

CONTENTS

new ideas



Photo courtesy Helen Griffin

on the lawn of the East-West Center.

er alive by succeeding generations.
ie Hawaii needs more pioneers on
ie many frontiers.

er Eliot Deutsch, current depart-
re ment chairman, feels that UH has
at become a world center for compar-
is ative philosophy. Professor Roger
is Ames, co-director of this year's
ie conference, is justly proud of the
st programs that were open to the
y, community and well attended.

Ames is also talking about bigger
y things for the next one in 2005
c when the focus may be on family
t or food. Think Hawaii fusion cui-
n sine writ larger, or the philosophy
e of plate lunches.

"We'll go for the gold then,"
ie Ames says, referring not to money
h but to even more recognition for
philosophy's role in our lives.

So let's give the Pacific Basin
Economic Council its due as a hope

Justice memo shows U.S. never legally annexed Hawaii

By Steven T. Newcomb

John Goemans' Feb. 27 op-ed essay about the Supreme Court decision in the Rice case rests on his belief that what "was annexed to the United States in 1898 was the Republic of Hawaii."

Despite its wide acceptance, this idea is premised upon an erroneous article of faith rather than historical legal fact.

In 1988, the U.S. Justice Department issued an advisory to the Department of State in which the unconstitutional and illegal nature of the 1898 Newlands Resolution is quite clearly spelled out. The memo explains that the Senate rejected an annexation treaty that had been negotiated by President McKinley with the "Republic of Hawaii."

In an effort to by-pass the treaty process, Sen. Newlands of Nevada sponsored a joint resolution of annexation. A Senate Foreign Relations Committee report, issued at the time, explained that the resolution relied on the annexation of Texas as a precedent. The Justice Department memo, however, points out a major difference between the Texas and Hawaii annexations.

Because Texas was acquired as a new state, the joint resolution annexing Texas relied on the constitutional power of Congress to admit new states, and was not a proper precedent for annexing a land that would be retained as a possession or territory. In other words, annexation of Hawaii could not be achieved in a constitutional manner by a simple legislative act.

The Hawaiian Islands were foreign soil in 1898, some 2,100 miles beyond U.S. territory. Based on the international law principle of extraterritoriality, a

U.S. joint resolution to annex Hawaii could not legally extend that far. The 1988 memo fails to identify any provision in the U.S. Constitution or any principle in international law which could have provided a legal basis for the United States to acquire Hawaii by joint resolution.

In fact, the memo says that during the annexation debates Congressman Ball characterized the effort to annex Hawaii by joint resolution as "a deliberate attempt to do unlawfully that which can not be lawfully done."

The Justice Department memo enables us to arrive at a number of conclusions. No annexation of the Hawaiian Islands ever legally occurred in 1898.

The "Territory of Hawaii" was not established in 1900, despite congressional legislation purporting the contrary. The statehood vote was an attempt to hide an illegal act that began in 1893, with U.S. complicity.

And indigenous Hawaiians, nearly all of whom opposed U.S. annexation, and most of whom did not become citizens of the so-called Republic of Hawaii, have never been rightfully subject to the U.S. Constitution. This means kanaka maoli still have an inherent right to self-determination.

By virtue of that right they may freely determine their own political status, including the option of independence, and freely determine their economic, social, and cultural development.

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