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American Migration to the Hawaiian Kingdom and the Push for Statehood into the American Union

by David Keanu Sai

When the United States began the illegal occupation of the Hawaiian Kingdom in 1898, immigration of laborers foreign to both the Kingdom and the United States continued. But the proportion of immigration from the United States began a steady and dramatic increase.

In 1900 the U.S. Congress passed *An Act to Provide a Government for the Territory of Hawai'i*. It declared:

"That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii. And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight and all citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii."

In addition, the 14th Amendment to the United States Constitution provided that individuals born in the Hawaiian Islands since 1900 would acquire U.S. citizenship.

Under these United States laws, and not Hawaiian Kingdom law, the U.S. national population exploded in the Hawaiian Kingdom. In 1890 it was meager 1,928 of a total population of 89,990 (2.1%). By 1950 it exploded to 423,174 of a total population of 499,794 (84.6%). Of that 85%, almost 70% had migrated. Even accounting for the so-called "U.S. citizens" who were subjects of the Hawaiian Kingdom, by 1950, the Hawaiian Kingdom was vastly overrun with U.S. nationals. Here are the statistics.

HAWAIIAN KINGDOM CENSUS, 1890

Hawaiian nationals.....	48,107
Aboriginal (pure/part).....	40,622
Natural born Hawaiian nationals.....	7,495
Portuguese.....	4,117
Chinese and Japanese.....	1,701
Other White foreigners.....	1,617
Other nationalities.....	60
Aliens.....	41,873
United States nationals.....	1,928
Chinese nationals.....	15,301
Japanese nationals.....	12,360
Portuguese nationals.....	8,602

British nationals.....	1,344
German nationals.....	1,034
French nationals.....	70
Polynesians.....	588
Other nationalities.....	60

UNITED STATES CENSUS, 1900-1950

From 1900 to 1950, American migration from the continental U.S. and its territories to Hawai'i totaled 293,379.

1900.....	4,290
Other U.S. territories or possessions.....	6
Continental U.S.....	4,284
1910.....	11,674
Puerto Rico.....	3,510
Other U.S. territories or possessions.....	2,476
Continental U.S.....	5,688
1920.....	32,322
Puerto Rico.....	2,581
Other U.S. territories or possessions.....	18,784
Continental U.S.....	10,957
1930.....	85,282
Puerto Rico.....	2,181
Other U.S. territories or possessions.....	52,910
Continental U.S.....	30,191
1940.....	92,211
Puerto Rico.....	1,848
Other U.S. territories or possessions.....	36,139
Continental U.S.....	54,224
1950.....	67,600
Puerto Rico.....	1,178
American Samoa.....	463
Other U.S. territories and possessions.....	319
Continental U.S.....	65,640

During this time, U.S. migration in general increased radically, but the pattern of the proportion of it from the continental U.S. was significant, especially as it affected the status of American statehood to which many American citizens aspired.

From 1900, the U.S. nationals in the occupied Hawaiian Kingdom sought United States statehood. The first statehood bill was introduced in the U.S. Congress in 1919, but did not pass because Congress did not view the Hawaiian Islands as a fully incorporated territory, but rather as a territorial possession.

Befuddled that the Hawaiian Islands were not annexed as an incorporated territory as they had believed since 1898, the 1923 legislature of the Territory of Hawai'i created a commission to pursue the matter of complete incorporation into the United States. The legislature dubbed this legislation passed on April 26, 1923, as Hawai'i's *Bill of Rights*, and began the active pursuit of American statehood.

In 1950, two special elections were held to elect 63 delegates to draft a constitution for the proposed State of Hawai'i.

On November 7, 1950, the draft constitution for the proposed State of Hawai'i was ratified by a vote of 82,788 to 27,109. But it wasn't until March 12, 1959 that the U.S. Congress approved the statehood bill, which was signed into law on March 18, 1959. In a special election in Hawai'i on June 27, 1959, three (3) propositions were submitted to American voters in the occupied State of the Hawaiian Kingdom:

1st. "Shall Hawaii immediately be admitted into the Union as a State?"

2nd. "The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved March 18, 1959, and all claims of this State to any areas of land or sea outside the boundaries prescribed are hereby irrevocably relinquished to the United States." (emphasis added)

3rd. "All provisions of the Act of Congress approved March 18, 1959, reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people."

All three propositions passed. On July 28, 1959, two Hawai'i Senators and one Representative were elected to the U.S. Congress, and on August 21, 1959, the President of the United States proclaimed that the process of admitting Hawai'i as a state of the U.S. Union was complete.

On September 17, 1959, the permanent U.S. representative to the United Nations reported to the Secretary General that the Hawaiian Islands had achieved statehood within the American Union. Since 1946, under sec. 73(e) of the U.N. Charter and in accordance with the 1946 General Assembly Resolution 66(I), the United States had been erroneously reporting to the Secretary-General that the Hawaiian Islands constituted a U.S. colony, together with Guam, Alaska, Puerto Rico, the Virgin Islands, and Panama.

On October 4, 1988, the Office of Legal Counsel (OLC), U.S. Department of Justice, in a legal opinion, seriously questioned Congressional authority to annex the Hawaiian Islands by domestic legislation in 1898, as well as Hawaiian Statehood in 1959.

In the 1988 legal opinion, the OLC asserted that

Congressional authority couldn't exceed the boundaries of an already established United States territory, which includes a three-mile buffer off its coasts call the *territorial seas*. Since December 27, 1988, the *territorial seas* was increased to twelve miles by Presidential proclamation. Anything beyond the *territorial seas* is referred to as the *high seas*, which fall under the jurisdiction of international law and not the domestic laws of a particular country. Only the U.S. President, not Congress, can have any affect within the confines of international law; U.S. Congressional Acts notwithstanding.

The OLC also concluded that although Congress has the ability to consent to the admittance of new states into its Union, it does not have the authority to determine the boundaries for the new state if it lies beyond United States territory. A case in point occurred in 1846 when the Congress passed a resolution consenting to the admission of Texas as a state of the union, but the admission of Texas wasn't complete until Mexico surrendered its sovereign authority over the territory constituting Texas under the 1848 Treaty of Guadalupe-Hidalgo. The treaty established the Rio Grand river as the southern boundary of Texas. Without the 1848 treaty, the 1846 Congressional resolution admitting Texas as a state would have been moot.

In 1959, Hawai'i fell into the same category that Texas found itself in between 1846 and 1848. On July 7, 1898, the U.S. Congress passed a resolution unilaterally annexing the Hawaiian Islands as a territorial possession, but there exists no international treaty conveying the Hawaiian Islands to the United States as Mexico had done with Texas in 1848.

If Congress alone can't extend U.S. sovereignty beyond its borders, then how can the Congress establish the boundaries for the so-called State of Hawai'i in 1959, which lies 2,400 miles from its western most boundary? Simply answered: CONGRESS CAN'T.

The Hawaiian Islands continue to be the territorial dominion of the Hawaiian Kingdom, an independent State since 1842 and a fixed member of the *Family of Nations*.

David Keanu Sai is presently serving as acting Minister of the Interior and Chairman of the Council of Regency. He served as lead Agent for the acting government of the Hawaiian Kingdom in arbitration proceedings before the Permanent Court of Arbitration at The Hague, Netherlands, from November 1999-February 2001. He is also serving as Agent in a Complaint against the United States of America concerning the prolonged occupation of the Hawaiian Kingdom, which was filed with the United Nations Security Council on July 5, 2001. For more information and updates visit our website at:

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