



A History *of* HAWAII

Third Edition

LEAH TAU-TASSILL

LINDA K. MENTON

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Curriculum Research & Development Group
University of Hawai'i at Mānoa



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Honolulu

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To the Readers

This book may be organized differently from history texts you have used. It is organized chronologically—that is, by date—but it is also organized by theme. Instead of beginning with what we know of early Hawai‘i and continuing to the present, this book examines four aspects of Hawai‘i’s history within three time periods. Unit one includes four chapters, focusing on Hawai‘i’s government and politics, economics, social, and land history from the pre-contact period to the overthrow of the monarchy in 1893 and subsequent annexation of Hawai‘i to the United States in 1898. Unit two examines the same themes from 1900, when the US government formally organized Hawai‘i as a territory, to 1945, the end of World War II. Unit three repeats the same themes but concentrates on the period from 1945 to the present. The chart below shows this structure. We wrote the text this way to make it easier to study one aspect of Hawai‘i’s history at a time. But history really can never be divided up so neatly. You, the reader, must take these strands of Hawai‘i’s history and weave them into a coherent whole.

UNIT ONE

1778 TO 1900

Chapter 1
Governmental
and Political

Chapter 2
Economic

Chapter 3
Social

Chapter 4
Land

UNIT TWO

1900 TO 1945

Chapter 5
Governmental
and Political

Chapter 6
Economic

Chapter 7
Social

Chapter 8
Land

UNIT THREE

1945 TO THE PRESENT

Chapter 9
Governmental
and Political

Chapter 10
Economic

Chapter 11
Social

Chapter 12
Land

A Note on ‘Ōlelo Hawai‘i



You will find words in ‘Ōlelo Hawai‘i placed in italics throughout this text. Although we are starting to see some people choosing not to use italics for these words, we made the decision to follow this tradition because we wanted to treat ‘Ōlelo Hawai‘i as different from English and to highlight it throughout the text. Most people understand this use of italics as a marker of foreign words, and many feel, therefore, that, both because we are in Hawai‘i and because ‘Ōlelo Hawai‘i is an official language of the state of Hawai‘i, these words should not be designated as foreign. Because we have chosen to use italics, we want to explain our thoughts about this topic.

The first idea we have to address is that in dealing with text being written for publication, we are thinking in terms of language rather than geography. While we are indeed in Hawai‘i where ‘Ōlelo Hawai‘i is an official language, this book is not written in ‘Ōlelo Hawai‘i, but in English, and the ‘Ōlelo Hawai‘i words are not English. But more important is that the italics rule is much less straightforward than most people think. Most style guides, including the one we used for this book, *The Chicago Manual of Style*, do say to place foreign words in italics, but then go on to qualify this by saying that it is not all foreign words, but only those foreign words that may be unfamiliar to your readers that should be in italics. This puts us in much murkier territory. As an author, trying to decide what may or may not be familiar to your readers is not an easy task. But in this case, it served as a useful guideline. Ironically, it is the great expansion in the use of ‘Ōlelo Hawai‘i in recent years that has led us to a point where we can assume that many of the words in ‘Ōlelo Hawai‘i used in this book will be unfamiliar to most of our readers. We can probably be sure that everyone who may read this book will know what the words *aloha* and *mahalo* mean. We can be somewhat sure about words like *lū‘au*, *lei*, and *ali‘i*. But what about *he‘e nalu*, *kākā lā‘au*, *wa‘a peleleu*, and *kahu*, all words found in this book? We can be just as sure that these will be unfamiliar to many, if not most, of our readers, and we encourage readers to look these words up as they encounter them to get a fuller understanding of their meaning. It is because we use so many words from ‘Ōlelo Hawai‘i throughout the book, many of which will be completely unfamiliar, that we have chosen to use italics to highlight ‘Ōlelo Hawai‘i wherever it is used. We hope that our readers find this helpful and that they come away with a greater understanding of ‘Ōlelo Hawai‘i after using this text.



SKILL SET

Analyzing a Primary Document

A primary document is an original document that has not been rewritten. Primary documents are usually firsthand accounts of a historical event. They include letters, diaries, photographs, and audio recordings. They are different from secondary sources, which contain secondhand information about an event. History books and encyclopedias are examples of secondary sources; they usually interpret primary sources. When changes or additions are made in something being quoted from a primary document, brackets [] are used to mark the added material.

Read the paragraph below to understand the events of the visit of *L'Artemise*. When you are finished, analyze the primary document *The Convention of 1839* to help you answer the questions.

Visit of L'Artemise

Kamehameha III wanted such foreign countries as Great Britain, France, and the United States to recognize Hawai'i as a self-governing, independent country, that is, as a sovereign nation. However, as more and more foreigners arrived in the Islands, disputes arose between them and the Hawaiian government. These disputes were usually about the rights of foreigners to reside in Hawai'i, to engage in business, to lease property, or to build houses—all matters controlled by the Hawaiian government. When there were disagreements about such issues, however, the home governments of the foreigners sometimes became involved. Foreigners living in foreign lands to this day expect their home governments to defend their points of view. This was also the case with foreigners in Hawai'i.

In 1839 Kamehameha III was confronted with the arrival in Hawaiian waters of the French frigate *L'Artemise*. Although her visit was not unexpected, Kamehameha III must have wondered what the French had in store for him. This warship had been sent by the French government to Tahiti and Hawai'i to protest the way these island kingdoms had treated French subjects. Both had expelled French Catholic priests; the Hawaiian government had outlawed the Catholic religion and punished Hawaiians who practiced it. The French government, in the person of Captain Laplace, had come to

“demand the most ample satisfaction from the King of Hawaii for the insults and oppression which have of late been extended to the subjects of France by the government of the Sandwich Islands” (*Kuykendall, vol. I, 1938*).

As soon as Laplace came ashore, he presented the king, under threat of war, with an ultimatum demanding that the government (1) allow Catholics the same privileges as Protestants and (2) donate a site for a Catholic church in Honolulu. The captain further demanded, and got, \$20,000 as a guarantee of the king's future conduct toward France.

Later the king and Captain Laplace signed a formal treaty or convention that protected the personal and commercial interests of French citizens in the Islands.

(3) CONVENTION.

Between Capt. Laplace, of the French Frigate L'Artemise, and Kamehameha III, July 17th, 1839.

CONVENTION, concluded between the King of Sandwich, Tameamea, and Post Captain Laplace, Commander of the French frigate L'Artemise, in the name of his Government:

Article I

There shall be perpetual peace and friendship between the King of the French and the King of Sandwich.

Article II

The French shall be protected in an efficient manner, in their persons and their properties, by the King of Sandwich, who shall grant them the authorization necessary, that they may pursue juridically [*] His subjects against whom they have just reclamations [*] to make.

Article III

This protection shall extend to French vessels, their crews and their officers. In case of shipwreck, the Chiefs and inhabitants of the different districts [parties] of the Archipelago shall bring them assistance, and to guarantee them from pillage [*]. The compensation[*] for salvage [*] shall be regulated in case of difficulties, by arbiters [*], nominated by the two parties.

Article IV

No Frenchmen, accused of any crime whatever, shall be judged otherwise than by a jury, composed of foreign residents, proposed by the Consul of France, and accepted by the Government of the Sandwich Islands.

Article V

The desertion of French sailors from French vessels shall be severely repressed by the local authorities, who shall employ all the means at their disposal to cause the arrest of the deserters, and the expense of capture shall be paid by the captains or owners of said vessels, according to the tariff adopted by other nations.

Article VI

French merchandise, or known to be of French procedure (provenance [*]), and especially wines and brandies, shall not be prohibited, nor pay a higher duty than five per cent, ad valorem [*].

Article VII

No duty of tonnage or importation shall be exacted of French merchandise, unless it be paid by the subjects of the nation most favored, in its commerce with the Sandwich Islands.

Article VIII

The subjects of King Tameamea shall have a right in the French possessions to all the advantages which the French enjoy in the Sandwich Islands—and they shall in other respects be considered as belonging to the nation most favored in its relations with France. Done and signed between the contracting parties, the 17th July, 1839.

KAMEHAMEHA III.
C. LAPLACE.

Meanings:* **juridically: in a manner pertaining to the law; legally; **reclamations:** claims for the return of something; **pillage:** robbery by force; **compensation:** repayment; **salvage:** rescue of a ship; **arbiters:** people chosen to decide a dispute; **provenance:** place of origin; **ad valorem:** according to the value.

SKILL SET QUESTIONS

1. What sections of this convention might the Hawaiian government find objectionable? Explain your answer.
2. Why do you think Kamehameha III signed such a document?
3. By 1843, France, Britain, and the United States recognized Hawai'i as a sovereign nation. In what way is this 1839 event with France connected to the later affirmation of Hawai'i as sovereign nation?

1 THE 'ĀINA

To the early Hawaiians land was the domain of the gods. Their relationship to it was one of care and reverence. Land was managed by the chiefs, who were charged by the king with seeing it cared for and protected. In turn, the 'āina gave the Hawaiian people everything they needed to sustain life. Foreigners who arrived in Hawai'i had very different ideas about land. To them it was a **commodity**—something to be bought and sold, and foreigners agitated for changes in the ways Hawai'i's land was controlled. Hawai'i's kings held custody of the land until the time of Kamehameha III, when he made changes to land ownership in an effort to ensure continued access to land for his people. By the mid-nineteenth century land had become a commodity in the Islands.

LAND: THAT WHICH FEEDS

As we have learned in earlier sections, the early Hawaiians recognized their complete dependence on the land and the sea for sustenance. Land was divided into *ahupua'a*, land divisions that generally ran from the mountain to the sea, but could also divide mountain areas from coastline areas or even extend to cover a quarter or more of the island. In what we now call a subsistence economy, the

Hawaiians cultivated their land for hundreds of years and in so doing supplied the needs of the people living in an *ahupua'a*. People in the valleys cultivated taro, breadfruit, and bananas. Those in the uplands gathered products necessary for daily living such as firewood, grass for thatching, koa trees for canoes, 'ōpae or shrimp from upland streams, *olonā*—a shrub whose strong fibers were used for fishnets, and



This view of the village of Waimea, on Kaua'i, is a composite watercolor painting done by John Webber, the artist on Captain James Cook's voyage, in 1778. (Courtesy of the British Library Board, C13383-16 Add. 15513, No. 29)

wauke—a shrub whose bark was used for *kapa* cloth. Those living near the sea grew sweet potatoes and gourds, gathered seaweeds, and fished in the nearby ocean. The Hawaiians of the *ahupua'a* shared with each other. They distributed food and other materials by giving gifts to family and friends or by trading. According to anthropologist Marion Kelly, the Hawaiians' thinking of others assured that one's own needs would also be taken care of.

The 'āina belonged to no one. The land was administered by the chiefs for the people to use; it was the chiefs' responsibility to see that what the gods had created was cared for. In turn, the common people—the *maka'āinana*—were deeply attached to the land, their life source. Although commoners could leave the *ahupua'a* of a bad chief, apparently they seldom did so. Samuel Kamakau, the nineteenth-century Hawaiian historian, described the relationship of commoners to the land in these words:

With this right of the common people to the land is connected an inherent love of the land of one's birth inherited from one's ancestors, so that men do not [willingly] wander from place to place but remain on the land of their ancestors. The Kona man does not wander to 'Ewa or Ko'olau, nor does the 'Ewa man change to Waialua. Whether rich or impoverished and barren, his love is unchanged; he cannot treat the land with contempt.

When Kamehameha I came to power and unified the islands in the late eighteenth century, one of his first tasks was to stabilize and control the use of land or *kālai'āina*. He consolidated his power by giving land to chiefs who supported him in his struggle to unify the islands, but not all the land was in one place; rather, a chief's land might be scattered about several islands. Thus it was very difficult for a group of chiefs to band together in rebellion against him, or for one chief to unite a whole island against him. Kamehameha

I did not own the land in the way we think of private property today, nor did his chiefs. The king, however, controlled all the land of the kingdom and, in turn, the chiefs, or *konohiki*, managed the *ahupua'a* assigned to them and directed the labor of the tenants, or *maka'āinana* on his behalf.

Before the reign of Kamehameha I the common people were required to work for their *konohiki* every fifth day as a kind of rent or tax for the land they cultivated. After the time of Kamehameha I, this form of taxation was regulated by law, and every tenant or commoner who lived on the land was required to work every Tuesday for the king and every Friday for the *konohiki*. Later these days of service were reduced to thirty-six days a year for the king and thirty-six days for the *konohiki*.

The Hawaiians continued to live on, care for, and respect the land much as the first people to the Islands had done long ago. They developed a system that provided everything they needed while also building and affirming social relationships and respect between the king, chiefs, and *maka'āinana*.

FOREIGNERS AND LAND

Imagine the frustration of land-hungry foreigners in Hawai'i before 1848 when they discovered they could not buy land. Only by permission of the king could they build a house, a church, or a warehouse on a plot of land, but they did not own it. He might allow some foreigners to live on the land; in some cases he even "gave" foreigners land, but this was a privilege or "use right," not a permanent ownership. The king could revoke it at will. Even the slight shift in attitude toward land between the time of Kamehameha I and that of Kamehameha III did not help foreigners much. Kamehameha I managed the land for the people and the chiefs, but did not own it. However, by the time of Kamehameha III, land had become



This map by J. Martin Miller depicts Honolulu and Southeast O'ahu in 1899.

the property of the king. Under both systems, foreigners could be put off their land at any time.

What was to be done? This system became more and more objectionable to foreigners. They were reluctant to improve their land since they could not get **fee-simple** title to it, that is, own it, nor could they acquire long-term **leases**—contracts for the use of property in exchange for rent. Some foreigners decided to act as if they really did own the land they occupied. Then they expected their home

governments to back them up. In fact, as you read in previous chapters, foreign warships appeared a number of times to settle grievances between the Hawaiian government and disgruntled foreigners.

The frustration these foreigners faced caused them to seek out ways to get land for themselves. Eventually they began to plant the seeds of change in the minds of the *ali'i* using products of value and the promise of profit to entice them.



Hundreds of striking workers turned out to demonstrate for higher wages and better working conditions during the 1920 strike by Japanese and Filipino workers on the island of O'ahu. (Courtesy of ILWU Local 42)

HIGH WAGES MOVEMENT STRIKE OF 1924

"Nothing can be gained by waiting longer. The time has come to ACT!" On April 1, 1924, the High Wages Movement declared a strike.

Now the would-be strikers had to prove their strength against the HSPA and the sugar planters. Could they last until their demands were met? How could they live without jobs? What would become of their families?

Despite these ominous questions hanging over their heads, some 1,600 Filipino laborers immediately walked off their jobs on three plantations on O'ahu. Over the next few months they were joined by plantation laborers on Hawai'i, Maui, and Kaua'i. Little did they realize their strike would turn into the longest and most violent labor dispute on record, involving twenty-three of the forty-five plantations in the territory and dragging on for nearly a year.

How would the High Wages Movement challenge the unified efficiency and financial strength of the planters? Its members did not pay dues. It exerted no effort to recruit other ethnic groups for the picket lines. Its major strength lay in the years of dissatisfaction rankling the workers.

In contrast, the planters' association was a solid group that had mastered the art of using all the resources at its command to keep labor unrest well under control. The HSPA had a strike fund reserved to cover expenses incurred in putting down a strike. It also had devised a system for dividing losses due to strikes so that the costs of interruptions in the industry's production schedule were proportionately shared by all its member plantations. Fully aware of the extent of its power, the HSPA refused to bargain with

the Filipino strikers. As in previous strikes, the planters took the traditional attitude that no organization of workers was to be recognized under any circumstances. They launched a publicity campaign showing plantation workers happy and content and calling the leaders of the strike outside agitators.

In addition to the power the planters could wield against the strikers through the HSPA, they could fight with reprisals against families. Thousands of strikers and their families were evicted from plantation houses and forced to set up temporary camps in outlying districts. Spies were planted in these camps to mingle with the striking laborers and report to the HSPA and the police. In some cases these spies also acted as agents who circulated false reports and created bitterness among groups of workers. The planters' association kept **dossiers**—files of detailed information—on the daily activities of the leaders of the High Wages Movement. In a letter to Governor Farrington, the executive head of the HSPA explained how one of those leaders was being followed so that the association knew about every meeting he attended and who was helping him collect signatures for the strikers' petitions.

To overcome the lag in production, four thousand new laborers were recruited from the Philippines. Sugar planters capitalized on the well-known differences among regional Filipino groups by importing Ilokanos to act as strikebreakers against their Visayan countrymen. The strikers' strongest card—refusal to work—was made useless in this desperate game. The strikers felt helpless before these tactics. And when they turned for help to Philippine Labor Commissioner Cayetano Ligot, they found that instead of investigating worker complaints, as the Philippine government had instructed him, he urged the workers to work hard to bring honor to the Filipino people. Those in the labor movement were convinced he had been bribed by the HSPA.

Between 1919 and 1923, in the aftermath of other strikes, the Territorial Legislature had enacted laws that made organizing laborers doubly difficult. Laws were passed to prohibit peaceful picketing, to forbid trespassing on cultivated lands, to silence “anarchistic” publications, and to punish anyone who called for violence or sabotage to settle a dispute. The strikers of 1924 soon found themselves charged with violating one or another of these laws. Again it was alleged that witnesses had been bribed to testify against those who were charged.

Increasingly frustrated, a large group of laborers held two strikebreakers captive in their camp by the banks of the small river just above Hanapēpē. When police tried to free the prisoners, the strikers—armed with cane knives, rocks, and clubs—resisted. The riot, which lasted four days, resulted in the deaths of sixteen strikers and four policemen. Many more were wounded. The National Guard was dispatched from Honolulu to handle the outbreak. Six officers and eighty-five men from various rifle companies, two machine-gun squads, and a medical detachment surrounded the camp, producing a decidedly quieting effect on the Filipino workers. Sixty-four men out of the seventy-six arrested were given four-year jail sentences. Four other strike leaders were indicted on charges of “conspiracy to injure the plantations.” Pablo Manlapit, organizer of the first Filipino Labor Union, was convicted of criminal charges connected with strike propaganda and sentenced to two years in prison. Later he was paroled and deported from the territory.

With its leaders in jail, the High Wages Movement was finally shattered. The strike lasted ten months, but not a single demand was won. The Filipinos returned to work on the plantations. The oligarchy and the Big Five had closed ranks and defeated the workers' bid for a say in their economic future.

THE 1938 HILO STRIKE

In 1938 a strike against the Inter-Island Steam Navigation Co. by members of the Inland Boatman's Union (IBU) and the International Longshoremen's and Warehousemen's Union (ILWU) led to a confrontation between demonstrators and police on the Hilo waterfront. The incident is referred to as "The Hilo Massacre" because more than fifty

persons were injured, some seriously, by police gunfire during the demonstration. The shooting shocked the territory, and the unions demanded an investigation. A grand jury convened in September 1938 decided there was insufficient evidence to warrant any indictments. The incident left bitter feelings between the unions and management for many years.



Ignoring police orders, union demonstrators marched toward the dock in Hilo as sheriff deputies attempted to hold them back. As protestors advanced, a second line of police tried to hold them back with tear-gas grenades and high-pressure water hoses. (Courtesy of Hawai'i State Archives)



Union members regrouped on the pavement near the dock. Without warning, the police opened fire, firing at least twenty-two shots into the crowd. The shooting lasted at least two minutes, during which the protestors panicked and ran for cover. Notice the demonstrators on the bottom left of the picture hanging off the pier and jumping into the water to avoid being hit by police fire. (Courtesy of Hawai'i State Archives)

REVIEW QUESTIONS

1. Look at the chart entitled, "Some Plantation Labor Disturbances 1890–1924." What are two observations you can make about the people and reasons behind these disturbances?
2. What methods did the HSPA use to break the strike of 1924?
3. Why is the Hilo strike referred to as "The Hilo Massacre," and why do you think this strike ended up this way?

3 BEYOND STATEHOOD

The many changes that took place after Hawai‘i became a state have molded Hawai‘i’s current political arena. More recent trends in the way states are governed as well as changing legislation in both the Hawai‘i Legislature and the US Congress ensure that politics in Hawai‘i continue to evolve.

CONSTITUTIONAL CONVENTIONS

When Hawai‘i became a state, the constitution of 1950 was ratified by the US Congress, and it became the official constitution of Hawai‘i on August 21, 1959. This constitution has been amended several times since then. There are two ways the constitution can be amended. In the first, when an amendment is proposed, Hawai‘i voters can vote on whether to hold a constitutional convention to allow for amendments to be made. If voters vote against the con-con, no changes to the constitution can be made. If voters vote in favor of a con-con, a special election is held to choose delegates who will align the proposed amendments with the constitution. Hawai‘i voters then vote for or against the changes outlined in the con-con, and these changes will be adopted or not based on the outcome of the election. Another way amendments can be made is by a proposal from the legislature. In this scenario, the amendments are then vetted through the Senate and House for discussion and voting. As in the con-con process, the proposed amendments are then placed on a ballot for all voters to vote on. The governor must sign all amendments passed into law before they become official.

The first ever con-con in Hawai‘i was held in 1864 during the rule of Kamehameha V and led to a new constitution that replaced the one from 1852. Since statehood, Hawai‘i has held a total of three constitutional conventions. The first



The Hawai‘i State Capitol was completed in 1969 and is home to both houses of the state legislature as well as the governor’s office. (Courtesy of the State of Hawaii Department of Business, Economic Development & Tourism)



Delegates to the 1978 Constitutional Convention (Photo by David Yamada, Courtesy of Hawai'i State Archives, *Honolulu Star-Advertiser* Collection)

(which we read about earlier in the chapter) took place in 1950. The purpose of that convention was to establish a constitution in hopes of achieving statehood. The second convention was held in 1968. Among the twenty-three proposed amendments that year was an amendment to

lower the voting age in Hawai'i from twenty to eighteen. It was the only amendment that did not pass. However, the twenty-sixth amendment to the US Constitution, which was adopted in 1971, changed the voting age to eighteen for all states.

The third con-con was held in 1978.

There were thirty-four amendments made to the constitution, and several of them brought about significant change for the Hawaiian community. Below are some of the important amendments that were made.

ARTICLE 9 SECTION 10.

The law of the splintered paddle, *mamalahoe kanawai*, decreed by Kamehameha I—Let every elderly person, woman and child lie by the roadside in safety—shall be a unique and living symbol of the State's concern for public safety.

Two delegates discuss their positions at the 1978 Constitutional Convention. (Photo by Ken Sakamoto, Courtesy of Hawai'i State Archives, *Honolulu Star-Advertiser* Collection)





William Paty, chairman of the 1978 Constitutional Convention, signs the thirty-four amendments that came out of the convention. All of them were later approved by voters. (Photo by David Yamada, Courtesy of Hawai'i State Archives, *Honolulu Star-Advertiser* Collection)

The State shall have the power to provide for the safety of the people from crimes against persons and property.

ARTICLE 10 SECTION 4.

The State shall promote the study of Hawaiian culture, history and language. The State shall provide for a Hawaiian education program consisting of language, culture and history in the public schools. The use of community expertise shall be encouraged as a suitable and essential means in furtherance of the Hawaiian education program.

ARTICLE 12 SECTION 5.

There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees

for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following Islands have one representative: Oahu, Kauai, Maui, Molokai and Hawaii. The board shall select a chairperson from its members.

ARTICLE 12 SECTION 7.

The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

ARTICLE 15 SECTION 3.

The Hawaiian flag shall be the flag of the State.

ARTICLE 15 SECTION 4.

English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law.

ARTICLE 15 SECTION 5.

The motto of the State shall be, “*Ua mau ke ea o ka aina i ka pono.*”

The articles listed above highlight a few of the amendments that brought significant change or recognition for the Hawaiian people and culture. The recognition of ‘*Ōlelo Hawai‘i*’ as one of the official languages of Hawai‘i was a historic change if you think about how much the language was suppressed in the earlier half of the twentieth century (which we read about in Chapter 7). The Hawaiian flag and the state motto are also symbols of a time before the overthrow, when the Hawaiian Kingdom was still an independent nation.

Article 12 specifies the creation of the Office of Hawaiian Affairs, otherwise known as OHA. The Office of Hawaiian Affairs functions as a government agency and a public trust with the responsibility of providing for and supporting the Hawaiian community. According to the amendment, the board, which governs the Office of Hawaiian Affairs, is voted in by Hawaiians during state elections.

Among provisions incorporated into the new state constitution was the establishment of the Office of Hawaiian Affairs as a public trust, with a mandate to better the conditions of both Native Hawaiians and the Hawaiian community in general. OHA was to be funded with a pro rata share of revenues from state lands designated as “ceded.” (OHA, 2013)

The Office of Hawaiian Affairs uses the money or other resources earmarked for or belonging to Hawaiians. **Ceded lands** (which we



Delegates at the 1978 Constitution Convention vote with a show of hands. (Photo by Bob Young, Courtesy of Hawai‘i State Archives, *Honolulu Star-Advertiser* Collection)



The Hawai'i state flag, based on the flag of the Hawaiian Kingdom, was made the official state flag by the 1978 con-con and flies above government buildings throughout the state. (Photo by Dean Lodes)

read about in Chapter 4 and Chapter 8) are lands that were taken by the Provisional Government after the overthrow of the Hawaiian Monarchy. As control of Hawai'i changed hands, so did the control of these lands. When Hawai'i became a state in 1959, the US kept a portion of these lands to use and turned the rest over to the state of Hawai'i to be held in trust for the people of Hawai'i. Schools, roads, parks, and public buildings, including the Honolulu International Airport, Aloha Tower, and Kalaeloa Barbers Point Harbor, are built on these lands. Some of these properties, such as the airport and harbors, earn money for the state because fees are charged for their use. The state government uses the money to provide other public services and facilities. OHA is entitled to twenty percent of the total revenue from the use of public lands trust lands to help Hawaiians. It is the responsibility

of OHA to provide programs, education, and financial support and also to continue to lobby for Hawaiian interests in government affairs.

RICE VS. CAYETANO

In 2000, a ruling was handed down in a controversial case that challenged the constitutionality of voting for the board members of the Office of Hawaiian Affairs. As you read earlier, when OHA was established, it was **mandated**—required—that officials serving on the board and the voters who elect them can only be of Hawaiian decent. In 1996, a *haole* rancher from Hawai'i Island named Howard "Freddy" Rice tried to register to vote for the OHA election. He was denied the opportunity to vote because he did not have Hawaiian blood. Rice challenged this stipulation based on the fact that it was unconstitutional.

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