

**John Burgess, Sanford Dole, and the 1894 Constitution of the Republic of
Hawai'i**

May Niiya

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INTRODUCTION

It starts with a letter in a historical archive, which links the creation of the Constitution of the newly formed Republic of Hawai‘i in 1894 to the intellectual developments of political scientist John W. Burgess, nearly 5,000 miles away. On March 26, 1894, Sanford B. Dole, leader among a group of elite white settlers in Honolulu who had led the overthrow of the Kanaka Maoli (Native Hawaiian)-led Hawaiian Kingdom in January of the year prior, penned a letter to Professor Burgess of Columbia University. “We are at work upon a new republican constitution,” wrote Dole, “and your book has been of great help to me. If you can give me light on the point mentioned and upon any other points that may suggest themselves to you I shall be your debtor.”¹ The point raised in Dole’s letter was a seemingly technical question: a line from Volume II of Burgess’s *Political Science and Comparative Constitutional Law* (1890), regarding the balance of power between the Executive power and his Cabinet in an ideal form of political constitution. This question hinted at larger underlying issues surrounding the balance of political power between white American elites and others, namely Kānaka Maoli and Asian settlers.

This research project was born out of a series of correspondence between Dole and Burgess, the first of which I reference above, that collectively pose the question of how Columbia University and especially the intellectual developments that it fostered in the late 19th century influenced the creation of the Constitution of the settler-led Republic of Hawai‘i in 1894. This paper examines the connection between two key figures, Burgess and Dole, tracing resonances between Burgess’s published work, along with his private advice to Dole, and the process of creating and the final version of the Constitution of the Republic of Hawai‘i. Neither

¹ Henry Miller Madden, Sanford B. Dole, and John W. Burgess, “Letters of Sanford B. Dole and John W. Burgess,” *Pacific Historical Review* 5, no. 1 (March 1936): 72.

Burgess nor Dole lack relevance today, and their political thought and actions continue to have consequences both locally in Hawai‘i and in the academy at large.

Burgess was Columbia’s leading political scientist in the 1890s. He was also an avowed racist with a particular vision for what the world should be, built upon racial hierarchy and colonialism. Meanwhile, Dole and others created this “new republican constitution” with the express purpose of disenfranchising nonwhites, including Kānaka Maoli (Native Hawaiians) and Asian settlers, and paving the way for Hawai‘i’s eventual annexation by the United States in 1898.² According to historian Alfred Castle (himself a descendant of some of the first American missionaries to arrive in Hawai‘i in 1836), although “[t]he degree to which Burgess actually influenced the thinking” of Dole and other powerful white settlers tasked with creating a new republic is unknown, “[w]e can safely conclude that Burgess did at least ratify and lend formal academic respectability to their actions.”³ This paper will explore the specific ways in which Burgess lent respectability to Dole’s Constitution through a close reading of Burgess’s published work, the Burgess-Dole letters, and the archival materials related to the Republic of Hawai‘i’s 1894 Constitutional Convention.

BACKGROUND AND CONTEXT

In order to understand the specific ways in which Burgess’s ideas and ideals manifested themselves within Dole’s Constitution, it is first necessary to understand (1) the moment of the creation of the Republic of Hawai‘i within the long history of the United States’ colonization of

² Ibid.

³ Alfred L. Castle, “Advice for Hawaii: The Dole-Burgess Letters,” *The Hawaiian Journal of History* 15 (1981): 29.

Hawai‘i and (2) the overarching themes and underlying assumptions behind Burgess’s intellectual contributions to the field of political science.

Hawai‘i in the Late 19th Century

The year in which the Constitutional Convention for the new Republic of Hawai‘i took place was one of uncertainty and broken precedents. Just over a year before the Convention convened in the summer of 1894, an elite group of haole (white) settlers, most of whom had direct ties to the earliest class of American missionaries to Hawai‘i and had amassed significant influence within Hawai‘i’s politics and economy, led an overthrow of the Kanaka Maoli-led Kingdom of Hawai‘i. The 1893 overthrow, and U.S. annexation which followed just five years later, represent a culmination of over a century of increasing haole hegemony in the islands combined with the concerted effort of expansionists on the U.S. continent.

Popular histories of Hawai‘i claim that the islands were “discovered” by British explorer James Cook in 1778. Recent scholars of Hawaiian Studies, however, have contested this notion of discovery and the conception that Cook “introduced Kānaka to the idea that a world beyond their shores existed” by exploring the ways in which Native people engaged with the outside world long before European explorers arrived on their shores.⁴ Cook did open the door for increasing numbers of explorers and traders from the United States and Europe to arrive in Hawai‘i, however, and in 1820, the first contingent of American Protestant missionaries from the East Coast of the U.S. continent settled in Hawai‘i, which itself opened the door for greatly expanded white American settlement. This first contingent and future contingents were

⁴ David A. Chang, *The World and All the Things upon It: Native Hawaiian Geographies of Exploration* (Minneapolis: University of Minnesota Press, 2016), viii.

sponsored by one of the most influential Protestant missionary organizations in the country, the American Board of Commissioners for Foreign Missions (ABCFM).⁵

Throughout the 19th century, increasing numbers of Americans settled in Hawai‘i, establishing families, acquiring land, and inserting themselves into local politics and the economy. Haole settlers, many of whom were part of prominent missionary families, accumulated wealth by establishing sugar plantations starting in the 1830s, which relied on imported Chinese, Japanese, Filipino, and Portuguese, as well as Kanaka Maoli, labor. By the 1880s, a handful of wealthy haole planter families known as the “Big Five” dominated Hawai‘i’s economy. Members of these families came to hold powerful political positions within the Kingdom of Hawai‘i government, a constitutional monarchy led by King Kalākaua. Kalākaua was the reigning monarch from 1874 to 1891 and was himself part of the family tree of King Kamehameha I, the monarch who united the Hawaiian Islands into a single Kingdom nearly a century prior.

In 1887, a group of powerful white settlers, including Sanford Dole, banded together to force King Kalākaua to sign a new constitution, dubbed the “Bayonet Constitution.” This document drastically reduced the power of the monarch and restricted the voting rights of Kānaka Maoli and Asian settlers. This group of haoles called themselves “the Hawaiian League, a collection of haole businessmen, attorneys, laborers, and artisans whose apparent goal was ‘Constitutional, representative Government, in fact as well as form, in the Hawaiian Islands, by all necessary means.’”⁶ Then, in 1893, this same group of settlers, alternately using names such as the Committee of Safety and Annexation Club, ousted Kālākaua’s successor, Queen

⁵ Craig Steven Wilder, *Ebony and Ivy: Race, Slavery, and the Troubled History of America’s Universities* (Bloomsbury Press: New York, 2013), 247.

⁶ Jonathan Kay Kamakawiwo‘ole Osorio, *Dismembering Lāhui: A History of the Hawaiian Nation to 1887* (Honolulu: University of Hawai‘i Press, 2002), 235.

Lili‘uokalani, from power and staged a coup that replaced the Kingdom of Hawai‘i government with the haole-led Republic of Hawai‘i. The orchestrators of the coup named Dole as the first and only President of the Republic of Hawai‘i and charged him with assembling and leading a committee to create a new Constitution, which is the subject of this paper. After U.S. annexation, Dole became the first Territorial Governor of the U.S. territory of Hawai‘i.

Dole was the son of American missionaries who arrived in Hawai‘i in 1841 as part of the ABCFM’s ninth official missionary company. After growing up in Hawai‘i and then attending school on the U.S. continent, he became a lawyer and politician within the Kingdom of Hawai‘i before assisting with the 1893 overthrow. According to some historians, Dole was a moderate in comparison to other members of the Hawaiian League, Committee of Safety, and Annexation Club. While all members “were entirely in agreement that the [Kalākaua] administration was not capable of providing” the type of leadership they thought necessary for the continuation of the state, “[t]he more cautious, such as Dole and Castle, simply wanted Gibson [Kalākaua’s Prime Minister] out, a cabinet that reflected the business community’s interests, and ‘a drastic revision of the constitution of the kingdom’ that would retain at least a form of monarchy.” This, in comparison to the more radical members of the group who “wanted monarchy ended and replaced by either a republic or outright annexation to the United States.”⁷ However, even if the establishment of a republic or annexation were not his initial goals, upon the success of the 1893 overthrow, Dole’s views shifted to align with those of his peers; according to scholars, “Annexation to the United States had always been the goal of the provisional government and would always be.”⁸

⁷ Osorio, *Dismembering Lāhui*, 235-6.

⁸ Noenoe K. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham: Duke University Press, 2004), 170.

Although not the focus of this paper, it is important to remember amidst this recounting of the actions of Dole and his oligarchy of haole elites that Hawai‘i has a robust and storied history of Native resistance against U.S. and other Western encroachment, from the time of British explorer James Cook’s “discovery” of the islands (and his subsequent death at the hands of the Hawaiian people) to U.S. annexation, and continuing into the present. Throughout the late 1880s and 1890s, Kānaka Maoli and their non-Native allies staged a series of large-scale, sometimes violent rebellions against the settler-dominated government. In 1889, for example, Kānaka Maoli and their Asian settler allies teamed up to mount a rebellion led by Robert W. Wilcox, a mixed Hawaiian-haole royalist dedicated to the restoration of power to the monarchy following the institution of the Bayonet Constitution. Wilcox led another rebellion in 1895, in direct response to the 1893 overthrow and ratification of the Republic of Hawai‘i Constitution in 1894.

John Burgess’s Political Science

The other key piece to understanding the connection between Columbia University and the colonization of Hawai‘i is John Burgess, a professor of Political Science from 1876 to 1912. In 1880, he created the first graduate program in Political Science in the country at Columbia, and he is widely credited as one of the “fathers” of modern political science as a discipline. Burgess was a professor of constitutional law and taught. Among his students are such notable figures as U.S. President Theodore Roosevelt and Lorrin Thurston, Dole’s colleague and fellow member of the haole elite in Hawai‘i, known in part for authoring the 1887 Bayonet Constitution. At Columbia Law School, Burgess also taught William Dunning, founder of the Dunning School, a now-highly-discredited historiographical school of thought that blamed the purported “failure” of Reconstruction in the postbellum U.S. South on the incapacity of freed Black people for

political enfranchisement. Burgess also wrote a series of textbooks on constitutional law, collectively titled *Political Science and Comparative Constitutional Law* (1890), which Dole cites in his original correspondence.

In his scholarship, Burgess developed a theory of racial hierarchy, based on various races' imagined capacities for political organization. Burgess placed Teutons, comprised of Americans and many Western Europeans, at the top of the white races (over particularly Southeastern Europeans) and viewed nonwhites, particularly the Asian and African races, as inherently incapable of political organization. Within the category of Teuton, Burgess placed "Americans, English, Germans, and Scandinavians."⁹ Burgess's theory of Teutonic supremacy rested upon a supposedly objective and scientific historical survey of the world's races and civilizations in his book *Political Science and Comparative Constitutional Law*. Based on this survey, Burgess concluded that only Teutonic nations are capable of creating states, and "the fact that [the national state] is the creation of Teutonic political genius stamps the Teutonic nations as the political nations *par excellence*, and authorizes them, in the economy of the world, to assume the leadership in the establishment and administration of states."¹⁰

As Burgess suggests, a logical extension of his theory of racial hierarchy is the lending of moral legitimacy to colonialism at large. Teutonic nations "are intrusted [sic], in the general economy of history, with the mission of conducting the political civilization of the modern world." Not only that, but based on the results of Burgess's survey of world history, his "conclusion from the proposition in reference to the mission of Teutonic nations must be that they are called to carry the political civilization of the modern world into those parts of the world

⁹ Madden, Dole, and Burgess, "Letters of Sanford B. Dole and John W. Burgess," 73.

¹⁰ John W. Burgess, *Political Science and Comparative Constitutional Law* (New York: Baker & Taylor, 1890), 39.

inhabited by unpolitical and barbaric races; *i.e.* they must have a colonial policy.”¹¹ According to Burgess, it is not only acceptable for Teutonic nations, which represent the high point of civilization, to interfere in the affairs of other nations and to create political formations including national states atop those nations, but it is also Teutonic nations’ responsibility to the greater good of the world. In pursuit of this noble mission, “the exercise of force [by Teutonic nations] is not only justifiable, but commendable; and not only commendable, but morally obligatory.”¹² It is “the white man’s mission, his duty and his right,” according to Burgess, “to hold the reins of political power in his own hands for the civilization of the world and the welfare of mankind.”¹³

Another damaging consequence of Burgess’s theory of racial hierarchy has to do with his embrace of the Dunning School of Reconstruction. Indeed, Burgess was briefly Dunning’s professor at Columbia Law School, and the two went on to teach this narrative of history for many decades. According to W. E. B. Du Bois, “The real frontal attack on Reconstruction, as interpreted by the leaders of national thought in 1870 and for some time thereafter, [...] began with Columbia University and with the advent of John W. Burgess of Tennessee and William A. Dunning of New Jersey as professors of political science and history.” Burgess “was frank and determined in his anti-Negro thought,” which he likely developed during his time as a Confederate soldier and “his early perception of Negroes as essentially property like books and candles.”¹⁴ At Columbia, Burgess taught his students that newly freed Black people in the South were “utterly incapable of appreciating the freedom that had been thrust upon them,” and that “To put such a race of men in possession of a ‘state’ government in a system of federal

¹¹ Burgess, *Political Science and Comparative Constitutional Law*, 45.

¹² Burgess, *Political Science and Comparative Constitutional Law*, 42.

¹³ John W. Burgess, *Reconstruction and the Constitution 1866-1876* (New York: Scribner’s, 1902), ix.

¹⁴ W. E. B. Du Bois, *Black Reconstruction in America: an Essay toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Harcourt, Brace and Company, 1935), 718.

government [...] is simply to establish barbarism in power over civilization.”¹⁵ Although different in scale, Burgess viewed the political enfranchisement of Black people in the South as akin to the political enfranchisement of non-Teutons and especially nonwhites on a global scale, the very opposite of the colonial policy he embraced. Writing in 1935, Du Bois laments that Burgess’s scholarship has been the basis for “the teaching of one of our greatest universities for nearly fifty years.”¹⁶ One throughline between Burgess’s views on colonialism and Reconstruction is the firm belief that, in his words, “American Indians, Africans and Asiatics” should not “form any active, directive part of the political population” in the United States or in the world.¹⁷

BURGESS-DOLE CONNECTION AND RESONANCES IN THE CONSTITUTION OF THE REPUBLIC OF HAWAI‘I

This is the context in which Dole first wrote Burgess in March of 1894, asking for advice on how to construct his new Constitution. In Hawai‘i, Dole and others were in the process of establishing a precarious new state after decades of the expansion of haoles hegemony and also amidst fierce resistance by Kānaka Maoli. Dole and his colleagues aimed publicly to establish a republic after the American model. However, especially since haoles were a demographic minority on the islands, these republican ideals were moderated by the need to restrict nonwhite political access and keep power in the hands of the white American settler elite. Nationally, within the academy, “scientific” theories of racial hierarchy which justified imperialism and the

¹⁵ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (USA: Louisiana State University Press, 1984), 609.

¹⁶ Du Bois, *Black Reconstruction in America*, 719.

¹⁷ John W. Burgess, “The Ideal of the American Commonwealth,” *Political Science Quarterly* 10, no. 3 (1895): 406.

retrenchment of political rights to non-Teutons and nonwhites more broadly had gained widespread scholarly legitimacy.

It should be noted that during the period between the January 1893 overthrow and the July 1894 ratification of the Constitution of the Republic of Hawai‘i, Dole was acting President of a *provisional* government that aimed to facilitate annexation by the United States. Immediately following the overthrow, Dole and his government extended a treaty of annexation to U.S. President Grover Cleveland, which Cleveland, an outspoken anti-imperialist, rejected. Cleveland went so far as to call for Queen Lili‘uokalani’s restoration, after which Lili‘uokalani entered into negotiations with the U.S. government. These negotiations upset Dole, who in response issued a public letter stating that his government did “not recognize the right of the President of the United States to interfere in our domestic affairs”—“with no discernible acknowledgement of the ironies of such a statement,” in the words of Hawaiian Studies scholar Noenoe Silva.¹⁸ It was after this series of exchanges between Dole, Cleveland, and Lili‘uokalani that “Dole and his colleagues moved to establish a *permanent* government in order to legitimize their power and control over the resources of Hawai‘i,” thus the need for a new constitution.¹⁹

Dole presided over a constitutional committee which first convened as part of the Constitutional Convention in May of 1894. The committee was comprised of 37 delegates, half of whom were chosen by popular election. However, “in order for people to vote in this election, they would first have to sign an oath of loyalty to the provisional government, promising to ‘oppose any attempt to reestablish monarchial government in any form in the Hawaiian Islands.’ The overwhelming majority of Kānaka Maoli refused to sign the oath, and boycotted the

¹⁸ Silva, *Aloha Betrayed*, 170.

¹⁹ Silva, *Aloha Betrayed*, 136; emphasis added.

constitutional convention: only about 4,000 men, most of foreign birth, signed the oath and voted in the election.”²⁰ Thus, unsurprisingly, the very premise of the creation of a new Constitution was flawed: its members did not represent the will of the Hawaiian populace at large, only its pro-American and pro-overthrow constituents.

In his first letter to Burgess, dated March 26, 1894, Dole asks for clarification regarding a specific line in Burgess’s *Political Science and Comparative Constitutional Law*. He also welcomes any additional advice regarding the construction of the new Constitution. Dole follows up with a second letter to Burgess dated five days later soliciting additional advice about the structure of the new Republic’s legislature and the imposition of voting restrictions. The contents of this letter, as well as Burgess’s response, dated April 13, 1894, will be discussed in more detail in the following sections.

Conceptions of Nation and State

in *Political Science and Comparative Constitutional Law*, Burgess outlines a specific definition of the nation and of the state. The ideal nation, he writes, is “a population of ethnic unity, inhabiting a territory of geographic unity.”²¹ He recognizes, however, that in reality, “ethnic” and “geographic” unity rarely overlap as neatly as is ideal. The question of whether the Kingdom-turned-Republic of Hawai‘i fits Burgess’s definition of a nation is not entirely clear; although Hawai‘i has geographic unity, in this case defined by its separation “from other territory by [...] broad bodies of water,” it arguably does not meet the requirements of ethnic unity, defined by “a common language and literature” as well as “a common tradition and

²⁰ Ibid.

²¹ Burgess, *Political Science and Comparative Constitutional Law*, 1.

history, a common custom and a common consciousness of rights and wrongs.”²² In addition to not sharing a common language, there is a stark difference between the “common tradition and history” of Kānaka Maoli and that of settlers, particularly white settlers. Although Burgess does not view ethnic unity as synonymous with racial homogeneity, he argues that “the political union of different races under the leadership of a dominant race results almost always in national assimilation.”²³ The very existence of Kānaka Maoli resistance to haole hegemony is evidence of a fractured polity and of the failure of “national assimilation.”

Atop nations sit national states, which are “the most modern product of political history, political science and practical politics.”²⁴ While Burgess views the existence of nations as determined by inherent geographic and ethnic characteristics, states are man-made political formations that organize nations through the extension of national power. Importantly, in line with Burgess’s theory of racial hierarchy, only Teutonic nations, he argues, are capable of creating viable national states. He writes, “In light of history and of present fact, our propositions cannot be successfully disputed, that the significant production of the Teutonic political genius is the national state; that only the Teutonic nations have produced national states; and that they have proved their intense positive force in this direction by creating national states upon the basis of populations belonging to other races.”²⁵ Burgess’s definitions of the nation and state, as well as his theory of racial hierarchy based on a survey of world history, set the foundation for his subsequent arguments about political franchise, voting rights, immigration, and citizenship.

Political Franchise and Voting Rights

²² Burgess, *Political Science and Comparative Constitutional Law*, 2.

²³ Ibid.

²⁴ Burgess, *Political Science and Comparative Constitutional Law*, 38.

²⁵ Ibid.

In Burgess's April 1894 reply to Dole's letters, the professor provides his assessment of the situation in Hawai'i:

You have a population of nearly 100,000 persons, of whom about 5,000 are Teutons i.e. Americans, English, Germans and Scandinavians, about 9,000 are Portuguese [sic] about 30,000 are Chinese and Japanese, about 8,000 are native born of foreign parents, and the rest are natives.²⁶ You have, according to your late constitution, a law of suffrage, which allowed every male adult citizen having a certain slight educational qualification to vote for those members of your late legislative body called 'Representatives', and which required of the voters for those members called 'Nobles' an additional, property qualification of a substantial sort.

With this situation, I understand your problem to be the construction of a constitution which will place the government in the hands of the Teutons, and preserve it there, at least for the present. I think you can accomplish this with the existing material at your hand provided the Teutons are substantial [sic] united in purpose and will act harmoniously.²⁷

There are several remarkable aspects of Burgess's response. The first is that Burgess was able to, correctly, identify the central dilemma facing Dole and his cadre of elite white settlers at the time of writing, which also happened to be the central dilemma facing American settlers since they first arrived in Hawai'i. This dilemma was the problem of how to control a nonwhite populace, consisting of Kānaka Maoli and increasing numbers of Asian settlers, which greatly outnumbered them. The second remarkable aspect of Burgess's letter is his conclusion that "plac[ing] the government in the hands of the Teutons," despite Teutons only comprising 5% of the population by his own estimates, was feasible and even likely. The fact that Burgess came to this conclusion speaks to his belief in Teuton racial supremacy over non-Teutons and especially nonwhites, and the incapacity of nonwhites for any kind of political organization—this, despite the Kanaka-led Kingdom of Hawai'i having existed for a century prior to the overthrow, and less centralized Indigenous political formations having existed for centuries before that.

²⁶ According to the 1890 census, the population of Hawai'i in 1890 was just under 90,000, of which "Teutons" numbered 4,500; Portuguese, 8,600; Chinese and Japanese, 27,700; naturalized foreigners, 7,500; and Kānaka Maoli, 40,600.

²⁷ Madden, Dole, and Burgess, "Letters of Sanford B. Dole and John W. Burgess," 73.

In order to achieve and preserve Teuton political hegemony, Burgess makes several specific recommendations. First, he suggests that Dole and his constitutional committee structure the legislature into a lower and upper house, in continuity with the Kingdom's House of Representatives (lower house) and House of Nobles (upper house). However, Burgess adds, "If it should be deemed desirable to make the legislature still more conservative you can accomplish this by requiring property qualifications and advanced age for membership and electing by general ticket."²⁸

In the end, Dole and his convention seem to have followed Burgess's advice; they did establish a two-house legislature modelled after that of the United States. To vote for members of the lower House of Representatives, the 1894 Constitution stated that voters must be male citizens of the Republic (including citizens naturalized prior to the 1893 overthrow) and able to speak, read, and write the English or Hawaiian languages, as determined by their ability to interpret various sections of the Constitution itself. For the upper Senate, the Constitution did institute property and income requirements. Voters for Senators were required to possess at least \$3,000 in personal property or receive an income of not less than \$600 in the year prior to registering to vote. Besides these property and income qualifications themselves, scholars note that the Constitution "was designed to keep as many Kānaka Maoli from voting as possible and to prevent Asian immigrants from voting" in other ways as well, namely through its "use of the 'Mississippi laws' that had kept African American citizens from voting in that state. In short, these laws stipulated that any voter could be challenged to explain details of the Constitution before being allowed to vote."²⁹ Given the subjectivity of this requirement, voting officials were

²⁸ Madden, Dole, and Burgess, "Letters of Sanford B. Dole and John W. Burgess," 73-4.

²⁹ Silva, *Aloha Betrayed*, 136-7.

able to exploit these laws to restrict undesirables—be it it Black Americans in Mississippi or Kānaka Maoli in Hawai‘i—from voting.

Just prior the the ratification of the 1894 Constitution, a group of haoles who called themselves the American League, whose “members are pledged by an oath to the cause of annexation, to resistance of monarchy, and to render the Provisional Government such armed or other support as it may require,” wrote to Dole and his committee to praise their work. They wrote, “In our opinion the constitution as altered during the first and second readings is designed to serve well its purposes. We find the fault that it is not thoroughly American and we find ready solace in the fact that circumstances will not permit a close adaptation of the constitution of the United States.” Furthermore, they write, “The lesson of our observation here is that a Republic pure and simple would not fit the case and would be little less than a disaster.”³⁰ White settler elites clearly picked up on the fact that the Constitution was meant to place limitations on democracy, principally through voting restrictions, that would result in Burgess’s goal of Teuton control over government.

Immigration, Naturalization, and Citizenship

Voting rights for both the Senate and House were restricted to Republic of Hawai‘i citizens. The 1894 Constitution had specific requirements when it came to citizenship and naturalization. Although the Constitution extended citizenship to any person born in the Hawaiian Islands, Article 17 Section 2 also extended citizenship to any person “who took active part, or otherwise rendered substantial service in the formation of, and has since supported the

³⁰ American League Congratulations, 29 June 1894, CC1894-3-9, Miscellaneous, Records of the 1894 Constitutional Convention, Hawai‘i State Archives, Honolulu, HI.

Provisional Government of Hawai‘i.”³¹ In other words, active supporters of 1893 overthrow were granted citizenship, even if they were not born in Hawai‘i or did not meet the requirements for naturalization.

To become naturalized, Article 18 of the Constitution stated that one must have lived in Hawai‘i for at least two years with the intention of becoming a permanent citizen; be able to read, write, and speak English, as demonstrated through the ability to comprehend and explain in English any part of the Constitution (again, the “Mississippi laws”); possess subjectively-defined good moral character; be employed or possess some means of financial support; own property valued at not less than \$200; and take an oath in support of the Republic of Hawai‘i and against the reinstitution of monarchy.³² In effect, the language and property requirements for naturalization prevented Asian settlers who arrived in Hawai‘i to work on plantations from naturalizing.

Dole was lukewarm on the idea of Asian contract labor. Although early on he “issued a mild criticism of his missionary brethren in the sugar business in 1869 that they were sacrificing principle for profits,” as President of the Republic, “he allowed the system to remain in place.”³³ To Dole and other moderates, the contract labor system looked too similar to slavery, which had been formally abolished in the United States in 1865. A few years after he issued that initial critique, “Dole and others published a series of articles dealing with the population and labor supply.” In it, he argued for an immigration policy that “attracted free labor from all part of the world, including China, by offering land, wages, and citizenship.”³⁴ Of course, by the time Dole

³¹ Constitution of the Republic of Hawai‘i, Article 17, Section 2, 4 July 1894, CC1894-4, Records of the 1894 Constitutional Convention, Hawai‘i State Archives, Honolulu, HI.

³² Constitution of the Republic of Hawai‘i, Article 18, 4 July 1894, CC1894-4, Records of the 1894 Constitutional Convention, Hawai‘i State Archives, Honolulu, HI.

³³ Osorio, *Dismembering Lāhui*, 176.

³⁴ Osorio, *Dismembering Lāhui*, 182.

became President of the Republic, he had become far less moderate, not only allowing for stricter naturalization requirements that prevented Asian laborers from becoming citizens, but also in his ardent support of the overthrow of the monarchy and annexation by the United States. On the issue of immigration, Dole's views largely aligned with Burgess's. According to Burgess, "a state is not only following sound public policy, but one which is ethnically obligatory upon it, when it protects its nationality against the deleterious influences of foreign immigration." When immigration begins to threaten "the national language customs, and institutions, [...] then the time has come for the state to close the gateways partly or wholly, as the case may require, and give itself time to educate the incomers into ethnical harmony with the fundamental principles of its own individual life."³⁵

As in the U.S. itself, haole policymakers in Hawai'i in the late 19th century were dealing with pressing questions surrounding Asian immigration. After the 1893 overthrow and upon the announcement of a new constitution, a group of Chinese settlers who called themselves the Committee for Chinese Rights submitted a petition to the Constitutional Convention. In it, they cite the "known" fact that "the Chinese merchants and planters have always been firm supporters of the Constitutional Government of Hawaii" to appeal for additional rights. Additionally, the petition cites the fact that Chinese labor has "increase[ed] the revenue of the country," and that Chinese "have inter married with Hawaiians who have given to us children born in this land, educated in your own schools, and inter married with your own race." Based on these factors, which happen to directly address the same barriers to immigration Burgess points to in his writings, Chinese should be "entitled to some greater respect from the Government than has

³⁵ Burgess, *Political Science and Comparative Constitutional Law*, 43-4.

hitherto been politically accorded to [them].”³⁶ Based on digitized records of the Constitutional Convention, it seems that the committee continuously tabled the petition for Chinese rights before failing to address it altogether before the Convention disbanded. The Constitution that was ratified in July of 1894 did not meet the petition’s demands of establishing a treaty of friendship between Hawai‘i and China, granting franchise to Chinese citizens, or ensuring Chinese representation in government.

CONCLUSION

Burgess’s ideology can be found throughout the 1894 Constitution of the Republic of Hawai‘i, in the underlying structure of government (modelled after that of the United States, into executive, judicial, and two-tiered legislative branches) and in specific articles relating to voting rights, citizenship, and naturalization. Moreover, Burgess’s theory of racial hierarchy has implications on multiple scales. Within Hawai‘i, it argues for the necessity of keeping power within the hands of white settlers and out of the hands of Kānaka Maoli and Asian settlers, who, according to Burgess, do not possess the capacity for political organization. On a global scale, Burgess’s ideology justifies colonialism over nonwhites and the U.S. annexation of Hawai‘i as a progressive movement toward modern political organization, away from barbarism and toward civilization.

Finally, a note on historiography: the power and hold of dominant historical narratives cannot be understated. Burgess and Dunning in the late 19th century created an enduring narrative of Reconstruction that relied on and perpetuated anti-Black racism and justified the

³⁶ Petition for Chinese Rights, 9 May 1894, CC1894-3-7, Records of the 1894 Constitutional Convention, Hawai‘i State Archives, Honolulu, HI.

retrenchment of civil rights that continued well into the 20th century. In this case, like in many others, historical narratives have real material consequences, and it was not until the New Left turn in the last quarter of the 20th century that this violent and ahistorical retelling of history began to be debunked. A similar ahistoricism surrounding the history of the colonization of Hawai‘i exists today, which portrays Hawai‘i’s incorporation into the United States as inevitable and benevolent and diminishes the historical agency of Kānaka Maoli. Only recently have scholars like Noenoe Silva and Jonathan Osorio, cited throughout this paper, begun to challenge this narrative of Americanization by highlighting resistance by Kānaka Maoli and their allies, continuously from the time of first contact with Europeans.

While conducting research for this project, I encountered several popular biographies of Sanford Dole, written by casual historians, which valorize Dole and celebrate his legacy in Hawaiian history. These biographies have been heavily criticized by Kānaka Maoli and other scholars—for example, Hawaiian Studies activist and scholar Haunani-Kay Trask called one such biography simply “bad history” and a case in which “silence is preferable to babbling romanticism”—but the overarching sentiment remains.³⁷ Quasi-historian Ethel Damon, in her biography *Sanford Ballard Dole and His Hawaii* (1957), writes a detailed history of the creation of the 1894 Constitution. In addition to drawing attention to the Burgess-Dole letters, in which Dole received “wise suggestions” regarding the form and contents of the final Constitution, Damon characterizes the unveiling of the Constitution as an overwhelming success: “When President Dole moved through the groups around the doors and went down the steps to the middle platform, he was greeted with cheers and applause. He stood for a minute, looking down

³⁷ Haunani-Kay Trask, “Reviewed Work: *Sanford Ballard Dole: Hawai‘i’s Only President, 1844-1926*,” *The Journal of American History* 76, no. 2 (September 1989): 601.

upon the people whose interests he had watched over so closely during the last eighteen months, and then began to read a short address ending in the proclamation which changed the government of the Islands from a temporary to a permanent one.”³⁸

Let us end by comparing this triumphant scene to more recent a historical account of the Constitution’s reception using Hawaiian-language sources located by Kānaka Maoli scholar Noenoe Silva. She shows that Dole and his committee were met with “continual protest” during and after the Constitutional Convention: “The provisional government then selected July 4 to announce their new permanent government. The po‘e aloha ‘āina found out about these plans just a few days ahead of time, and they were outraged. They called a hālāwai maka‘āinana nui (mass meeting) for July 2.”³⁹ According to Silva, “between 5,000 and 7,000 people—almost twice as many as had voted for the constitutional convention—showed up at 5 P.M. at Palace Square to express their disagreement with the republic’s formation, and to approve a resolution drafted by the officers of the Hui Aloha ‘Āina to be submitted to the U.S. minister.”⁴⁰ In addition to back-channeling with the anti-imperialist Cleveland administration, opponents of the 1894 Constitution also began to organize an armed rebellion which was shut down by the Republic government before it could be enacted.

Lauding the 1894 Constitution as some sort of democratic success is not only highly misleading and misrepresents Dole’s legacy; it also serves to undercut the contemporary Hawaiian sovereignty movement. Locally, the fight for Hawaiian sovereignty continues through, for example, ongoing protests against the construction of a massive telescope that would desecrate Mauna Kea on the island of Hawai‘i or against a maintenance of a navy base on the

³⁸ Ethel M. Damon, *Sanford Ballard Dole and His Hawaii, with an analysis of Justice Dole’s Legal Opinions* (Palo Alto: Pacific Books for the Hawaiian Historical Society, 1957), 297.

³⁹ Silva, *Aloha Betrayed*, 137.

⁴⁰ Ibid.

island of O‘ahu that in 2021 leaked tens of thousands of gallons of fuel into the surrounding land and water systems. And, in the academy, fields like Ethnic and Indigenous studies are still actively combatting the racism of Burgess’s political science. The Dole-Burgess letters draw our attention to both the plight of Hawai‘i occupied land and to the ingrained racism of academic institutions, including Columbia.

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