

A Non-Native Approach to Decolonizing Settler Colonialism within Hawaii’s LGBT Community

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INTRODUCTION	132
I. CIVIL UNIONS: THE MARKETING OF MARRIAGE EQUALITY AND POTENTIAL HARM TO NATIVE HAWAIIAN CULTURE	133
II. “DON’T ASK, DON’T TELL”: HOW THE LGBT MOVEMENT CAN ADDRESS THE U.S. MILITARY PRESENCE IN HAWAI‘I.....	139
III. AIKĀNE AND MĀHŪ: DISTINCT SEXUAL IDENTITIES IN HAWAI‘I	142
CONCLUSION.....	144

INTRODUCTION

Scott Lauria Morgensen’s *Unsettling Queer Politics: What Can Non-Natives Learn from Two-Spirit Organizing?* calls on “participants in non-Native queer politics to investigate how settler colonialism forms these politics and to respond with new radicalization.”¹ How do colonialist structures give settlers and their descendants power while denying that same power to Natives? One part of this structure is the perpetuation of privilege for non-Natives who have migrated to Hawai‘i, thus continuing colonization. For Morgensen, decolonizing settler colonialism requires recognition that all non-Natives residing in Hawai‘i live on stolen land and that settler practices and customs may not always coincide with Native practices.² Decolonizing settler colonialism also requires non-Natives to accept and respect differences among Native people in Hawai‘i.

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¹ Scott L. Morgensen, *Unsettling Queer Politics: What Can Non-Natives Learn from Two-Spirit Organizing?*, in *QUEER INDIGENOUS STUDIES: CRITICAL INTERVENTIONS IN THEORY, POLITICS, AND LITERATURE*, 132, 145 (2011). Morgensen provides an understanding of indigenous issues as they relate to the lesbian, gay, bisexual, and transgender (“LGBT”) community as well as coalitions between Natives and non-Natives in the continental United States. *Id.*

² *Id.* at 138 (stating that “[t]exts that appear on the surface to be telling truths about Native people may be telling more about non-Native social locations or political investments of their writers and readers.”) (emphasis in original).

As a recent settler to Hawai‘i and a non-Native gay male activist, I have been sensitive to how I participate in the lesbian, gay, bisexual, and transgender (“LGBT”) movement here. Born and raised in San Francisco, California, I often used the term “queer” when speaking broadly about LGBT individuals. I quickly learned that “queer” has a negative connotation in Hawai‘i.³ To become an effective community organizer and create new alliances in my host community, I have made efforts to understand Hawaiian customs, language, and colonial history. Although I seek to improve life for other LGBT people in Hawai‘i, in light of Morgensen’s writing, I recognize that I cannot do so without reevaluating my status as a settler.

I challenge Hawai‘i LGBT communities, both local and settler, to analyze how their methods of pursuing equality may harm the Native Hawaiian movement for self-determination. Specifically, I will look at: (1) the potential impacts of tourism associated with civil unions on Native Hawaiian culture and the natural environment; (2) the relationship between repealing the U.S. military’s “Don’t Ask, Don’t Tell”⁴ policy and the military’s adverse history in Hawai‘i; and (3) the future of the Hawai‘i LGBT movement, whose proponents could better recognize and respect Hawaiian *aikāne*⁵ and *māhū*⁶ identities as distinctly native. Non-Natives can benefit from engaging with potential allies such as Native LGBT Hawaiians who lead conversations on gender, sexuality, and decolonization.⁷

I. CIVIL UNIONS: THE MARKETING OF MARRIAGE EQUALITY AND POTENTIAL HARM TO NATIVE HAWAIIAN CULTURE

On February 23, 2011, Hawai‘i Governor Neil Abercrombie signed into law a civil unions bill that granted all the state rights and benefits of marriage to same-sex couples.⁸ Civil unions may increase tourism, create jobs, and enable Hawai‘i—already revered as a tourist destination, especially for weddings and honeymoons—to tap into the eighty-four

³ See *id.* at 132 (stating that the term “queer” “evokes histories of queer politics that promoted queer in its English meanings as all that heterosexual culture marks as strange, or any action . . . that carries this effect.”).

⁴ See discussion *infra* Part II.

⁵ See discussion *infra* Part III.

⁶ See discussion *infra* Part III.

⁷ Morgensen, *supra* note 1, at 145.

⁸ 2011 Haw. Sess. Laws Act 1 (codified at HAW. REV. STAT. ch. 572B (West 2012)). Senate Bill 232 was the first piece of legislation signed by Governor Abercrombie. Mark Niese, *Hawaii Governor Neil Abercrombie Signs Same-Sex Civil Unions Into Law*, HUFFINGTON POST, Feb. 23, 2011, http://www.huffingtonpost.com/2011/02/24/hawaii-same-sex-civil-unions-law_n_827487.html.

billion dollar worldwide gay travel industry.⁹ Shortly after the bill's passage and signing, the Hawai'i Tourism Authority¹⁰ President stated that the legislation "sends a clear message to the world that Hawai'i welcomes everyone—gay or straight—to visit our beautiful state."¹¹ But, despite the gay tourist market's economic value, it is imperative for non-Native LGBT individuals to (1) understand that Hawai'i is not the "paradise" portrayed in marketing campaigns to promote tourism, (2) be aware of the potential harmful effects of tourism on Native Hawaiian culture and the natural environment, and (3) learn about Native Hawaiian tradition and seek culturally sensitive ways to promote civil unions. Taking these steps allows one to begin to unsettle the texts that, as Morgensen points out, "appear to tell truths for Native people."¹²

Civil unions have led to marketing Hawai'i as a tourist destination for non-native LGBT people around the world. This marketing promotes Hawai'i as "paradise," evident in an article published by USA Today, stating, "[t]he culturally diverse islands—with their swaying palm trees, picturesque sunsets and wind-swept sands—are already a welcoming place

⁹ Allison Schaefers, *Tourism Industry Split over Civil Unions' Effects*, HONOLULU STAR ADVERTISER, Feb. 23, 2011, http://www.staradvertiser.com/business/20110223_Tourism_industry_split_over_civil_unions_effects.html?id=116718094. The University of California, Los Angeles estimated that civil unions in Hawai'i would, in the first four years, result in 569 to 1,285 same-sex celebrations, 4.2 million to 9.5 million dollars spent by same-sex couples, and 17.8 million and 40.3 million dollars spent by their guests on hotels, food, entertainment and retail. Spending would generate 193 to 333 jobs, mostly in travel and events. Memorandum from Naomi G. Goldberg, Bradley Spears & M.V. Lee Badgett, The Williams Institute, University of California, Los Angeles, to Blake Oshiro, Rep., Hawai'i State Legislature (June 14, 2012), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Badgett-Goldberg-HICivilUnion-Jun-2010.pdf>. See also Sumner La Croix & Kimberly Burnett, *The Impact of Civil Unions on Hawai'i's Economy and Government* (Univ. of Haw. Econ. Research Org., Working Paper No. 10-8, 2011), available at http://www.economics.hawaii.edu/research/workingpapers/WP_10-8.pdf.

¹⁰ The Hawai'i Tourism Authority ("HTA"), established in 1998, "is the lead state agency for tourism. Among its responsibilities, the HTA's is charged with: (1) Setting tourism policy and direction with the goal of contributing to the ongoing, sustainable growth of Hawai'i's economy (2) Developing and implementing the State's tourism marketing plan and efforts (3) Managing programs and activities to sustain a healthy visitor industry (4) Developing and implementing the Hawai'i Tourism Strategic Plan (5) Coordinating tourism-related research, planning, promotional and outreach activities with the public and private sectors." Hawai'i Tourism Authority, *About Us*, HAWAII TOURISM AUTHORITY, <http://www.hawaii-tourismauthority.org/about-hita/> (last visited Oct. 15, 2012).

¹¹ Linda Hohnholz, *Hawaii: 7th US State to End Selective Tourist Discrimination*, ETURBONNEWS, Feb. 23, 2011, <http://www.eturbonews.com/21344/hawaii-7th-us-state-end-selective-tourist-discrimination>.

¹² Morgensen, *supra* note 1, at 134.

for gay tourists, including some who seek informal partnership ceremonies.”¹³ This portrayal was also apparent at the civil union bill’s signing ceremony, during which Governor Abercrombie stated, “[t]his bill represents equal rights for everyone in Hawaii, everyone who comes here. This is to me the essence of the aloha spirit.”¹⁴ He also added, “[w]ith its signing, I want to say ‘welcome’ to the world, come to paradise.”¹⁵ The portrayal and perception of Hawai‘i as paradise paints an image of unpolluted waters, Native women in grass skirts performing hula, and implies that Native Hawaiians are content, which is not the case.¹⁶ These misrepresentations harm Native Hawaiian culture by allowing visitors to ignore many grave realities, including heavy reliance on food and oil exports, overfished oceans, and the disproportionately small percentage of Native Hawaiians living in Hawai‘i, which is almost the same percentage of those arrested in the state according to a 2008 report by the Office of Hawaiian Affairs.¹⁷

Development associated with tourism can harm Native Hawaiian culture. One does not live in Hawai‘i without hearing *mo‘olelo* (“story, tale, history, tradition, legend”)¹⁸ of the important relationship between

¹³ *Hawaii Eyes Gay Ceremonies After Civil Unions Pass*, USA TODAY, Feb. 17, 2011, http://www.usatoday.com/news/nation/2011-02-17-hawaii-civil-unions_N.htm.

¹⁴ Niese, *supra* note 8.

¹⁵ *Id.*

¹⁶ To clarify, I am criticizing the portrayal of Hawai‘i as “paradise,” not the passage of civil unions in Hawai‘i. I remain supportive of marriage equality but recognize that blind support for any cause undoubtedly will bring unintended consequences to others. In this case:

Hawaiians have protested against the commercialization of their culture, and the portrayal of [Hawai‘i] as ‘the ultimate playground’ with flyers denouncing tourism-induced development, environmental degradation, poverty, and pollution. Hawaiians have made their views known in the media, by testifying at public hearings, demonstrating, and negotiating in the courts. Certain Hawaiian groups have delayed resort construction for years by using the courts to oppose government granted development permits.

Luciano Minerbi, *Protecting Indigenous Culture and Land Through Eco-tourism*, CULTURAL SURVIVAL, Apr. 1, 2010, <http://www.culturalsurvival.org/ourpublications/csq/article/tourism-and-native-hawaiians-232>.

¹⁷ The Office of Hawaiian Affairs reported that Native Hawaiians comprise twenty-four percent of the general population and twenty-five percent of arrests. OFFICE OF HAWAIIAN AFFAIRS, FACTSHEET: THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM (2008), *available at*, http://www.oha.org/sites/default/files/factsheets_final_web_0.pdf.

¹⁸ Mary Kawena Pukui & Samuel H. Elbert, *Hawaiian Dictionary* 234 (1st ed. 1979).

kānaka maoli (“Hawaiian person”)¹⁹ and the ‘*āina* (“land, earth”).²⁰ By attracting visitors and temporary residents, however, the tourism industry creates short-lived experiences that prevent people from developing familiarity with the ‘*āina*. In 2004, Hawai‘i received 6,991,927 visitors,²¹ a number that has remained roughly constant since 1988.²² Estimates project that from 1985 to 2010, the total number of hotel rooms would increase from sixty-five thousand to 132 thousand, which has driven increased energy demand and additional strain on the ‘*āina*.²³

In addition to environmental issues, hotel development may conflict with Native Hawaiian history and culture. Native Hawaiians buried their ancestors’ bones, an act of great spiritual significance, believing that the bones of ancestors provided nourishment for the food they grew.²⁴ Now, the same prime beachfronts have become sites for hotel development.²⁵ In 1987, developers on Maui began construction at Honokahua to make way for a Ritz-Carlton hotel, which revealed more than 1,100 sets of remains.²⁶ Moreover, developing hotel properties can infringe on Native Hawaiian access to land and water, which supports

¹⁹ *Id.* at 118.

²⁰ *Id.* at 10.

²¹ SCH. OF TRAVEL INDUS. MGMT., UNIV. OF HAW. MĀNOA, ISSUES IN HAWAI‘I TOURISM 2 (2007), available at http://www.tim.hawaii.edu/dl/Document%20Library%20%20TO%20490%20Additional%20Materials/TO490_section-3_issues-hawaii-tourism.pdf.

²² HAW. TOURISM AUTH., HAWAI‘I TOURISM STRATEGIC PLAN 2005-2015 3 (2005), available at http://www.hawaiiitourismauthority.org/default/assets/File/about/tsp2005_2015_final.pdf. (recording in Exhibit 1 that the number of visitors to Hawai‘i has been between six and seven million between 1988 and 2002).

²³ Lukasz Darowski et al., *Negative Impact of Tourism on Hawaii Natives and Environment*, 1 LETHBRIDGE UNDERGRADUATE RESEARCH J. 2 (2006).

²⁴ Ayao Edward Halealoha, *Native Burials: Human Rights And Sacred Bones*, CULTURAL SURVIVAL, Apr. 2, 2010, <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/united-states/native-burials-human-rights-and-sacred-bones>.

²⁵ Jeanne Cooper, *Hawaii’s Burial Conflicts Give New Life to Cultural Activism*, SFGATE, Aug. 13, 2009, <http://blog.sfgate.com/hawaii/2009/08/13/hawaiis-burial-conflicts-give-new-life-to-cultural-activism/>.

²⁶ *Id.* Hawai‘i’s burial treatment law, passed in 1990 and codified at Chapter 6E, Hawai‘i Revised Statutes, gives unmarked burials, most of which are Native Hawaiian, the same protection as modern cemeteries. MARION HIGA, STATE OF HAW. OFFICE OF THE AUDITOR, INVESTIGATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES’ PROCESS FOR DEVELOPING RECOMMENDED CANDIDATE LISTS FOR APPOINTMENT TO THE ISLAND BURIAL COUNCILS (2004), available at <http://www.state.hi.us/auditor/Overviews/2004/04-15overview.pdf>.

traditional customs such as fishing, gathering food, and medicinal practices.²⁷

Before posing a solution to these problems and inaccurate portrayals, it is important to acknowledge Native Hawaiian perspectives on marriage equality and how civil unions might fit into a Native framework that respects the history and culture. At the Malama LGBT ‘O Hawai‘i Maoli Conference,²⁸ produced by and for Native Hawaiians, Organizer Bradford Kaiwi Lum invited panelists to continue the legacy of their *kupuna* (“grandparent, ancestor, relative of the grandparent’s generation, grandaunt, granduncle”)²⁹ and support Native Hawaiian LGBT ‘ohana (“family, relative, kin group”).³⁰ Director and Professor Lilikala Kame‘eleihiwa of the Kamakakūokalani Center for Hawaiian Studies at the University of Hawai‘i said that ancient Native Hawaiian sexuality was very different from Western sexuality: “Hawaiians come from gods, and

²⁷ Darowski et al., *supra* note 23. The State of Hawai‘i has recognized both the inaccurate portrayal of Hawai‘i to boost tourism and tourism’s harmful effects. The HTA drafted a Strategic Plan for the years 2005 to 2015 to achieve sustainable tourism that “honors Hawai‘i’s host culture, its people and their history; protects its unique natural environment; and engages local communities.” HAW. TOURISM AUTH., HAWAI‘I TOURISM STRATEGIC PLAN 2005-2015 25 (2005), available at http://www.hawaiitourismauthority.org/default/assets/File/about/tsp2005_2015_final.pdf. HTA defines the “visitor experience” as the coming together of visitor and host in a particular place and admits that the “customer is always right” business model values the “visitor” over the host or place. *Id.* at 25. The consequence of such an approach forces the “place” and “host” to constantly change to accommodate the “visitor.” *Id.* As a result, Hawai‘i begins to resemble a foreigner’s “paradise” that disconnects Native Hawaiians, the industry, and the visitor. *Id.* at 26. Commendably, HTA acknowledges that many Native Hawaiians feel that the tourism industry has compromised their cultural integrity through inaccurate portrayals in the global marketplace, has devalued their sacred places, and has diminished their presence and sense of place in areas like Waikīkī. *Id.* HTA offers an alternative to the present system, the Native Hawaiian *ho‘okipa* model, which first honors and dignifies the host before eventually satisfying the needs of the visitor. *Id.* at 25.

²⁸ This 2010 conference featured a series of Native Hawaiian panels and speakers, including LGBT Hawaiians, activists, service providers, straight allies and family members of LGBT Hawaiians. Some speakers provided personal accounts of their struggles as LGBT Hawaiians living among other Hawaiians who may have little understanding of or intolerance for them. Other Native Hawaiian educators and community leaders recounted Hawaiian history and a long tradition of acceptance of LGBT Hawaiians. See *Equality Hawai‘i: Securing Equality for All Hawaii’s Gay, Lesbian, Bisexual & Transgender People*, EQUALLY SPEAKING, <http://equalityhawaii.org/equallyspeaking2.html> (last visited Oct. 27, 2012) (listing links to video recording from the conference).

²⁹ Pukui & Elbert, *supra* note 18, at 171.

³⁰ *Id.* at 254; *Equally Speaking: Ep 29 Malama LGBT ‘O Hawai‘i Maoli Pt 1*, ‘ŌLELO COMMUNITY MEDIA, http://olelo.granicus.com/MediaPlayer.php?view_id=25&clip_id=23853 (last visited Dec. 4, 2011) [hereinafter *Equally Speaking Ep 29*].

the way we interact with each other is godlike.”³¹ Professor Kame‘eleihiwa explained, “[o]ur gods did not marry. Marriage is not our thing, it is not something that we did.”³² Unions instead secured status and served genealogical purposes; for example, if two sisters of high rank wanted to have grandchildren in common, one sister might have chosen one of her sons to marry her sister’s daughter.³³ These unions, however, would not necessarily be binding for life. In other words, not all Hawaiians historically practiced “until death do us part” or “one mate for life.”³⁴

Native Hawaiian past need not conflict with the present Native Hawaiian culture or political climate. Connecting past and present may offer one solution. Professor Kame‘eleihiwa, who also supports civil unions in Hawai‘i, asserted, “so long as this is a capitalist world and so long as everyone in Hawai‘i is going to subscribe to the capitalist ideal, [same-sex marriage] is a right that we all should have.”³⁵ Professor Kame‘eleihiwa added that because so many Hawaiians today are Christians, the culture has shifted away from Native Hawaiian tradition so that “[a] lot of us don’t know our history.”³⁶ She contends that marriage is important for everyone in Hawai‘i because of property rights and insurance benefits and that if Native Hawaiians can take religion out of the debate and ask whether the state will recognize a couple’s property rights, “[t]hat’s the equality we are looking at.”³⁷ Emphasis on this framework of marriage equality should be promoted over the paradisiacal portrayal that so many government leaders, marketing campaigns, and media outlets have painted. By shifting the focus of marriage equality in Hawai‘i away from “wind-swept beaches” as a welcoming place for gay tourists, visitors and settlers to Hawai‘i may be more inclined to be conscious of their privilege as settlers.

The non-Native community has a responsibility to respect, value, and help protect Hawaiian culture. The LGBT movement’s assertion of “contribution to society” through marriage equality is incomplete when the movement fails to consider our status as settlers and our host *kānaka maoli*. Non-Native LGBT people should promote a more honest portrayal of Hawai‘i. By considering Native Hawaiian culture and ‘āina, the non-

³¹ *Equally Speaking* Ep 29.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

Native LGBT community can foster greater inclusiveness in the movement for LGBT equality.

II. “DON’T ASK, DON’T TELL”: HOW THE LGBT MOVEMENT CAN ADDRESS THE U.S. MILITARY PRESENCE IN HAWAI‘I

The year 2011 marked a second victory for the LGBT community in Hawai‘i and nationally. On September 20, 2011, the U.S. President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff certified that the repeal of the military’s “Don’t Ask, Don’t Tell” (“DADT”) policy would not harm the military.³⁸ DADT had banned gay and lesbian service members from serving openly in the military for seventeen years.³⁹ Now, gay and lesbian soldiers no longer have to hide statements about their sexual orientation, homosexual acts, or same-sex marriage for fear of military discharge.⁴⁰ Although some members of the Hawai‘i LGBT community have and continue to celebrate the repeal of DADT,⁴¹ this celebration could also divide non-Native and Native LGBT people because many Native Hawaiians continue to challenge the presence of the U.S. military and its harmful effects on the people and the ‘āina.

It seems that too often, new visitors and settlers to Hawai‘i are unaware of Hawaii’s pre-statehood history and continuing struggles with U.S. military presence. One source of resentment and skepticism towards the U.S. military is the United States’ illegal seizure of Hawai‘i more than a century ago. On January 16, 1893, U.S. military personnel plotted to overthrow the constitutional monarchical government of the Hawaiian Kingdom.⁴² Newly elected U.S. President Grover Cleveland received notice that the so-called revolution actually was an illegal intervention by U.S. diplomatic and military personnel. President Cleveland ordered U.S. Special Commissioner James H. Blount to investigate the terms of the revolution and to report his findings:

³⁸ 10 U.S.C. § 654 (2006) (repealed 2011).

³⁹ Elise Foley, *Don’t Ask Don’t Tell Repeal Passes Senate 65-31*, HUFFINGTON POST, Dec. 18, 2010, http://www.huffingtonpost.com/2010/12/18/dont-ask-dont-tell-repeal_5_n_798636.html; see Westcott & Rebecca Sawyer, *Silent Sacrifices: The Impact of “Don’t Ask, Don’t Tell” on Lesbian and Gay Military Families*, 14 DUKE J. GENDER L. & POL’Y 1121 (2007) (discussing impacts before repeal).

⁴⁰ SERVICEMEMBERS LEGAL DEFENSE NETWORK, FREEDOM TO SERVE, THE DEFINITIVE GUIDE TO LGBT MILITARY SERVICE 2 (2011), available at http://sldn.3cdn.net/5d4dd958a62981cff8_v5m6bw1gx.pdf.

⁴¹ See e.g. *Don’t Ask Don’t Tell 1 Year*, EXPRESSION! MAGAZINE, <http://www.expression808.com/events/dont-ask-dont-tell-1-year/> (displaying a compilation of photos taken at a local gay bar in Honolulu, Hawai‘i, of people celebrating the one year anniversary of the repeal).

⁴² S.J. RES. 19, 103d Cong. (1993) (“To acknowledge the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States . . .”).

The report concluded that the United States legation assigned to the Hawaiian Kingdom, together with United States Marines and Naval personnel, were directly responsible for the illegal overthrow of the Hawaiian Kingdom government. The report details the culpability of the United States government in violating international laws and the sovereignty of the Hawaiian Kingdom[.]⁴³

To date, the U.S. government has failed to assist in reinstating the constitutional government of the Hawaiian Kingdom. A Hawai'i News Now reports stated, "[m]any Hawaiians did not want to become a part of the United States 50 years ago. They fought against it then, and that fight continues today."⁴⁴ During protests, Native Hawaiians call for independence and carry out symbolic gestures like cutting out the fiftieth star from the American flag.⁴⁵

Another source of conflict between the U.S. military and Native Hawaiians is the environmental degradation resulting from military occupation in Hawai'i. An example of this in the broader global context is Subic Bay in the Philippines. After the U.S. military withdrew from Subic Bay, "[it] left toxic environmental, economic, and social conditions behind."⁴⁶ The controversy at Makua Military Reservation located in the western portion of O'ahu exemplifies toxic harms from military occupation in Hawai'i. In *Makua v. Panetta*, the federal court for the District of Hawai'i ordered the U.S. Army to test whether eighty years of military operations had poisoned local residents' seafood with dangerous levels of arsenic and lead.⁴⁷ Subsequently, the same judge found that the Army failed to properly complete testing by not examining deep-water sea

⁴³ JAMES H. BLOUNT, REPORT OF U.S. SPECIAL COMMISSIONER JAMES H. BLOUNT TO U.S. SECRETARY OF STATE WALTER Q. GRESHAM CONCERNING THE HAWAIIAN KINGDOM INVESTIGATION (1893), available at [http://www2.hawaii.edu/~hsjp/journal/vol1/Blount_Report_\(HJLP\).pdf](http://www2.hawaii.edu/~hsjp/journal/vol1/Blount_Report_(HJLP).pdf).

⁴⁴ *Hawaiians Protest Statehood and Push for Freedom*, HAWAII NEWS NOW, Aug. 21, 2009, <http://www.hawaiinewsnow.com/global/story.asp?s=10973362>.

⁴⁵ *Id.*

⁴⁶ Kathy E. Ferguson & Phyllis Turnbull, *The Value of Hawai'i: The Military*, HONOLULU CIVIL BEAT, Sept. 7, 2010, <http://www.civilbeat.com/articles/2010/09/07/3862-the-value-of-hawaii-the-military-by-kathy-e-ferguson-and-phyllis-turnbull/>; see also Misa Kemmiya, *Toxic Waste and a U.S. Base at Subic, Philippines*, TRADE AND ENVIRONMENT DATABASE, <http://www1.american.edu/ted/ice/subic.htm> (last visited Dec. 4, 2011).

⁴⁷ *Makua v. Panetta*, No. 09-00369 2012 WL 2370602, at * 7 (D. Haw. June 20, 2012); see Sophie Cocke, *Army Can't Say Whether Hawaii Seafood Is Safe*, HONOLULU CIVIL BEAT, Nov. 4, 2011, <http://www.civilbeat.com/articles/2011/10/04/13094-army-cant-say-whether-hawaii-seafood-is-safe/>.

life.⁴⁸ Sparky Rodrigues, president of Malama Makua, a local environmental protection community organization, told a Honolulu newspaper:

Bullets and unexploded ordnance are strewn throughout the Makua Military Reservation where the Army has been doing military exercises since the 1920s. Residents worry that chemicals such as arsenic, lead, chrome and uranium from the artillery could be leaching into the soil and entering the ocean through runoff [T]he chemicals could also be released into the air and absorbed into plants.⁴⁹

The LGBT movement should consider whether the repeal of DADT legitimizes the U.S. military and its presence in Hawai‘i. The movement should be wary of applauding the U.S. military for ending discrimination against LGBT service members, because Native activists may view unwavering approval as the LGBT community overlooking the environmental harms already taking place in Hawai‘i.

With a better historical and cultural understanding of the relationship between Native Hawaiians and the U.S. military, I encourage non-Native LGBT people to consider whether it is appropriate to flaunt the repeal of DADT in Hawai‘i. So long as the U.S. military continues to represent Hawaii’s stolen sovereignty and poison its land and waters, are there other possibilities for organizing with Native Hawaiians with regard to the military? Professor of Political Science and Women’s Studies at the University of Hawai‘i at Mānoa, Kathy Ferguson, and retired Professor of Political Science Department at the University of Hawai‘i at Mānoa, Phyllis Turnbull, make the following suggestions:

We could explore the transformation of Pearl Harbor into a civilian shipyard, as was done at Subic Bay in the Philippines after the withdrawal of U.S. troops there. We could more fully explore niche tourisms that focus on environment, culture, or health, rather than the mass form with which we are familiar. We could invest in cleaning up and redeveloping land used and polluted by military activities.⁵⁰

But, what would decolonizing settler colonialism look like for coalitions between non-Native and Native Hawaiian communities within the context of the U.S. military presence in Hawai‘i? The problem here is

⁴⁸ *Makua v. Gates*, No. 09-00369 2012 WL 2370620, at * 7 (D. Haw. Feb. 28, 2012).

⁴⁹ Cocks, *supra* note 48.

⁵⁰ Ferguson & Turnbull, *supra* note 47.

that a victory for one group's cause may set back another's. Given this dilemma, there are more appropriate next steps that can be taken by the LGBT movement in and outside of Hawai'i. First, the non-Native LGBT political movement could use the DADT victory to bring attention to the Native Hawaiian struggle for sovereignty. Second, non-Natives could unite with Natives in recognizing that their fates are jointly connected to the 'aina and that poison to the air and water affect all things living in Hawai'i. From here, non-Natives may gain understanding of Natives' reluctance to celebrate this victory.

III. AIKĀNE AND MĀHŪ: DISTINCT SEXUAL IDENTITIES IN HAWAI'I

Morgensen tells non-Native audiences that "if they wish to learn about [Native LGBT people], they can commit first to self-reflexively studying settler colonialism."⁵¹ They also should learn about the lives of Native LGBT Hawaiians, *aikāne* or *māhū*. A key aspect of decolonizing settler colonialism in Hawaii's non-Native LGBT community is recognizing that Native Hawaiians have their own words and identities for non-heterosexual Natives. Just as Two-Spirit Native American groups arose to help their own Native LGBT people find a new sense of identity, community, ancestral, and cultural ties by reclaiming Two-Spirit histories, Native Hawaiians are reclaiming *aikāne* and *māhū* identities as a means to preserve their own culture and history.⁵² Are non-Natives creating a welcoming space for *aikāne* and *māhū* to politically align themselves with sexual minority identities while also remaining distinct? Although not all Native LGBT people identify themselves as *aikāne* or *māhū* or assume traditional roles, these identities are integral to Hawaii's culture, nonetheless.

Understanding what is *aikāne* and what is *māhū* allows non-Native LGBT people to recognize how the two differ from lesbian, gay, bisexual, or transgender. The term *aikāne* refers to an intimate relationship with another individual of the same sex, sometimes a deep friendship and sometimes homosexual in nature.⁵³ Western culture tends to separate gay people into single individuals, but in Hawaiian *aikāne* relationships, this

⁵¹ Morgensen, *supra* note 1, at 145.

⁵² *Id.* at 141.

⁵³ B.J. Reyes, *Legislator Champions Civil Unions*, HONOLULU STAR-ADVERTISER, Dec. 31, 2010, http://www.staradvertiser.com/news/20101231_Legislator_champions_civil_unions.html; see also Dan Nakaso, *Emotions Run High Through Crowds*, HONOLULU STAR-ADVERTISER, July 7, 2010, http://www.staradvertiser.com/news/20100707_Emotions_run_high_through_crowds.html; see also B.J. Reyes, *Rights Group Considers Boycott Involving HB 444*, HONOLULU STAR-ADVERTISER, Jun. 15, 2010, http://www.staradvertiser.com/news/hawaii/news/20100615_Rights_group_considers_boycott_involving_HB_444.html.

singling is impossible because *aikāne* is a Hawaiian status word that cannot be ascribed to an individual except in terms of, and in relation to, another individual.⁵⁴ One cannot be an *aikāne* alone. Notably, King Kamehameha I had male lovers. Professor Kame‘eleihiwa asked, “[i]f [King Kamehameha I] could not sleep with them, how did he know he could depend on their loyalty when they went into battle?”⁵⁵

In the 1840s, Hawaiians used the term *māhū* to refer to an intersex individual, but the word has been adapted to refer to someone who is transgendered.⁵⁶ Unlike *aikāne*, *māhū* no longer is used in literature, chants, or stories.⁵⁷ Nonetheless, Native Hawaiians today maintain both positive and negative feelings toward *māhū*. Nova Lei Gonzales remembers his grandmother saying that *māhū* were considered gifts from the gods because they taught lessons to children, taught hula, and passed on history. Nioi Kalua-Heleloa, however, recalls how *māhū* was used as a derogatory term to tease her when she was growing up.⁵⁸ Malulani Orton said that within the *kānaka maoli* ‘ohana, “there is no longer unconditional love. We always look at the *aikāne* and *māhū* in our [own] family as our teachers. Why does that not happen in every ‘ohana?”⁵⁹

Given this background, why should non-Natives accept and recognize *aikāne* and *māhū* identities as distinct from mainstream LGBT identities? The Gay American Indians (“GAI”) in San Francisco offer some insight. GAI sought to separate themselves from non-Native sexual minorities, including LBGT and queer, for two reasons: (1) to avoid assimilation into non-Native sexual minority politics; and (2) to retain their Native identity (Two-Spirit).⁶⁰ If non-Natives want to aid Native LGBT people, they also must recognize that all Hawaiians are “members

⁵⁴ Mari Tsukayama, *Preserving Aloha: Recognizing Aikāne Relationships in Hawai‘i Civil Unions*, (2011) (unpublished second-year seminar paper, University of Hawai‘i at Mānoa William S. Richardson School of Law) (on file with author).

⁵⁵ *Equally Speaking Ep 29*, *supra* note 31; see also Keith Bettinger, *Historically Speaking: A Quick Look at Homosexuality and Gender Roles in Pre-contact Hawai‘i*, HONOLULU WEEKLY, Jun. 20, 2007, <http://honoluluweekly.com/story-continued/2007/06/historically-speaking/>

⁵⁶ *Equally Speaking Ep 29*, *supra* note 31

⁵⁷ *Id.*

⁵⁸ *Equally Speaking: Ep 30 Malama LGBT ‘O Hawai‘i Maoli Pt 2*, ‘ŌLELO COMMUNITY MEDIA, http://olelo.granicus.com/MediaPlayer.php?view_id=25&clip_id=24174 (last visited Nov. 22, 2012).

⁵⁹ *Equally Speaking: Ep 31 Malama LGBT ‘O Hawai‘i Maoli Pt. 3*, ‘ŌLELO COMMUNITY MEDIA, http://olelo.granicus.com/MediaPlayer.php?view_id=19&clip_id=24175 (last visited Dec. 22, 2012).

⁶⁰ Morgensen, *supra* note 1, at 136.

of sovereign peoples with histories and cultures that [remain] distinct from all non-Natives.”⁶¹ Categorizing *aikāne* and *māhū* as a “sexual minority” disenfranchises Native LGBT people in both the Hawaiian and non-Native community because “minority” is by default a group that is “less than.” Morgensen asks that we question the colonial origins and uses of sexual minority and queer identities because the Native identities may be defined by qualities beyond sexuality or gender, and thus are not sexual minority identities.⁶² By accepting that Native sexual and gender identities differ from mainstream identities, we can respect Native viewpoints even if we do not share in them.⁶³ Sometimes, being too multicultural can dilute and destroy Native identities.⁶⁴ Perhaps a less threatening, more appropriate path involves creating communities that emulate Indigenous people, rather than adopt their identities as our own.⁶⁵

CONCLUSION

Whenever non-Natives in Hawai‘i assert universal claims that attempt to speak on behalf of Natives, they participate in a colonial structure that could erase the uniqueness of Native culture. Culture and identity need not be all-inclusive all the time, and Native identities can remain separate from others. Non-Natives are encouraged to continue to challenge settler society and state power, but it is never an “all-or-nothing” endeavor. Non-Natives may sometimes need to accept that Natives are not willing to compromise aspects of their identity. I encourage non-Native LGBT rights activists to evaluate their sense of belonging to a specific place and the limitations of their work in conversations with Native people. Non-Natives must consider their colonial inheritance when residing on native land or investing in belonging to a settler society. In sum, “non-Natives must respond by questioning the colonial logics of the institutions in which they have sought representation or rights.”⁶⁶ As we imagine the possible futures by looking at the visions and struggles of Native LGBT peoples, non-Natives should always try to hold themselves accountable to decolonizing settler colonialism. These steps are not easy but should be given consideration if we hope to be allies to Natives.

⁶¹ *Id.*

⁶² *Id.* at 134-35.

⁶³ *Id.* at 136.

⁶⁴ Morgensen writes that multiculturalism logic can absorb and erase Native identities, but if non-Natives accept a distinctly Native sexual identity within Native land, then Natives and non-Natives can engage in meaningful gender and sexual politics. *Id.* at 136.

⁶⁵ *Id.* at 146.

⁶⁶ *Id.* at 144.