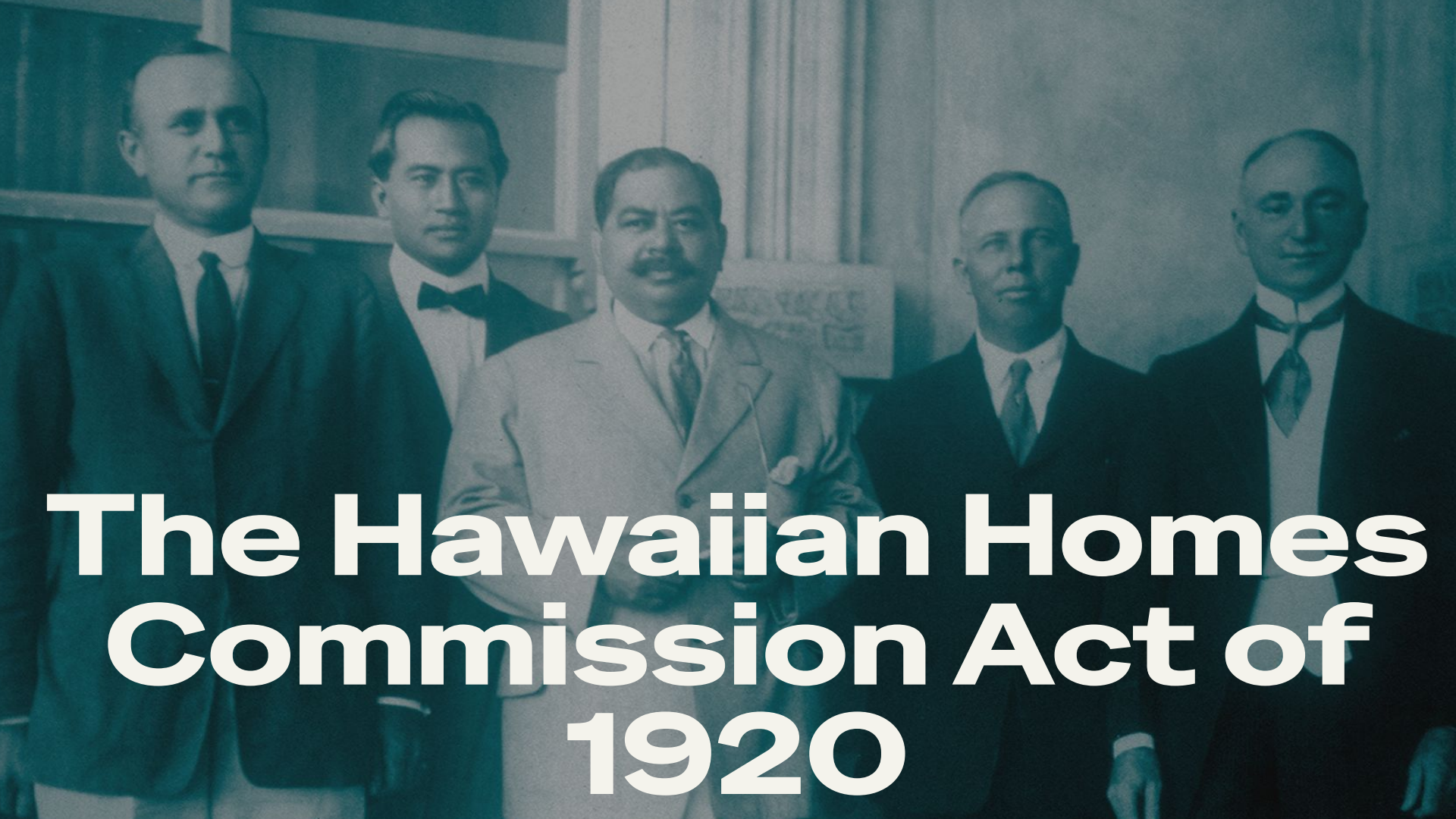




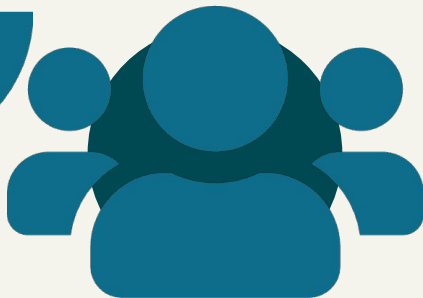
The Hawaiian Homes Commission Act of 1920

Timeline



**‘Āina
Ho‘okū‘ono‘ono**

Territorial
Homesteading



**Kūhiō's
Campaign**

The Fight for
Homesteading
Reform



**Hawaiian Homes
Commission Act**

‘Āina Ho‘opulapula &
Early Homesteading



Statehood

Transition of
Oversight



Present Day

This recitation of history is difficult by design. It is the record Congress relied on to create the trust, and the record that justifies it today. Congress recognized a cognizable harm to Native Hawaiians, chose land as the remedy to those harms, and the U.S. and State bound themselves to that remedy by compact.

Territorial Homesteading & Kūhiō's Critiques

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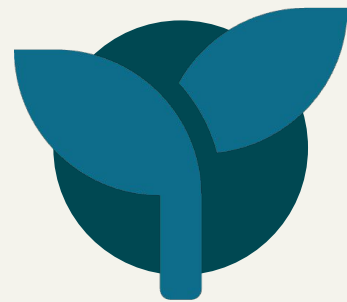
Sugar
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to hon

The industry had infiltrated government, and concentrated land and wealth in the hands of few.

Sugar revenue is not adequately directed to homesteading.

Possessed the desire to see the success of homesteading, but lacked the political will to depart from the industry influence.

Lessors, particularly the plantations, had been selling off leased lands to increase profits.



Ka Nūpepa Kū'oko'a, Oct. 20, 1911

Kūhiō's Campaign

The Fight for Homesteading Reform

KUHIŌ DEFENDS LAND BILL AND CENSURES HAWAIIANS

Praise and blame for the Hawaiian race were mingled in an address delivered by Prince Kūhiō this noon to the Hawaiian civic club on his rehabilitation bill. The measure itself he called "the finest bill that has ever been drawn, both for the Hawaiian people and for this territory," but its success, he warned his hearers, ultimately depended on their own efforts, though much responsibility would rest on the commission of five to be appointed by the governor which would have executive charge of putting the provisions of the bill into effect.

"Before taking up the subject assigned me here today," the prince began, "I want to say a few words on a subject just as important—the upkeep and continuation of the Hawaiian civic club. I am told that some of its members are slack in their interest and their duties. If that is true, I would suggest a re-organization. I would urge you to put men at your head who have the interest of the club at heart.

"It seems a shame if we cannot keep up an organization which has for its purpose the benefit of the Hawaiian people. What kind of a people are we if we cannot cooperate in such an effort? Yet I know it has been said that Hawaiians never stand together, and too often it has been true. Let us

"Then there has been criticism because the bill only gives you a loan of \$3000 apiece for clearing your land and building houses. But the commission of five to be appointed by the governor to carry out the provisions of the bill is not limited in its assistance to this stated sum. It can help you in other ways. Everything depends on what appointees the governor names, and their choice of an executive head.

"I want to tell you that Congress does not believe and never will believe as a policy in homesteading land worth from \$500 to \$1000 an acre. What made the American people great was the work of its pioneers in developing land that was worth nothing.

"Too many Hawaiians have said in effect: 'Give us the best land you've got, give us all the money you can, feed us on poi and fish, and we'll be happy.' I want to tell you that you never will succeed unless you get out and hustle. It is true that past administrations never have worked to make homesteading a success but now you have your chance, and it's all up to you."

Prince Kūhiō did not enter into any detailed explanation of the bill, which he said he would reserve for a future address. Instead he asked for questions. None was asked, and the prince entered upon his defense of the bill as a whole.

Speech Tour

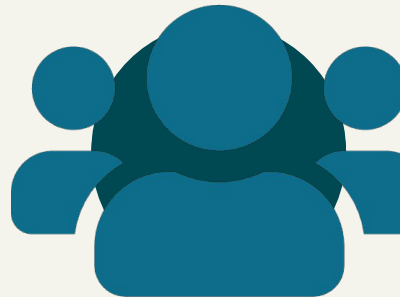
Kūhiō proceeds to tour the Territory explaining the Bill to Native Hawaiians and Territorial-residents alike

Sugar Fights Back

After more than a decade of Kūhiō's criticism, the Sugar industry and media lead on onslaught of campaigns to misguide Native Hawaiians on the bill.

Managing Expectations

"Too many Hawaiians have said in effect: 'Give us the best land you've got, give us all the money you can, feed us on poi and fish, and we'll be happy.' I want to tell you that you never will succeed unless you get out and hustle."



HHCA

‘Āina Ho‘opulapula & Early Homesteading

The Floor of Congress

“In my campaign, Senator, I said to the Hawaiians, ‘Do not ever run off with the idea that this bill is going to give lands and money to you to do as you please with.’”

Rep. Kalanianaʻole - HHCA
House Hearing Dec. 14,
1920 For HR 13500

Commission Manaʻo

An urging of frugality and financial readiness to afford the transition to Hawaiian Home Lands, and a mandate that Hawaiians be prepared to move wherever necessary if they are interested.

E Hoomakaukau e na Kanaka Hawaii!

Heaia ana ia ka hana a na kanaka Hawaii i keia manawa, oia i na aina hoopulapula lahui e hoomakaukau ana no ko lakou hoi aku, a noho iho? O keia paha kekahi ninau ano nui a na kanaka Hawaii e ui iho ai ia lakou, i keia mau la. He ninau kupono, a he ninau e pono no e pane koke ia i keia mau la e nee nei.

Ina ua loa ka maa no i na kanaka Hawaii, e lawe ae i na aina o weheia aku ana ana Molokai ame Hawaii, no ka hoopulapula ana i ka lahui, alaia, ia lakou keia ninau, a ua lakou e pane mai. Eia ka pane a na Komisina maluna o keia ninau, a na na Hawaii no hoi e pane mai ka lakou.

Ka mua: E hoomakaukau na kanaka i mau dala ma ko lakou aono. Aole e maa ia ana, e lawa pono ana ka haerwina o \$3000 no keia ame keia

Agricultural Diversification

Hawaiian Homes Commission urges homesteaders to grow plants best suited for their property - even if they are unfamiliar - including alfalfa, rice, and other non-native crops

Ka Nūpepa Kūʻokoʻa, Nov. 18, 1921



Star photo

Transition of Oversight

Hawaiian Homes Act Corrected an Injustice

(Note: Territorial Senator W. J. Nobriga is trying to smash the Hawaiian Homes Commission. He asserts that setting apart lands for use by Hawaiians is unconstitutional because it is "discriminatory." He has gone to Washington for the Hawaii statehood hearings which opened today. He hopes to get an expression of opinion there that will knock the Hawaiian Homes Act provision out of the state constitution for Hawaii now being drafted. This is one of a series of editorials dealing with the present provision in Hawaii's organic act and with the need for retaining its principles in the new constitution.)

The Hawaiian Homes act of congress is under fire.

In the constitutional convention an attempt is being made by Delegate Marguerite K. Ashford of Molokai to read it out of the law when Hawaii's state constitution is adopted.

And Senator William J. Nobriga of the Big Island is waging a fight of his own to destroy the Hawaiian Homes project.

Neither has been given much support here. So Senator Nobriga has gone to Washington.

In order to understand the basis for the Hawaiian Homes act, it is necessary to know the arguments that were presented to congress in 1920 and 1921 in support of it.

There was strong sentiment for the Hawaiians in those arguments. But there was also strong practical sense.

These arguments, when made by Delegate Prince Kuhio Kalanianaʻole with the support of the territorial legislature and the legal endorsement of the territorial attorney general, stemmed in part from an injury of the great mahele (land partition) of 1847.

At that time, the lands were to be divided in substantially equal amounts among the crown, the nobles and the commoners, with one third of each share retained by the government as public lands.

The people's share was the smallest of the three, roughly 800,000 acres. And because of "jokers" in the regulations specifying the manner in which title was to be secured, only about 20,000 acres ever found their way into the legal possession of the commoners.

The rest reverted to the government, and passed on to the Republic of Hawaii as government lands.

When Hawaii was annexed, these same lands became a part of the United States domain. Congress deputized the territorial government to act as the agent of the federal government in administering these lands, and granted the territory the use of revenues from rents.

It was, then, on the moral issue, buttressed by logic, that at least a portion of these public lands were properly the birthright of individual Hawaiians that the case for the Hawaiian Homes act was made.

In some respects (but by no means all respects) there was a parallel between the Hawaiian Homes act and legislation providing for reservations set apart for the Indian tribes of the mainland.

It was a recognition of the moral right of the first settlers to possession of lands for their homes, farms, pastures.

The other major argument offered at the time (1920) was that the Hawaiian race was dying out because it was having difficulty adjusting itself to the fast pace of the white man's civilization, and that securing a portion of the land for the Hawaiians would be the means of rehabilitating the race.

Congress accepted these arguments and enacted the Hawaiian Homes act. This set aside a portion of the federal lands in Hawaii for the exclusive use of the Hawaiian people for homesites and farms. Provisions were made for a revolving fund to provide loans for constructing buildings. Land rent was nominal, and the 99 year leases were non-transferable.

Amendments have been made to the Hawaiian Homes act from time to time. But the basic premises upon which the law was enacted have never been altered. And the language of the act makes it plain that it was the intention of congress that these lands were to be preserved in perpetuity for the Hawaiian people.

This is evident in the legitimate and commonsense device of incorporating the Hawaiian Homes act in the organic act of the territory. Here is plain proof of intent to insure the permanence of the legislation.

It is therefore likely that, in the present situation, congress, sensitive to the public intent, will not be inclined to precipitous action to take these lands away from the Hawaiian people who now occupy them, or the Hawaiian people who, in the future, may claim title to them.

The language of the federal act also is a warning to the people of Hawaii to proceed slowly and with utmost consideration in any attempt to set aside legislation whose permanency has had a continuing stamp of congressional approval for three decades.

(Future editorials will discuss some of the present day phases of this controversy.)

Convention News

Convention Votes Protection for Hawaiian Homes Commission Act

The constitutional convention—state legislature with the consent of a vote just before noon of the U. S., except if otherwise today—approved the adoption of the Hawaiian Homes Commission Act.

The vote was overwhelmingly favorable with not more than one in two nays heard. Prolonged harangue and debate delayed the vote.

At one juncture the convention recessed while Hawaiian civic leaders, attorneys and delegates hurried to a side room to decide whether to delete one contested sentence.

Flora K. Hayes and her strongly pro-IHHC committee finally agreed to drop the sentence mandating the legislature to give IHHC "equal treatment with other departments" in allocation of funds.

It was meaningless, Samuel J. Lee said, because there would be no action possible against the legislature if it failed to carry out the mandate.

Molokai Delegate Marguerite K. Ashford returned to her fight against the act and touched off the fight that led to dropping the one sentence.

Attorney Garner Anthony said the Hawaiian Homes act has become a symbol to the Hawaiian people. For this reason, he said, "a good many of us are in favor of preserving a thing that otherwise would be considered a clear discrimination."

The mandate to the legislature, Mr. Anthony said, was "pushing the thing too far." Others added it would be unenforceable.

With the mandate dropped, the proposal provides:

1.—The Hawaiian Homes Commission act, becomes a part of the law of the state.

2.—It can be amended only by the

state legislature with the consent of a vote just before noon of the U. S., except if otherwise allowed by the U. S. in regard to some matters.

3.—The IHHC shall get all the proceeds from its lands plus such appropriations as the legislature may make.

4.—A formal compact is made with the U. S. for protection of the IHHC.

Here is the language of the proposal as amended this morning and recommended by the IHHC committee for adoption by the convention:

SECTION 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission act, 1920, enacted by the congress of the U. S., as the same has been or may be amended prior to the admission of the state, is hereby adopted as a part of the laws of the state, and shall have the same effect and force as if enacted by the legislature, provided, that no part of the act shall be subject to amendment or repeal, only with the consent of the United States and in no other manner, provided, further, that if the U. S. shall have provided on or before the date of the adoption of this act, or types of provisions of said act may be amended in the future, such provisions or types of provisions may be amended.

The proceeds and income from Hawaiian Homes lands, shall be used only for the purposes of said act, and the legislature may, from time to time, make additional funds available for the purposes of said act.

SECTION 2. Compact with the U. S. state and its people do hereby accept, as a compact with the U. S., or as a condition to the provisions imposed by the U. S., relating to the management and disposition of the Hawaiian home lands, the requirement that no part of the act or any part of this constitution, in whole or in part, is being intended that the act or parts thereof shall be defective of the extent and nature of such compact, conditions or trust provisions, as the case may be.

The state and its people do further accept that the continuance of the Hawaiian Homes Commission act, including the provisions of the Hawaiian Homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out.



Statehood

Congressional Testimony

Mr. Houston. An opinion in 1922 was also rendered by the Solicitor of the Interior Department, which bears upon the question of constitutionality, and he, in answer to a question by the chairman of the Committee on Territories in the House of Representatives, who asked:

Would an act of Congress setting apart a limited area of the public lands of the Territory of Hawaii for lease or occupation by native Hawaiians be unconstitutional.

And he answered:

It would not. There are numerous congressional precedents for such action. The act of Congress approved February 8, 1887, as amended by the act of February 28, 1891 (26 Stat. 794), authorizes public lands which have been set apart as Indian reservations by order of the President to be surveyed and 80 acres of land therein to be allotted to each Indian located upon the reservation, or where the lands are valuable for grazing, to be allotted in areas of 160 acres. Another section of the same act authorizes any Indians entitled to allotment to make settlement upon any public lands of the United States, not otherwise appropriated, and to have same allotted to them.

Resolution No. 20, passed by the House of Representatives December 10, 1910, and by the Senate February 5, 1920, gives to soldiers of the late war a preference right over all other citizens to enter public lands of the United States when same shall be open to disposition. H. R. 11553 proposes to set apart a large area of valuable public lands in Imperial Valley, Calif., for disposition to soldiers. Many instances might be cited where Congress has conferred special privileges or advantages upon classes of individuals in connection with the disposition or use of public land. Another line of acts of Congress are the numerous laws setting apart areas of public lands for water supply or park purposes of cities, counties, and towns.

HHC Chairman Victor Houston - Hearing Statehood Senate
Hearing May 1-5, 1950 For H.R. 49, S. 156, S. 1782.

Compact

The Federal Government & the State of Hawai'i enter into a compact to transition administration of the HHCA to the State of Hawai'i.

"Cooperative Federalism"

Hawai'i administers HHCA, while the U.S. Federal Government retains approvals and veto authority, by way of the Department of the Interior.

The question of constitutionality is what may be brought up, and in that connection in the report of the house committee on territories, when the homes commission bill was before it, they gave this opinion. It was a subparagraph headed "Constitutionality" and it reads as follows:

In the opinion of your committee there is no constitutional difficulty whatever involved in setting aside and developing lands of the Territory for native Hawaiians only. The privileges and immunities clause of the Constitution, and the due process and equal protection clauses of the fourteenth amendment thereto, are prohibitions having reference to State action only, but even without this defense, the legislation is based upon a reasonable and not an arbitrary classification and is thus not unconstitutional class legislation. Further, there are numerous congressional precedents for such legislation in previous enactments granting Indians and soldiers and sailors special privileges in obtaining and using the public lands. Your committee's opinion is further substantiated by the brief of the attorney general of Hawaii (see hearings, pp. 102-104) and the written opinion of the solicitor of the Department of the Interior (see hearings, pp. 130-131).

May I submit that for the record?
Senator ANDERSON. Yes.

Present Day

Issue	1920	Present
Land	Makaʻainana received ~28,000 acres in the Māhele	~30,000 applicants await DHHL awards
Housing	Hawaiians driven into tenements in the cites	43% of Oʻahu's homeless population being NHPI
Income	Dept. of the Interior finding many Native Hawaiians in poverty	Median household income ~\$55k v. ~\$73k statewide
Health	Highest death rate of any ethnic group	Life expectancy 77.4 years to v. 88.2 for the longest-lived ethnic group
Population	~22,500 pure Native Hawaiians remain	55% of Native Hawaiians now live outside of Hawaiʻi

Sources: H. Rept. 66-839 (1920); DHHL Waitlist Summary, 12/31/2024; Partners In Care PIT count, Jan. 2026; Wu et al., Hawaiʻi J. Health & Social Welfare (2025); U.S. Census 2020. OHA trustee column, Ka Wai Ola, Feb. 2026.