

Asian Settler Colonialism

Edited by Candace Fujikane & Jonathan Y. Okamura
Hon.: UH Press, 2008

MOMIALA KAMAHELE

‘Īlio‘ulaokalani

Defending Native Hawaiian Culture

Au‘a ‘ia e Kama e Kona moku

e Kona moku e Kama e ‘au‘a ‘ia

O ke Kama, Kama, Kama, Kama i ka huli nu‘u

O ke Kama, Kama, Kama, Kama i ka huli au. . .

Hold fast to and refuse to part with your traditions, oh child of the land

Defend and protect your way of life

Keep them precious, for one day your traditions will be taken. . .

—Au‘a ‘ia, a mele hula

Aloha no kākou. I greet you in the ancestral way of my people.

The above mele hula (song/chant that is danced) entreats both the dancer and her people to resist dispossession. It implores Native Hawaiians to maintain a distinctive identity and by so doing legitimate and assert the present condition of Hawaiian resistance.¹ It calls on Native Hawaiians to sustain cultural and political institutions. Holding fast to traditional ways does not mean stagnation; it means cultural survival in the face of colonial oppression.

I am referring here to the meaning of colonialism to Native Hawaiians and its current impact on my people: the eradication of Native Hawaiian rights to access and gather resources of the land. In order to understand our current struggle, allow me to provide our historical circumstances.

My nation, the Hawaiian Kingdom, was overthrown in 1893 and subsequently annexed in 1898 by the United States of America against overwhelming opposition by Native Hawaiians. Hawai‘i became a U.S. Territory in 1900 and then a state in 1959. Since that time, the U.S. colonial government has maintained our subjugation through the imposition of foreign government and economic systems. The U.S. colonial system is hegemonic—it seeks to dominate every aspect of our

lives. Anything Native that links us to our Native national consciousness and is in opposition to the colonizer is systematically destroyed.

In *The Wretched of the Earth* Frantz Fanon writes, “A national culture under colonial domination is a contested culture whose destruction is sought in systematic fashion.”² Fanon points out that colonialism distorts, discredits, and destroys the national culture of a colonized people because it can be a rallying point of resistance—something the colonizer tries to prevent, at all costs, from happening.

In this essay I refer to the national culture of the indigenous people of Hawai‘i whose most visible, identifiable, and expressive form is known worldwide as hula. In modern Hawai‘i hula has not been overtly eliminated. Rather, it has been distorted and commodified for the benefit of the tourist industry. Say the word “hula” and images of lithe, brown-skinned maidens, swaying, supple hips, and large, inviting eyes beckon one to a romantic sexual liaison sure to bring erotic delight. These images promote tourism and fill the commercial coffers of multinational corporations. But for those of us who are practitioners steeped in the ancient form of this Native dance, saying the word “hula” brings forth an enormous cultural matrix from which this sacred dance emerged, connecting us back to our ancestors.³

During the past three decades two Native Hawaiian movements simultaneously gained Native interest and support—one cultural, the other political. On the cultural front, the ancient form of hula experienced a strong revival as the Native national dance for our own cultural purposes and enjoyment rather than as a service commodity for the tourist industry. On the political front, our struggle to regain control over our Native lands and resources gradually gained Native support as well. These two movements did not interact with each other. Rather, they coexisted on parallel planes even as individuals themselves may have been directly or peripherally involved in both. Although the hula movement embodied practical aspects of Native resistance to colonial domination, many kumu hula (master teachers and keepers of hula) did not perceive hula itself as political, nor did they see the political resistance of Hawaiians as impacting or influencing hula.

However, in the late 1990s political events occurred that would forever change the seemingly separate movements of culture and politics. Kumu hula entered the political arena to defend Native Hawaiian traditional and customary rights to gather resources that ensure the practice of hula and sustain our culture. As a result of this political effort, Native hula practitioners formed a coalition to guard against future colonial laws that could threaten our national culture and our practice of it.

In February 1997 the Hawai‘i State Legislature attempted to pass legislation prohibiting the gathering of wood, ferns, flowers, fibers, and cordage used in hula. Since ancient times hula practitioners were protected by a customary right to gather such resources for the dance. However, by the 1990s this traditional gather-



‘Īlio‘ulaokalani hula practitioners at Ua Ao Hawai‘i, a protest concert held at the Waikiki Shell. In performances, dancers are usually adorned with lei, but in this concert the dancers are unadorned as a statement of protest. The purpose of the concert was to educate the public about the conservation aspect of hula practices. Photograph by Joe “Bear” Carini (courtesy of Vicky Holt Takamine and the *Honolulu Weekly*).

ing right interfered with the economic interests and plans of developers, wealthy landowners, and business interests. To these settlers, land is a commodity that cannot be exploited to its fullest extent if “strangers,” especially “Native strangers,” are allowed access to gather the resources of the land, such as flowers, ferns, and fibers. Developers and businessmen wanted to end this legally protected right, which would, by extension, also end our ability to practice in the hula tradition. From the Native nationalist perspective, ending traditional and customary gathering rights is another attempt by settlers to obliterate us as a distinct people.

One of the most powerful means to eradicate Native people is the use of legislative bills. They are strategies to maintain hegemonic control over the Native in a colony. These bills are intended to destroy indigenous national cultures in a purposeful and methodical way. Although the attack on traditional and customary rights to gather resources of the land is generally made in terms of the sanctity of private property, which will ensure economic progress and a better business climate, there is something much less grand and more vicious taking place: an attempt to rid the land of pesky Natives who threaten the colonizer’s way of conducting business in Hawai‘i.

However, the colonizer’s attempt backfired. The effort to stop legislative action aimed at eradicating our rights became a rallying point of Native resistance while also increasing our national consciousness as Hawaiians.

I take much inspiration from Fanon and his words. Like him, I see the fight for our national culture as the fight for the liberation of our nation.⁴ Our national culture is political precisely because we live under colonial domination where another nation and people have the power to exterminate our way of life and our lives as we struggle to assert that which is rightfully ours. The recent politicization of hula practitioners has moved our resistance struggle to a new dynamic level.

The Cultural Practice

The land is our mother. Native Hawaiians call her Papahānaumoku—“She who gives birth to lands.” As caretakers, Native Hawaiians understand that She is the beneficent source of all living things. She nurtures life. She protects without the will to master. She creates and ensures a living continuity between the natural world and the human world. She is the dynamic energy source that powers all life. To practice any aspect of Hawaiian culture, Native Hawaiians turn to the land for guidance.

It follows, then, from Hawaiian oral traditions, that Papahānaumoku is a divine living entity who gives Native Hawaiians the natural world and the resources therein. All living things are Her children, and human beings are but one aspect of the natural world. As human beings, we understand that our obligation is to serve Her. We do so as guardians and stewards of the land. By our service, we are assured of Her care.

The relationship between Native Hawaiians and the land is a familial reciprocal one. Papahānaumoku is our ancestor, our elder to whom we turn for sustenance, strength, and spiritual grounding. We demonstrate our service in familial ways. We show Her respect and revere all Her varied aspects, from the mountains to the sea and all life in between. That is why our chants and hula celebrate and commemorate the beauty and lushness of our land, its bounty and abundance. That is why in performance of our chants and dance we follow a certain spiritual protocol: first, we honor our gods, then our ali‘i (political leaders who are descendants of the gods), and last, the activities of people. In our cultural protocol, gods precede people.

Thus Papahānaumoku nurtures and feeds not only our physical being, but also our psychological and spiritual health; we are born from Her, and we understand that we will eventually return to Her. Papahānaumoku takes care of us, and we take care of Her.

In ancient times, when we took a living thing from Papahānaumoku, such as a tree to make an image of a god, we understood that the god made the tree. In return for the life of the tree, we offered another life: sometimes it was human, sometimes it was animal. But the strictest rules and protocol existed to ensure that each aspect of the taking and giving of life was observed so that the tree would grow again to become a god, and the god would ensure its life.

Besides Hawaiian oral traditions, evidence of a familial intimacy can be found in the Hawaiian language. For example, when we discuss possession, Hawaiian-language terms make a distinction between inherent and acquired possession. Things and people inherent to us are designated with the “o-possessive.” Those acquired are designated with the “a-possessive.” Thus in the Hawaiian language inherent items include, among other things, the land and one’s parents. “My land” becomes in the Hawaiian language not “ka’u āina” but “ko’u āina,” and “my parents” becomes “ko’u mau mākua,” two sources from which we are born.⁵ Neither is acquired. Both are inherent to us. The land is our parent; we as her children take care of her, for we know she will take care of us. Thus Hawai’i is our motherland.

This understanding is critical to the way Hawaiians practice any aspect of culture and the reason that resources of the land are sacred. When hula practitioners exercise traditional and customary gathering, we establish our presence through protocol when approaching the realm of the uplands or the seashore.

Protocol precedes our gathering of flowers, ferns, fibers, herbal plants, and wood. Protocol is composed of chanted and spoken words. For example, as I go into the mountains or into the sea and gather ferns or shells, there is a chant I must say. As a chanter, I give the gift of my voice to the spiritual guardian of the forest or the sea. Once my presence is established, I ask permission to take one of the “children” of Papahānaumoku in the name of hula to adorn another one of Her “children” in a performance. I express through the words of the chant my deepest appreciation for this appropriation of the living resource of the land. I know that the gift of my voice possesses a mana, or powerful spiritual life force, that offers a replacement for the mana of this other life. It is almost as if I am giving life for life. The life that comes out of me is the sound of my voice, my breath, my chanting, my thoughts, and the words that will invoke the guardians who protect that area. My request is, “Please grant me permission to take and use this fern or body form of the gods to honor the gods. Rest assured that I shall use you with utmost dignity and respect.”

Having established my presence, then making my request, I understand that what I gather is not mere adornment for performance. I wear the manifestation of a god. When I take that body form as I prepare to dance and place that fern upon my head, I wear it as a dancer. I know that I have taken the mana of that god, Papahānaumoku, and now embody that god.⁶

As all of these rituals and protocol are used, Native Hawaiian practitioners demonstrate an abiding appreciation for the original source of that fern. Practitioners know that the source of the fern is the gods. But an appropriation is taking place, and a request for the taking allows us an opportunity to give something back because the resources gathered emanate from a deity that made the wood or the fern.

And there is the ceremony of closure. After we have used the fern or flower for our human purposes, we do not discard it like rubbish. These materials from our “mother” are returned to Her loving care in ritual ceremony. Thus in a cyclical pattern is the usage of these plant materials made.

The reason for so much protocol and ritual is the foundational Native perspective that views all living things as one aspect of the natural world, human beings included. Life for life. And in traditional times, it was *literally* life for life.

On a very practical level, hula practitioners are very conscientious about the conservation aspect of our culture. In some hālau hula (dance academies), it is the kumu hula who decides not only what to gather and how much, but, more important, who will participate in the gathering. Only those designated may carry the responsibility. Thus members so designated are very careful not to trample the area. They step lightly and observe each step. A few people participate in the gathering for the entire hālau hula. Sometimes two people gather plant or marine materials for seventeen performers. When gathering, each person spreads out to avoid denuding an area of a particular plant. Conversation is kept to a minimum, if at all. An understanding prevails not to tear plants from the ground and to avoid plucking the young growing plants from the desired matured ones.

In sum, the Native Hawaiian ethic of responsibility to the natural world is commensurate with a recognition and acknowledgment that for every human action and every human condition, the gods have a care. That ethic runs through the structure of the Hawaiian language, as mentioned above, producing a Native identity that is inseparable from the land.

The Bill

Wealthy landowners, development interests, and title insurance companies in Hawai’i are opposed to Native Hawaiian traditional and customary rights.⁷ Some of these interests claim that Native Hawaiian rights unduly encumber landowners’ private property interests. They allege that the rights of Native Hawaiians to access undeveloped land for various religious, subsistence, or cultural purposes will lead to difficulties in selling, buying, and financing real property in the State of Hawai’i. These same interests claim Native Hawaiian gathering rights as trespass. These settlers hope to eliminate or criminalize Hawaiian cultural practices. For

these business interests, land is reduced to a tool for profit. This idea comes from the Western cultural ethic that perceives nature as an object to be mastered and controlled by suppression.

One powerful tool to contain and control “pesky” Natives’ rights is the use of legislative bills that turn into law. On January 15, 1997, Senator Randy Iwase pre-filed Senate Bill 8.⁸ This bill introduced a process to register all traditional and customary uses exercised on a parcel of land. According to Senate Bill 8, practitioners could not legally exercise a traditional and customary practice without a certificate of registration of Native Hawaiian right.

On February 4 the Senate Committee on Water, Land, and Hawaiian Affairs held a hearing. The room was filled with proponents and opponents of the bill. The committee was co-chaired by Senators Randy Iwase and Malama Solomon. Senator Iwase is an Asian settler. Senator Solomon represented a large Native Hawaiian constituency on the island of Hawai‘i at the time and is herself Native Hawaiian.⁹ Senator Solomon descends from a long line of respected hula practitioners and kumu hula. Many of us, aware of the bill, were not too concerned that the bill would pass because we believed Senator Solomon would oppose the bill. Further, our concerns were allayed when over 90 percent of the testimony at the hearing opposed the bill. The people who testified were not only Native practitioners, but also scholars, environmental lawyers, activists, law students, high school students, and non-Hawaiian settlers. Of course, testimony supporting the bill included development interests such as construction companies, title insurance firms, and large landowners, including Kamehameha Schools/Bishop Estate.

However, with minor amendments, the bill passed out of the Senate committee and moved on to the Senate Committee on Ways and Means (WAM), which determines the budgetary needs of a bill. We were astonished. But we were also angered when we discovered that Senate Bill 8 passed out of the Committee on Water, Land, and Hawaiian Affairs by unanimous vote. This meant that Senator Solomon voted in support of the bill.

In our view, Senator Solomon had the opportune historical moment to show the Hawaiian community in general and the hula community in particular her support by denouncing Senate Bill 8. Even as co-chair, she could have opposed the bill. Had she done so, Senate Bill 8 would still have gone on to WAM, but she would have secured the respect and support of her constituents and the larger Native Hawaiian community.¹⁰ Senate Bill 8, however, passed out of her committee unopposed.

While the bill was pending in WAM, the hula community organized to oppose and denounce the bill, anticipating the negative impact it would have on Hawaiian culture. This legislative threat became a rallying point of resistance for Native

Hawaiians. That resistance fused culture and politics and took the entire State of Hawai‘i by complete surprise. People were shocked that hula practitioners mobilized a defense so quickly and with such force and cultural authority. That is because the general perception of hula practitioners in Hawai‘i is that they are a conservative lot, with each hālau hula internally concerned with its own cultural domain.

On a superficial level we discovered that Senate Bill 8 pretended to “harmonize” Native Hawaiian rights with landowner rights. But on closer examination we found that the bill sought to terminate traditional and customary practices particularly if the State believed there would be hardship to the landowner.¹¹ Key points in the bill included the following: (1) the need to petition for a certificate of registration of Native Hawaiian rights to gather; (2) the certificate itself would “vest in the holder a personal right to engage in Native Hawaiian traditional and customary practices”; and (3) proof that the petitioner of the certificate was indeed Native Hawaiian.

Senate Bill 8 stated that any individuals interested in continuing their customary practice would be required to petition for official recognition of traditional and customary usages. The bill proposed a process to determine and register all traditional and customary usages exercised on a parcel of land. It further proposed that no traditional and customary practices could be legally exercised unless a practitioner possessed a certificate of registration of Native Hawaiian rights. The bill described a cumbersome process whereby Native practitioners would bear the burden of establishing that they were descendants of individuals inhabiting Hawai‘i before 1778 through a genealogical chart confirming indigenous status. They would also have to establish proof that the traditional and customary practices they wished to continue were continuous and on identifiable undeveloped land before November 25, 1892.¹² Thus not only did Native Hawaiians have to register certain usages exercised on the land and then be certified to have the right to that usage, but they also had to prove Hawaiian ancestry and provide evidence that an ancestor had exercised the same practice and the same use for the same plant on the same land. If they did not have this proof, the simple act of picking a flower or gathering seaweed along the shore would become a criminal offense.

In addition, Senate Bill 8 required Native petitioners to provide a list of lineal descendants “who will accrue to the benefits conferred by the issuance of a certificate of registration of Native Hawaiian rights.” Put another way, without that certificate of registration, any children and/or grandchildren of the petitioner not yet born would not be able to follow the same practice of their ancestor. Thus under this kind of legislation a hula practitioner living in a particular ahupua‘a (large land division)¹³ would be forced to perform the following:

- file an application stating the cultural use for each parcel of land in a given ahupua'a
- research every parcel of land in the ahupua'a in which the practitioner lived
- present a certified genealogy confirming race
- prove that the practitioner's ancestors actually gathered the same items before November 25, 1892
- survey the ahupua'a and determine if the land was undeveloped
- inventory all land and marine life to be used

It is doubtful that any practitioner would be able to comply with these requirements.

I have been a hula practitioner for four decades, but I am the first in my family to immerse myself in this cultural practice. *Thus by the terms of Senate Bill 8, not only would I be unable to prove continuous practice and be unable to continue it into the foreseeable future, but my daughter and granddaughter would not be able to engage in this practice as well because I would not be able to prove that I had an ancestor before 1892 who danced the hula.* Even if I had an ancestor who was a practitioner, what kind of evidence would be acceptable proof? As one kumu hula said, "The evidence would probably be the flower lei or the fern wreath. But those things are dead. They're all gone. They're in the 'aina [land]."

To add insult to injury, the bill authorized a state agency, the Land Use Commission, to have exclusive authority and control over the petitioning and certification process. The Land Use Commission is a bureaucracy that historically has not favored Native Hawaiian rights, and it has favored settler interests over Native ones.

The Land Use Commission would be charged with notifying landowners of the individual petitions. The landowners would then have a "reasonable" period of time to respond, and if they did not like the petition of a particular gathering group, the landowner could request a contested case hearing. If the landowner failed to respond, the petitioner could gather resources on the landowner's land as long as the use was reasonable and did not cause hardship for the landowner.

However, if the landowner could prove hardship, the landowner could petition for a termination of the traditional and customary practice. In addition, the Land Use Commission, in concert with the landowner, could impose conditions on the Native practitioner, such as modifying the petition by request of the landowner. Even if the petitioner went to the Land Use Commission, the commission would still favor the landowner.

Another component of the bill attempted to restrict gathering to one's place of residence. However, massive overdevelopment in many ahupua'a has obliterated

many of the special, sacred sites, resulting in the complete annihilation of Native products necessary for subsistence, religious, and cultural practices. Consequently, many Native practitioners must seek these items beyond their home areas. Kumu hula Vicky Holt Takamine put it most aptly when she said, "My backyard is the Board of Water Supply and my front yard is Pearl Harbor. Where am I going to gather ferns? Where am I going to gather shells for my students? The U.S. military installations in Pearl Harbor have polluted the water."¹⁴

The most racist part of the bill was that it proposed to force us to prove our race through the certification process, and we would have to bear proof of our race. Who else in this entire state would be subject to those kinds of racist tactics? *Nobody.* Only Native Hawaiians. That is what angered all of us. That is clearly racist. The burden is placed on Native Hawaiians alone to prove indigenous status in our own homeland.

How did this happen? What was the history behind this volatile issue? Many practitioners had never been involved in any kind of legislative fight nor asserted Native rights to anything dealing with culture or identity. The reason is because these things were not part of a practitioner's contextual base in the daily activity of any of the cultural practices. We were too busy in the routines of the practice of our culture, as well as being working people, to be concerned about a landmark court case—*Public Access Shoreline Hawai'i (PASH) v. Hawai'i County Planning Commission*—that had occurred two years before, in 1995. We believed that the State would protect our constitutional rights. But we were so wrong.

Thus when we were alerted to the destructive ramifications of Senate Bill 8, we were pressed into self-education about that *PASH* decision, legal history, land history, and the complex legislative process. We believed, at the time, that the battle would be tremendous, yet it was a challenge we would need to meet quickly.

The Law

Since time immemorial Native Hawaiians have practiced traditional and customary rights to access and gather resources from the land and sea. The State Constitution and the Hawai'i Supreme Court have reaffirmed and recognized these rights, and they have expressly required the State of Hawai'i to protect our Hawaiian heritage. Thus the State has a trust obligation to preserve the rights of the Native people of Hawai'i for future generations.

As we organized, we discovered there was legal protection for our gathering rights. Laws in Hawai'i provide for both statutory and constitutional protection of Native Hawaiian gathering rights. Laws concerning land in Hawai'i during the nineteenth century protected Native tenancy rights to access resources of the land. Eventually, these laws evolved into statutory protection specifically designed to

protect Native Hawaiian traditional and customary gathering rights. The key here is the legal right to gather. Thus if an herbalist needs a certain plant for medicinal care and that plant can be found only outside her/his residential jurisdiction, then the gathering can be done where s/he can find the plant—in another district or even on another island.

Statutory protection is provided under the Hawai'i Revised Statutes (HRS), Section 1-1 and Section 7-1.¹⁵ Historically, these two sections are the oldest of Hawai'i law because they date to the mid-nineteenth century, when Kamehameha III divided the lands in Hawai'i in the 1848 Māhele, or land division.

The nineteenth century was a period of intense meddling by foreigners in the economic and political affairs of the Kingdom of Hawai'i. Rights to land became a principal concern, and there was unremitting pressure to give settlers rights to use and to own land. Further, a near collapse in the Native population via the introduction of Western diseases and infectious agents brought successive waves of immigrants to the islands to work on the sugar plantations. High Native mortality was experienced in infancy and adulthood, even from common illnesses such as diarrhea, the cold, and measles. More serious diseases took even greater tolls. In the smallpox epidemic of 1853, thousands of Native Hawaiians died. By 1878, one hundred years after the arrival of the first foreigner, Captain James Cook, the Native Hawaiian population, said to have been about 800,000 at the time of Cook's arrival, had collapsed to 47,500.¹⁶

Thus in an effort to find some solution to the devastating collapse of the Native Hawaiian population, Kamehameha III reluctantly allowed the land tenure system to change from communal to private property: land, once our mother, was now a commodity. Clearly, when Kamehameha III agreed to māhele the lands of Hawai'i and institute Western private property land tenure, he envisioned a way to ensure Native people's right to use the land, access its resources, and gather material items from the land and the sea.

HRS Section 1-1 states, "The common law of England is declared to be the common law in the state of Hawai'i in all cases except as otherwise expressly provided by the constitutional laws of the United States, or by the laws of the state, or fixed by Hawaiian judicial precedent, or established by Hawaiian usage."¹⁷ What is significant here is the statement "established by Hawaiian usage." Fundamentally, Hawai'i laws are subsumed under English common law, but there are many exceptions that give Hawaiian usage precedence over English common law.

Constitutional protection of Native Hawaiian gathering rights dates back to the last State Constitutional Convention held in 1978. For the very first time, Native Hawaiian traditional practices, customs, and usages in the State of Hawai'i were codified and elevated in the constitution under Article 12, Section 7.¹⁸ That

section clarifies the State's obligation to protect and uphold Native rights: "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."

By constitutional authority, traditional and customary practices are made an unbroken and sacred right. Native Hawaiian traditional and customary rights now have protected status that engenders in the State of Hawai'i a constitutional obligation to protect Native culture. However, that obligation is subordinate to state needs. I recall reading that last statement for the first time during our struggle—"subject to the right of the State to regulate such rights"—and instantly Fanon's words rang clear, that Native Hawaiian culture is the contested culture under colonial domination. The State of Hawai'i maintains the hegemonic right to regulate and thereby control Native rights. In other words, no matter how strong the resistance to the colonizer, Native culture will *always* be subjected to and subordinated by state interests and needs. Native culture is still subject to the settler's rules. Although the colonizer has not regulated our rights out of existence, the United States still maintains hegemonic control over Native Hawaiian lands and affairs.

What prompted the emergence of Senate Bill 8? Why were landowners and development interests seeking legislative action to eradicate our legally protected right to access and gather resources?

In 1990 a Japanese company named Nansay Hawai'i, Inc., filed an application for a permit to develop a resort complex in Kona on the island of Hawai'i in the land division called Kohanaiki. The proposed resort would be built on approximately 450 acres of shoreline area. Nansay planned to build two hotels with more than 1,000 hotel rooms, 330 multiple family residences, a golf course, health club, restaurants, retail shops, and other facilities. Native Hawaiians in the area and a group called Pacific Access Shoreline Hawai'i (PASH) protested this development on traditional and customary grounds, as well as environmental grounds.¹⁹ PASH argued that the Hawai'i County Planning Commission (HPC) was required legally to recognize and protect Native rights of access and gathering before granting a permit for development. Native Hawaiians in the area explained that their access to shrimp ponds would be severely curtailed or totally abolished by this development. Many Native Hawaiians harvest shrimp for food and as bait for fishing. The HPC rejected the view that Native rights have priority, and PASH appealed. In August 1995 the Hawai'i Supreme Court ruled in favor of PASH, reaffirming Native Hawaiians' rights to traditional and customary practices that included Native rights to gather resources from the land. The court further held that land titles in Hawai'i confirm only a limited property interest as compared with West-

ern land patents and concepts of property. The two critical points raised by PASH included both constitutional and statutory protection of Native Hawaiian gathering rights as already discussed above.

Wealthy landowners, development interests, and title insurance companies in Hawai'i moved into action. These business interests mounted a defamation campaign alleging that the Hawai'i Supreme Court, by upholding PASH, created a climate of "uncertainty" that would have a negative impact on Hawai'i's economy. Soon a propaganda of fear ensued. Practitioners were characterized as roving bands of Natives entering private property unannounced, taking plants, flowers, and papayas at will. Further, these business interests went to the state legislature during the 1997 legislative session, and Senate Bill 8 and its counterpart, House Bill 1920, were introduced as a specific reaction to the PASH decision affirming Native Hawaiian gathering rights.

The Scene of Protest

Upon close examination of Senate Bill 8 and endless hours of discussion by Native Hawaiian practitioners and supporters about the history behind the bill and its potential impact on Native rights, the conclusion was that the bill was not going to die. Well-respected kumu hula Vicky Holt Takamine said to me, "I tried to stop it as an individual, and other kumu are sending in testimony as individuals, or as leaders of their hālau hula, but it is just not working. We have to do something."

Together, we contacted kumu hula and sympathizers willing to listen and take action.²⁰ We organized in three days, determined to kill Senate Bill 8. The contested culture burst onto the political scene, asserting that things Hawaiian held extreme importance in Hawai'i. A protest demonstration at the State Capitol for a twenty-four-hour period became the outward expression of that assertion.

Kumu hula throughout the Hawaiian Islands mobilized hundreds of their hula students in an extraordinary feat of grace and power never seen in modern colonial times. Essentially a conservative element of the Native Hawaiian community, practitioners unwittingly participated in the politicization of hula. Thus from the very act of organizing to defend hula was born the union of culture and politics, a union only gradually realized by its practitioners steeped, to a large extent, in the romanticization of hula.²¹ Emblematic of that union was the emergence of the 'Īlio'ulaokalani Coalition, Native Hawaiian practitioners committed to defending any encroachment upon Native Hawaiian culture in general and hula in particular.

The protest had two objectives: put the spotlight on an old and customary practice that had its origins in ancient days, while educating the broader public

that this conservative community had been shaken from a long slumber and was now awake to do battle and defend Native Hawaiian rights.

The meaning of the name "'Īlio'ulaokalani" refers to the behavior of the 'īlio, or dog. We all know how an 'īlio behaves when it is protecting its master or something it cherishes. The 'īlio fiercely guards anything that is precious to it. When the 'īlio is angered, it will defend its domain. We liked that idea. The remainder of the term refers to the color red in "'ula" and the place from which the 'īlio watches its precious territory, from the heavens, or "okalani." Thus the 'Īlio'ulaokalani Coalition is the defender and protector of our mother, the land, hovering above and watching over Her and all of Her inhabitants—people and all living things. Native culture needs a fierce defender so that Native Hawaiians can survive as a distinct people in our homeland.

At the first organizational meeting the kumu hula present decided on a strategy for the protest. First, they agreed that this effort must be a protest and not a public performance. Second, the protest would occur every hour on the hour by dancing and chanting in the old way. Third, no adornments of any kind or hula costumes were to be worn. And fourth, use of the most sacred hula instrument, the hula pahu (dance drum), would underscore the depth of their commitment to the national culture while also serving as a rallying voice of resistance. Thus they all agreed to allow the most sacred symbol of hula into a political arena and to use this cultural instrument for a most political purpose. The hula pahu became a potent political symbol in 1997.

In traditional times, the pahu was the voice of the heiau (temple). The pahu called the people, the 'aumākua (guardian spirits), the multiple gods, and alerted all people that an important event was about to happen. Furthermore, in a public performance the pahu is always adorned with ferns or some other living plant of our Earth Mother. It is very bad form to present an unadorned pahu in performance. However, for this occasion and purpose, and in this political arena, the kumu hula decided against adorning their drums. This act was in accordance with the affirmation of Hawaiian gathering rights upheld by the PASH decision. Protest was our purpose, not entertainment. Kumu hula made it clear that bringing the cultural symbol of hula, the pahu, to a political place underscored their mission: to defend Native Hawaiian culture, to defend Native Hawaiian rights.

Uncertain of the number of people who would support our efforts, we gradually assembled at the State Capitol. As the noon hour approached, more people showed up until there was quite a crowd. Hawaiians and non-Hawaiians from diverse economic backgrounds and professions, as well as Native practitioners and those who did not practice the Hawaiian culture, came to support our protest.

At high noon on February 25, 1997, more than one hundred pahu sounded

in simultaneous rhythm to the ancient beats of our ancestors. The power of the sound of these pahu overwhelmed everyone. The scene of protest was the rotunda of the State Capitol, located in downtown Honolulu. Seated around the center of the large rotunda area, kumu hula, their students, and supporters began the most ancient and sacred of hula, *'Au'a 'Ia*—"Hold fast to tradition." Though many of us had danced this hula in the past, this time it held a depth and power that connected us not only to the current political struggle but to a historic ancestral moment in the distant past. Each time the drums sounded, we heard "refuse to part with your traditions." Each time the voices of the kumu hula chanted, we believed the central message, "defend and protect your way of life." And each time the dancers swirled in rhythmic body movements, we implicitly understood our responsibility to "keep traditions precious, for one day they will be taken."

Every hour kumu hula sounded their pahu inside the large rotunda. Every hour one could hear loud chanting in the Hawaiian language directed at the legislators. Every hour scores of hula practitioners danced hula kahiko (ancient hula), all in an effort to convince the State of Hawai'i that Native Hawaiian practitioners would no longer remain apathetically quiet while others attempted to circumvent our legally protected rights.

Later, there were reports of legislators in meetings or at the lower level of the State Capitol chambers who heard the drums. One legislator explained that the sound was so awesome it gave him "chicken skin." People at great distances could hear the drums, and it was unnerving for many of the legislators. Nothing like this had ever occurred in the State of Hawai'i in modern times. My mother and father were trying to find a parking space five blocks away, and my mother said, "We could hear the drums beating—it sounded so eerie." She expressed the general expectation of most people when they arrived, that a political place would not be one filled with ancient hula, hula dancers, and sacred hula instruments.

However, as one already engaged in the sovereignty movement, I clearly saw a direct connection between politics and culture: Native Hawaiians' struggle for self-determination as an expression of our national culture. Recalling Fanon while at the State Capitol surrounded by hula practitioners from across the state, I realized the political nature of the expression that characterized our national culture; as cultural practitioners in a largely political environment, we asserted through hula that things Hawaiian possessed great significance, and Native Hawaiians would resist colonial imposition.

Politicization of a cultural art form came alive that day.²² We understood that unless we took action, responsibility for deciding what constitutes the varied aspects of Native Hawaiian culture would be effectively taken from us and legally placed in the hands of the colonizer.

As a significant part of Native Hawaiian national culture, hula reflects the past

and present experiences of the people. When that experience involves political struggle, a vibrant hula emerges in such renderings as *'Au'a 'ia*, the chant that began this essay. Here is evidence of political dance expressed in traditional times and political expression in the dance. Hula kū'ē is the term now widely used in the hula community. It means a dance performed to resist, protest, or oppose the status quo. Hula kū'ē is resistance that is equated with endurance and survival.

Many kumu hula from the outer islands and different hula schools came together to hula kū'ē. Other practitioners came as well: herbalists, surfers, people who gather in the forests and the ocean. As the night embraced us, a soft rain blanketed the rotunda area. We saw this as a sign blessing our commitment.

A few hours later the sun began to rise. Many of us had hardly slept, too excited by the purpose of our protest. Those of us who stayed the night moved away from the rotunda to the east side of the capitol. There, we called up the sun as our ancestors did in ancient times through chant. It felt good to hear the power of human voices in unison with one purpose. It empowered us to stop Senate Bill 8.

We knew that the bill was now held in the Senate Committee on Ways and Means, whose co-chairs were Senators Lehua Fernandes Salling and Carol Fuku-naga.²³ A few days before the protest vigil, we mobilized the hula community and other practitioners and supporters to call and send faxes to these co-chairs to stop Senate Bill 8. According to staff members in Senator Fernandes Salling's office, they began receiving phone calls and faxes from the senator's constituency and others demanding to know what would be her course of action. The senator and several office staff members closely reviewed the bill and were startled by the bill's contents and its proposals.

Meanwhile, I contacted Mililani Trask, attorney and one of the founding members of 'Ilio'ulaokalani, to get some idea of the status of Senate Bill 8.²⁴ Trask knew the legislative system and was familiar with many of the legislators. We spoke on the phone as one hundred pahu resonated throughout the rotunda, tensions mounting. Trask assured me of Senator Fernandes Salling's opposition to Senate Bill 8 and her support of Native Hawaiian rights, but the senator still had to convince her co-chair. In a move that would later cost her the co-chair spot on the most powerful committee in the Senate, Senator Fernandes Salling refused to schedule a hearing for Senate Bill 8. What did this mean? Was the bill really dead?

Hopeful at the possibility that the bill could die, I announced to a crowd of several hundred people that Senate Bill 8 would not be scheduled for a hearing. I explained that due to the efforts of one brave Native Hawaiian senator, the bill could die. The cheers were deafening. I cautioned the crowd that the legislative session had just barely begun and that anything could happen. But it seemed we had won.

The ten o'clock hour was at hand. It had now been twenty-two hours since we began this protest. Tired yet invigorated, we gathered at the rotunda in the center of the capitol at the sound of the conch shell. All the local media, camera crews, and newspaper reporters were there capturing the moment. Rumors circulated that Senators Solomon and Iwase wanted to address the crowd and explain their position. Unimpressed, we proceeded. The pahu sounded; voices rose in chant. Emboldened and flushed with hope, hundreds of hula practitioners moved in unison to ancient hula.

Suddenly, Senator Solomon appeared. Kumu hula and leader of the 'Īlio'ulao-kalani Coalition Vicky Holt Takamine left her pahu and approached Senator Solomon. Both moved to the microphone. Cameras zoomed in. Everyone watched in tense anticipation as the drama unfolded. Other legislators leaned over the balcony to listen and observe. Holt Takamine quieted the throng. Meanwhile, Senator Solomon, seeing Senator Iwase, gestured for him to join her at the microphone. Both senators explained their decision to move the bill out of their committee. Senator Solomon disingenuously exclaimed that she voted in opposition to the bill. Astonished by her blatant attempt at a cover-up, I quickly moved to the microphone. The crowd shouted at her, some calling her a liar. Somehow, she believed we were not informed on the status and movement of the bill. But she was dead wrong. At the microphone I pointed out the fact that I had the voting record of each legislator on the Senate Committee on Water, Land, and Hawaiian Affairs on this bill. Senator Solomon, along with all the other committee members, had cast an affirmative vote supporting Senate Bill 8. The booing and hissing continued.

Then Senator Iwase, coerced by Senator Solomon, stepped up to the microphone. Defending the bill he introduced, he affirmed the landowners' and developers' position. His tone, too, demeaned our efforts. He constantly referred to us as "you people," saying that we must "learn" to discuss the issue and that right now "you people" are "too emotional." What he meant, of course, was that we were "too emotional" to discuss this issue in a rational manner. This angered the already hostile crowd because he spoke to us as if to a group of children disrespectful of a legislator's power and authority.

Kumu hula Pua Kanahale, from the island of Hawai'i, moved to the microphone amid more shouts from the crowd. Countering Senator Iwase, Kanahale reminded him that many in the crowd had college degrees and taught at the university level, and that many had professional careers. Thus we had "learned" how to discuss and analyze issues by gathering the facts at hand before making a decision. She stated very plainly that it was legislative efforts such as Senate Bill 8 that ignited concern among practitioners of Native Hawaiian culture. With Senators Iwase and Solomon near the microphone, the crowd chanted, "Kill the bill! Kill the bill!" A sea of handheld signs reflecting that sentiment surrounded the rotunda.

With pressures mounting, Senator Solomon took the bill and, in a gesture of profound theatrics, tore it up before the people and the cameras. The crowd went crazy. It made for good news copy. It was on the six o'clock and ten o'clock evening news, and by the next day it was the lead story in all of the newspapers.

Exhausted but elated, we ended the protest as we began it: dancing to 'Au'a 'ia. The hula pahu sounded once more as scores of hula practitioners moved as one with a power and force not seen in a long time. And there was my daughter, pregnant with my future grandchild, dancing with her ancestors.

We could not believe our success at our first attempt at political activism. Yet a widespread uneasiness prevailed among the practitioners. There was still a good two months remaining before the end of the legislative session, and we knew anything could happen. We realized that, like Dracula, Senate Bill 8 could rise again. Though we laughed and understood the humor, we were tentative. We were political innocents treading on new political ground that felt like quicksand—ever shifting, ever partial; we little understood the legislative process or what the backlash could stir up.

The irony remains that credit for the bill's demise was given not to Senator Fernandes Salling, but to Senator Solomon. It would not be until the summer of 1997 that we discovered how the Senate majority chose to deal with one of their own. Punished for her actions in the spring, Senator Fernandes Salling was removed as



On February 26, 1997, protesters celebrated the successful twenty-four-hour vigil at the state capitol opposing Senate Bill 8. The bill sought to eradicate Native Hawaiian gathering rights. Photograph by Dennis Oda (courtesy of the *Honolulu Star-Bulletin*).

co-chair of the Ways and Means Committee. The most plausible explanation for her removal from the most powerful committee in the Senate is that she posed a threat to the maintenance of colonialism. The powerful agents of the dominant culture made certain that any attempts to support the assertion that things Hawaiian have any great political significance would be eliminated.

As for Senators Solomon and Iwase, whatever their suggestions and their words, these two legislators serving as agents of the hegemonic culture came to us not as public servants yet still expected civil service. They sought but did not get the hospitality or aloha that they had always expected and received. Though we "won" and felt warm with victory, this moment gave us pause. For in the heat of battle, we understood that what was valuable to them in their own terms was status, power, and dominance—the status of a political official institutionalized in the Hawai'i State Legislature with the political clout to dominate and oppress us. This was clearly illustrated twelve months later in the 1998 legislative session, when yet another bill emerged seeking once again to terminate our cultural rights.

The Aftermath

After Senate Bill 8 was killed, two resolutions pertaining to the regulation of traditional and customary rights emerged. Senate Ways and Means co-chairs Carol Fukunaga and Lehua Fernandes Salling introduced Senate Concurrent Resolution 230, with text identical to Senate Resolution 114 (SCR 230/SR 114). The resolution sought to fund a study of traditional and customary gathering rights by the William S. Richardson School of Law at the University of Hawai'i at Mānoa in consultation with the 'Ilio'ulaokalani Coalition and members of the Hawaiian community and other local interests. The resolution was referred to the Senate Committee on Water, Land, and Hawaiian Affairs. This was the very same committee that passed Senate Bill 8. Wounded by the public throttling they both received at the hands of Native practitioners, Senators Iwase and Solomon did not schedule a hearing on the resolution, and it died in committee. Neither senator made any serious effort to resolve this issue.

Meanwhile, in the House of Representatives, House Concurrent Resolution 276 and House Resolution 197 (HCR 276/HR 197), introduced by Representative Ed Case, proposed some discussion with all interested parties to seek common ground on the appropriate regulation of traditional and customary rights.

House Resolution 197 attempted to address the gathering-rights issue by providing community dialogue in the fall of 1997. Landowners, title companies, and business interests, along with Native Hawaiian practitioners, participated in several months of community meetings throughout the state. But this effort did not work.

Business interests do not understand our cultural concerns. The 'Ilio'ulaokalani Coalition decided to continue a dialogue with one of the larger business entities called Pacific Business Roundtable, which is a consortium of businesspeople who seemed genuinely concerned. But even that effort failed.

By the 1998 legislative session, more bills similar in nature to Senate Bill 8 began to appear. Representative Case introduced legislation designed, in essence, to eliminate our right to gather from the land. At one hearing, Representative Case pressed kumu hula Vicky Holt Takamine to define the size of the parcel of land that would be acceptable to practice traditional and customary gathering rights. Was it one acre, seven hundred square feet, or what? She responded by saying that if a laua'e (fern) is growing on the road or freeway and is needed for a cultural practice, then she will stop to gather that fern. That road or freeway could be on federal, state, or city land that is developed. Later in conversation, Mililani Trask commended Holt Takamine. She added that places like Hilo Bay on the island of Hawai'i are developed land, but the 'opihi (limpet sea creature), which is a Hawaiian delicacy that must attach itself to rocks to survive, does not know that it is attaching itself to developed or undeveloped property. If Native Hawaiians see the 'opihi on the rocks at the pier, they will pick it and eat it. We are saying that it does not matter whether the land is developed or undeveloped. Confining the gathering to strictly undeveloped land severely restricts the ability of Native Hawaiians to practice our culture. Gradually, we realized that the government could deprive us of our constitutionally protected rights by the issuance and passage of a bill—an instrument of tremendous power wielded like a scythe to cut down the roots and branches of our culture.

This is clear: no matter how many times we go to the state legislature to fight for our traditional and customary right to practice our culture, the odds will always be against the Native Hawaiian practitioner. We expect the struggle to continue.

This is the contested culture under colonial domination. I feel ambivalent about the success of our efforts. I was happy that many in the hula community got involved in a very political way. That a Native woman in a position of power, Senator Lehua Fernandes Salling, stood by her principles gave me some hope. But I was dissatisfied; I still harbor a measure of discontent because I know that no matter how hard we work, if we do not have our own nation, if we do not achieve sovereignty, then we will never, never have clearly defined rights to land or to the resources we need to practice our culture in our own way.

The denial of the existence of Native Hawaiians as a distinct people is a way of legitimizing the State's claim to our ancestral lands. Destroying the right to traditional and customary practices eliminates the conditions necessary for the national culture to flourish. Thus from my perspective, Native Hawaiians have

become victims of a conscious and persistent effort of destruction directed against them. Presently, cultural resilience among Native Hawaiians remains within the colonial frame, one in which we are subject to a sustained effort to destroy us.

There is no suspension of the national culture during a political struggle for national liberation.

'Au'ā 'ia e Kama e Kona moku. . .

Notes

1. I provide a loose translation of the ancient mele hula. The principal belief is to hold on to that which defines a Native Hawaiian: genealogical bloodlines tied to the land that identify a cultural tradition distinct to a land-based people. In some circles this mele hula is attributed to a Maui Ali'i Nui (High Chief) named Kamalalawalu, who struggled to impart the correct kinds of political decisions to benefit the welfare of his people in changing times. Repetition of parts of an Ali'i Nui's name recalls the mana, or spiritual and political life-force of that individual, hence the repetition of "Kama" here several times. In other circles, 'Au'ā 'ia conveys the idea that each individual is responsible for the conservation of one's cultural practices. As kumu hula Kahō'onei Panoke said in a recent conversation when asked what this mele hula means to him, "I think of my responsibility to the land, my people, and my culture."

I capitalize the "N" in the term "Native," borrowing the argument made by Haunani-Kay Trask to underscore the geographical and ideological difference between that which is indigenous versus that which is Western and foreign. By emphasizing the use of the capitalized "N" in "Native," I turn against the self-alienation of the colonized Native Hawaiian and instill an awareness in the colonizer of our own historical and cultural tradition, which embraces a realization of the deformations suffered at the hands of colonialism. Use of the term "Native" invokes the old sense of humiliation while simultaneously rejecting the colonial stereotype and lending expression to a heightened consciousness of decolonization. See Haunani-Kay Trask, *From A Native Daughter: Colonialism and Sovereignty in Hawai'i*, rev. ed. (1993). Reprint: Honolulu: University of Hawai'i Press, 1999.

2. Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963), 237.

3. See Momiāla Kamahele, "Hula as Resistance," *Forward Motion* 2 (3) (1992): 40-46; and Trask, "'Lovely Hula Hands': Corporate Tourism and the Prostitution of Hawaiian Culture," in *From a Native Daughter*, 136-147.

4. Fanon, *The Wretched of the Earth*, 233.

5. Trask, "From a Native Daughter," in *From a Native Daughter*, 116. I am indebted to Trask for this remarkable insight into our Hawaiian language. This is linguistic proof that land, like parents, was never "owned."

6. Today, those who call dance movements scripted to Christian text and danced within the context of the Christian Church "Christian hula" are not considered to be hula practitioners in the true sense of that term. It is unfortunate that this phrase is used for a religion that historically denigrated Native peoples and their cultural practices. People in a Christian church who dance to a Christian dance are appropriating the sanctity of one form of

religious expression for another. Many of us who are hula practitioners and traditionalists see a real problem with calling this Christian dance "hula."

7. This discussion is confined to one of two legislative bills introduced in the 1997 Hawai'i legislative session that viewed traditional and customary rights as an encumbrance on the land. House Bill 1920 was assigned to the House Committee on Hawaiian Affairs, whose chairman was Representative Ed Case (District 23, Mānoa). This bill did not concern Native practitioners because it was deferred early in the legislative session. House Bill 1920 tried to create the judicial process for traditional and customary gathering rights so that in case of conflict, there would be a process for dealing with the Land Use Commission, the developers, and contested case hearings. For an excellent legal analysis of both Senate Bill 8 and House Bill 1920 within the context of legal and historical precedence, see D. Kapua Sproat, "The Backlash against PASH: Legislative Attempts to Restrict Native Hawaiian Rights," in *University of Hawai'i Law Review* 20 (1998): 321.

Property and development interests in Hawai'i, such as the Land Use Research Foundation (LURF) and the Pacific Legal Foundation (PLF), and their financial supporters are opposed to Native Hawaiian traditional and customary rights. The PLF has characterized Native Hawaiian traditional and customary rights to gather as trespass, thereby attempting to criminalize all Native practitioners. Business interests profit from outright development and clearly target the elimination of Native Hawaiian gathering rights, viewed by them as encumbrances on the land.

8. Senator Randy Iwase represented District 18 on the island of O'ahu. It includes portions of 'Ewa District (portions of Crestview and Seaview, Waipi'o, Mililani, Waipi'o Acres) and a portion of Wahiawā District (Wheeler Army Air Field). Office of Elections, State of Hawai'i, "Factsheet: Geographic Descriptions for Senatorial Districts," <http://www.hawaii.gov/elections/facts/Senbdy.htm>

9. Senator Malama Solomon represented District 1 on the island of Hawai'i. It includes North Kohala District (Hāwī, Hala'ula), Hāmākua District (Kukuihaele, Honoka'a, Pa'auilo, 'O'ōkala), North Hilo (Laupāhoehoe and Honohina), portions of South Hilo District (Hakalau, Honomū, Pepe'ēkeo, Onomea, Pāpa'ikou, Pauka'a, portion of Hilo), portions of North Kona District (Kailua-Kona, Honokāhau, Makalawena, Ka'ūpūlehu, Pu'uanahulu), and South Kohala District (Anaeho'omalua, Waikoloa, Puakō, Kawaihae, Waimea). Office of Elections, "Factsheet."

10. Senator Solomon was not re-elected in the 1998 election after serving in the state legislature for nearly two decades.

11. Hawai'i State Senate, SB 8 (Honolulu: Nineteenth Legislature, 1997).

12. On November 25, 1892, the Kingdom of Hawai'i reorganized the judiciary, repealing the relevant section in the 1859 Civil Code and adopting language similar to that found today in Haw. Rev. Stat. Sec. 1-1. See Session Laws ch. LVII, Sec. 5 (1892).

13. An ahupua'a is a large, wedge-shaped land system extending from the mountains to the sea. In a subsistence society, all the material, spiritual, and psychological needs of the people could be found in such a self-sufficient ahupua'a. These land systems provided such necessities as fresh water, wood products from the mountains, other foods from the sea, and fishponds.

14. Other elements of Senate Bill 8 restricted gathering to undeveloped land. These lands were defined as being "without structures or improvement," "without grading," and "without building permits." A vacant lot without a permit would be considered undeveloped land, but if it had a permit, then practitioners could not gather on it even though it was vacant. If the land did not fall under this category, the Native Hawaiian practitioner was denied the certificate, effectively terminating her/his right to gather.

15. *Hawai'i Revised Statutes: Comprising the Statutes of the State of Hawai'i, Consolidated, Revised and Annotated* (Honolulu: Published by authority, 1985).

16. David Stannard, *Before the Horror: The Population of Hawai'i on the Eve of Western Contact* (Honolulu: University of Hawai'i, Social Science Research Institute, 1989).

17. *Hawai'i Revised Statutes*.

18. *Proceedings of the Constitutional Convention of Hawaii of 1978* (Honolulu: Chief Clerk of the Convention, State of Hawaii, 1980).

19. See the decision of the Hawai'i Supreme Court in *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission*, 79 Hawai'i 425, 903 P.2d 1246 (August 31, 1995).

20. Founding members include myself; kumu hula Vicky Holt Takamine; Pua Kanahele, an internationally acclaimed kumu hula who resides on the island of Hawai'i; Frenchy DeSoto and Hannah Springer, trustees of the Office of Hawaiian Affairs; and other kumu hula and practitioners, including Manu Boyd, Keali'i Reichel, Mililani Trask, Kaho'onei Panoke, and Mapuana de Silva.

21. Well-known kumu hula Mapuana de Silva, ambivalent about her involvement in defending Native rights, remarked to me that if this effort became too political, she would not hesitate to leave. In our company was a respected kupuna (Hawaiian elder) who was surprised by de Silva's admonition. Gently, I responded that politicization of hula had already begun the minute we organized to resist colonial power.

22. See articles by Dennis Oda, "All Pau; Aloha!" *Honolulu Star-Bulletin* (February 17, 1997); and Catherine Kekoa Enomoto, "Dance of the Red Dog: Kumu Hula Unite and Realize Their Power in the Push for Sovereignty and Preservation of Culture," *Honolulu Star-Bulletin* (December 31, 1997).

23. At the time, Senator Lehua Fernandes Salling represented District 7, which included the island of Ni'ihau and parts of the island of Kaua'i, including a portion of Kawaihau, Lihu'e, Koloa, and Waimea districts. Senator Carol Fukunaga represented District 12 on the island of O'ahu, which includes portions of Honolulu.

24. At the time of this protest vigil, Mililani Trask was the Kia'aina (leader) of the Native Hawaiian sovereignty initiative Ka Lahui Hawai'i. She was unable to attend the protest vigil because of a prior commitment.