands.

This protest was delivered to the chief of the Provisional Government, who indorsed thereon his acknowledgment of its receipt. The terms of the protest were read without dissent by those assuming to constitute the Provisional Government, who were certainly charged with the knowledge that the Queen, instead of finally abandoning her power, had appealed to the justice of the United States for reinstatement in her authority; and yet the Provisional Government, with this unanswered protest in its hand, hastened to negotiate with the United States for the permanent banishment of the Queen from power and for a sale of her Kingdom.

Our country was in danger of occupying the position of having actually set up a temporary government of foreign soil for the purpose of acquiring through that agency territory which we had wrongfully put in its possession. The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions. We are not without a precedent showing how scrupulously we avoided such accusations in former
days. After the people of Texas had declared their independence of Mexico they resolved that on the acknowledgment of their independence by the United States they would seek admission into the Union. Several months after the battle of San Jacinto, by which Texan independence was practically assured and established, President Jackson declined to recognize it, alleging as one of his reasons that in the circumstances it became us "to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves." This is in marked contrast with the hasty recognition of a government openly and concededly set up for the purpose of tendering to us territorial annexation.

I believe that a candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States. Fair-minded people, with the evidence before them, will hardly claim that the Hawaiian Government was overthrown by the people of the islands or that the Provisional Government had ever existed with their consent. I do not understand that any member of this Government claims that the people would uphold it by their suffrages if the were allowed to vote on the question.

While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people. For illustration of this rule I need only to refer to the revolution in Brazil in 1889, when our minister was instructed to recognize the Republic "so soon as a majority of the people of Brazil should have signified their assent to its establishment and maintenance;" to the revolution in Chile in 1891, when our minister was directed to recognize the new Government "if it was accepted by the people," and to the revolution in Venezuela in 1892, when our recognition was accorded on condition that the new Government was "fully established, in possession of the power of the nation, and accepted by the people."

As I apprehend the situation, we are brought face to face with the following conditions:

The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But for the notorious predilections of the U.S. minister for annexation the committee of safety, which should be called the committee of annexation, would never have existed.
But for the landing of the U.S. forces upon false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.

But for the presence of the U.S. forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the Provisional Government from the steps of the Government building.

And finally, but for the lawless occupation of Honolulu under false pretexts by the U.S. forces, and but for Minister Steven's recognition of the Provisional Government when the U.S. forces were its sole support and constituted its only military strength, the Queen and her Government would never have yielded to the Provisional Government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.

Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the Provisional Government.

But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for a strong nation and another for a weak one, and that even by indirectness a strong power may with impunity despoil a weak one of its territory.

By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The Provisional Government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that Government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.
The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong, but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance. On that ground it can not allow itself to refuse to redress an injury inflicted through an abuse of power by officers clothed with its authority and wearing its uniform; and on the same ground, if a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, the United States can not fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation.

These principles apply to the present case with irresistible force when the special conditions of the Queen's surrender of her sovereignty are recalled. She surrendered, not to the Provisional Government, but to the United States. She surrendered, not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States. Furthermore, the Provisional Government acquiesced in her surrender in that manner and on those terms, not only by tacit consent, but through the positive acts of some members of that Government, who urged her peaceable submission, not merely to avoid bloodshed, but because she could place implicit reliance upon the justice of the United States and that the whole subject would be finally considered at Washington.

* * * * *

In commending this subject to the extended powers and wide discretion of the Congress I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity, and morality.

Grover Cleveland.
IX. CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by Senate Joint Resolution 4, as ordered reported.

Penthouse Says Copley Press Had CIA Role; Executives Deny Charge. (n.d.) *Honolulu Star-Bulletin*

Mr. Chairman, I wish to thank you for taking time from your busy schedule to come to Hawaii for these hearings on S.J. Res. 4, establishing a Hawaiian Native Land Claims Commission. It is a long way from your native State of South Dakota but I know that any issue which involves native Americans is a matter of great interest to you and we appreciate this demonstration of that interest and having you with us today and tomorrow for these hearings.

While Hawaiian native land claims is not a burning national issue it is one which has received the interest of community leaders in Hawaii for some time. It has also received the attention of your predecessor Committee--the Interior Committee. That Committee held three days of hearings here in Hawaii in February, 1976. Subsequent to those hearings a revised version of my bill in the 94th Congress, S.J. Res. 155, was reported out by the Committee but unfortunately too late in the session to receive further consideration by that Congress. S.J. Res. 4 is, however, identical with the measure reported by the Interior Committee last year and I introduced it with the sponsorship of my distinguished colleague, Senator Matsunaga, early in this Congress in the hope that we would be able to proceed in a timely fashion to address this issue and pass it in the 95th Congress.
When hearings were held on the predecessor measure last year there was considerable opposition voiced against that measure. Much of that opposition was centered on a fear that referring such an issue to a Commission would delay final action or place control for action in hands unfriendly to the interests of the Hawaiian people. I believe there is less concern about that course today with changes in the Resolution which guarantee that a majority of the Commission members will be Hawaiian and apportioned among the counties and a greater appreciation of how difficult, if not impossible it would be, to get legislative action without going through the intermediate step of having detailed recommendations to the Congress from a prestigious national commission.

I have struggled with this problem for about four years and I know that some may be frustrated by the sense of inaction and the knowledge that these claims date back almost a century. Four years is not a long time in the Congress on any issue of this magnitude, however. It takes time to educate the members on the nature of the problem and the legitimacy of the claim. Hawaii is a long way from Washington and the competition for the attention of the Congress is great. These hearings are a very necessary part of the educational process even though you who are participating here as witnesses may feel that you have heard it all before.

Success requires more than a just cause, moreover, it requires persistent effort and a large dose of pragmatism.

The resolution which is the subject of these hearings achieves three goals. First, it will provide a clear statement by the Congress
THAT A WRONG HAS BEEN COMMITTED BY REPRESENTATIVES OF THE UNITED STATES GOVERNMENT AGAINST THE HAWAIIAN PEOPLE. SECOND, IT WILL CLEARLY SET FORTH THAT THAT WRONG WAS NEVER BEEN REDRESSED. THIRD, IT WILL PROVIDE A VEHICLE, THE HAWAIIAN NATIVE LAND CLAIMS SETTLEMENT COMMISSION, WHICH WILL RECOMMEND THE EXTENT OF THE FEDERAL OBLIGATION WHICH IS OUTSTANDING AND THE MEANS BY WHICH THAT OBLIGATION CAN BE MET.

MR. CHAIRMAN, FOR VERY TRAGIC HISTORICAL REASONS, SOME OF OUR HAWAIIAN NATIVE PEOPLE ARE UNDERSTANDABLY SUSPICIOUS OF PLACING THEIR TRUST IN THE FEDERAL GOVERNMENT FOR A RIGHTING OF THE WRONGS WHICH HAVE BEEN DONE AGAINST THEM AS A PEOPLE. THE RECORD TO DATE HAS BEEN FAR FROM IMPRESSIVE. BUT I AM CONVINCED THAT THE CAUSE IS RIGHT AND THE MEMBERS OF CONGRESS WILL RESPOND ONCE THE ISSUE HAS BEEN BROUGHT FULLY TO THEIR ATTENTION IN AN APPROPRIATE AND RATIONAL MANNER.

IN A PEACEFUL AND PRODUCTIVE MANNER AS AN IMPORTANT ASPECT OF
THE OVER-ALL PROBLEM.

I KNOW OTHERS WILL ESTABLISH THE HISTORICAL RECORD IN THE
COURSE OF THESE HEARINGS. I THINK THAT RECORD IS CLEAR AND WILL
FULLY SUPPORT THE POSITION TAKEN BY PRESIDENT GROVER CLEVELAND
IN HIS MESSAGE TO THE CONGRESS ON DECEMBER 18, 1893 WHEN HE REFUSED
to send the annexation agreement up for ratification. IN THAT
MESSAGE HE SAID:

"THUS IT APPEARS THAT HAWAII WAS TAKEN POSSESSION
OF BY THE UNITED STATES FORCES WITHOUT THE CONSENT OR
WISH OF THE GOVERNMENT OF THE ISLANDS, OR OF ANYBODY
ELSE SO FAR AS SHOWN, EXCEPT THE UNITED STATES MINISTER.
....IT HAS BEEN THE BOAST OF OUR GOVERNMENT THAT
IT SEeks TO DO JUSTICE IN ALL THINGS WITHOUT REGARD TO
THE STRENGTH OR WEAKNESS OF THOSE WITH WHOM IT DEALS,
I MISTAKE THE AMERICAN PEOPLE IF THEY FAVOR THE ODIOUS
DOCTRINE THAT THERE IS NO SUCH THING AS INTERNATIONAL
MORALITY, THAT THERE IS ONE LAW FOR A STRONG NATION
AND ANOTHER FOR A WEAK ONE, AND THAT EVEN BY INDIRECTION
A STRONG POWER MAY WITH IMPUNITY DESPOIL A WEAK ONE
OF ITS TERRITORY.

By an act of war, committed with the participation
of a diplomatic representative of the United States
and without authority of Congress, the government of a
feeble but friendly and confiding people has been over-
thrown. A substantial wrong has thus been done which
A DUE REGARD OF OUR NATIONAL CHARACTER AS WELL AS THE
RIGHTS OF THE INJURED REQUIRES WE SHOULD ENDEAVOR TO REPAIR."

Previous efforts to repair that wrong have been futile. It is my fervent hope that the time is right; that the Congress will now respond affirmatively and provide that just measure of reparations which is the Hawaiian's due. I stand ready to be of help and I appreciate the interest which is being demonstrated by your presence here today.


Ceiling on reparations opposed. (1976, September 1). The *Honolulu Advertiser*. 


WASHINGTON -- The Senate Interior Committee staff has proposed a $100 million ceiling on any native Hawaiian reparation plan submitted to Congress by a proposed Hawaiian Native Claims Settlement Study Commission, sparking criticism from the study commission's principle sponsor Senator Daniel K. Inouye (D-Hawaii).

"I am unalterably opposed to the provision which imposes a $100 million limit on any recommendation which the commission may transmit to the Congress," Inouye said today.

"To place such a limit on one of the commission's most significant decisions would deny to the Hawaiian natives the opportunity to plead their case fully," he said. "Further it would appear to be an effort by this Congress to dictate to a future Congress."

The Interior Committee staff this week made public its preliminary revisions of Senate Joint Resolution 155, a measure introduced by Inouye on December 19, 1975 that would create a commission to secure a proper redress of grievances arising from the overthrow of the Hawaiian Monarchy by agents of the United States Government in 1893.

The changes will be subject to review by the full Interior Committee when it convenes for a mark-up of the measure shortly after Labor Day.

Inouye today urged the committee to delete the ceiling provision, saying, "If we are going to decide what it can recommend, there appears little reason to establish a commission."

The modified resolution requires the study commission to report to Congress within a year of operation "a plan for the distribution, expenditure, investment or other use of a sum not to exceed $100,000,000 to be appropriated in equal increments over a twenty year period..."

The new language also provides that emphasis not be placed on direct grants, but rather on investment of the funds by one or more Hawaiian Native organizations with shares going to native Hawaiians as stockholders. Loans, guarantees of loans or other "innovative uses" of the funds may be recommended by the study commission as long as the plan "will insure such monies are employed successfully for the benefit of Hawaiian natives," the revised measure says.
The Interior Committee staff also has proposed that six of the 11-member commission be persons of native Hawaiian blood, that each county of Hawaii be represented and that at least four members "be conversant in Hawaiian native culture, history or language."

The staff also shortened the duration of the commission study from two years to one, and inserted provisions for a $100 per working day stipend for commission members plus coverage of travel expenses.

Inouye called these revisions "definite improvements on the earlier draft (of the resolution)." Many of the changes resulted from ideas presented during three days of hearings held on Oahu, Kauai and Hawaii last February 9-11, he added. Senator J. Bennett Johnston (D-Louisiana), a ranking Interior Committee member, chaired those hearings.
WASHINGTON, D.C. -- The Senate Committee on Interior and Insular Affairs will conduct hearings in Hawaii next month to hear testimony on a proposal to create a Hawaiian Aboriginal Claims Settlement Commission.

Senator J. Bennett Johnston (D-Louisiana) will chair the hearings, to be held February 9 through 11, 1976 in Honolulu, Lihue and Kaukaha on the Big Island. Also attending will be Senator Daniel K. Inouye (D-Hawaii), Interior Committee Counsel Steven Quarles and Minority Deputy Counsel Gregory Christopher.

They will address Senate Joint Resolution 155 which Inouye introduced last December 18, 1975. That joint resolution seeks to create an 11-member commission to secure a proper redress of grievances arising from the overthrow of the Hawaiian Monarchy by agents of the United States Government in 1893.

The resolution also expresses the sense of the Congress that wrongful acts were committed by Americans in 1893, resulting in dominion over the people and Kingdom of Hawaii and dominion over lands formerly owned in common by Hawaiian Aborigines.

The Senate panel will meet on Monday, February 9, 1976, at the Coral Ballroom, Hilton Hawaiian Village. Tentative meeting time will be 9:30 a.m. to 12:30 p.m. and 2 to 4 p.m.

The panel will meet February 10, 1976 at the public library in Lihue, Kauai. The session is tentatively scheduled for 9:30 a.m. to noon. On February 11, 1976, the hearings will move to Kawananahoa Hall in Kaukaha, Hawaii. That session is tentatively set for 9:30 a.m. to 12:30 p.m.

Inouye said today he is pleased hearings will be underway soon on a "most significant" legislative proposal "that may determine, with finality and certainty, the nature of the legitimate claims of our native Hawaiians."

He echoed remarks made upon introduction of the resolution: "I am confident that hearings will amply demonstrate that agents of the United States Government were responsible for the loss of dominion and domain on the part of the Hawaiian Aborigines and that they and their descendants never received proper compensation."

REQUESTING THE U. S. CONGRESS TO ENACT LEGISLATION TO COMPENSATE OR TO MAKE REPARATION TO HAWAIIANS FOR DAMAGES SUFFERED BY THEM AT THE TIME OF ANNEXATION.

WHEREAS, by the Great Mahele of 1848, all the lands in the Hawaiian Kingdom were divided and distributed to wit: One-third (1/3) for the public called "Public Lands"; One-third (1/3) for the King for his use, designated as "Crown Lands"; and One-third (1/3) to the Chiefs;

WHEREAS, prior to the reign of Kamehameha V the Crown Lands were considered to be the private domain of the King, and he could sell, mortgage or otherwise deal with such land as his private property without any limitation;

WHEREAS, during his reign, King Kamehameha V declared Crown Lands to be inalienable, and it appears that it was so regarded and thereafter, King Lunalilo, King Kalakaua and Queen Liliuokalani were deemed to have been only entitled to use of the income from the Crown Lands;

WHEREAS, upon the abdication of the throne by Queen Liliuokalani, the Crown Lands were deemed to be part of the public land of the Hawaiian Republic; and upon the annexation of Hawaii by the United States of America, crown lands thereby became part Public Lands of the United States of America;

WHEREAS, it appears that person or persons who were or should be entitled to the Crown Lands were deprived of their property or property rights in the Crown Lands;

AND, WHEREAS, Aborigine or native Hawaiians were deprived of certain property or property rights upon the annexation of these islands by the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighth State Legislature, State of Hawaii at the Regular Session of 1976, the House of Representatives concurring that the Congress of the United States of America be respectfully requested to enact
Legislation to compensate the Aborigine or Native Hawaiians and the members and descendants of the Hawaiian Royal Family for damages suffered by them at the time of the Annexation of the Hawaiian Islands to the United States of America.

BE IT FURTHER RESOLVED that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States of America, the Vice-President of the United States of America, the President Pro-tem of the Senate of the Congress of the United States of America; the Speaker of the House of Representatives of the Congress of the United States of America; to the Chairman of the Interior and Insular Affairs Committee of the Senate of the Congress of the United States of America; to the Chairman of the Interior and Insular Affairs Committee of the House of Representatives of the Congress of the United States of America; to the Honorable Hiram L. Fong, and Honorable Daniel K. Inouye, senators from the State of Hawaii and to Honorable Spark M. Matsunaga and Honorable Patsy T. Mink, representatives from the State of Hawaii, of the Congress of its United States of America.

OFFERED BY:

[Signatures]

3/4/76
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WHEREAS, by the Great Mahele of 1848, all the lands in the Hawaiian Kingdom were divided and distributed to wit: One-third (1/3) for the public called "Public Lands"; One-third (1/3) for the King for his use, designated as "Crown Lands"; and One-third (1/3) to the Chiefs;

WHEREAS, prior to the reign of Kamehameha V the Crown Lands were considered to be the private domain of the King, and he could sell, mortgage or otherwise deal with such land as his private property without any limitation;

WHEREAS, during his reign, King Kamehameha V declared Crown Lands to be inalienable, and it appears that it was so regarded and thereafter, King Lunalilo, King Kalakaua and Queen Liliuokalani were deemed to have been only entitled to use of the income from the Crown Lands;

WHEREAS, upon the abdication of the throne by Queen Liliuokalani, the Crown Lands were deemed to be part of the public land of the Hawaiian Republic; and upon the annexation of Hawaii by the United States of America, crown lands thereby became part Public Lands of the United States of America;

WHEREAS, it appears that person or persons who were or should be entitled to the Crown Lands were deprived of their property or property rights in the Crown Lands;

AND, WHEREAS, Aborigine or Native Hawaiians were deprived of certain property or property rights upon the annexation of these islands by the United States of America.
NOW, THEREFORE, BE IT RESOLVED by the House of Represent­ative of the Eighth State Legislature, State of Hawaii at the Regular Session of 1976, the Senate concurring that the Congress of the United States of America be respectfully requested to enact legislation to compensate the Aborigine or Native Hawaiians and the members and descendants of the Hawaiian Royal Family for damages suffered by them at the time of the Annexation of the Hawaiian Islands to the United States of America.

BE IT FURTHER RESOLVED that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States of America, the Vice-President of the United States of America, the President Pro-temp of the Senate of the Congress of the United States of America; the Speaker of the House of Representatives of the Congress of the United States of America; to the Chairman of the Interior and Insular Affairs Committee of the Senate of the Congress of the United States of America; to the Chairman of the Interior and Insular Affairs Committee of the House of Representatives of the Congress of the United States of America; to the Honorable Hiram L. Fong, and Honorable Daniel K. Inouye, senators from the State of Hawaii and to Honorable Spark M. Matsunaga and Honorable Patsy T. Mink, representatives from the State of Hawaii of its United States of America.

OFFERED BY:  

[Signatures]

MAR 12, 1976

[Handwritten Notes]
(To be made one and twelve copies)

THE SENATE
EIGHTH........... LEGISLATURE, 1976
STATE OF HAWAII

SENATE RESOLUTION

SUPPORTING SENATE JOINT RESOLUTION 155, ESTABLISHING THE HAWAIIAN
ABORIGINAL CLAIMS SETTLEMENT STUDY COMMISSION, AS INTRODUCED
IN THE SENATE OF THE UNITED STATES BY SENATOR DANIEL K. INOUYE
OF HAWAII ON DECEMBER 18, 1975.

WHEREAS, in the year 1893, the United States Minister accredited
to the sovereign and independent Kingdom of Hawaii, acting wholly with-
out the authority or knowledge of Congress or the President, unlaw-
fully conspired with a small group of non-Hawaiian residents of that
kingdom, including citizens of the United States, to overthrow the
indigenous and lawful government of Hawaii; and

WHEREAS, in pursuance of such conspiracy, the United States
Minister and the naval representative of the United States, also
acting without authority, caused Armed Forces of the United States
to be put ashore and deployed in support of the overthrow of such
indigenous and lawful government, and the United States Minister
thereupon extended diplomatic recognition to a provisional govern-
ment formed by such conspirators without the consent of the people
or of the lawful government of Hawaii, which provisional government
was sustained solely by the Armed Forces of the United States; and

WHEREAS, on December 18, 1893, in a message to Congress, Presi-
dent Cleveland reported fully and accurately on these illegal
actions, acknowledging that by an act of war, with the participation
of the diplomatic representative of the United States and without
the authority of the Congress, the government of a peaceful and
friendly people had been overthrown and a substantial wrong had thus
been done, and stating that due regard for our national character as
well as the rights of the injured people, required an endeavor to
repair such wrong; and

WHEREAS, a claim for repair of these wrongs to the Hawaiian
people was subsequently presented to the Government of the United
States of America by Queen Liliuokalani, the lawful monarch of Hawaii,
and on July 15, 1893, a petition for redress had also been presented
by the Hawaiian Patriotic League, representing aboriginal citizens
of Hawaii; but nothing was done, and in 1898 Hawaii was annexed to
the United States, by which the United States acquired ownership
of vast landholdings that had been common property of the Hawaiian
aboriginals prior to the overthrow of their indigenous government;
and

WHEREAS, some eighty-three years have now passed without the wrongs
done the Hawaiian aboriginals having been repaired; and
WHEREAS, on December 18, 1975, Senator Daniel K. Inouye of Hawaii introduced in the Senate of the United States Joint Resolution 155, which establishes the Hawaiian Aboriginal Claims Settlement Study Commission; and

WHEREAS, Joint Resolution 155, in establishing the Hawaiian Aboriginal Claims Settlement Study Commission, declares it to be the intent of Congress that a fair and just settlement be made of the claims of Hawaiian aboriginals founded on the lawless acts of agents of the United States by which the sovereign government of the Kingdom of Hawaii was overthrown, and aboriginal Hawaiian land appropriated; now, therefore,

BE IT RESOLVED by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, that it supports and commends United States Senate Joint Resolution 155, establishing the Hawaiian Aboriginal Claims Settlement Study Commission; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the leaders of both houses of Congress and to each member of the Hawaii Congressional delegation.

OFFERED BY: Richard S. Ho'ono Joe Kuroda
Stanley K. Hashimoto Choy Patsy K. Yoon
Bruce T.破碎 Patric Paubay
John H. 日千秋
T. C. 滨
Terri Kawano
Edward Tam
John S. Kulik
Marie Shimazu
Henry Saboana
Jim King
Arnold Chin

3/10/76

JOINT RESOLUTION

Establishing the Hawaiian Aboriginal Claims Settlement Study Commission, and for other purposes.

Whereas, in the year 1893, the United States Minister accredited to the sovereign and independent Kingdom of Hawaii, acting wholly without the authority or knowledge of Congress or the President, unlawfully conspired with a small group of non-Hawaiian residents of that kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii; and

Whereas, in pursuance of such conspiracy, the United States Minister and the naval representative of the United States, also acting without authority, caused Armed Forces of the United States to be put ashore and deployed in support of the overthrow of such indigenous and lawful government, and that the United States Minister thereupon extended
diplomatic recognition to a provisional government formed by the conspirators without the consent of the people or of the lawful government of Hawaii, which provisional government was sustained solely by the Armed Forces of the United States; and

Whereas, on December 18, 1893, in a message to the Congress, President Cleveland did report fully and accurately on these illegal actions, which statement acknowledged that by an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of the Congress, the government of a peaceful and friendly people was overthrown and that substantial wrong was thus done which a due regard for our national character as well as the rights of the injured people requires that we endeavor to repair; and

Whereas a claim for repair of these wrongs to the Hawaiian people was presented to the Government of the United States of America by Queen Liliuokalani, the lawful monarch of Hawaii and on July 15, 1893, a petition for redress was also presented by the Hawaiian Patriotic League, representing aboriginal citizens of Hawaii; that in 1898, Hawaii was annexed to the United States, and by such annexation, among other things, the United States acquired ownership of vast landholdings that had been common property of the Hawaiian aboriginals prior to the overthrow of their indigenous government; and

Whereas some eighty-three years have now passed without the wrongs done the Hawaiian aboriginals having been repaired: Now, therefore, be it
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) the Congress hereby declares it is now necessary that a fair and just settlement of the claims of the Hawaiian aboriginals founded on the lawless, fraudulent, and forceful acts of agents of the United States, by which acts the lawful indigenous and sovereign government of the Kingdom of Hawaii was overthrown; the independence and sovereignty of the Hawaiian people were denied; and dominion over the people and Territory of Hawaii and domain over the extensive lands formerly owned, in common, by the Hawaiian aboriginals were acquired by the United States, which thereby turned to its advantage the illegal acts of its agents.

(b) (1) For the purpose of accomplishing such settlement referred to in subsection (a) of this section, there is hereby established the Hawaiian Aboriginal Claims Settlement Study Commission (hereinafter referred to as the “Commission”).

(2) The Commission shall be composed of eleven members appointed as follows:

(A) six members appointed by the President of the United States from recommendations of the Governor of Hawaii; and
(B) five members appointed by the President of the United States.

(3) The Commission shall elect a Chairman and Vice Chairman from among its members.

(4) Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) Each member of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by such member in the performance of his duties.

(6) The first meeting of the Commission shall be called by the President within the sixty-calendar-day period following the date of the approval of this resolution.

(7) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at
rates not in excess of the maximum rate for GS-18 of the
General Schedule under section 5332 of such title; and
(B) procure temporary and intermittent services to
the same extent as is authorized by section 3109 of title
5, United States Code, but at rates not to exceed $100
a day for individuals.
(c) Each Federal department, agency, and instrumental-
ity is authorized to furnish the Commission such data, reports,
information, and other resources as the Chairman of the
Commission may request.
(d) The Commission shall give its fullest attention and
consideration to the needs and concerns of the Hawaiian
aboriginals, and make a full and complete study with a view
to determining, with finality and certainty, the nature of
the legitimate claims of, and the extent of the injuries to, the
Hawaiian aboriginals by reason of the action referred to in
subsection (a) of this section.
(c) The Commission shall, within the twelve-month
period following the date of the approval of this resolution,
submit an interim report to the Congress concerning the
activities of the Commission during the period preceding such
report. The Commission shall, on or before the expiration of
the twenty-four-month period following the date of the ap-
proval of this resolution, submit a final report to the Congress
setting forth the findings and results of such study, including
the recommendations of the Commission as to the manner
in which, and the extent to which, such claims should be
settled by the Federal Government so as to meet the eco-
nomic and social needs of the Hawaiian aboriginals.
(f) Upon the expiration of the sixty-day period follow-
ing the submission of such final report, the Commission shall
cease to exist.
(g) There are authorized to be appropriated such sums
as may be necessary to carry out the provisions of this
resolution.
JOINT RESOLUTION

Establishing the Hawaiian Aboriginal Claims Settlement Study Commission, and for other purposes.

By Mr. Inouye

DECEMBER 18 (legislative day, December 15), 1975
Read twice and referred to the Committee on Interior and Insular Affairs
It is my purpose here to give a full history of the efforts and failures of the Hawaiian aboriginals to achieve a just settlement for grievances now almost a century old. I am confident that hearings will amply demonstrate that agents of the U.S. Government were responsible for the loss of dominion and domain on the part of 55 years Hawaiian aboriginals and that they and their descendants never received proper compensation.

It is my purpose to establish by means of this joint resolution to conclude that a wrong has been committed; that such wrongs have never been redressed and further to establish a vehicle in the form of the Hawaiian Aboriginal Claims Settlement Study Commission for the purpose of recommending to the Congress the extent of our unmet obligations and the means by which that obligation can be met.

I am well aware that the measure which I introduce here today is but a small step in that process. These processes have been prolonged, and the Hawaiian people who seek to approach such redress of their grievances more directly with a detailed legislative proposal outlining the amount and means by which redress shall be achieved and also who shall be qualified to receive compensation and how it shall be distributed, I am personally convinced that while the deliberations involved in formulating such a proposal have had much merit, the matter is of such complexity and importance and so dependent upon convincing the Congress of the truth of the claim, that the establishment of an Independent Commission, as proposed in this measure, to recommend to the Congress the amount and the structural form necessary to meeting our obligations is an essential first step to their eventual success. The cause is just. Action is long overdue.

Mr. President, I ask unanimous consent to have printed in the Record the text of the joint resolution and an article on this subject entitled "Hawaiians Fight To Avoid Saying Aloha to a Heritage which Appeared in the November 8, 1975 issue of the National Observer, an editorial entitled "The Case for Aloha" from the June 20, 1974, Honolulu Adver-

The Indian Claims Commission has now become applicable to the Hawaiian aboriginals. Except for the Hawaiian Homes Act of 1920 under which the U.S. Government designated 189,000 acres of Territorial, not Federal land, for the Hawaiian people, no action for restitution has been taken. No moneys were provided even for the administration of the Hawaiian Homes Act and to date only some 40,000 acres have been awarded to the Hawaiian natives and then only in the same sense that those few Hawaiians receiving awards have been given legal squatters' rights to the few acres of land awarded them. Additionally, much of that very limited land is unsuitable for either residence or some construction.

Mr. President, the full repair of that injury is still the unfinished business of this Government. I am therefore introducing on this anniversary of that measure to the Senate a joint resolution which expresses the sense of the Congress that wrongful acts were committed by agents of the Government of the United States and, by which acts, dominion over the people and the King-

There being no objection, the matter was ordered to be printed in the Record as follows:

S.J. Res. 155

Whereas, in the year 1898, the United States Minister accredited to the sovereign
The NAP designation and its promise of funding, and the more distant promise of reparations through ALOHA’s efforts, are expected to give substance to the movement. But the coalition, formed in 1973, that provides the form and forum. Even the handful of Hawaiian radicals—“Seal” were observers who described it—the coalition.

Ad hoc groups protesting this development or its implementation by the state or individually, they fight the construction of freeways, the building of more high-rise condominiums, and the massive project called the Hawaii Island Commission (HIC) administers the 189,000 acres it is chartered to do. The HIC was established by Congress in 1921, but it was never given any money and was, instead, charged with financially independent operations. The result is that more than half of the acreage is leased to non-Hawaiians, generally corporations, to generate funds for the commission’s operations.

IT IS A MESS

Martha “Billie” Beamer, HHC chairperson, is part Hawaiian, and she agrees with much of the criticism of the commission. “Some Hawaiians have been on the waiting list to get homestead lands from us for more than 20 years,” she reiterates. “In the first years, all of the land should have been awarded to the Hawaiians. It’s time to take the entire system into court. When the critics say we have failed, they are right. But the commission’s supposed to do too much—and all without funds. The HIC reflects congressional admission that Hawaiians are something other than Hawaiians. Hawaiians, it is, after all, another saddening example of what happened to a native race after the white man arrived. (Hawaii arrived in 1778, the New England missionaries in 1821.) There were an estimated 800,000 Hawaiians in Cook’s time, but by 1870 disease had reduced their numbers to about 60,000. Today there are only about 8,000 full-blooded Hawaiians, most of them living in “disadvantaged” pockets scattered throughout the islands.

ANGER AND FRUSTRATION

In many ways the Hawaiians never recovered. The proposal for planning funds that the Ad Hoc Hawaiian Commission submitted for the 1977 session is another example. The money was not appropriated because the state’s fiscal condition is poor. Hawaiians are increasing in numbers, but their land is shrinking, and the disciplined Chinese and Japanese forge ahead in every kind of endeavor. Many young Hawaiians today feel frustrated and susceptible to these events and a need to take corrective action.

Randal Wong, a Hawaiian graduate student, wrote in a respected 1972 report, “Strangers in Their Own Land,” “the modern island myth of the 19th, fun-obscured, dueling, Hawaiian has become a living, breathing, self-image. Some Hawaiian adolescents, Wong adds, “feel alienated from the school and themselves inferior to other ethnic groups, and that feeling is reinforced because education is not valued in the tightly knit Hawaiian homes.”

“The fear in Hawaiians of losing their ethnic identity is well known. There is deep concern over the loss of language, traditions, skills. One Hawaiian schoolteacher expressed it for an interview in Hawaiian will soon exist as a cultural entity no more. ‘The sentiment is so open and prevalent, it does not have to be documented by extensive research.’

RESEARCH ON HAWAIIANS

Hong’s pamphlet, written in collaboration with a California educator, has received much of its stature because it is one of the few books or reports on Hawaiians written by a Hawaiian. In early 1978 Katherine Wery, a financial-adviser counselor at the University of Hawaii, was hired by the Hawaii Island Commission to assist in researching the question, “Where are the Hawaiians? We know that their number has decreased over the years.”

Wery found that Hawaii’s 1778 population of 5,500 had dropped to 6,500 in 1910 and to 8,500 in 1950. H.R. 2776, the bill, the basic proposal for a state-wide system of Hawaiian government, was never passed. ALOHA’s mission is for a system aimed at continuing help for the Hawaiian community for generations to come.

Money and any land provided by Congress would go to a Hawaiian Native Corporation. All pure and part Hawaiians would receive equal shares of stock that could not be sold and would revert after death to the corporation for distribution to new-born Hawaiians. The corporation would both invest for profit and conduct education and social programs for Hawaiians.

That makes excellent sense to us here in Hawaii. History shows, however, that it takes more than a just cause and good proposal to win a congressional bill through Congress, and especially one of this proportion.

So the challenge in Washington is one of many on the Hawaiian scene in terms meaningful to members of Congress. That calls for support from all in Hawaii for many months, perhaps years.

The week’s appeal comes during the anniversary week of Queen Liliuokalani’s personal emancipation in 1893 and her death in 1917, and for the return of lost crown lands.

Hawaii is now part of the United States, and few would change that. But that does not mean the nation can’t alone with money, property, and other people who lost much out of relative weakness, unsophistication in Western ways, and great hospitality in these, their islands.

ALKANA FEDERATION OF NATIVES, INC.

Convened at Anchorage, Alaska, November 20, 1975.

EXECUTIVE VICE PRESIDENT, Land Claims.

EXECUTIVE VICE PRESIDENT, Land Claims.

A CONVENTION RESOLUTION No. 75-19

WHEREAS, the aboriginal peoples of Alaska have been granted a settlement by the Congress of the United States; and

WHEREAS, the Native people of Alaska believe in the rights and privileges as defined in Constitution of the United States, now therefore be it Resolved, that the Alaska Federation of Natives, Inc. hereby assembles on this 25th day of October, 1975 fully supports the legal claims of the aboriginal peoples of Alaska and urges that the Congress of the United States take expeditious action in a fair and honorable settlement.
December 18, 1975

CONGRESSIONAL RECORD—SENATE

S 22699

and independent Kingdom of Hawaii, acting wholly without the authority or knowledge of the President, or the President, conspired with a small group of non-Hawaiian residents of that kingdom, including citizens of the United States, to overthrow the independent and lawful government of Hawaii; and

Whereas, in pursuance of such conspiracy, the President and Minister and the Naval Representative of the United States, also acting without authority, caused the armed forces of the United States to be put ashore and deployed in support of the overthrow of such indigenous and lawful government, and the Supreme Court of the United States, in extended diplomatic recognition to a provisional government formed by the conspirators without the consent of the people or of the lawful government of Hawaii, which provisional government was sustained solely by the armed forces of the United States; and

Whereas, on December 18, 1893, in a message to Congress, President Cleveland did not report fully and accurately on these illegal actions, which statement acknowledged that by an Act of War, committed with the partisanship of a diplomatic representative of the United States and without the authority of the Congress, the Government of a peaceful and friendly people was overthrown and that theuke would be looked upon as a due regard for our national character as well as the rights of the injured people required no comment in a report to the Senate:

Whereas a claim for repair of these wrongs to the Hawaiian people was presented to the Government of the United States of America by Queen Liliuokalani, the lawful monarch of Hawaii and on July 15, 1893, a petition for redress was also presented by the Hawaiian Patriotic League, representing Aboriginal citizens of Hawaii; that in 1898, Hawaii was annexed to the United States, and by 1903, the United States had achieved over the islands that the airline and hotel industries treat as the home of the beautiful hula, and the happy-go-lucky beach boys. But too many of the dancers and surfers speak only a "pilngin" Hawaiian, not the language of the people who enter school ever graduate from high school.

Behind these statistics lies a story of a culture very nearly forgotten and now badly maligned by the tourism industry. "The airfare is cheap, the U.S. mails every day. It's all bull ----," says Pete Thompson, an instructor in the Hawaiian language at the University of Hawaii's Manoa campus. "We take pride in what is Hawaiian," says Collette Machado, a community-college counselor-recruiter in the government's housing projects near the campus. "But even our musical instruments we call Hawaiian are really those from Portugal. You know, my family speaks pidgin, they don't know Hawaiian." In fact, hardy anyone speaks the Hawaiian language except those students who have sparked its revival in the schools.

The Hawaiian movement dates only to about 1970. "What the blacks and American Indians have been doing is what made us realize what has been happening to us," says Davislina McGregor, another young Hawaiian-studies instructor.

The Hawaiians have not staged a Watts or a Wounded Knee, but that prospect concerning them is far from out of the question. There is deep cleavage that could lead to a severe confrontation," says one highly placed state official. "I'm not saying, but they are so like what this preoccupation with our cultural identity is doing to Hawaii. There's further divisiveness now, I call the Hawaiian movement Eclipsite."

Nearly all Hawaiians proudly explain that Hawaiians can never agree on anything. "We're all individualists," says "Winona Rubin, a counselor at the well-endowed Kamehameha School, which is run solely for youngsters with Hawaiian blood. "That's what's so exciting about the Coalition of Hawaiian Organizations. Never before have the different Hawaiian groups [some estimates say there are more than 100] been able to get together."

A WONDERFUL OPPORTUNITY

Ms. Rubin is also directing the Hawaiians' initial efforts to finance projects under the U.S. Native American Program (NAP), which could funnel millions of dollars into education and economic development, and housing projects. Congress voted Hawaiians equal status with Indians and Eskimos only last year. "All of our programs have been aimed at making Hawaiians self-sufficient," says Ms. Rubin. "It's a wonderful opportunity for us. We have never known, for example, how to afford these programs and what we really don't know is what is most needed for them now."
WASHINGTON, D.C. --- Senator Daniel K. Inouye (D-Hawaii) today will introduce a joint resolution that creates a Hawaiian Aboriginal Claims Settlement Commission to secure a proper redress of grievances arising from the overthrow of the Hawaiian Monarchy by agents of the United States Government in 1893.

The resolution also expresses the sense of the Congress that wrongful acts were committed by Americans in 1893, resulting in dominion over the people and Kingdom of Hawaii and domain over lands formerly owned in common by Hawaiian Aboriginals.

The Commission, as proposed in the resolution, would "give its fullest attention and consideration to the needs and concerns of the Hawaiian Aboriginals." It would make "a full and complete study with a view to determining, with finality and certainty, the nature of the legitimate claims of, and the extent of injuries to, the Hawaiian Aboriginals..."

In remarks prepared for delivery in the Senate today, Inouye says, "It is my purpose to establish by means of this joint resolution a clear statement that a wrong has been committed; that such wrong has never been redressed."

Inouye says the proposed Commission would be a "vehicle...for the purpose of recommending to the Congress the extent of our unmet obligation and the means by which that obligation can be met."

"I am confident that hearings will amply demonstrate that agents of the United States Government were responsible for the loss of dominion and domain on the part of the Hawaiian Aboriginals and that they and their descendants never received proper compensation," Inouye says.

The first Commission meeting would be convened by the President within 60 days of the approval of the resolution. An interim report of Commission activities would be due before Congress in a year, and a final report would be due a year later.

Inouye says in his prepared remarks that "the full repair" of the injury sustained by Hawaiian Aboriginals "is still the unfinished business of this government."

---MORE---
He adds that his resolution is "but a first small step" in an attempt to repair injury. "There are many among the Hawaiian people who seek to approach such redress of their grievances more directly with a detailed legislative proposal outlining the amount and means by which redress shall be distributed," Inouye says.

"I am personally convinced that while the deliberations involved in formulating a proposal have had much merit, the matter is of such complexity and importance so dependent upon convincing the Congress of the merits of the claim that the establishment of an independent Commission, as proposed in this measure, to commend to the Congress the amount and the structure format necessary to meeting obligations is an essential first step to their eventual success," he says.

Inouye, who has had numerous meetings over the years with members of original Hawaiian groups in the State, requested in March 1973 that the Library Congress study similarities between aspects of the Hawaiian claims and those involving Alaskan natives, who secured from Congress in 1971 the Alaska Native Claims Settlement Act. Inouye says the study "served to further strengthen our belief that a just claim exists and that a means can be found for the proper redress ancient grievances."

"The case of the Hawaiian Aboriginals is no less strong and the kinship is further recognized by the willingness of the Alaskan natives to lend not only moral support but monetary support to the Hawaiian peoples in their struggle," he says.

Inouye's introduction of the resolution comes on the 82nd anniversary of President Cleveland's message to the United States Senate that outlined reasons for not submitting a Treaty of Annexation of the Hawaiian Islands.

In that message, President Cleveland said: "By an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress, the Government of a friendly but feeble and confiding people has been overthrown. A substantial wrong has thus been done which a due regard or our national character as well as the rights of the injured people requires we should endeavor to repair."

---30---
news from

Senator DANIEL K. INOUYE

topic:

date: June 23, 1975

release date: FOR IMMEDIATE RELEASE

Senator Daniel K. Inouye announced today that the hearings scheduled to be held in Hawaii on June 30 and July 1 by the Senate Interior Committee on the Hawaii Native Claims bill have been postponed on the request of representatives of the Native Hawaiian organizations.

Charles Maxwell, President of the ALOHA Association, at a meeting with Senator Inouye in Honolulu on Friday evening, June 20th, asked the Senator to formally request that the Senate Interior Committee reschedule its hearings for later in the year. The rescheduling is intended to allow the supporters of federal reparation of Hawaiian native claims to prepare more detailed information for presentation to the Committee.

Senator Inouye related the ALOHA request in Washington today to Senator Henry Jackson, Chairman of the Senate Interior Committee, and Senator Bennett Johnston, who was to chair the Hawaii hearings. Senators Jackson and Johnston agreed to the request and to reschedule the hearings later in the present session of Congress.

--30--
May 19, 1975

The Honorable Gerald P. Ford
President, United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, D. C. 20500

or

His Designate
The Secretary of the Interior
Stanley Hathaway
C Street
Between 18th and 19th Streets, NW
Washington, D. C. 20240

Re: PETITION IN BEHALF OF THE
ABORIGINAL PEOPLES OF HAWAIIAN DESCENT

Dear Mr. President:

Enclosed is a Petition in Behalf of the Aboriginal Peoples of Hawaiian Descent, for Declaration of Moratorium, for Declaration of Territorial Waters, and for Compensation of Hawaiian Native Claims.

Thank you for your attention to this matter.

Sincerely,

ABORIGINAL LANDS OF HAWAIIAN ANCESTRY, FOUNDERS CHAPTER,

RICHARD C. DEMELLO, JR.,
President

LOUISA K. RICE,
Founder and Director

cc: Daniel Inouye, Senator
Hiram Fong, Senator
Spark Matsunaga, Representative
Patsy Mink, Representative
George Ariyoshi, Governor
PETITION
IN BEHALF OF THE ABORIGINAL
PEOPLES OF HAWAIIAN DESCENT,
FOR DECLARATION OF MORATORIUM,
FOR DECLARATION OF TERRITORIAL
WATERS, AND FOR COMPENSATION
OF HAWAIIAN NATIVE CLAIMS.

To the Honorable, the President of
the United States of America,
Gerald P. Ford, or his designate,
the Secretary of the Interior,
Stanley Hathaway; GREETINGS:

WHEREAS that body of islands in the Pacific
Ocean known and identified as the Hawaiian Island Chain
was, from the time same first came under human habitation,
inhabited by members of the Polynesian race, the members
of which were the sole and exclusive inhabitants of said
island chain until the so-called "discovery" of same by
Captain Cook in 1778, and who were the sole and legitimate
government of said island chain until the year 1893; and

WHEREAS, in the said year 1893, the said aboriginal
Hawaiian peoples were gaining a sense of identity and
strength under the unified leadership of their Queen,
Liliuokalani, who was the duly constituted government of
the said island chain; and

WHEREAS, in the said year 1893, without any
right or authority whatsoever, a small group of non-
Hawaiian people, with the aid and assistance of the
Minister of the United States to the Kingdom of Hawaii
and with the support of warships of the United States
Navy, wrongfully and unlawfully caused the overthrow of the legitimate government of the Hawaiian Islands, and the seizure of the territory under the rightful dominion and control of the aboriginal Hawaiian peoples; and

WHEREAS, the said non-Hawaiians immediately attempted negotiation of a treaty for annexation of the said Hawaiian Island chain by the United States of America, which said treaty was at that time rejected by the United States, then President Grover Cleveland stating that "But for the lawless occupation of Honolulu under false pretenses by the United States Forces..." the Hawaiian island chain would have remained under the lawful dominion of the aboriginal Hawaiian peoples; and

WHEREAS, by Act of Congress approved July 7, 1898, the United States of America did wrongfully and unlawfully annex the said Hawaiian Island chain, without the free and voluntary consent of, and contrary to the will of, the aboriginal Hawaiian peoples and has ever since that time exerted dominion and control over the entire territorial extent of the Hawaiian Island chain; and

WHEREAS, the territorial extent of the lands and waters of the Hawaiian archipelago over which dominion and control was exercised by the government of the aboriginal Hawaiian peoples included the ocean waters and bottom to a distance of more than 200 miles from any land mass in said archipelago; and

WHEREAS, the United States of America has, by virtue of the Outer Continental Shelf Act, declared that
its territorial jurisdiction in respect of the Hawaiian archipelago extends beyond a point three miles from the coastline of the islands within the archipelago; and

WHEREAS, all of the territory under the dominion and control of the aboriginal Hawaiian peoples at the time of the wrongful and unlawful seizure thereof as aforesaid is now under the dominion and control of the United States of America pursuant to a special trust in favor of the aboriginal Hawaiian peoples and their descendants; and

WHEREAS, the Founders Task Force of that organization known as Aboriginal Lands Of Hawaiian Ancestry is a duly constituted and authorized representative of the descendants of the aboriginal Hawaiian peoples;

NOW THEREFORE,

The Founders Task Force of A.L.O.H.A., for and in behalf of the descendants of the aboriginal Hawaiian peoples, does hereby petition the said President of the United States of America, Gerald P. Ford, and his designate, the said Secretary of the Interior, Stanley Hathaway, as follows:

FIRST, to declare a moratorium upon any and all action or decision affecting the ownership, use, control, title or disposition to any and all lands or waters within the territorial boundaries of the Hawaiian archipelago, including ocean water, ocean bottom and any and all natural resources thereon or therein, until the true and proper territorial extent of the Hawaiian archipelago properly under the jurisdiction and control of the United States of America pursuant to the aforesaid "special trust" in
favor of the aboriginal Hawaiian peoples and their descendants shall have been determined; and

SECOND, that the United States of America, pursuant to its duty and obligation under said "special trust," determine and declare the territorial extent of the Hawaiian archipelago over which it has jurisdiction, dominion and control to be equal in extent to that of the aboriginal Hawaiian peoples and their duly constituted government, same being not less than two hundred (200) nautical miles from any land mass within the said Hawaiian archipelago; and

THIRD, that the United States of America, pursuant to its duties and obligations inherent in said "special trust," protect and defend all of the territorial lands and waters of the Hawaiian archipelago so determined; and

FOURTH, that the right and title of the aboriginal Hawaiian peoples in and to the territorial lands and waters of the Hawaiian archipelago, as aforesaid be determined, and that fair and just compensation for said lands and waters wrongfully and unlawfully seized from the aboriginal Hawaiian peoples be determined and made to said peoples and their descendants.

DATED at HONOLULU, HAWAII, this _____ day of May, 1975.

ABORIGINAL LANDS OF HAWAIIAN ANCESTRY, FOUNDERS CHAPTER, Petitioner,

By
RICHARD C. DEMELLO, JR.
Its President

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By Louis K. Rice
Its Founder and Director
LOUISA K. RICE

The Office of Sen. Daniel Inouye was notified today by Sen. Henry Jackson, chairman of the Senate Committee on Interior and Insular Affairs, that hearings on Hawaiian native claims will be held in Honolulu, Feb. 10, and in Kona the following day. Sen. J. Bennett Johnston Jr., D-La., will chair the hearings.

The hearings are a response to a request by Sen. Inouye and are in keeping with Sen. Jackson's pledge to the Aloha representatives during their Washington visit last year.

While no legislation has been introduced in the Senate this time, the hearings, described as "informational," will form the basis for such legislation. Sen. Inouye's staff believes the hearings are an essential first step in drafting legislation with a reasonable chance of passage.

The hearings will be under the auspices of the full committee rather than a subcommittee. The Interior Committee staff indicated this was a measure of the importance Jackson attaches to the matter.

It is not known at this time which, if any, other members of the committee will attend, but Sens. Inouye and Hiram Fong, neither of whom is a committee member, have been invited to participate.


