To: Working Group on Reconciliation  
From: Kunani Nihiopali, Pu’u Board of Director  
Re: A Proposal for Reconciliation  
Date: 1/17/02

RECONCILIATION REVISITED: A PROCEDURAL ALTERNATIVE

I. BACKGROUND

Most political observers appear to agree that Native Hawaiians, na o’iwi o Hawai’i, are on the threshold of reconciliation with the United States government. There appears to be a general belief that the so-called “Akaka Bill” pending in the United States Congress will provide the basis for Native Hawaiians to negotiate on a “government to government” basis with both the United States and the State of Hawaii for some kind of recompense for past wrongs and some amelioration of the present economic and social status of Native Hawaiians.

Citing the illegal overthrow of the Hawaiian government with the active assistance of the United States military, the continuing deprivation of Native Hawaiians’ right to the use and control of their birthright lands, the woeful state to which a large majority of Native Hawaiians have been reduced educationally, economically, and in their physical and emotional well-being, many Native Hawaiian activists have insisted upon some kind of recognition and amelioration of their claims against the United States and the State of Hawaii. In the so-called Apology Resolution enacted by the United States Congress and signed into law by President William Clinton as Public Law 103-150, the United States government acknowledged the ramifications of the overthrow of the Kingdom of Hawai’i, apologized for its complicity in that overthrow, and recognized its responsibility to provide a proper foundation for a reconciliation with the Native Hawaiians.

Several years later the so-called Akaka bill was introduced in the United States Congress. The proposed legislation is seen as an effort to effect reconciliation: to improve understanding between Native Hawaiians and the federal government, better the social and economic conditions of Native Hawaiians, and resolve longstanding political status issues and land claims.
Not long thereafter, in part to begin to explore that question, hearings were held by the U.S. Interior and Justice Departments. In the course of those hearings, it became clear to those in attendance that if this was to be something beyond empty promises and eloquent rhetoric, na `oiwi o Hawai‘i needed to consider and attempt to reach consensus on a myriad of issues—beginning with fundamental questions of what reconciliation means.

Supporters of the Akaka bill assert that “this is just the beginning; it will provide the mechanism for establishing a ‘national entity’” which will then be able to negotiate with both the United States and the State of Hawai‘i for resolution(s) of the long-standing claims of wrongdoing to Native Hawaiians. Eventually, they say, there will be reconciliation among the two levels of government and Native Hawaiians. However, some Native Hawaiians still question whether the Akaka process will truly achieve reconciliation.

The federal recognition bill draws on the history of the government-to-government relationship of the American Indians with the United States to define the political status of Native Hawaiians. This approach to the fundamental question fails to appreciate the unique historical circumstances of Native Hawaiians. Prior to its overthrow, the Nation of Hawai‘i, was an independent sovereign state, recognized as a member of the world family of nations, was a party to more than twenty-five treaties, including with the United States, and had established over ninety consulates worldwide. Those treaties were between nations of equal status; they were not between a superior sovereign and a domestic dependent “nation.” Thus, the bill’s remedy is inappropriate because it does not recognize the true essence of the political relationship between the Nation of Hawai‘i and the United States, and instead characterizes at the outset the relationship of the Hawaiian people as one of continuing dependence on the government of the United States, and through it the State of Hawaii.

The fallacy of the bill’s approach to reconciliation is that it is premised on the belief that the formation of the new governmental entity will, of itself, effect reconciliation. Thereafter, the thrust of the bill is to have the government entity, together with the governments of the United States and the State of Hawai‘i, attempt to effect amelioration of the historical wrongs visited upon Native Hawaiians after the overthrow of the Hawaiian Nation. The process, while perhaps well intended, overlooks and fails to recognize and address important matters that must precede reconciliation. If true and effective reconciliation is to be achieved, there must be a process that resolves first the matters that the Akaka bill will attempt to address post enactment.
In his book, *Interracial Justice, Conflict & Reconciliation in Post-Civil Rights America*, New York University Press, 1999, Eric Yamamoto, Professor of Law at the William S. Richardson School of Law, has suggested an analytical framework for reconciliatory efforts that sets forth four guiding principles: (1) recognition; (2) responsibility; (3) reconstruction; and (4) reparation.

In brief summary, Dr. Yamamoto asserts:

- Recognition requires that the apologizer "recognize, and empathize with, the anger and hope of those wounded, to acknowledge the disabling constraints imposed by one group on another and the resulting group wounds."

- Responsibility demands that the perpetrator "when appropriate, accept . . . responsibility for healing the resulting wounds."

- Reconstruction "entails active steps (performance) toward healing the social [, political] and psychological wounds resulting from" the injustice.

- Reparation "seeks to repair the damage to the material conditions of the . . . life [harmed by the injustice] in order to attenuate one group's power over the other."

Those precepts indicate that in view of the history of the relationship between the two nations, the overthrow, and the ensuing injustices visited upon Native Hawaiians, the reconciliation process will be difficult, long and dependent on mutual engagement. The process cannot be quick, easy, or one-sided. Otherwise it will be "false grace." Real changes in attitudes, spirit, relationships, and institutions must be effected.

**II. THE PARALLEL OF THE UNITED CHURCH OF CHRIST**

The apology rendered by the United Church of Christ to Native Hawaiians illustrates the path that must be taken to reconciliation. The church apologized, and transferred money and property to the Pu‘a Foundation. Nevertheless, the Reverend Kaleo Patterson, one of the primary advocates of the church apology, emphasized that the fact of the apology was not the end in itself. True reconciliation requires changes in structures and attitudes, stating, "We can't just apologize and assume all the structures and attitudes will change. You gotta go back and revisit your policies." Redress should be "given to the greater Native public." Through restorative justice, we can free the future from the haunting
legacies of the distant and recent past and get on with healing our culture to experience spiritual rejuvenation.

Apologies can be very powerful, and within the Native Hawaiian culture they are treated with great respect and promise. The apologies by the United States and the United Church of Christ can be effective first steps in the restoration of a relationship of honor, justice and cooperation for a better future for na `oiwi o Hawai`i.

Reconciliation does not occur over night but rather emerges over time. It takes a great deal of effort toward common goals and a willingness to work together and compromise. Apology and forgiveness hold great promise as a means to unlock the bondage of the past and to liberate the present from the past.

Although current members of the society today may not be personally responsible for committing these historical crimes against the Native Hawaiian people, the breach in the relationship between our peoples can only be healed through the acceptance of responsibility for the past and for improving the present and future. The United States and the United Church of Christ has accepted responsibility for the harms inflicted and for its own complicity in allowing the wounds to fester. Equally important, they have also accepted responsibility for contributing to the healing of Hawaiian social and spiritual brokenness, regardless of its precise origins.

However, more remains to be done before there is a true reconciliation of our peoples. As Professor Yamamoto has indicated, active steps need to be taken “toward healing the social [, political] and psychological wounds resulting from” the injustice, and there must be reparation seeking “to repair the damage to the material conditions of the . . . life [harmed by the injustice] in order to attenuate one group’s power over the other.”

It is apparent that these two remaining factors must be the product of community dialogue. Only through constructive dialogue and meaningful change can there eventually be a meaningful reconciliation. Without meaningful participation and mutual engagement, appropriate remedies will not be determined, necessary reparatorary work will not be identified and reconciliation efforts will fail.

III. THE WORKING GROUP FOR RECONCILIATION
A working group on reconciliation strategies has been formed to work with the community and compile and develop tools and plans to increase awareness of the historical background that led to the United States and the United Church of Christ accepting responsibility for the harms it has inflicted upon the Hawaiian people, for their complicity in allowing the wounds to fester and to increase participation in the on-going process of restitution and reconciliation. The working group will research, analyze, identify and report on the ramifications of the "overthrow" to assist in a comprehensive reconciliation process. The results of our efforts will be made available to the broader community and will be utilized to develop and implement plans to restore justice through the reconciliation process.

In order to provide public education regarding Hawai‘i’s history, current events and visions, aspirations and opportunities for the future, a multimedia program is being developed for broad distribution. The program will consist of videos, power point presentations, visual aids - matrixes, chronologies, timelines, graphs - and written materials - transcripts, exercises, and statistics. The full program, and portions of it, will be presented to the community in various forums, such as community meetings, public access television and radio presentations.

In addition a reference library of written materials, videos and other educational tools has already been compiled. What remains is to catalog the collection, expand it and make it more available by housing it in a location that is more accessible to the community, perhaps at Seaview or a similar location. Some materials in the collection require updating and editing in order to make them more useful and accessible to a wide range of people. In some cases, summary or abstract versions of the material might be more helpful, such as in the form of presentations and supporting written materials that could be used by educators and community leaders. These materials and tools would be suitable for use within the community as part of a comprehensive outreach program and also would be available for use by educators and community leaders in support of their activities. To further support the outreach effort, we will implement a strategy to reach out to the community, to promote attendance at these sessions and to facilitate the use of the materials by community leaders, educators and others as well as to make them available for the media and others in support of the overriding objectives of communicating in a positive manner regarding reconciliation efforts, background information and the views and perceptions of the community as the process goes forward. An assessment of the pros and cons, feasibility and potential viability of the foreseeable and potential paths to self-determination would generate
dialogue to support the implementation of strategic planning efforts to achieve common goals. Opportunities to expand awareness through alternate media, such as public television and radio, and through community outreach work will be explored and set in motion.

The discussions and actions related to reconciliation will impact not only na ʻōiwi o Hawaiʻi, but the larger community. The manner in which many of the issues that we expect will arise for discussion and decision regarding this important subject will potentially have a profound impact on the future, not only for our generation but also for generations to come. Working Group members see this as a challenge and appreciate the opportunity to be able to participate in assisting the people of Hawaiʻi by making available relevant and accurate information in support of informed decision-making.

In addition to the very important activities described above, this working group will facilitate and report on discussions analyzing ways to deal with important issues in order to develop a means to provide continuity for the dialogue between Hawaiian people, the United Church of Christ, and the governments of the State of Hawaiʻi and the United States. We have met with members of the Methodist and Episcopalian church to gain their support in these efforts. A primary short-term objective is the development of a framework for addressing longstanding issues and to focus on actions which can be taken to better the social and economic conditions of na ʻōiwi o Hawaiʻi, and then to work towards the development of strategies and programs that will achieve permanent improvement in conditions for the community. Much of this is addressed by the ongoing work under the Kuleana Waiwai Like Project currently being implemented by several members of this Working Group.

IV. ALTERNATIVE TO THE AKAKA BILL
In the dialogues promoted and facilitated by the Working Group it will be relevant and illuminating to discuss alternatives to the Akaka Bill. The community should be aware that there are other means of approaching reconciliation. We think that the "ʻAHA ʻELELE HANA KUMU KANAWAI" presently underway in the community represents a viable alternative in the quest for reconciliation.

Led by Na Kupuna O Hawai'i Nei, the ʻAha ʻElele hana Kumukanawai will create an environment to develop friendly relations amongst individuals and families in the Hawaiian community as well as the general public. Based on respect for the principles of equal rights and self
determination of peoples, the vision is to take "all the time necessary" to enter into dialogue and discussion with one another on issues, legal challenges & factual information presently affecting the Hawaiian community.

A Hawaiian 'Aha 'elele hana Kumukanawai is like a Pu`uhonua (refuge) in which it would protect the Hawaiian peoples political, economic, social and cultural educational advancement, their just treatment and their protection against abuses. An opportunity of this magnitude would allow our people the time to make well educated decisions concerning, the protection of Hawaiian Rights and Entitlements as well as the Right to Self Determination and Self Governance including Independence. After all it took, eleven years to create the United State Constitution.

The effectiveness of reconciliatory efforts will depend, in large part, upon a broader understanding of the many issues facing Hawaiians today. For example, what form should reconciliation take? With whom? What is the nature and extent of the harm suffered? Should there be reparations? What have been the political, economic, social and cultural impacts to the Hawaiian people and their nation? Who determines the form, level and extent of any reparations given and what, if any, guiding principles will be followed to reach that determination? How do we see our way through what will likely be a long, arduous and contentious but, nonetheless, necessary and important undertaking?

The United States has admitted in its apology to the Hawaiian people for the "Act of War" it committed on their Kingdom that it caused the loss of land and resources and there are a wealth of social science literature documenting our negative statistics in health, public welfare, education, morbidity, prison population, and other areas. As the dialogue has been more open and assertive about our identity as a people and our objectives of regaining recognition of our inherent sovereignty and our right to live our culture, a climate more conducive to reconciliation of the Hawaiian people with the dominant Euro-American culture had evolved.

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1 Yamamoto, Eric, Interracial Justice: Conflict and Reconciliation in Post-Civil Rights America.