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Legacy of the Land: Reclaiming Hawaiian Kuleana Land Rights in Hawaiʻi

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Abstract

This study delves into the complexities of modern private land ownership in Hawaiʻi alongside Kānaka Maoli kuleana land rights, employing Land-Based and Native Hawaiian Decolonial Pedagogies. Originating from the 1848 Great Māhele, kuleana lands granted native Hawaiians allodial titles, amidst population decline and bureaucratic challenges. The rise of sugarcane and pineapple industries in the nineteenth century intensified complexities, with foreign companies leasing extensive land, notably "The Big Five." Presently, quiet title actions driven by billionaires, corporate entities, and other parties exacerbate issues, displacing natives and undermining traditional land tenure. Indigenous Resistance and Land Reclamation efforts counter this, navigating legal frameworks and economic pressures while integrating ancestral genealogical knowledge. This discussion considers Hawaiʻi's contentious status as a "Fake state," dating back to native Hawaiian resistance through the Kūʻē anti-annexation petition, controversy over purported annexation, and policy research of international treaties and laws that contest Hawaiʻi's status as a territory and statehood. Employing interdisciplinary methods, including historical analyses, political frameworks of state and federal records, and oral histories, the study scrutinizes Hawaiʻi's contemporary land ownership issues, focusing on kuleana rights. Offering land-based pedagogy for Kānaka Maoli, the article emphasizes successful legal cases and the importance of indigenous knowledge, genealogy, and community initiatives. It prompts reflection on broader implications for indigenous rights beyond property rights, including social justice and historical injustices, fostering empowerment and action within affected communities while addressing contemporary trends seeking to counter land acquisitions by wealthy individuals and corporations.

Keywords: Land-Based Pedagogy, Hawaiian Decolonial Pedagogy, Indigenous Resistance, Land Reclamation, Environmental Struggle, Migration of Ancestral and Indigenous Knowledge

Imagine purchasing a piece of land in Hawaiʻi, moving onto it, and then, years later, someone arrives claiming, "This land belongs to my family. We are the original native stewards of this land." This scenario is not hypothetical; it is a reality playing out in Hawaiʻi. The crux of the issue lies in the intersection of modern private land ownership and "kuleana land," a Hawaiian concept signifying a right of property to any business or land. The contemporary conflicts between private landowners and Kānaka Maoli (Native Hawaiian) claimants of kuleana rights in Hawaiʻi underscore the necessity for a comprehensive social-political and legal framework that honors indigenous land stewardship traditions, acknowledges historical injustices, and integrates kuleana rights into modern property law to ensure the protection and sustainability of Kānaka Maoli cultural heritage.

This article is a decolonial counter-story of western knowledge and centers an indigenous perspective as a means of shifting epistemology and methodology that is rooted in land struggles.

Over the past two decades, the rising Land Back movement, driven by Native Americans, Indigenous Australians, and Indigenous Peoples of Canada, along with applicable frameworks in New Zealand, Fiji, and Mexico, aims to reestablish Indigenous political authority over territories claimed by Indigenous tribes through treaties. Land is returned to Indigenous people when private landowners, municipalities, or governments transfer the land back to Indigenous tribes, often through transactions within the colonial real estate framework. However, applying a Land Back framework is complex for Kānaka Maoli as they are not federally recognized like Native American tribes in the United States. Their narrative however, parallels that of California Native peoples, who have endured a long history of encounters with Europeans, Spanish missions, Mexican secularization, the Gold Rush, and statehood, leading to genocide, ethnic cleansing, enslavement, and territorial occupation. As Damon Akins and William Bauer (2021) remind us in *We Are the Land: A History of Native California*, "California is both a place and an idea—while the place is Indigenous, the idea is a product of settler fantasies of Indigenous disappearance." This pattern is evident in Hawai'i, where the Kānaka Maoli thrived as a sovereign kingdom since 1848 with the introduction of the Anglo-Franco proclamation until its overthrow in 1893, marking the beginning of American imperialism and settler colonialism, which resulted in the displacement of many Kānaka Maoli from their native islands to the continent.

Hawai'i has served as a magnet for corporate interests and billionaire real estate ventures, compounding the challenges confronting the indigenous population. This dynamic has led to a significant exodus of Kānaka Maoli from their homeland since the 1950s, driven primarily by the prohibitively high cost of living, including soaring housing prices and stagnant wages. Over the past decade, there has been a discernible surge in the Kānaka Maoli diaspora on the U.S. continent, notably in locales like Los Angeles, Seattle, Las Vegas, and Sacramento County. According to a report from 2021, it was found that 370,000 Kānaka Maoli currently live in other states, outnumbering the approximately 309,800 who remain in Hawai'i (HNN Staff, 2023).

In Hawai'i, people can reclaim kuleana lands if they can prove there was fraud involved in the transfer of title. This effort necessitates strong political will and widespread community awareness about issues. Historically, many titles were illegally taken through practices, such as diverting rivers to undermine subsistence farming, pushing Kānaka Maoli into a capitalist economy, falsely sending them to Kalaupapa, Moloka'i for suspicion of diseases or institutionalizing them to make them wards of the state, thus enabling land seizures. These tactics were often orchestrated by plantation interests. This essay calls for a need to revise legal approaches in the twenty-first century to integrate kuleana rights into modern property law on multiple levels, ensuring that historical injustices are rectified and indigenous stewardship is recognized and protected. Kuleana lands hold significant cultural, spiritual, and familial importance for Kānaka Maoli. Protecting kuleana rights is essential for preserving the cultural heritage and ensuring the sustainability of indigenous practices and connections to the land. I argue for policy reform that is threefold: Implementing legal reforms to acknowledge kuleana rights within the existing property law framework; establishing clear guidelines and processes for resolving disputes involving kuleana claims; promoting education and awareness about the historical and cultural significance of kuleana lands to foster mutual understanding and respect among all parties involved. The study aims to initiate critical conversations about the intersection of modern land ownership and kuleana rights, advocating for

a legal and societal shift towards honoring and integrating Indigenous land stewardship traditions in Hawai'i. It seeks to establish a painful and traumatic truth about historical relationships and the urgent need for change.

The Historical Context of Kuleana Lands

During the Great Māhele of 1848, King Kamehameha III initiated a monumental shift in land management. Hawaiian kingdom lands were redistributed to establish private land ownership, a move intended to provide secure stewardship titles to indigenous Hawaiians (Linnekin, 1990). Kuleana awards were bestowed with allodial titles, signifying absolute ownership without any superior claims or encumbrances. In another layer to land ownership in Hawai'i, scholar Kamanamaikalani Beamer reminds us in *No Mākou Ka Mana: Liberating the Nation* that the Hawaiian Kingdom's ali'i employed sophisticated strategies in blending traditional Hawaiian governance with Western influences (Beamer, 2014). Hawaiian leaders and their advisers skillfully crafted constitutions and laws that integrated beneficial Hawaiian customs with selected European and American practices. This narrative underscores the proactive agency of the ali'i in navigating Western imperialism, offering crucial insights into the dynamics of colonialism, influence, and hegemony. King Kamehameha III and the ali'i (royalty) formally relinquished their interest in the land to the awardee, ensuring clear and undisputed ownership. This land redistribution initiative marked the end of the traditional Hawaiian communal land system, enabling the privatization and sale of lands.

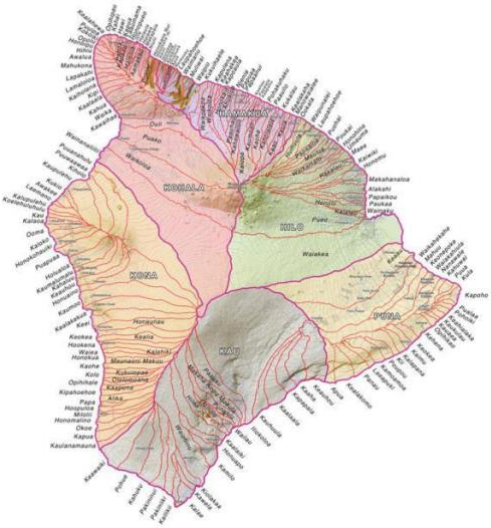

Figure 15.1. A map showcasing the Big Island of Hawai'i during the significant era of the Great Māhele (1845-1855). This pivotal period sparked a transformative process, reshaping land ownership across the Hawaiian Islands. Courtesy of Lyman Museum Archives.

However, the transition was fraught with obstacles for Kānaka Maoli. The era was marked by the devastating impact of colonial epidemic diseases—ma'i 'ōku'u (squatting sickness), syphilis, gonorrhea, tuberculosis, smallpox, measles, leprosy, and typhoid fever—that ravaged the Native Hawaiian population from over one million to less than 40,000 by 1890 (Inglis, 2005). During the Great Māhele specifically, influenza (1845–1849), measles (1848), and smallpox (1853) left many dying or bedridden. It did not make sense for Kānaka Maoli to abandon their ailing family members

to fill out paperwork they did not understand or believe they needed. Moreover, the concept of private land ownership was foreign and complex (Kent, 1993). Before the Great Māhele, land was shared, borrowed, and stewarded collectively. Private land ownership was a western concept, newly introduced by the Hawaiian monarchy that required a bureaucratic process unfamiliar to many Kānaka Maoli. Consequently, many did not receive Land Commission Awards, although some families did.

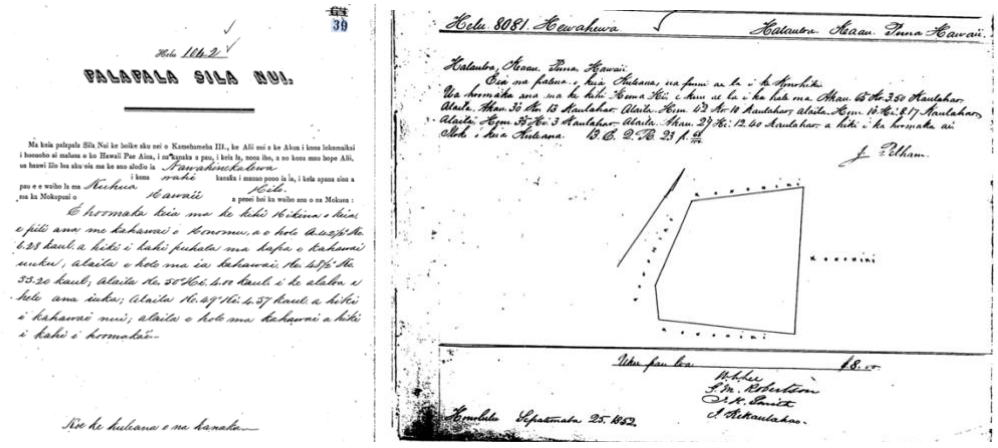

Figure 15.2. Land Commission Award Helu 8081 and Helu 1042. Land Commission Awards were written records, maps and land grant certificates, which varied in appearance depending on factors such as the time period, the specific individuals involved, and the location of the land being awarded. Courtesy of Kipuka Database.

Colonial Hawaii, Land and Water Leasing Systems

In the early nineteenth century, as global interest in sugar production surged, sugarcane cultivation expanded eastward across the Pacific, reaching the Solomon Islands, the New Hebrides, New Caledonia, and eventually Polynesia. Although sugar had been cultivated and processed in Hawai'i since 1778 with the arrival of Captain Cook, the Hawaiian Islands became a significant hub for sugarcane farming, with foreign missionary settlers being the first to secure substantial land leases (Dorrance & Morgan, 2000). In 1835, the Hawaiian kingdom established a leasing system to stimulate the economy. Foreign companies obtained leases from the kingdom, ranging from 1 to in some cases 100 years, for extensive parcels of land and water. This led to the rise of sugarcane and pineapple cultivation, which became central to agriculture and rural life in Hawai'i.

The industry was predominantly controlled by descendants of missionary families and other businessmen, who formed corporations known in Hawai'i as "The Big Five." These firms included Castle & Cooke, Alexander & Baldwin, C. Brewer & Co., H. Hackfeld & Co., and Theo H. Davies & Co. Collectively, they expanded their influence over various sectors of the Hawaiian economy, such as banking, warehousing, shipping, and importing (Danninger, 2024). This dominance in commodity distribution imposed high prices on Hawaiians and resulted in a reduced quality of life. Later, the sons and grandsons of the original missionaries played key roles in the 1893 overthrow of the Kingdom of Hawai'i, leading to the establishment of a brief republic. In 1898, the Republic of Hawai'i was purportedly annexed by the United States, becoming the Territory of Hawai'i, with significant support from sugar industry lobbyists.

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Regarding kuleana lands, it is significant to note that over time, consolidations and closures led to fewer but larger plantations. For instance, sugar plantations first appeared on Maui in the 1840s, but their numbers significantly increased with the founding of several key plantations by foreign capitalists: Pioneer Mill in Lahaina in 1860, Wailuku Sugar Company in central Maui in 1862, Alexander and Baldwin Plantation on the northern slope of Haleakalā in 1870, and Hawaiian Commercial Company in central Maui in 1878.

The Kūʻē Petitions and Hawaiʻi as a Fake State

In a single weeklong petition drive, orchestrated by Hui Aloha ʻĀina, the Kūʻē Petitions of 1897, represented 95% of the native adult population opposing the U.S. annexation of Hawaiʻi (Kauluaʻe Hawaiʻi, 2024). During a week-long campaign, the petitions amassed 21,269 signatures, representing a substantial portion of Hawaiʻi's native adult population at the time, which was particularly remarkable given the population's severe decline due to diseases during the last three decades (Silva, 2004). The petitions influenced the U.S. Senate's decision in 1898, as it failed to ratify the annexation treaty with the required two-thirds majority. On July 7, 1898, the U.S. Congress passed the Newlands Resolution, a joint resolution that emerged as a false annexation. According to Hawaiian Kingdom law, property transactions necessitated notarization by a Kingdom notary, a role rendered defunct after the overthrow. Moreover, the U.S. Supreme Court has affirmed that domestic U.S. laws do not extend to foreign territories. Consequently, during the period of occupation in 1893, the U.S. was obligated to uphold Hawaiian Kingdom law, casting doubt on the legality of property deeds and mortgages executed post-1893.

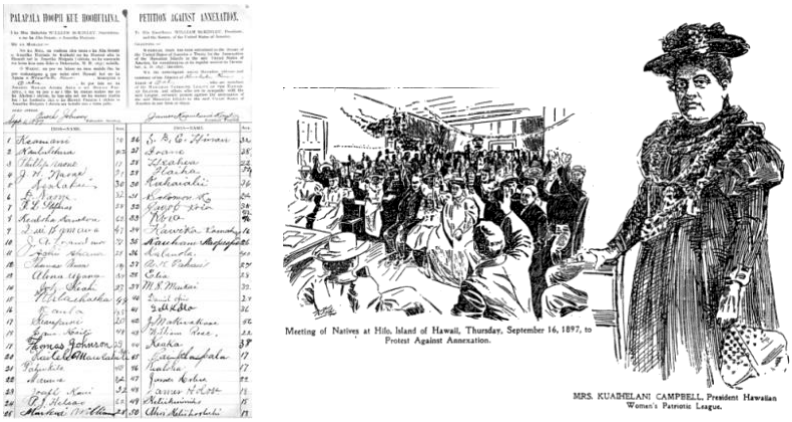

Figure 15.3. The Kūʻē Petitions: 21,269 signatures on the 1897 Anti-Annexation Petition, comprising 10,378 men, 10,891 women across 32 districts on 5 islands, filling 559 pages of the signature petition. Courtesy of Bishop Museum Archives.

Hawaiʻi is considered a state due to the 1898 joint resolution of the U.S. Congress, known as the Newlands Resolution, which purportedly annexed Hawaiʻi. However, some scholars argue that Hawaiʻi is still an independent nation under military occupation, pointing to the lack of a formal treaty of annexation between the Hawaiian Kingdom and the United States. They refer to this situation as a "Fake State," which raises an important question: who has the legitimate authority to make legal decisions and judgments when one sovereign nation occupies another, as seen in

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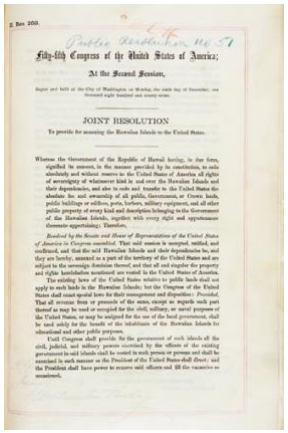
the case of U.S. imperialism in Hawai'i (Ardaiz, 2008)? In *Ua Mau Ke Ea Sovereignty Endures*, David Sai asserts that there exists no annexation treaty between the United States and the Hawaiian Kingdom (Sai, 2013). Rather, the perception of Hawai'i being part of the United States stems from a 1898 joint resolution passed by the U.S. Congress. This joint resolution, unlike a treaty, has no legal power within the Hawaiian Kingdom, which was recognized as a sovereign nation by many countries.



Fifty-fifth Congress of the United States of America;

At the Second Session,

JOINT RESOLUTION

Figure 15.4. A page from the Newlands Joint Resolution, dated July 7, 1898, sought to annex the Hawaiian Islands to the United States. Courtesy of the United States National Archives.

Figure 15.5. This 1897 political cartoon from Puck magazine, titled "Another shotgun wedding, with neither party willing," portrays the U.S. annexation of Hawaii as a coerced union, with both sides depicted as unwilling participants. Courtesy of the United States Library of Congress.

The process of the United States managing and incorporating territories after gaining independence from Britain was significantly influenced by the Northwest Ordinance. As historian Daniel Immerwahr (2019) argues in *How to Hide an Empire*, United States legislation established a system by which territories could transition to statehood, contingent upon the population being predominantly white. This racial requirement meant that territories would only be considered for statehood once they had a substantial white population. Congress had the discretion to delay or

expedite statehood, as demonstrated by the case of Oklahoma, which took over a century to become a state, whereas other territories were admitted more swiftly. This selective process shaped the nation's borders and demographics, determining which populations were included or excluded from statehood.

In *The Insular Cases and the Emergence of American Empire*, political science scholar Bartholomew Sparrow, delves into the profound impact of racial prejudice on the justices, the imperative of establishing naval stations to safeguard burgeoning international commerce, and the sweeping transformations in tariff policies (Sparrow, 2006). Furthermore, his study unveils how the Court legitimized the ascent of two distinct forms of American imperialism: one characterized by formal territories whose residents could attain United States citizenship yet remain deprived of complete political liberties, and another epitomized by an informal empire reliant on trade, collaborative foreign administrations, and the establishment of United States military installations, rather than overt territorial expansions. The Insular Cases in the United States Supreme Court addressed the status of newly acquired territories and determined whether they were incorporated or unincorporated. Hawai'i, which at the time had significant populations of white settlers, was classified as an incorporated territory, meaning the Constitution applied and made it a more viable candidate for eventual statehood.

However, in the early twentieth century, it was far from certain that Hawai'i would become a state. There was considerable racist opposition on the United States mainland to the idea of Hawaiians participating in federal elections. Nonetheless, the United States passed laws like the Organic Act of 1900, making Hawai'i a United States territory, and the 1959 Statehood Act, admitting Hawai'i as the fiftieth state. The absence of a legitimate annexation process for Hawai'i carries significant legal ramifications, particularly concerning land ownership. The unresolved status of Hawai'i's purported annexation, eventual statehood and the continued existence of the Hawaiian Kingdom under occupation have enduring consequences today, especially for kuleana rights. It prompts Kānaka Maoli to scrutinize matters such as taxation and legislation, and to seek expert guidance regarding Hawai'i's international legal standing to guide their decision-making processes.

The Tax Map Key (TMK) System and Obscured Land Transfers

In 1917, Hawai'i initiated its mapping system with the Appropriation Act, establishing a branch to create maps for tax assessors. By 1932, a comprehensive, coordinated mapping system was adopted (Kauai.gov, 2024). This project involved mapping all of the islands, producing uniform tax maps, and creating a key system to account for all properties based on location, boundaries, area, and ownership. As seventh generation kuleana heir of Pi'imaiwa'a Maikaaloa and Kekahuna of Waihe'e subject of Kō Hawai'i Pae 'Āina, Kaniloa Kamaunu describes, "the Tax Map Key (TMK) is not a legal description of land and has no reference to title but rather signified who the government wants to collect taxes from or the person(s) who is a citizen of the United States" (K. Kamaunu, personal communication, 2024).

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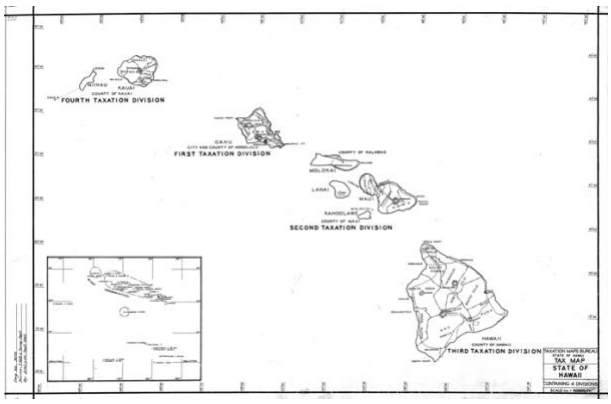

Figure 15.6. The Tax Map Key system is a sequence of numbers representing the respective district – zone – section – plat and parcel which provides for the accounting of all properties based on location, boundaries, area and ownership. Tax Map Key 1942. Courtesy of State of Hawaii Bureau of Conveyances.

To uncover a more accurate history of land ownership in Hawai'i, we must delve deeper than official records alone. Family oral histories suggest that questionable transfers of land ownership in Hawai'i, dating back to the plantation era, were masked within the courts and through the Tax Map Key system. These narratives indicate that companies acquired control over properties, later asserting ownership through various legal and bureaucratic means to validate their possession. Kaniloa Kamaunu asserts that "as many of these individuals were forcibly relocated, unscrupulous companies took advantage of their absence by occupying the vacated lands" (K. Kamaunu, oral history interview, 2024). He added that "plantations during this time would plow the kuleana lands while it was still occupied and eventually due to encroachment, our people would be forced to leave their lands" (K. Kamaunu, oral history interview, 2024). Plantations were also known to cultivate crops on newly vacant land and subsequently assert ownership by officially listing it on their taxes following the implementation of the Tax Map Key system. Overall, these practices illustrate the exploitation and manipulation that defined the colonial era in Hawai'i, leading to significant shifts in land control from Kānaka Maoli to foreign interests.

During the Hansen's disease (leprosy) epidemic, the isolation law of 1865, enacted by King Kamehameha V to prevent the disease's spread, mandated that those afflicted be exiled to designated quarantine locations such as the island of Moloka'i. Laura Johnson, an educator and descendant of the 'Pehuino' Land Commission Award on the island of Maui, claims that in her family's experience, false accusations of Hansen's disease were used to remove people, facilitating the occupation and eventual seizure of land.

> We have a registration document from February 1888 showing that "Pehuino" was taken into quarantine in Kaka'ako under suspicion of Hansen's disease. However, according to family accounts, he did not have it. He was among the many people during that time that was falsely accused so that companies could do land seizures. Pehuino must have been aware of this, because a few months later, he escaped and went into hiding on Oahu and then eventually returned to Maui. (L. Johnson, oral history interview, 2024)

According to Laura Johnson, her great-great-grandfather, "Pehuino," took a crucial step to protect their family's heritage by securing a Land Commission Award during the Great Māhele. This award was a vital means of establishing legal recognition of their ancestral land claims during a period when Hawaiian land rights were increasingly under threat from foreign interests.

> In 1887, a Kuleana map bearing Pehuino's name was created and certified with his signature. This map clearly indicates that Pehuino's ohana (family) was already residing on Lot 4. We see this defined by the marked boundaries on the document. (L. Johnson, oral history interview, 2024)

Between 1887 and 1890, the Hawaiian Kingdom experienced political and social upheaval. In 1887, King Kalākaua was coerced into signing the "Bayonet Constitution," which drastically reduced the monarchy's power and disenfranchised many Kānaka Maoli. This period saw increased political instability and resistance from Kānaka Maoli, as well as growing control by American and European business interests, particularly in the sugar industry. Economic changes and an influx of immigrant laborers altered the demographic landscape. Forced quarantines for Hansen's disease often served as a pretext for land seizures, exacerbating tensions. The death of King Kalākaua in 1891 and the succession of Queen Lili'uokalani, who sought to restore the monarchy's authority, further heightened these tensions, setting the stage for the eventual overthrow of the Hawaiian monarchy in 1893.

Laura Johnson revealed her family's discovery of illicit land sales and forged deeds linked to the "Pehuino" Land Commission Award, occurring after the illegal overthrow of the Hawaiian Kingdom. Their investigation into historical records unveiled a consistent pattern of deception and exploitation, exposing the widespread corruption and systematic erosion of Kānaka Maoli land rights during this turbulent era.

> We discovered that Lunalilo trustees had been illegally selling parcels of our family's Land Commission Award. In 1880, a Supreme Court decision stated that Waiehu fisheries could not be leased, rented, or sold because it was part of an ahupua'a (land division). Despite this, Lunalilo trustees sold the fishery to Widderman in 1890. Additionally, in 1890, the Lunalilo trustees sold Lot 4 with the exact same boundaries from the 1887 LCA map. A new deed was created to sell it to Baker for $4,000, who then sold it to Walter, who subsequently sold it to Wailuku Agriculture. (L. Johnson, oral history interview, 2024)

This discovery highlights the disregard for indigenous land rights, the erosion of legal protections, and the exploitation of loopholes for personal gain by those entrusted with stewardship. It serves as a poignant example of the systemic injustices faced by Kānaka Maoli in the wake of the kingdom's overthrow, emphasizing the ongoing struggle for justice and restitution in the face of historical dispossession.

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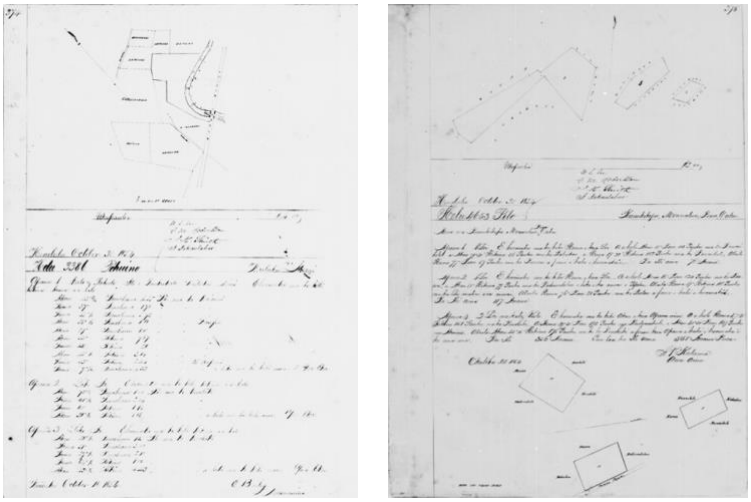

Figure 15.7. Land Commission Award Helu 3386 from the 1850s *Great Māhele* granted to 'Pehuino' in Wailuku, Maui. Courtesy of Laura Johnson.

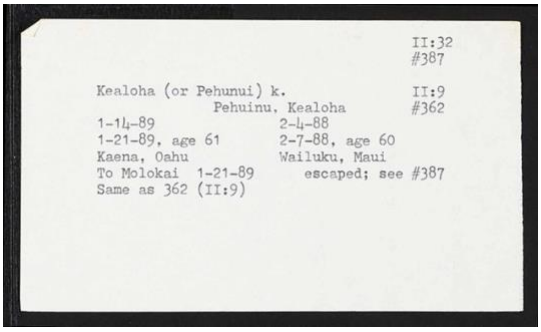

Figure 15.8. Department of Health Card Index indicating Hansen's Disease for "Kealoha Pehuinu" also known as "Pehuino." This card represents a census-type record for Hansen's Disease received or admitted to the settlement at Moloka'i. Courtesy of Hawaii State Archives.

Figure 15.9. Members of the "Pehuino" '*ohana* (family). Courtesy of Laura Johnson.

As another illustration of the dispossession of Hawaiians from their lands, Kane Aliʻi Williams, a Kānaka Maoli Scholar on the island of Maui, highlights fraudulent practices by companies. He emphasizes that evidence of such fraud often manifests in discrepancies within genealogies, genders, fictitious individuals, and fabricated inheritances, including instances where land deeds are issued and transferred on specific dates despite the grantor having already passed away.

> In our family's oral history, we possess a royal patent title delineating the boundaries of our kuleana parcel. However, a significant issue arises regarding the ownership history, particularly involving East Maui Irrigation. This issue extends beyond our land in East Kuaha, as they pursued land titles through the courts in 1934. Their method involved fabricating deeds and genealogies, including misrepresenting the genders of land awardees. For example, they incorrectly listed my ancestor with the family name "Nalopi" as wahine (female), despite historical records indicating it was a kāne (male). This discrepancy, specifically concerning Nalopi, raises doubts about the authenticity of their deeds and lineage claims. Moreover, their descriptions of our land fail to align with reality. In Land Court Application 960 Section C, their depiction of our parcel extends excessively eastward, neglecting to touch the western boundary of the cliff as it should. This misrepresentation portrays us as inhabiting and farming land on a cliff edge, which is illogical. Furthermore, they falsely attributed land outside our parcel to our family name, likely to install a lowrie ditch and divert water from East Maui through our land. Additionally, their mapping of LCA 3386 does not correspond with the official Land Commission Award, suggesting a departure from proper legal procedures. Specifically, their mapping of LCA 3386 is not coextensive with the Land Commission Award. Throughout this entire ordeal of dealing with them, they consistently employ their lawyers to intimidate me, attempting to make me doubt my knowledge of the true boundaries. It was insulting; they presume that we lack access to our documents or proficiency in our native language. (K. Williams, oral history interview, 2024)

Kane Aliʻi Williams outlined systemic fraudulence, including challenges accessing official records such as chain of titles due to redirection and concealment. This underscores powerful entities' influence, like East Maui Irrigation, revealing broader corporate control issues and stressing the necessity of exposing truth in official documents for accountability.

> Obtaining access to the chain of titles proved to be quite a challenge. Despite being a public record in the land court, they consistently attempted to redirect me to a different agency, suggesting they were concealing information and discouraging individuals from accessing it. East Maui Irrigation, which is fifty percent owned by Alexander & Baldwin, one of the "Big Five" companies that monopolized the sugarcane plantation era and played a role in the illegal overthrow of the monarchy, is involved in this. And these are the same entities that were instrumental in crafting the state constitution and now wield significant control over the state government. Their influence extends to matters concerning land, natural resources, and the legal system, allowing them to manipulate the courts to create titles for their own benefit. This made it particularly challenging for me, as it brought to light issues such as corporate influence in the land court, water leases, and the expiration of leases. Once we gain the knowledge of the truth in their own documents, sometimes that's the same tool that can disempower them because it exposes the truth of their lies. (K. Williams, oral history interview, 2024)

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The pervasive fraud and difficulties in accessing official records, as discussed by Kane Aliʻi Williams, expose the significant influence of entities like East Maui Irrigation, also known as Alexander and Baldwin. His insights connect to broader issues of corporate dominance and deception, emphasizing the crucial need to confront falsehoods and hold powerful organizations accountable.

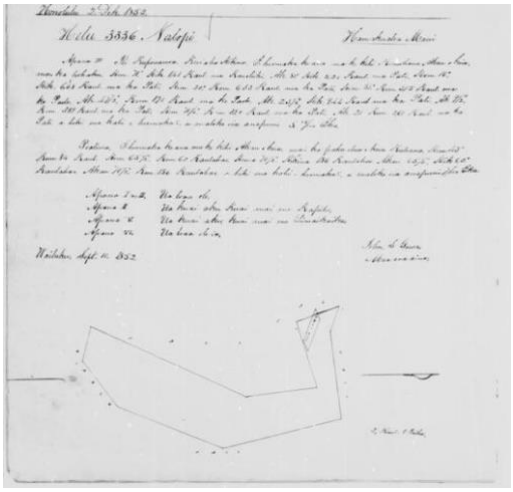

Figure 15.10. Land Commission Award Helu 3336 delineates the boundaries of a parcel in upcountry Maui from the 1850s Great Māhele, identifying "Nalopi" as a male heir. Courtesy of Kane Aliʻi Williams.

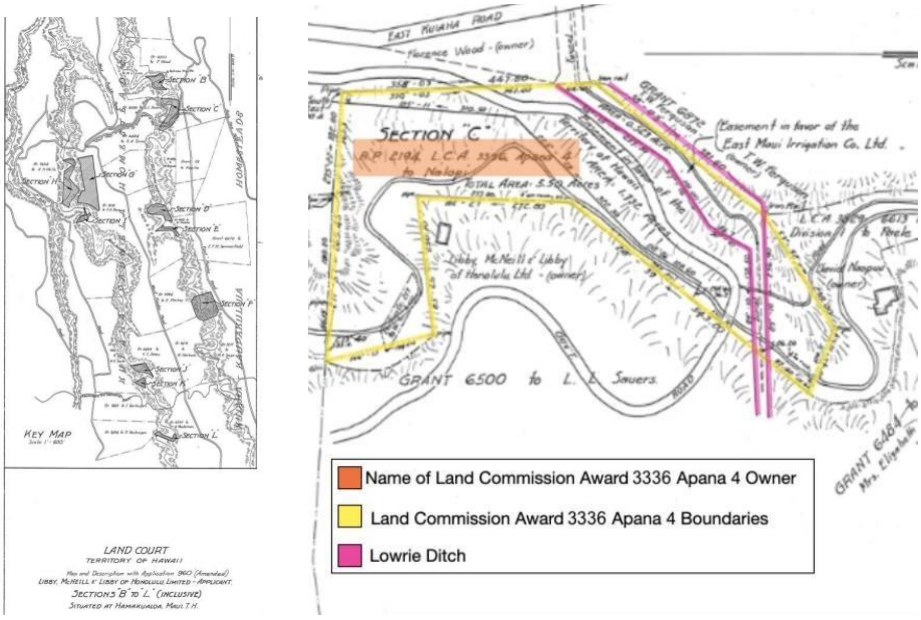

Figure 15.11. The Land Court Application 960 outlines the boundaries of Land Commission Award 3336 on the island of Maui in East Maui Irrigation's chain of title adopted in 1934.

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According to the application, the boundaries were shifted east, surpassing the East pali (cliff), without touching the West pali (cliff). The name ‘Nalopi’ and its associated land number are referenced in this chain of title; however, the defined boundaries do not align with the actual boundaries of the kuleana parcel. Courtesy of Kane Aliʻi Williams.

Figure 15.12. Members of the “Nalopi” ʻohana (family). Courtesy of Kane Aliʻi Williams.

During the purported annexation, the United States republic of Hawaiʻi claimed Kānaka Maoli as U.S. citizens, thereby making their land subject to taxation. Consequently, the government began treating Land Commission Awards as free market properties, disregarding the original aboriginal land deeds. Courts in the state of Hawaiʻi have continued to apply pre-colonial documents, such as Land Commission Awards, to the 1930s Tax Map Key system to authenticate ownership through tax payments. This process has unfortunately stripped many Kānaka Maoli of their aboriginal rights and represents modern-day colonization.

The Present-Day Conflict

In 2012, the Hawaiian Supreme Court reaffirmed the validity of kuleana rights (Zimmerman, 2012). This legal acknowledgment means that families with ancestral Land Commission Awards can lay claim to their ancestral lands. Imagine presenting a Land Commission Award from the time of the Great Māhele, asserting, “This land has been in our family for generations.” Then, a new owner, armed with a quiet title counters, “I bought this land for 1.5 million dollars, my paperwork says I have an interest.” How can two unrelated parties claim ownership of the same land? This issue is common in Hawaiʻi, especially as more corporations and ultra-rich attempt to acquire various parcels across the Hawaiian Islands through “Quiet Titles.” A Quiet Title Action aims to eliminate any adverse claims to a legal or equitable interest in the property, thereby establishing, “perfecting,” or “quieting” the title for one or more claimants. In Hawaiʻi, there is a history of individuals using this process to secure clear ownership, often prioritizing it over previous owners. They utilize “quiet title and partition” actions to push for a land sale through public auction to the highest bidder.

Since 2004, Oprah Winfrey has acquired 2,000 acres of land on Maui (Hughes, 2023). In 2012, Oracle Corporation chairman Larry Ellison bought nearly 90,000 acres on Lānaʻi (Zilber, 2022). In

2021, Amazon founder Jeff Bezos set a record for the most expensive property purchase on Maui by acquiring a 14-acre compound in La Perouse Bay for $78 million, bringing the total value of his real estate holdings to an astounding $578 million (Jacob, 2021). One of the most heated kuleana rights cases occurred in 2016, when Facebook founder Mark Zuckerberg filed a lawsuit to eliminate the ownership interests of more than 100 Hawaiians in kuleana lands within the larger parcel (Uria, 2017). The lawsuit intensified in 2017 when he attempted to integrate property titles established by the Kuleana Act into a 700-acre estate using quiet title lawsuits to clear ambiguously titled parcels and force the sale of land on Kauaʻi so it would go to a public auction. Many wealthy investors have exploited legal loopholes, using lawyers to navigate the gray areas between Tax Map Key and Land Commission Awards through the "Quiet Title" process, designed to resolve such issues, providing a definitive owner based on an individual's ownership claims and historical connection to the property. This has led to an ongoing struggle for many Hawaiians, who find themselves fighting to reclaim and steward the land they believe is rightfully theirs.

Major Landholders of the Hawaiian Islands

The following section highlights prominent landowners in Hawaiʻi who hold substantial portions of the land. All land ownership and government land data are sourced from the latest statistical report in the Hawaii State Data Book (Research and Economic Analysis, Department of Business, Economic Development and Tourism, 2022). This section also provides brief insights into how each entity acquired their holdings. From the federal government to contemporary businessmen such as Larry Ellison, these individuals and entities have accumulated extensive land holdings that have played influential roles in shaping the state's landscape and history. Their acquisition methods vary, ranging from royal grants and purchases to inheritances and commercial transactions. Understanding the history behind these landowners sheds light on the complex dynamics of land ownership and development in Hawaiʻi.

Entity	Location	Acreage Owned
Government of Hawai'i	Hawai'i Island	1 million acres
	Kaua'i	156,000 acres
	Maui	128,000 acres
	Oahu	85,000 acres
	Ceded Lands	1.8 million acres
Federal Government	Hawai'i Island	400,000 acres
	Maui	30,000 acres
	Oahu	60,000 acres
Kamehameha Schools	Hawai'i Island	300,000 acres
	Oahu	50,000 acres
Parker Ranch	Big Island	106,000 acres
Robinson Family	Kaua'i	55,000 acres
	Ni'ihau	46,000 acres
Larry Ellison	Lāna'i	90,000 acres
Alexander & Baldwin	Kaua'i & Maui	88,000 acres
Singapore-based GL Ltd	Moloka'i	55,000 acres

Figure 15.13. Land Ownership chart of the Hawaiian Islands in 2024. Statistical data from Hawaii State Data Book 2022. Courtesy of Lani Cupchoy.

1) **Government of Hawaiʻi**
The Government of Hawaiʻi possesses the largest portion of land across the eight main Hawaiian islands, totaling 1.5 million acres. This includes over a million acres on Hawaiʻi Island, 156,000 acres on Kauaʻi, 128,000 acres on Maui, and roughly 85,000 acres on Oahu. In 1898, as a result of the United States assuming control over Hawaiʻi, approximately 1.8

million acres of Crown and Government lands were transferred to the U.S., now known as "Ceded Lands" (Office of Hawaiian Affairs, 2024). Following Hawai'i's admission as a state in 1959, about 1.4 million acres of these lands became the property of the newly established state government.

2) **United States Federal Government**
Following the overthrow of the Hawaiian kingdom, the United States Federal government oversees 532,000 acres in Hawai'i for military bases and national parks. This includes more than 400,000 acres on Hawai'i Island, housing Hawai'i Volcanoes National Park, over 30,000 acres on Maui, home to Haleakala National Park, and over 60,000 acres on Oahu, hosting major military installations such as Joint Base Pearl Harbor-Hickam, Schofield Barracks, Camp Smith, and Marine Corps Base Hawai'i Kāne'ohe Bay (MacKenzie, 2015).
3) **Kamehameha Schools**
Kamehameha Schools owns almost 300,000 acres on Hawai'i Island and nearly 50,000 acres on Oahu. The land dates to 1883 when Bernice Pauahi Bishop, a member of the Royal Hawaiian family, set aside 375,000 acres from her inheritance to create the schools (Kamehameha Schools, 2024). Today, Kamehameha Schools run three main campuses: Kapalama Heights (600 acres), Maui (180 acres), and Hawai'i (300 acres). Most of their land is undeveloped, used for conservation or farming. Some parts are used commercially, like Windward Mall in Kāne'ohe and Kahala Mall.
4) **Parker Ranch**
Parker Ranch, spanning 106,000 acres on the Big Island, traces its origins back to John Palmer Parker, who arrived in Hawai'i from Massachusetts in 1809 (Parker Ranch, 2024). He formed a close bond with King Kamehameha I, learning 'Ōlelo Hawai'i (Hawaiian language) and working in fishponds. Upon returning from the War of 1812, Parker received permission from the king to hunt wild cattle, which led to the establishment of Parker Ranch. Over the years, successive generations of the Parker family expanded the ranch, raising cattle and horses, engaging with Hawaiian royalty, and nurturing the paniolo (Hawaiian cowboy) culture.
5) **Robinson Family**
The Robinson Family owns vast stretches of land, with over 55,000 acres on Kaua'i and more than 46,000 acres on Ni'ihau, nearly all of which they possess except for a few government-owned acres. After enduring the loss of her husband and eldest son at sea in 1846, Elizabeth Hutchinson Sinclair managed her family's property in Pigeon Bay, New Zealand, before selling it and relocating to Hawai'i. She purchased Ni'ihau from Kamehameha V for $10,000 in gold (Mangieri, 2009). The king required her family to safeguard the island and its inhabitants from external influences—a promise that generations of Sinclair descendants have honored. Ni'ihau remains one of the Hawaiian Islands where purchasing land is practically impossible, and visiting is challenging.
6) **Larry Ellison**
In 2012, Larry Ellison purchased close to 90,000 acres of Lāna'i, locally referred to as the "Rich Man's Paradise" (Shimogawa, 2016). This land was once owned by James Dole, who transformed Lāna'i into one of the largest pineapple plantations in the world, and later by Castle & Cooke in the 1980s, who continued some pineapple farming as well as resort development. Today, Lāna'i is home to around 3000 residents, and Ellison's land is used for the Four Seasons Lāna'i Resort and restaurants in Lāna'i City.
7) **Alexander and Baldwin (A&B)**

Alexander and Baldwin currently control a combined acreage of 88,000, spread across Kauaʻi and Maui (Alexander & Baldwin, 2024). The origins of this vast landholding date back to 1869 when Samuel Thomas Alexander and Henry Perrine Baldwin, the founders of the company, purchased their first 12-acre plot in Makawao, Maui. Over time, their enterprise has flourished, accumulating assets estimated at around $2.1 billion. Despite the passing of Alexander and Baldwin, their descendants continue to run the company's diverse investments, including commercial real estate, land operations, and construction ventures.

8) **Singapore-based GL Ltd.**
Molokaʻi island has changed hands multiple times. Molokaʻi Ranch, covering about one-third of the island, was initially owned by King Kamehameha V, who used it for cattle farming. Later, ownership passed to Princess Ruth Keʻelikolani and then to Princess Bernice Pauahi Bishop. In 1897, Honolulu businessmen, including A.D. McClellan, Judge Alfred Hartwell, and Charles M. Cooke, bought 70,000 acres from the Bishop Estate trustees (Cooke Foundation, 2024). The Cooke family eventually acquired the entire property and ran cattle and agricultural operations, including honey production, which made Molokaʻi the world's largest honey producer from 1910 to 1937. From 1923 to the mid-1980s, large portions were leased to Libby and Del Monte canneries for pineapple cultivation, a major industry on the island. After a century of ownership by the Cooke family, Molokaʻi Ranch was sold nearly 30 years ago to Singapore-based GL Ltd (The Land Report, 2024). The ranch has hosted various facilities, including hotels, golf courses, and residential areas.

Understanding the methods by which these individuals and entities acquired significant land holdings in Hawaiʻi is crucial for several reasons. Firstly, it provides insight into the historical context of land ownership in the state as well as the intricate dynamics of power, privilege, and exploitation that have shaped Hawaiʻi's landscape. Additionally, knowledge of these acquisitions can inform discussions around issues of land use, conservation, and indigenous rights, as well as socioeconomic disparities and the legacy of settler colonialism. By unraveling the stories behind these major landowners, we gain a deeper understanding of Hawaiʻi's past and present, empowering communities to engage critically with the complex realities of land ownership and stewardship in the islands.

The Cultural and Legal Implications

The situation is deeply complex. For Hawaiians who have worked their entire lives to own a small piece of land, the thought of deserving more as original stewards of the land is a powerful sentiment. Land Commission Awards, granted under the Kuleana Land Act of 1850, provided ownership to those who could prove their ancestral ties (Lam, 1989). A Royal Patent confirmed that payment was made, and the government no longer claimed the land. Kuleana lands have since protected Hawaiian tenant farmers and their descendants, allowing access to landlocked parcels. Land Commission Awards are a concrete way for Hawaiians to trace their genealogical ties, making it an essential conversation about native rights to land. In an era when land in Hawaiʻi is highly sought after, more people are becoming familiar with the process of claiming kuleana rights. Although not a new concept, it remains underutilized. Navigating this complex issue requires understanding and respect for historical and cultural contexts.

Overcoming Barriers to Claiming Kuleana Lands

Numerous obstacles deter Kānaka Maoli from pursuing their kuleana land rights. Some challenges include not knowing their moʻokūʻauhau (genealogy) or how to connect back to a kuleana parcel, accessing documents, lacking proficiency in nineteenth century legal language, not knowing how to read in ʻŌlelo Hawaiʻi (Hawaiian language), and defending their claims in court. For many Kānaka Maoli living in the diaspora, these difficulties are compounded by physical distance and a lack of familial or cultural connections. Generations of displacement and cultural erasure have instilled a sense of detachment and disempowerment among those living away from their homeland.

It is critical to note that these barriers result from a long legacy of settler state and settler colonialism. The difficulty Kānaka Maoli face in finding their land documents is not due to a lack of intelligence, but rather concealed and controlled archives. For instance, the Kūʻē petitions, a critical document, was kept hidden in congressional records until the 1990s. Also, recently, translators have begun to translate millions of pages of newspapers and other documents in the Hawaiian language since the early 2000s, making this information more accessible (University of Hawaii Foundation, 2017). Moreover, many Kānaka Maoli elders have recounted being punished for speaking ʻŌlelo Hawaiʻi in schools until the 1980s, severely limiting the transmission of the language and cultural knowledge to younger generations. Punishment and defunding began to subside with the introduction of the Hawaiian Studies program (1980) as well as the Hawaiian language immersion program (1986), In the mid-1800s, Hawaiʻi had one of the highest literacy rates in the world, a testament to the educational achievements of Kānaka Maoli. However, this changed dramatically with the onset of forced assimilation and Americanization. Policies were implemented to suppress Hawaiian culture and language, replacing them with American customs and the English language. This systematic erasure of native practices and knowledge was a deliberate effort to undermine the Kānaka Maoli identity and facilitate the control and exploitation of the land and its people. The legacy of these actions continues to create significant challenges for Kānaka Maoli to navigate the legal and bureaucratic processes involved in reclaiming their kuleana land rights. Claiming kuleana rights requires immense courage and a particular mindset as well as knowledge to engage in the process.

Kuleana land rights should be seen as an expansion of what aliʻi (rulers) and kahuna (a person with specialized knowledge and authority) were already doing—allowing Kānaka Maoli to formalize their stewardship in the face of foreign influence. By binding it to genealogical records recognizable to the Western world, the Hawaiian monarchy aimed to protect their people's rights. It is important to note that not all kuleana land Royal Patent Awardees were makaʻāinana (commoners); some were aliʻi and kahuna families living in hiding under the Kamehameha Dynasty.

Policy and Lawfare

Addressing entrenched cultural norms and biases among haole (foreigners) individuals and institutions is crucial for advancing the recognition and support of indigenous land rights and kuleana. Implementing educational programs that explore Hawaiian history and the importance of kuleana, alongside self-reflection exercises on privilege and facilitated dialogues, can significantly enhance policymakers' and institutions' understanding of their roles and responsibilities. These educational efforts will equip policymakers, enforcers, and institutions with the knowledge to

recognize their own kuleana and leverage their privileges effectively in support of indigenous families. By fostering a deeper awareness of historical injustices and systemic inequities, these initiatives pave the way for more inclusive and equitable policy development.

Central to this effort is the recognition that kuleana rights and the rights of indigenous peoples must remain at the forefront of advocacy and policy reform. Haole individuals and institutions must actively engage in this process by addressing their own biases and working through what Robin DiAngelo refers to as "white fragility" the defensive reactions, such as anger, guilt, or denial, that white individuals often exhibit when confronted with their own racial biases, which hinders meaningful progress towards racial equity (DiAngelo, 2018). This concept is particularly relevant in Hawai'i, where existing systems are deeply intertwined with the impacts of settler colonialism. For haole individuals, recognizing and addressing their own white fragility is essential for meaningful engagement in supporting indigenous rights. Acknowledging and working through these biases helps dismantle systemic barriers and fosters genuine partnerships with Kānaka Maoli. This work moves communities toward a sustainable future by promoting allyship and mutual responsibility, encouraging haole individuals to embrace their kuleana as relational partners in the struggle for liberation. By advocating for sustained engagement and action, this piece ensures that efforts are transformative and lead to tangible, long-term progress. Through these strategies, haole individuals can play a pivotal role in advancing justice and contributing to a more inclusive and respectful societal framework.

Offering education and support to Kānaka Maoli, both in Hawai'i and the diaspora, can empower to reclaim kuleana land rights. Advocacy, community initiatives, and legal aid are crucial in assisting individuals to navigate the complexities of land reclamation and reestablish ancestral connections. Hawai'i operates under three legal systems—Federal, State, and Kingdom laws—which often require specialized legal expertise from attorneys knowledgeable in indigenous matters and may necessitate presenting cases directly to the Federal court. According to Taino Palermo, Esq., Indigenous Professor, Attorney and Co-Founder of the Center for Indigenous Peoples Rights, "based on assertions presented by families and litigants, collusion exists among government entities, private developers, and land speculators" (T. Palermo, oral history interview, 2024). He added that "consequently, pursuing legal action at the federal level becomes imperative, as it entails litigation against both private developers and the state of Hawaii, a jurisdictional matter confined to federal courts" (T. Palermo, oral history interview, 2024).

One individual and his family have carved a path for Kānaka Maoli law. Kahu ali'i O Pu'ukohola Ke'eaumoku Kapu, Cultural Expert to the life of this land, has won a series of kuleana rights court cases on Maui. Kapu expressed, "I first came to the journey sitting on all the different boards and commissions learning about the county's rules such as HRS 343, State section 6E HAR 13-300 and Federal rules. I already knew about our kānāwai (law)" (K. Kapu, oral history interview, 2024). In 2017, the Kapu family achieved a significant legal breakthrough when a jury determined that they rightfully owned a 3.4-acre plot that had been in their family for over 150 years (Associated Press, 2017). Attorneys Lance Collins and Bianca Isaki successfully demonstrated that Pioneer Mill had obtained the property deed in the 1890s through a fictitious person whom the Kapu family had no connection to.

In another case Makila Land Co LLC v. Kapu 152 Hawaii (2023), Ke'eaumoku Kapu appealed in the Supreme Court in which the justices found that a lower court had made a mistake when it originally

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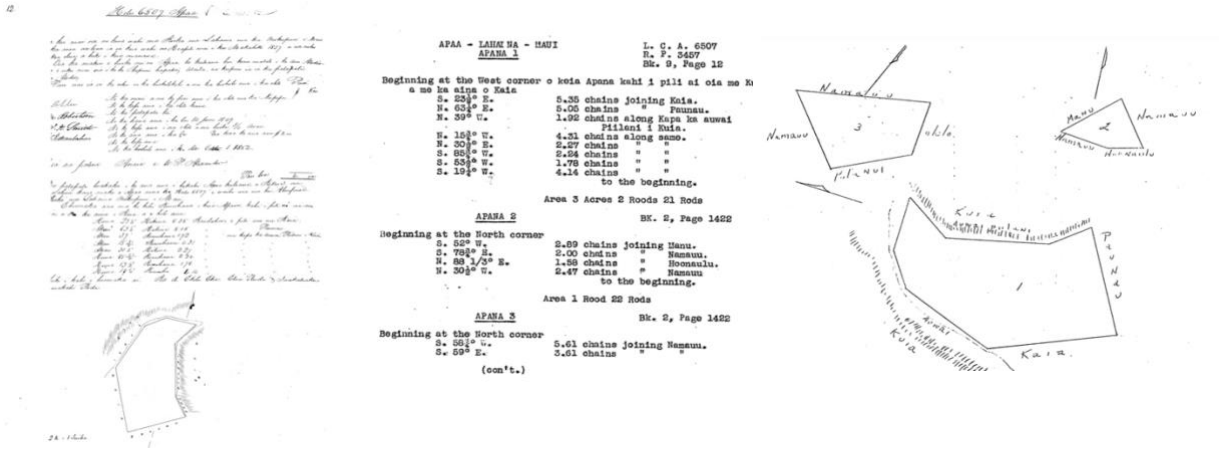
ruled in favor of West Maui Land during a hearing that he was unaware of because his first attorney, Richard McCarty, had passed away (Osher, 2022). The ruling also noted that the lower court had overstepped its authority by denying Keʻeaumoku Kapu's request for a hearing while he was representing himself without a lawyer. "A final summary Supreme Court decision determined that the Pioneer Mill Company never had title, meaning Makila Land Company had no interest in the lands of 'Apaʻa' and it proved I had interest in Land Commission Award 6507," asserted Kapu (K. Kapu, oral history interview, 2024). This landmark ruling not only vindicated Keʻeaumoku Kapu but also set a precedent for future cases involving historical land rights and kuleana claims. Despite such significant legal victories, United States government agencies have a limited and superficial understanding about kuleana rights. Kapu shared an example:

> Our government agencies know very little, if anything, about kuleana rights. The day I realized the power of our rights was when we visited the volcano. The park staff tried to charge me a fee, but I told the national park guard "cultural purpose." Without another word, they opened the gate. (K. Kapu, oral history interview, 2024)



APAA - LAHAINA - MAUI
APANA 1
L. C. A. 6507
R. P. 3497
Bk. 9, Page 12

Beginning at the West corner o keia Apana kahi i pili ai oia me K
a me ka aina o Kaia
S. 22½° E. 5.35 chains joining Kaia.
N. 62½° E. 9.00 chains " Paunau.
N. 39° W. 1.92 chains along Kapa ka auwai
Piilani i Kuia.
N. 15½° W. 4.31 chains along same.
N. 30½° E. 2.27 chains " "
S. 89½° W. 2.04 chains " "
S. 53½° W. 1.78 chains " "
S. 19½° W. 4.14 chains " "
to the beginning.
Area 3 Acres 2 Roods 21 Rods

APANA 2
Bk. 2, Page 1422
Beginning at the North corner
S. 52° W. 2.89 chains joining Manu.
S. 79½° E. 2.00 chains " Namauu.
N. 58 1/2° E. 1.58 chains " Hoomaulua.
N. 30½° W. 2.47 chains " Namauu
to the beginning.
Area 1 Rood 22 Rods

APANA 3
Bk. 2, Page 1422
Beginning at the North corner
S. 56½° W. 5.61 chains joining Namauu.
S. 59° E. 3.61 chains "
(con't.)

Figure 15.14. Land Commission Award Helu 6507, Lahaina, Maui from the 1850s Great Māhele granted to 'Apaʻa.' Courtesy of Keʻeaumoku Kapu.

Figure 15.15. Members of the 'Apaʻa' 'ohana (family). Courtesy of Keʻeaumoku Kapu.

Since the 1970s, Keʻeaumoku Kapu has been an advocate for kuleana rights, embarking on his journey with Ka Lāhui Hawaiʻi, an organization dedicated to the self-determination of Kānaka Maoli. His dedication expanded to Nā ʻAikāne o Maui, a non-profit that played a pivotal role in aiding the recovery efforts after the Maui wildfires in 2023. Despite the devastation wrought by the fires, including the destruction of the Lahaina Cultural Center, the community foundation swiftly established a distribution hub within two days. Operated entirely by volunteers and sustained by donations, with Kānaka Maoli leadership at its forefront, they have since continued to furnish supplies, oversee cultural preservation efforts, conduct educational initiatives, and aid neighboring islands (Naaikane.org, 2024). The fires heightened the need for comprehensive policies to restore kuleana land claims in Lahaina, acting as a strategic measure against corporate billionaire gentrification.

In the case of *Kaluaahole LLC v. Heirs or Assigns of Kamakona, Hawaii* (2022), an individual attempted to assert ownership over the land through quiet title. According to Carol Lee Kamekona, heir of ʻKamakona,' she used her moʻokūʻauhau (genealogy) to defend the case on Wailuku, Maui.

> A friend sent me a newspaper posting about a legal notice, but I did not pay much attention to it. A week later, another friend sent me the same posting again. I believed it was my kupuna (ancestors) talking to me, so I showed up to court. Throughout the legal process I researched various avenues to verify my moʻokūʻauhau (genealogy). During the hearing I called three key witnesses: a genealogist, a land title expert, and a traditional law expert. But, the court only accepted the genealogist as a valid expert. Her testimony contradicted the other side's claims. A kupuna (elder) who received the Land Commission Award and Royal Patent was in fact my great-great-grandfather, and the genealogist confirmed this on the stand. When their lawyer called me as a witness, it ended up helping my case. I testified that the kupuna (elder) was my ancestor. As you can see by the difference in name spellings, all three of my witnesses attested to the fact that indeed spelling of names were interchangeable. We as Kānaka Maoli did not have a written language, so interpretation was left to what was heard by the recipient. (C. Kamekona, oral history interview, 2024)

One of the key tools that helped Carol Lee Kamekona in her kuleana rights case was Dower rights. Derived from English law, Dower rights refer to the legal interest a person has in the real property owned by their spouse. Historically, it was exclusive to widows, ensuring they received a portion of their deceased husband's estate. However, these rights have since evolved to offer equal protection to all surviving spouses.

> My case set a precedent by introducing Dower rights into the court. These rights stipulate that after a spouse's death, the land reverts to the original Land Commission Award awardee. The judge sought to understand the Kingdom laws when the Land Commission Award was issued including the sequence of events involving the land. It was initially sold for $1 and 'love' to a man, who then sold it again. Through a series of title exchanges, one owner had placed the land in a trust, which eventually failed due to unpaid taxes. This led to Maui County acquiring the property in the early 2000's which is how the man I was contesting bought the land through a county auction. This man and his wife put it into another trust, which I challenged. His claim was only for a parcel of the property where I was claiming the entire Land Commission Award. The deed he used from Maui County was

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> a tax deed, not a Land Commission Award. My argument was based on the original Land Commission Award boundaries, which differ from the Tax Map Key boundaries. In the end, the judge determined that the land should revert to my kupuna and his descendants. (C. Kamekona, oral history interview, 2024)

In Carol Lee Kamekona's case, invoking Dower rights proved crucial since it established a legal basis for her claim to the Land Commission Award. She argued that the property should revert to the original awardee's family line after the spouse's death. This historical legal principle provided a strong foundation for her argument, validating her ancestral land claims as a lineal descendant.

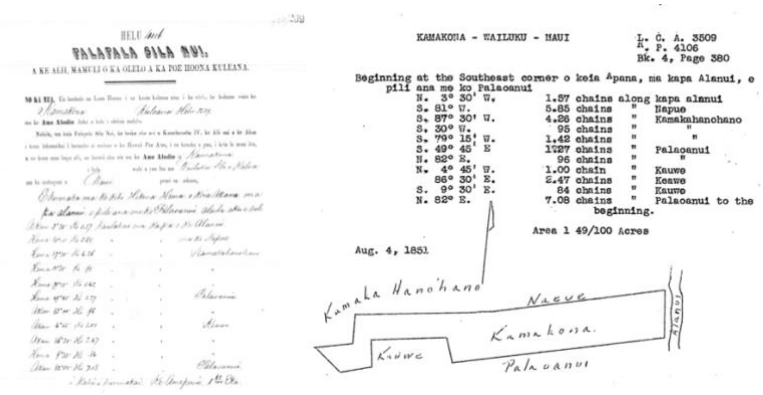

Figure 15.16. Land Commission Award Helu 3509, Wailuku, Maui from the 1850s Great Māhele granted to 'Kamakona.' Courtesy of Carol Lee Kamekona.

Figure 15.17. Members of the 'Kamakona' 'ohana (family). Courtesy of Carol Lee Kamekona.

Summary of Case Studies and Grassroots Struggles

Case 1: Laura Johnson's Family Discovery

Laura Johnson's family uncovered illicit land sales and forged deeds linked to the 'Pehuino' Land Commission Award after the illegal overthrow of the Hawaiian Kingdom. Their investigation revealed a pattern of deception and exploitation, exposing widespread corruption and systematic erosion of Kānaka Maoli land rights. Despite an 1880 Supreme Court decision that prohibited the sale of Waiehu fisheries as part of an ahupuaʻa (land division), Lunalilo trustees sold the fishery to Widderman in 1890. They also sold Lot 4 with the same boundaries from the 1887 LCA map, creating new deeds to facilitate the sale. This case highlights the disregard for indigenous land rights and the exploitation of legal loopholes by those entrusted with stewardship, underscoring the systemic injustices faced by Kānaka Maoli.

Case 2: Fraudulent Practices Highlighted by Kane Aliʻi Williams

Kane Aliʻi Williams' case illustrated the dispossession of Hawaiians through fraudulent practices by companies. He points out that evidence of such fraud is often found in discrepancies within genealogies, genders, fictitious individuals, and fabricated inheritances. For example, land deeds are sometimes issued and transferred on dates after the grantor has already passed away. These fraudulent activities further demonstrate the systematic erosion of Kānaka Maoli land rights.

Case 3: Makila Land Co LLC v. Kapu 152 Hawaii (2023)

Keʻeaumoku Kapu's Supreme Court case found that a lower court had erred in ruling in favor of West Maui Land. The ruling noted the lower court had overstepped its authority by denying Kapu's request for a hearing while he was representing himself. The Supreme Court's decision vindicated Kapu, proving that the Pioneer Mill Company never had title, thus invalidating Makila Land Company's claim to the lands of 'Apaʻa' and affirming Kapu's interest in Land Commission Award 6507. This case set a precedent for future cases involving historical land rights and kuleana claims, highlighting the limited understanding of kuleana rights by U.S. government agencies.

Case 4: Kaluaahole LLC v. Heirs or Assigns of Kamakona, Hawaii (2022)

In this case, an individual attempted to assert ownership over land through quiet title. Carol Lee Kamekona, an heir of 'Kamakona," defended her case using her genealogy (moʻokūʻauhau) and dower rights in Wailuku, Maui. Dower rights, derived from English law, historically ensured widows received a portion of their deceased husband's estate and have evolved to protect all surviving spouses. These rights were instrumental in helping Kamekona defend her kuleana rights, demonstrating the importance of genealogical evidence and traditional legal concepts in land disputes.

These victories in court represent not just legal triumphs, but the enduring spirit of Kānaka Maoli, determined to safeguard their ancestral lands. Each ruling stands as a testament to the resilience and unwavering commitment of individuals who refuse to let their cultural heritage be eroded by modern legal systems. Beyond the courtroom, these landmark decisions serve as beacons of hope, inspiring Kānaka Maoli to reclaim their rights with renewed vigor. They reinforce the significance

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of equitable legal processes and the validation of traditional land tenure systems. In doing so, they weave a stronger fabric of Kānaka Maoli law, firmly rooted in the rich tapestry of Hawaiian history and culture.

Moving Forward

As a public historian, artivista and filmmaker, I have always believed in the power of stories to illuminate truths and inspire change. My journey in creating the documentary *Islandtrification* has profoundly deepened my understanding of the issues faced by Kānaka Maoli (Cupchoy, 2023). This film chronicles the resilient journey of Kānaka Maoli families on Maui, as they resist the relentless tide of predatory gentrification dating back to settler colonialism. Through this film, I aimed to elevate the voices of those evidencing the process of reclaiming kuleana lands - sacred parcels of land passed down through generations. These stories do not merely concern land; they intertwine deeply with identity and heritage.

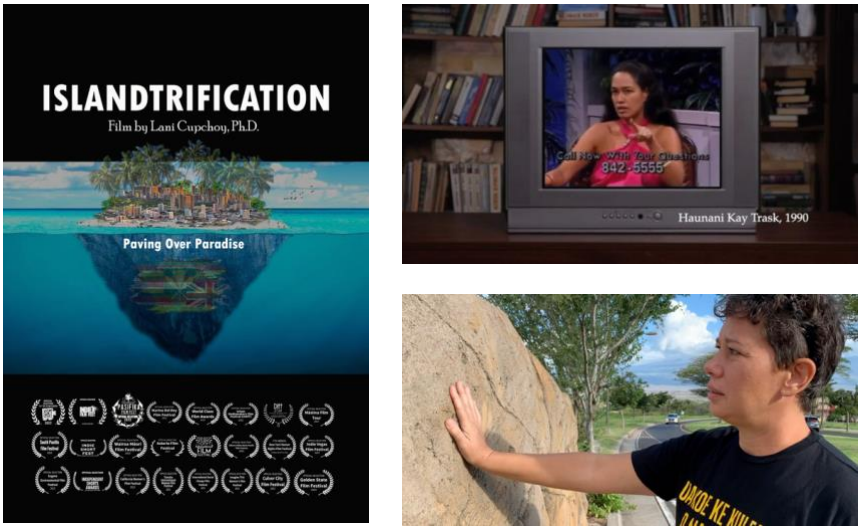

Figure 15.18. Film poster and stills from the documentary *Islandtrification*. Courtesy of Lani Cupchoy.

My dissertation research, *Reimagining Paradise: Representations, Public Culture, and Hawaiian Communities in Los Angeles, 1950s-present*, examined community formation among Hawaiians in Los Angeles (Cupchoy, 2015). Building on this foundation, *Islandtrification* returns to Maui, Hawai'i, to further investigate kuleana lands and ancestral connections. In filming *Islandtrification*, I was aware of my own position as a child of the Hawaiian diaspora, born and raised in Los Angeles with deep ancestral ties to Maui. This personal background added layers of depth to my understanding of the narratives. While the documentary is rooted in my personal journey of uncovering my genealogy and exploring kuleana lands, it primarily focuses on the experiences of other Kānaka families. *Islandtrification* highlights their displacement and ongoing struggles to reclaim kuleana rights, illuminating the broader challenges faced by the Hawaiian diaspora—a community that has seen nearly half of its population live outside of Hawai'i, with significant communities in states such as California, Nevada, and Washington.

This personal exploration has enriched the documentary's narrative and underscored the need for structured research to place these experiences within larger historical and systemic contexts. As I delved into my reconnections with kuleana lands and ancestral history, it became clear that my individual story is intricately linked to the broader experiences of the Kānaka community. My research to reconnect with and reclaim kuleana rights continues to drive my work. This article builds upon the insights gained from *Islandtrification*, aiming to weave these broader communal narratives into a comprehensive analysis of kuleana land rights and the forces shaping the Hawaiian diaspora. By integrating personal experiences with empirical data and historical context, this work offers a nuanced understanding of the intersection between individual identity and systemic dynamics.

The transition from filmmaking to research has allowed me to amplify the voices of Kānaka Maoli in a new way, particularly through the Pehuino family, who are the main focus of *Islandtrification*. Their personal and collective struggles for kuleana rights are deeply explored, with additional perspectives from kuleana rights voices such as Noelani Ahia and insights from Keʻeaumoku Kapu and Kane Aliʻi Williams enriching the narrative. These oral histories and testimonies, featured prominently in both the film and this research article, provide a profound understanding of the challenges faced by Kānaka Maoli.

While *Islandtrification* served as a powerful medium to share these personal stories, offer experiential attestation, and evoke emotional responses, this study aims to substantiate those narratives with empirical evidence and in-depth analysis. By integrating oral history testimony with a critical appraisal of colonial records, the research seeks to ground these personal accounts within a broader historical and systemic context. Examining the implications of forced migration, this article contributes a framework to a growing body of knowledge advocating for policy changes and community support.

The housing crisis on Maui was already severe, but the 2023 Lahaina wildfires intensified its impact, underscoring the urgent need to explore the broader implications of gentrification and displacement. The wildfires took the lives of two of my cousins. Experiencing that loss and seeing the crisis and the subsequent displacements emphasized the necessity of supporting those forced from their homes. These experiences motivated me to delve deeper into the systemic issues affecting Kānaka Maoli.

The Lahaina wildfires have not only ravaged the physical landscape of Maui but have also triggered an intricate web of consequences that extend far beyond the immediate destruction. In the aftermath of such disasters, one profound repercussion has been the forced micro-diaspora of communities who call Lahaina home. This phenomenon is not merely about displacement; it speaks to the disruption of social, cultural, and economic networks that are deeply rooted in the historical fabric of the region. The forced micro-diaspora resulting from the fires highlights the vulnerability of communities that lack secure land tenure. Many residents affected by the fires must undergo a process that includes proving genealogical rights to insurance companies, complicating their ability to rebuild and reestablish their lives in Lahaina quickly. The Lahaina fires serve as a poignant case study illustrating the urgent need for proactive land policies that prioritize community resilience and cultural sustainability. Implementing kuleana land policies in Lahaina and beyond could pave the way for a more equitable and resilient future, where communities are empowered to weather challenges and thrive amidst adversity. It serves as a pathway towards rebuilding not just physical

infrastructure, but also the social and cultural bonds that define Lahaina's unique identity and spirit. Moreover, kuleana land policy encourages sustainable land management practices rooted in local knowledge and traditions. This holistic approach not only strengthens community resilience but also fosters a deeper sense of belonging and connection among residents. By integrating these principles into land use planning and policymaking, communities can better prepare for and mitigate the impacts of future disasters.

The struggle for kuleana land rights in Hawai'i is deeply nuanced, intertwining threads of historical injustices, cultural preservation, and legal intricacies. Yet, amidst these complexities lies a profound opportunity for reconciliation and progress. As awareness grows and more individuals engage in this discourse, it becomes imperative to approach these issues with utmost sensitivity and reverence for the original custodians of the Kānaka Maoli 'āina (land). At its core, the dialogue on native land rights transcends mere notions of ownership; it is a profound acknowledgment of a legacy shaped by centuries of stewardship and an unbreakable bond with the land. By honoring the legacy of the land and embracing the responsibilities it entails, it not only affirms the rights of Kānaka Maoli but also upholds the intrinsic value of preserving the cultural and ecological heritage of Hawai'i for generations to come.

Finally, this research actively shapes a future where Kānaka Maoli can thrive in their homeland, without facing threats of displacement and cultural erasure. I hope to inspire more Kānaka Maoli living in Hawai'i and in the diaspora to reclaim and assert their kuleana land rights. This study is a call for all Kānaka Maoli to come home. In line with this vision, I am expanding my research into new directions with an upcoming feature-length documentary. This film will not only document the experiences of families reclaiming their ancestral lands but will also focus on the positive outcomes of such reclamations. By highlighting successful land returns in Hawai'i and other indigenous and native communities, the documentary aims to illustrate a hopeful future where these successes become the norm. Through this, it supports the broader goal of enabling Kānaka Maoli to return and thrive, reinforcing the call for reclaiming ancestral lands and creating new histories.

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