

Lore of the Corps

The Trial by Military Commission of Queen Liliuokalani

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On 8 February 1896, Queen Liliuokalani, the last monarch of Hawaii, was escorted into the Throne Room of what had once been her Royal Palace in Honolulu. Two Hawaiian policemen stood behind her as she took a seat on a high-backed chair. Seated in front of the queen, at a long table in the middle of the room, were the eight members of a military commission. This military tribunal had been convened to try Liliuokalani for “misprision of treason,” as it was alleged that the queen had concealed knowledge of a treasonous plot to overthrow the Republic of Hawaii—the newest name of the government that had taken power since the overthrow of Liliuokalani in January 1893. What follows is the story of how the last ruler of the Kingdom of Hawaii came to be prosecuted before a military commission—a largely forgotten episode in military legal history.¹



Queen Liliuokalani (shown here as Crown Princess), ca. 1887

Queen Liliuokalani’s predicament had begun some twenty years earlier when her brother, King David Kalakaua, was the reigning monarch in the Kingdom of Hawaii. Businessmen and Christian missionaries, who had come to the islands from the United States and Europe, did not like the absolutist nature of the Hawaiian monarchy, preferring instead a constitutional monarchy where the king (or queen) had significantly less power.² Additionally, as the amount of

Hawaiian land sown to sugar cane increased dramatically, and sugar mills (including the largest and most modern steam-powered facility in the world) were built, the white businessmen who dominated the sugar growing industry were increasingly unhappy with the Hawaiian system of government. In 1887, after King Kalakaua attempted to further dilute the power of the white businessmen and missionaries in the islands, these “white money men” took action against the king.³



Sanford B. Dole, President of the Provisional Government and Republic of Hawaii

Led by Sanford B. Dole,⁴ these men created the “Hawaiian League” and forced King Kalakaua to sign a new constitution that reduced his powers as a sovereign while increasing the authority of the legislature (where men like

mostly of men of Hawaiian native blood, elected the monarch. STEPHEN DANDO-COLLINS, *TAKING HAWAII* 33 (2012).

³ *Id.* at 53.

⁴ Born in Honolulu in 1844, Sanford Ballard Dole (his parents had come to Hawaii in 1840 from Maine) left the islands to attend law school, but returned in 1867 to establish a successful law practice. In 1886, he was appointed to the Kingdom of Hawaii’s Supreme Court as an Associate Justice. After the overthrow of the monarchy in 1893, Dole was elected as president of the Provisional Government. After the Provisional Government declared itself the Republic of Hawaii in 1894, Dole and his allies in the new republic lobbied Congress to annex the islands. After annexation was accomplished in 1898, President William McKinley appointed Dole as the first governor of the new Territory of Hawaii. Dole later served as a U.S. District Court Judge from 1903 to 1916. Sanford B. Dole died in Honolulu in 1926. *Sanford Ballard Dole (1844–1926)*, HAWAIIHISTORY.ORG, <http://www.hawaiihistory.org/index.cfm?fuseaction=ig.page&PageID=407> (last visited July 10, 2014); *see also* HELENA G. ALLEN, *SANFORD BALLARD DOLE: HAWAII’S ONLY PRESIDENT, 1844–1926* (1998).

¹ The author thanks Major M. Eric Bahm for suggesting the idea for this “Lore of the Corps” article.

² The Hawaiian monarch was virtually absolute in his powers, although the kingdom did have a “House of Nobles” and “Legislative Assembly.” These two bodies, however, had little power in the day-to-day running of the islands. In contrast to most monarchies, however, where blood lines determine who is a king or a queen, the Legislative Assembly, consisting

Dole were serving as members of the Reform Party). This same constitution also disenfranchised many Asians and native Hawaiians by requiring land ownership and literacy. But it expanded the franchise to wealthy non-citizens living in Hawaii, and allowed these same men to stand for election to the legislature. As a result, “only wealthy, educated whites, who made up just three percent of the population of 90,000 people, could stand for election.”⁵ Since King Kalakaua had been forced to accept the constitution by the threat of violence, it was known as the “Bayonet Constitution.”⁶

Kalakaua died in 1891 and his sister, Liliuokalani, succeeded him on the throne. When she proposed revising the existing constitution so that it would restore her powers as a monarch and extend voting rights to native Hawaiians, thirteen white businessmen and sugar planters—some of whom had been members of the Hawaiian League—now acted once more against the monarchy. They formed a “Committee of Safety” and began organizing a coup to overthrow the kingdom. The committee’s ultimate goal, driven by the strong economic, political, and family ties of its members to the United States, was American annexation of the Hawaiian Islands.⁷

On 17 January 1893, a militia created by the Committee of Safety assembled near Queen Liliuokalani’s Iolani Palace in Honolulu. They were joined by 162 Sailors and Marines from the cruiser USS *Boston*, which was moored in Honolulu Harbor. These American personnel had been ordered by John L. Stevens, the U.S. Minister to Hawaii, “to protect the lives and property of American citizens,” including the members of the Committee of Safety.⁸ Although no one will ever know what would have happened if the queen had decided to resist the coup, Liliuokalani wanted to avoid violence and consequently surrendered peacefully.

The Committee of Safety now established a “Provisional Government” and elected Sanford Dole as president.⁹ In the United States, President Grover Cleveland refused to recognize the Dole government and insisted that Queen Liliuokalani be restored to her throne. Dole and his fellow coup members, however, refused to give up power and instead proclaimed the Republic of Hawaii on 4 July 1894.¹⁰

⁵ *Id.* at 50.

⁶ *Id.* at 52.

⁷ *Id.* at 122; see also WILLIAM ADAM RUSS, THE HAWAIIAN REPUBLIC (1894–1898): AND ITS STRUGGLE TO WIN ANNEXATION (1992).

⁸ DANDO-COLLINS, *supra* note 2, at 148.

⁹ *A Revolution in Hawaii*, N. Y. TIMES, Jan. 28, 1893, at 1.

¹⁰ *Republic of Hawaii Formally Proclaimed*, N. Y. TIMES, July 28, 1894, at 1.

Six months later, on 6 January 1895, Hawaiians loyal to Queen Liliuokalani launched a counter-coup. They hoped to oust the Dole government and restore the Kingdom of Hawaii. A royalist force of some one hundred men occupied Punchbowl Hill, and men loyal to the queen also occupied the Diamond Head crater. But the uprising failed and some three hundred royalists were taken into custody by Dole’s republican government.¹¹ Queen Liliuokalani was apprehended as well.

Since the Dole Government had declared martial law, it now decided to crush royalist resistance by using military commissions to prosecute those men loyal to Queen Liliuokalani—and the queen herself—for treason in plotting to overthrow the Republic of Hawaii.

The first royalists were tried on 17 January 1896. The proceedings were held in the Throne Room and, “to save time, the commission tried the accused in batches.”¹² Apparently, all were charged with treason and open rebellion. Some pleaded guilty, some did not. When the commission finished its business after 35 days, it had heard evidence against 191 accused. Very few were found not guilty. Some were sentenced to hang.

On 24 January, Queen Liliuokalani, who had been locked up in an “improvised cell directly above the improvised courtroom,”¹³ signed a “formal declaration” prepared by the Dole Government. In this document, she abdicated her throne and called upon all her subjects to recognize the Republic of Hawaii as the nation’s legitimate government. Liliuokalani initially had strenuously resisted signing the declaration, but did so after receiving representations that, if she signed the instrument, the military trials would come to a halt and those who had already been tried and convicted would be immediately released.¹⁴

As Queen Liliuokalani soon discovered, her signature had no impact on her case or that of other royalists: the trials continued and death sentences continued to be meted out. Her own trial began at 1000 on 8 February. The judge advocate on the case was Captain William A. Kinney, an attorney who had only recently been commissioned in the Republic of Hawaii’s Army. The senior member of the military tribunal was Colonel William A. Whiting, a Harvard Law School graduate who had resigned as one of Hawaii’s circuit court judges to accept a commission as a colonel and an appointment to the military commission.

¹¹ DANDO-COLLINS, *supra* note 2, at 299.

¹² *Id.* at 305.

¹³ *Id.*

¹⁴ *Id.* at 306, 308.

Queen Liliuokalani had initially been charged with the capital offense of treason. Under pressure from the U.S. and British governments, however, the Dole Government dismissed that charge and instead tried the Hawaiian monarch for misprision of treason, which was not a death penalty offense.¹⁵

The prosecution decided to prove that Liliuokalani had known about the counter-coup and, in fact, had encouraged it. None of the coup leaders had implicated their queen in any statement, and there was no evidence that Liliuokalani had any part in financing the uprising. But two royal officials did admit that they had spoken with the queen about the coup in early January, and the military commission consequently could conclude that she “had known of some act against the government was in motion.”¹⁶ The more damning evidence, however, were the rifles and explosives found buried in the flowerbeds of the queen’s personal residence in Honolulu and entries in Liliuokalani’s diary, which indicated that she knew about the counter-coup.¹⁷ The queen denied all knowledge of any plot against the Republic of Hawaii, although it was clear that she sympathized with the aims of those who sought to restore her kingdom.

On 27 February 1896, Queen Liliuokalani was found guilty as charged. She was sentenced to be confined *to hard labor* for five years and to pay a \$5,000 fine.¹⁸ The following day, President Sanford Dole, acting as Commander in Chief, commuted most of the death sentences that had been adjudged by the military commission. In fact, no hangings were ever carried out, and most of those who had been convicted served only short prison sentences. Dole also cancelled the hard labor portion of the queen’s sentence. She subsequently was confined to a small room in Iolani Palace; she was guarded by military personnel at all times. Eight months later, Dole released Liliuokalani from confinement, and she returned to her private residence, where she remained under house arrest. A year later, she was given a full pardon and informed that she was now able to travel freely.

In May 1897, delegates from the Republic of Hawaii traveled to Washington, D.C., to negotiate the annexation of Hawaii to the United States. There was considerable congressional opposition from those with anti-imperialist views, which was buttressed by Liliuokalani, who had journeyed to Washington, D.C., with a petition containing “thousands of signatures from Hawaiians opposed to annexation.”¹⁹

For a time, it looked as if annexation efforts might fail. After the USS *Maine* blew up in Havana on 15 February 1898, however, “patriotic anger and jingoistic fervor” gripped the United States.²⁰ After the House of Representatives Foreign Relations Committee reported that Hawaii was “an essential base for U.S. operations against the Spanish in the Philippines and Guam,”²¹ events moved rapidly. A joint resolution for the annexation of the islands passed the Senate on 15 June and the House on 6 July. President William McKinley signed into law the annexation on 7 July 1898. Hawaii remained a territory until 1959, when it became the 50th state.²²

In 1993, Congress passed a joint resolution apologizing to the people of Hawaii for the U.S. government’s role in the overthrow of Queen Liliuokalani.²³ But no mention was made of the queen’s trial by military commission—proving that it remains a forgotten event in military legal history.

As for Queen Liliuokalani? She spent her remaining days in Honolulu. She died in 1917 due to complications from a stroke. She was seventy-nine years old.

More historical information can be found at
The Judge Advocate General’s Corps
Regimental History Website
Dedicated to the brave men and women who have served
our Corps with honor, dedication, and distinction.
<https://www.jagcnet.army.mil/8525736A005BE1BE>

¹⁵ *Id.* at 308.

¹⁶ *Id.*

¹⁷ *Id.* at 309.

¹⁸ *Id.* at 311.

¹⁹ *Id.* at 317.

²⁰ *Id.*

²¹ *Id.*

²² *The U.S. Occupation, HAWAII KINGDOM*, <http://www.hawaiiankingdom.org/us-joint-resolution-1898.shtml> (last visited July 21, 2014).

²³ To acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii, Pub. L. No. 103-150, 107 Stat. 1510 (1993), available at <http://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf> (last visited July 29, 2014). The resolution identifies the role of U.S. Minister Stevens (who supported the Committee of Safety and extended diplomatic recognition to Dole’s Provisional Government) and the unlawful landing of Sailors and Marines from the USS *Boston* as the basis for the apology.