Assault on the Hawaiian Nation

A Twenty-First Century Colonial Land Grab

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On October 27, 2009, the Supreme Court of Hawai‘i dismissed the last standing plaintiff in the massive land case Office of Hawaiian Affairs, et al v State of Hawai‘i—Jon Kamakawiwo‘ole Osorio—by declaring that his claims were not “ripe for adjudication,” vacating the circuit court’s January 31, 2003 judgment. Osorio along with three other individual Kanaka Maoli (indigenous Hawaiian) men—Pia Thomas Aluli, Charles Ka‘a‘a‘i, and Keoki Maka Kamaka Ka‘ili—and the Office of Hawaiian Affairs, originally sued the executive branch of the state government in response to its attempts to sell some of the 1.6 million acres of land that the state considers public. These lands were claimed by the US government following the illegal overthrow of the legitimate Hawaiian monarchy under with their own private agendas to strategically place their people both in and outside government—co-opting policy portfolios and extinguishing meaningful oversight. Today, governance is marked by a great upsurge in contracting out crucial government functions; growth in numbers and importance of quasi-government advisory boards and commissions; movement of information and expertise to the private sector; and the interdependency of state and private power. The financial crisis has intensified this interdependency, with financial and political policy deciders “coinciding” at the highest echelons of power. As new institutional forms of governing join the state and the private, permeating virtually all arenas of government, the new players of power and influence flout once-sacrosanct boundaries between state and private to operate beyond the reach of government monitors and the input of publics.

The ethnographic sensibility that enabled scholars of communist and post-communist societies to deal with the complexity, ambiguity and messiness of political and policy processes is ideally suited to examine the interactions between public policy and private interests and the mixing of state, nongovernmental, and business forms that are increasingly prevalent in the United States and around the world. By focusing on players and their networks as drivers of governing and policy decisions, these ethnographers have laid the groundwork for badly needed critiques of social science categories such as “state” versus “private,” “top-down” versus “bottom-up,” and “centralized” versus “decentralized.” They have provided a basis for reexamining conventional models that guide so much thinking about politics, policy and power, and yet obscurate, rather than illuminate, the real system of power and influence.

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Queen Lili‘uokalani in 1893. Through a Joint Congressional Resolution passed in 1898, the US government unilaterally annexed the Hawaiian Islands and accepted these stolen lands from the Republic of Hawai‘i—an entity formed in 1894 by those who overthrew the Kingdom.

In this lawsuit the Hawai‘i State Supreme Court at first unanimously ruled that the state must keep the land trust intact until Kanaka Maoli claims to these lands were settled. The court made that original ruling based on the 1993 Congressional Apology to the Hawaiian people, in which Congress acknowledged and

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