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**Land, environment and power: State, capital and community
forces in environmental disputes in Hawaii**

Modavi, Neghin, Ph.D.

University of Hawaii, 1992

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LAND, ENVIRONMENT AND POWER:
STATE, CAPITAL AND COMMUNITY FORCES
IN ENVIRONMENTAL DISPUTES IN HAWAII

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE
UNIVERSITY OF HAWAI'I IN PARTIAL FULFILLMENT OF THE
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DOCTOR OF PHILOSOPHY

IN

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BY

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ABSTRACT

This dissertation examines the nature and impact of state intervention on the course and outcome of 4 land use related environmental conflicts in Hawaii. The study adopts the structural class-centric state perspective as a theoretical framework. The case analyses of the anti-growth disputes illustrate how the state, in diverse ways, attempts to demobilize and depoliticize grass-roots opposition in an effort to (a) promote the long-term expansion of Hawaii's dominant tourism and land development industries, and (b) secure a legitimate and neutral image in the face of popular pressure.

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LIST OF ABBREVIATIONS

AAAC - Aloha Aina Action Congress
CHO - Council of Hawaiian Organizations
Con Con - Constitutional Convention
CRWW - Concerned Residents of Waiahole-Waikane
DLNR - Department of Land and Natural Resources
DOA - Department of Agriculture
GNGP - Good Neighbors Good Planning
HCC - Honolulu City and County
LOL - Life of the Land
LUC - Land Use Commission
LUL - Land Use Law
NOAA - Na Opio Aloha Aina
NSM - New Social Movements
OHA - Office of Hawaiian Affairs
OSP - Office of State Planning
POI - People Opposing Initiative
PPM - Political Process Model
PWVK - People Who Vote Know
SBIC - Sandy Beach Initiative Committee
SMA - Special Management Area
SSBIC - Save Sandy Beach Initiative Coalition
WLUCC - Waianae Land Use Concerns Committee
W-W - Waiahole-Waikane
WWCA - Waiahole-Waikane Community Association

CHAPTER 1

INTRODUCTION

The present study is an analysis of the role and impact of state intervention on the process and outcome of land related environmental disputes. The objective of this study is to examine the economic roots of state intervention in disputes.

The study adopts the structural or capital-logic approach within the neo-Marxian class-centric state perspective. The study examines how state intervention in and subsequent impact on the dynamics of disputes aim to demobilize and depoliticize grass-roots opposition to development projects in order to both promote long-term interests of dominant capital as well as secure a legitimate and neutral political image in the face of popular pressures.

The analysis views the state as possessing and acting on behalf of its own interests. However, the study also examines political actions in terms of how they reproduce the production and capital accumulation conditions, namely a disturbance-free environment that is critical for the expansion of capital. As such, the study helps posit the state as a component of production and capital accumulation conditions.

The study adopts a historically and regionally specific approach. It is comprised of four case studies of land related environmental disputes in Hawaii. The state's intervention in these selected environmental/land use disputes are posited within the larger context of Hawaii's political economy.

The focus on land related environmental disputes (as opposed to pollution issues, for example) reflects the historical centrality of land in Hawaii's economic activity from sugar cultivation to the contemporary dominance of tourism and land development industries. In Hawaii, environmental conflicts predominantly revolve around opposition to land development.

Hawaii's small land mass, fragile island ecology, and most importantly, its land intensive economy, provides a research opportunity to examine the relationship between state, capital, and grass-roots in environmental controversies. The state's intervention in land related environmental disputes most clearly illustrates political attempts to promote the expansion of Hawaii's dominant tourism and land development industries.

The research is about and contributes to the understanding of the tripartite relationship between state, capital, and community forces. Although regionally situated and limited to cases studies, the analysis helps bridge the gap in theory-building and research efforts

between the dispute resolution, state, and social movement fields.

The bulk of research in dispute resolution suffers from an apolitical orientation and a lack of awareness of larger social forces on disputes. A critical assessment of the role of the state in disputes, as provide in this research, signifies the importance of politics and economy in the process and potential of disputes.

Because disputes are a dominant activity of the environmental movement, the present study also illustrates the importance of politics and economy on movement dynamics, thus linking state theory to disputing and movement analysis. The social movement literature has shown an interest in the potential of state theories and the assessment of the role of the state in disputes and movement activity.

However, the cutting edge of social movement literature represents a polarized approach which emphasizes either a political or an economic focus in movement analysis. Moreover, state theories offer conceptually contradictory explanations; polemical debates portray the state as either an institution largely independent of economic forces or a non-neutral agent that caters primarily to economic interests.

The present analysis contributes to both the social movement field and state theory perspectives by positing the state as possessing and acting on behalf of its own survival interests, while at the same time constrained to promote the long-term interests of dominant capital. The concrete case studies link both political as well as economic forces to environmental disputing process and outcome. The study helps ground the rather abstract but fundamental class-centric state theory concepts such as legitimation crisis and the exercise of state's relative autonomy.

Theoretical Approaches and Review of Literature

State theories can be categorized into three perspectives, pluralistic, state-centric, and class-centric, which respectively view the state as either a neutral, independent, or a pro-capital institution. Conceptual and empirical approaches in social movement and dispute analyses, explicitly or implicitly, fall within the three divergent state theory perspectives.

The Pluralistic Approach

The pluralistic approach has traditionally viewed the state as a neutral agent that mediates between contradictory interests of social groups that compete to pressure the state to act in their favor. The state is an arena in which diverse and conflicting interests are

aggregated into a collective choice for society (Dahl, 1968; Rose, 1967).

Studies within the nascent field of dispute resolution reflect an implicit pluralistic orientation and, as such, fail to provide an understanding of economic and political forces on environmental disputing activity. The field, both in practice and research, focuses rather narrowly on alternative dispute resolution strategies such as mediation and negotiation. A large bulk of the literature consists of studies of mediated or negotiated disputes that attempt to assess elements of successful resolution techniques (Bingham, 1986; Folk-Williams, 1988; Gladwin, 1987; MacDonnell, 1988; Meeks, 1985; Susskind & Cruikshank, 1987; Tomain, 1989; Wenner, 1982).

Like the dispute resolution field, environmental movement studies that engage in dispute analyses avoid a critical examination of the state and capital relationship. Environmental disputes are not regarded as involving inherently contradictory and incompatible economic and community interests; rather, they are viewed as problems that arise as a result of misunderstandings and miscommunication, or a reflection of personality and value conflicts (Berger, 1988; Young, 1981). Better communication and the containment of emotions, through mediation, is regarded as increasing the chances of a compromise or a "win-win" resolution.

On occasions when the literature deals with the role of politics, often the state's inadequate intervention and sometimes pro-industry actions in environmental controversies is explained in terms of excessive case load and insufficient personnel, budget, training and knowledge and unclear jurisdictions and mandates (Burton, 1988; Cohen, 1986; Marcus, 1980; Petulla, 1987).

A more sophisticated pluralistic concept is reflected in the approach of the social movement field to environmental movement and struggles. This "capture" model argues that the state can be captured by competing interest groups, but without lasting or systemic relationships (Cawson, 1985; Saunders, 1985). Different components of the state can be captured by the opposition forces at the same time.

Gale (1986) has adopted such an approach based on the conceptual works of Zald (1980) and Sabatier (1975). Gale's analysis of environmental movement-counter-movement interaction posits the success and effectiveness of a movement in its superior organizational resources and skills.

While Gale and Zald portray a complex and variegated nature of the state, their work represents the pro-capital tendencies of the state as situational and temporary. Industry is treated as yet another interest group in competition and conflict with other social groups.

At a conceptual level, the pluralistically informed literature views the state as existing outside of economic relationships. The integral and historically conditioned nature of the state and capital relationship does not enter the realm of pluralistic theoretical and empirical inquiry. Such presuppositions prevent any assessments as to the nature of economic forces that may act upon and condition the state's responses and subsequent shaping of grass-roots conflicts.

The State-Centric Approach

The state-centric perspective, most visibly advocated by Skocpol (1985), views the state as a powerful and independent force behind social, political, and economic processes. While the importance of economic dynamics are not denied, capital influences and constraints on the role and actions of the state are regarded, at best, as having a situational and limited significance. Thus, the central theoretical and empirical focus is placed on the role of political order on social phenomenon (Alford & Friedland, 1985; Burton, 1984; Lehman, 1988).

The state-centric perspective is informed largely by Weber's emphasis on the institutional reality of the state. It criticizes and rejects both Marxist and pluralist conceptions of the state as society-centered approaches. The state's goals and interests, it is argued, are not simply reflective of the demands of social groups

or classes. Rather, the state is viewed as having its own goals and interests which have to do with maintaining and enhancing its political power. The state's actions are thus rooted in its self-survival interest (Skocpol, 1985).

The state-centric approach emphasizes the state's internal cohesion and structural capacity to pursue and realize its own interest in maintaining and enhancing political power. Social insurgencies reflect shifts in the balance of power, conflicts and competitions within the state. These are the factors that provide opportunities for contending groups to mobilize and access the state. Skocpol (1985), for example, forwards a "state breakdown" explanation of revolutions in terms of a lack of administrative and organizational capacity resulting from internal state disunity and contentions.

A more general theoretical approach is provided in Tilly's (1978) polity model. Tilly argues that the specific configuration of political alignments can open up opportunities for the very mobilization of movements. This can occur through direct support from contending political factions that seek to oust the competition or enhance their power.

The current trend in social movements research and theory building in the U.S. can be described as a synthesis of the state-centric state perspective and resource mobilization (RM) theory with its emphasis on

organizational resources and opportunities available to movement activists (Zald & McCarthy, 1977). This emerging approach is referred to as the political process model (PPM), and is represented in the theoretical and empirical works of Jenkins and Perrow (1977), Lowe and Goyder (1983), McAdam (1982), McAdam, McCarthy and Zald (1988); Piven and Cloward (1979), Rosenbaum (1985), Tarrow (1983, 1988), and Tilly (1978, 1988).

The PPM reflects Tilly and Skocpol's approach with its emphasis on some form of "polity" crisis that can facilitate or constrain movements' potential. The perspective focuses on political opportunity structures that internal political contentions may provide for movement groups to influence legislation or gain other types of concessions.

Applied to Western democratic states, the PPM largely concentrates on the stability or instability of political alignments or divisions within the polity, particularly during periods of electoral uncertainty. McAdam (1982) for example, argues that the civil rights movement in the U.S. was largely mobilized through the support of the Northern flank of the Democratic party with an underlying agenda to reduce the power of its Southern counterpart.

The most important contribution of the PPM lies in its emphasis on the significant role of politics in the mobilization, strategy and potential of social movements.

However, the PPM perspective also reflects the major shortcomings of the state-centric approach.

The PPM is a reductionist perspective in which state actions primarily emerge out of the internal needs of the polity. As an epiphenomenal force economy is, at best, treated as having a situational rather than a systemic relationship with the state. By stripping economic forces away from the state the PPM, like the state-centric perspective, fails to grasp the position of the state as an integral component of advanced capitalism. This failure prevents the PPM from going beyond "competitive alliance politics" analysis and capturing the historically defined and complex tripartite interaction between the state, capital, and social struggles.

The present study adopts the PPM's approach in a situated analysis of movement activism and its focus on concrete interactions between movement organization and state institutions. The study also incorporates the PPM's state-centric assumption that state officials have their own interests in maintaining and promoting their political positions. As such, the analysis does explore the ways in which such political interests and concerns can act as political opportunity structures for grass-roots activists.

However, the study also attempts to underscore the capital constraints that act on the state and shape the nature of its intervention in conflicts. In this vein, the

analysis posits the political focus of the PPM perspective in movement analysis within the class-centric state perspective, which emphasizes the economic roots of state activity.

The Class-Centric Approach

The theoretical foundation of the study is largely informed by the structural class-centric state perspective. The structural or capital-logic approach within the class-centric state perspective, associated with the works of Poulantzas (1978) and Offe (1984), rejects state-centric and pluralist conceptions of the state. The structural approach views the state as a complex and sometimes internally divided institution that is neither neutral nor independent of the dominant capital elite.

The structural approach also rejects the instrumentalist conception of the state within the class-centric tradition. Associated with the works of Miliband (1973), instrumentalism approaches most closely the orthodox Marxist conception of the state as the object or tool of the dominant economic elite.

Recently Domhoff (1990), elaborating on Mills' power elite theory, has proposed a power network perspective. Nevertheless, this approach also falls within the instrumentalist tradition, since it too stresses social and business ties between state officials and capitalists as

the underlying force behind pro-capital actions of the state.

Poulantzas' structuralist or capital-logic approach stresses that the state's actions are conditioned by the economic imperatives of capital growth that go beyond the actual association and ties between individuals. The structuralist perspective underscores the mutual dependency between the state and capital for their respective survival. The state acts to promote production and capital accumulation conditions because the viability of the political regime, which is dependent on the source of revenue and employment, is in turn integrally tied to the continued expansion of production and accumulation (Alford & Friedland, 1985; Block, 1987; Carnoy, 1984; Held & Kriger, 1983; Jessop, 1985; Levine, 1988; Pierson, 1984; Poulantzas, 1978; Quadagno, 1988).

Conditions of production are defined by O'Connor (1990) as everything that is treated as if it is a commodity, even though it is not produced as a commodity. This broad definition allows the incorporation of land, urban space, and nature along with the more traditional concepts such as labor power (Logan & Molotch, 1987). The state is viewed as the primary agency that makes these conditions available to capital in the required quantity and quality and at the right time and place in the form of

labor, health, education and welfare as well as environmental and land use policies (O'Connor, 1990).

The accumulation of capital is thus dependent on the state's intervention in securing the production conditions. Marxist urban sociologists also stress expansion and stability as fundamental conditions of capital accumulation (Plotkin, 1987; Hirsch, 1981). As such, the regulation and production of production conditions makes the state an integral component of capital accumulation process.

The state is conceived of as an institution of crisis management that regulates many facets of social and economic life in order to reproduce and promote the production and accumulation conditions of capital. The very reason for the rise of the modern interventionist and regulatory state is rooted in efforts to provide political solutions to sustain and effectively manage a contradictory and crisis-prone capitalist economy, a task that the capitalist class, institutionally, is unable to perform.

The structural class-centric perspective has been utilized to examine the expanding political regulation in the U.S. and other Western nations. Focus has been placed on an array of policies ranging from social welfare to environmental, industrial and labor regulations from the 19th century. The works of Best and Connolly (1982), Boli (1987), Buttel (1985), Greenberg (1979), Hays (1959, 1987),

Kolko (1976), Levine (1987, 1988), Logue (1979), and Robbins (1982), for example, trace these policies to the crises of capitalist economy and the political aim to regulate capital competition, absorb and curb excess abuses, and manage critical resources to ensure long-term production.

The structural approach does not portray a conflict-free relationship between the state and capital. The state, according to Poulantzas, can and does act against immediate interests of a capitalist or a sector of capital. He refers to this as the manifestation of the state's relative autonomy. The state's relative autonomy must not be viewed as the state's independence of economic constraints; rather, it is that the state may act against a faction of capital in an attempt to secure the long-term interests of the capital class as a whole as well as to portray a neutral public image.

Poulantzas as well as Offe stress that while the state can sometimes promote the demands of subordinate groups at the expense of the interests of a particular capitalist, political response can not detrimentally impact the long-term conditions of production and capital accumulation (Jessop, 1985). Offe (1984) stresses that it is this constraint to promote overall capital interests that impedes the formulation of social and environmental policies capable of addressing root causes of problems.

Effective regulation is detrimental to production and large-scale capital accumulation.

As an institution of crisis management with an expansive regulatory role, the state is an arena and an object of struggles between capital factions, labor, and other social movements. The capitalist state attempts to mediate class contradictions and maintain social cohesion, which is critical for the reproduction of production and accumulation conditions. State intervention in conflicts is not only unavoidable, but crucial for securing a stable environment for capital accumulation.

The state is, thus, placed under contradictory pressures to simultaneously promote long-term capital accumulation conditions and secure a neutral and legitimate image in response to popular demands which often seek to curb capital expansion (Gottdiener, 1985). As Offe (1984) elaborates, the state has a dual and contradictory role.

The state suffers from a legitimation crisis because of its promotion of capital interests and its insufficient responses to adequately address growing economic and social problems (Best & Connolly, 1982; Offe, 1984). A legitimation crisis is generally conceived of as a climate of discontent and disillusionment that is rooted in and a reflection of capital contradiction. The state experiences a legitimation crisis since, unlike capital, it is a forum

of public accountability and an arena for resolving public issues.

Offe (1984) and O'Connor (1990) view contemporary social movements as manifestations of the legitimation crisis of the state. O'Connor (1989) describes the rise of the environmental movement as a political mobilization organized to curb the expansion of capital.

An emerging theoretical approach in the field of social movements, the new social movement (NSM) perspective, adopts a structural class-centric approach in the analysis of contemporary Western reform movements. The NSM also views social movements as the manifestation of the state's legitimation crisis. This perspective argues that movements arise as a result of the contradictions of modern capitalism as well as the extensive but largely ineffective state intervention in every fabric of social life which has left individuals disenchanted and yearning for a sense of identity, community and alternative politics (Boggs, 1988; Eyerman & Jamison, 1991; Hannigan, 1985; Kischelt, 1985; Klandermans & Tarrow, 1988; Melucci, 1980, 1989; Touraine, 1985).

While exhibiting an understanding of the structural relationship between the state and capital, the NSM, however, tends to reduce politics to a residual category and ignores concrete social movement and disputing activities. The bulk of literature in the NSM field makes

a psychological linkage between the development of state and economic crises and the rise of social movements. With their focus fixed on macro-psychological factors behind the emergence of movements, the majority of NSM advocates pay little attention to the economic roots of political intervention in and impact on the dynamics and outcome of social movement activity.

Neo-Marxist schools of thought in urban sociology also adopt a structural class-centric perspective in their treatment of urban policy and conflicts. The urban political economists, similar to the NSM perspective, have modified the class-struggle approach by focusing on non-labor struggles. Social movements and urban struggles no longer revolve around the capital-labor axis (Boggs, 1986; Melucci, 1980, 1989). According to Castells (1983) and Cox (1981), urban struggles, including land and environmental disputes, represent a displacement of conflicts from the work place to communal living space over issues having to do with the quality of life.

The application of the political economy approach in urban studies has produced a body of literature that is based on Poulantzas' key propositions, namely, that the state is regarded as an institution of crisis management that, in addition to formulating policy, also intervenes in conflicts to produce social cohesion and secure the long-term viability of capital accumulation. As such, the very

apparatus of the state and its activities are viewed as integral components of a capitalist economy (Hirsch, 1981).

Castells (1983), Cox (1981), Dear and Scott (1981), Hirsch (1981), Logan and Molotch (1987), and Plotkin (1987) stress that, although urban and land use conflicts do not seek to reorganize the political and economic structure, they nevertheless pose as obstacles and are a source of instability to the expansion of capital. Conflicts are a threat to the ability of capital to continue to reproduce itself. As such, the state seeks to promote a stable environment through intervention in conflicts, either by repression or granting of concessions, to insure the continued expansion of capital.

While emphasizing the threat of conflicts to capital, the approach virtually ignores potential political legitimation crises that disputes can generate. The threat to the stability of the state regime is largely posited in relation to long-term economic stagnation.

Recent interest in the structural class-centric interpretation is also expressed in the field of dispute resolution by Hofrichter's (1987) attempt to explain the rise of mediation as a dispute resolution strategy. His work is a significant contribution to the present study's analytic framework in general and in the analysis of a mediated land use dispute in particular.

Hofrichter (1987) adopts a similar Poulantzian-based class-centric approach as forwarded by the urban political economists in his analysis of the growing use and political promotion of negotiation and mediation since the 1980s. The modern interventionist and regulatory state is regarded as providing political solutions to sustain and effectively manage an increasingly complex but inherently contradictory and crisis-prone economic system. The capitalist state intervenes and regulates many facets of social and economic activity to reproduce and promote cohesion, a condition necessary for long term capital production and accumulation.

Working within this theoretical framework, Hofrichter posits mediation as an informal political tool that the state uses to demobilize and depoliticize conflicts, and thus create a stable environment for economic activity. Mediation, as a dispute resolution strategy, allows the state to monitor and regulate conflicts and appear neutral and distant from capital.

Unlike the vast majority of the literature in the dispute resolution field, Hofrichter (1987) views mediation and negotiations as political efforts to prevent the building of a confrontation. Mediation promotes a false sense of partnership and cooperation in informal settings. The practice seeks to defuse the anger of subordinate groups and promote their acceptance of a compromise

settlement. Industry expansion thus proceeds in exchange for some form of concessions to opponents.

On the surface, Hofrichter (1987) stresses that mediation allows the state to maintain a neutral and legitimate image. However, in the bulk of his analysis he pays scant attention to legitimation crisis as a significant factor behind political intervention in dispute. Excessive disputes in the courts and administrative arena are viewed as primarily providing a climate of disorder and unpredictability for capital. Thus, de-politicization of disputes through mediation, defined as a lack of formal and publicly visible political intervention, is largely depicted as an effort to provide a stable environment for capital, and not so much as offering an opportunity to avert a legitimation crisis.

Analytic Framework and Research Objectives

The present study's political economy approach in the analysis of the nature and impact of state intervention in land use related environmental disputes is informed by the class-centric state perspective forwarded by Poulantzas and adopted by Hofrichter and the urban political economists. However, while Hofrichter and neo-Marxist urban scholars tend to down play the role of a legitimation crisis, the study posits political intervention in conflicts as a reflection of the state's attempt to both prevent or

neutralize political legitimation crises as well as promote long-term capital production and accumulation conditions.

Land related environmental disputes in Hawaii are not just manifestations of the state's dual and contradictory role. They also provide an opportunity to analyze the nature of state intervention in the context of larger constraining forces of dominant capital. Land use disputes, given Hawaii's dependency on land-intensive and dependent tourism and development industries, can best illustrate the structural relationship between state and capital while accounting for the state's ability and motivation to act on behalf of its own goals and interests.

Building on the class-centric literature, this study's fundamental research proposition is based on the notion of the dual and contradictory role of the state. State intervention and its subsequent impact on the course and outcome of disputes must be understood as rooted in the contradictory pressures acting on the state (a) to avert political legitimation crises that may arise due to grass-roots demands that target the state and seek to curb capital expansion, while at the same time (b) to maintain a stable environment for the continued expansion of capital.

The study proposes and seeks to illustrate that political intervention in land use environmental disputes in Hawaii reflects the state's attempt to demobilize and depoliticize grass-roots opposition. This is done in order

to secure a legitimate and neutral public image and to promote, or at the very least avert a detrimental impact on, the fundamental conditions of production and accumulation of the dominant tourism and land development capital in Hawaii.

The study explores and empirically grounds the diverse ways in which the state attempts to accomplish this demobilization and depoliticization of conflicts. The study examines different forms of state intervention in disputes to illustrate how the state attempts to demobilize and depoliticize opposition to development in specific dispute situations.

The study documents how depoliticization and demobilization of grass-roots opposition allows the state to avert the contradictory pressures that operate on it and thus secure the stability of capital as well as of the state. The state attempts to eliminate or de-intensify confrontations which can be harmful to its own legitimation concerns as well as to the basics of capital accumulation.

These critical concepts are rooted in the central assumption of the structural class-centric approach which views the state as an institution of crisis management. Adopting the Poulantzian approach of Hofrichter and the urban political economists, the study posits state intervention in land use disputes as an attempt to intercept social conflicts as an act of crisis management,

to secure the disturbance-free environment essential for capital growth and expansion.

State intervention in land use conflicts is critical because such disputes represent a threat to Hawaii's dominant land development and tourism industries. In essence, land use and environmental conflicts are a response to the normal and inherently expansionist process of capital production and accumulation.

The requirement for expansion as a condition of accumulation in a tourism and land development dominated economy means a need for land with scenic and recreational value. However, these lands are already occupied, or located so close to others that environmental degradation and social costs, such as dislocation, property valuation, overcrowding and urbanization, would easily spill over to adjacent communities.

Adopting O'Connor's (1990) approach, land use and environmental conflicts are viewed as a contradiction of both capital and state. These are struggles that emerge in response to the expansion of capital and subsequent degradation of the environment and/or revolve around the erosion of quality of life. They challenge both the state and the expansion of capital.

Movements that oppose development projects are not revolutionary in that they do not attempt to capture the state institution and reorganize the economy. Rather, they

are largely reactive mobilizations that attempt to stave off the encroachment of capital. Nevertheless, such conflicts offer a resistance to and are obstacles in the path of expansion, a fundamental condition of capital accumulation. As such, these disputes represent a threat to capital by creating a climate of unpredictability and instability. Grass-roots opposition can not only delay or thwart a specific project but, as a whole, their prevalence can have an industry-wide detrimental impact by discouraging massive investment in large-scale development projects.

The study thus examines the role of state intervention as shaped by the pressures that the grass-roots places on the state via its potential detrimental impact on the long-term viability of capital. However, the study also attempts to posit political intervention in terms of averting actual or potential political legitimation crises that opposition imposes on the state.

Unlike the bulk of literature in the class-centric tradition, particularly Offe and the NSM perspective, social conflicts are not simply viewed as manifestations of a state legitimation crisis; they are regarded as presenting a challenge to the state's neutral public image. Political actions are examined in relation to the state's efforts in de-intensifying disputes in the context of this heightened climate of political criticism. The

study attempts to explore the ways in which the state, in concrete dispute cases, attempts to neutralize or avert the adoption of a confrontational approach by grass-roots opponents in order to reduce or eliminate intense opposition.

A state legitimation crisis is usually viewed as public discontent and disillusionment and/or as a threat to the stability of the political regime. In this context, legitimation crises are regarded as actions by the grass-roots that would jeopardize the legitimacy of political officials as neutral agents. In a Western democratic context, political instability is modified to refer to any actions by the grass-roots that would focus negative public criticism on the polity with potential costs in terms of maintaining or enhancing their political positions.

The concept of legitimation allows for the incorporation of fundamental state-centric and PPM assumptions. The polity is viewed as having and acting on its own political survival interests. The study examines the way in which the legitimation crises or concerns of the polity can act as political opportunity structures for the grass-roots to pressure the state and gain concessions. The legitimation concerns of the polity during electoral competition and uncertainties also enhance the power of the grass-roots by increasing the pressure the polity.

However, the state is not viewed as independent of capital constraints. Political legitimation crises are rooted in and integral to the contradictions of capital. The political mobilization that pressures the state to provide some concessions to the grass-roots is integral not only to the expansion of capital and its subsequent social costs but also to the very political promotion of that expansion.

Moreover, state intervention and action on behalf of development opponents in disputes can not pose a threat to long-term interests of the dominant capital in Hawaii. The above proposition is based on Poulantzas' notion of relative state autonomy. The state is regarded as capable of acting against particular capitalists, or factions of capital, but not against the interests of the whole capitalist class. Poulantzas stresses that this exercise of relative autonomy serves to promote the interests of the capitalist class as a whole by creating social cohesion or stability.

As such, the state's attempt to demobilize and depoliticize development opposition is not viewed as an attempt to detrimentally impact fundamental accumulation conditions of dominant capital in Hawaii. Rather, the study proposes and examines how state actions against immediate interests of an individual capitalist serves to depoliticize and demobilize disputes that would have a

potential detrimental impact on the expansion and stability of the industry as a whole. In this context the exercise of the state's relative autonomy serves to secure the basics of capital accumulation as well as to avert political legitimation crises.

The present analysis goes beyond mere description of legislative and legal tactics. It views and examines the nature and impact of political intervention on the course and outcome of disputes as a reflection and reproduction of Hawaii's political economy. The analysis seeks to explore political activity in relation to the state's attempt to promote the dominant regional industries.

In order to posit political intervention in land related environmental disputes within this broader state-capital relationship, it is necessary to develop an understanding of the historical roots, as well as the contemporary features, of Hawaii's political economy. The study provides an historical overview of significant land use policies and politics of land use regulation in Hawaii, in an effort to establish the historically-conditioned structural relationship between the state and capital.

The fundamental question is how state actions have sought to promote the fundamentals of production and accumulation conditions of Hawaii's sugar and later tourism and land development industries. The aim is to explore and illustrate the larger conditioning impact of the economy on

the state in the area of resource and land management. The analysis also seeks to illustrate contemporary Hawaii's economic dependence on tourism and land development industries and, as such, to underscore the importance of their promotion by the state.

An historical understanding is also critical, since many issues imbedded in contemporary disputes are rooted in the dynamics conditioned by the historical developments of Hawaii's political economy. For example, conflicts still center around concentrated land ownership and alienation of native Hawaiians from the land, and are rooted in the dynamics of the past 150 years of economic development and political promotion of it. Without such knowledge, disputes and political intervention in them would be robbed of their social meaning and significance.

Most importantly, an historical overview of the political economy of Hawaii helps anchor the understanding of the state's intervention in specific and isolated dispute cases within the larger structural state-capital relationship. The analysis helps establish the state not as a neutral third party to conflicts, but as the organizing framework behind state policies and intervention in disputes.

Methodology

The study is comprised of two parts. The first part is an overview of the political economy of Hawaii with respect to Hawaii's economic development and emergent land use policies. The second part consists of in-depth case studies of 4 significant land related environmental disputes that represent different forms of political intervention in demobilization and depoliticization of grass-roots opposition.

Political Economy of Hawaii

The political economy analysis consists of a re-interpretation of existing historical, political, economic, and land use policy studies of Hawaii. Most notable among them are Kent's (1983) study of Hawaii's post-contact political and economic history through a critical dependency perspective and Cooper and Daws' (1985) analysis of the significance of land in the contemporary economy and politics of Hawaii. In addition, the analysis also extracts information from newspaper articles, industry magazine reports and legislative actions to construct the general trends in land use issues and economic dynamics.

The study also updates and otherwise fills the gap in the existing research through interviews with individuals familiar with Hawaii's land use politics. Interviews were conducted with individuals ranging from current and former elected and appointed state officials, representatives of

the development industry and observers of Hawaii's politics and economy generally affiliated with the University of Hawaii.

Case Studies

Case studies lie at the core of the present study. Land related environmental dispute cases are intersections of political, capital and grass-roots interests and forces. As such, analysis of dispute cases provides a good opportunity to examine the capital-state-society interaction and relationship.

Approach. The qualitative case study approach of the study is deemed the most appropriate method to meet the study's stated objectives. Research questions in this study do not lend themselves to quantitative techniques. A qualitative case study approach can capture the totality and complexity of political intervention in disputes that include both informal and behind-the-scenes activities as well as more formal and public responses.

An in-depth case study approach is better able to uncover and examine highly significant but less observable processes which often involve the extraction of politically delicate and controversial information and opinions. This type of data are hard to capture with standardized techniques such as surveys and content analysis.

The qualitative approach of the research provides an advantage in the face of potential difficulty of data collection. Interview informants, particularly those representing private developers and political actors, may not be forthcoming since the subject matter is often profoundly controversial and may involve conflicts of interest, values, and feelings. Assertions may be potentially accusatory and slanderous to informants or other individuals and agencies. This particular research approach, which involves a prolonged engagement with informants and subject matter, persistent observation and triangulation of data sources, can better cross check information, uncover untruths and assess differing perceptions.

Case Selection. 4 cases were selected for analysis from a list of land related environmental disputes developed during an overview phase of the analysis. The study canvassed land related environmental disputes, defined here as conflicts over perceived detrimental impacts on some aspect of the natural order as a result of land development. Cases screened for analysis involved the participation of political actors, grass-roots activists and private developers and/or land owners. Excluded were state and city development projects or disputes between federal and local government agencies.

Three sources contributed to the development of the list. Previous research by Modavi (1988) had developed a extensive list of environmental land disputes in Hawaii up to 1980. An overview of newspaper reports as well as the reputational approach--that is, suggestions by those familiar with land disputes in Hawaii, were utilized to develop a list of disputes in Hawaii from 1980 to the present.

The primary selection criterion was the diversity of form of political intervention in the disputes. The cases represent political intervention in the form of negotiation and mediation, co-optation and control, as well as conceding to and repressing grass-roots demands.

Each case is a significant watershed conflict in the history of land use disputing in Hawaii. They exemplify an emergent pattern or tendency of political intervention or have significantly impacted the nature of political response towards other disputes. As such, each selected case has had an impact that goes beyond the specific dispute.

The cases were selected on the basis of how well they illustrate the state's attempts at reproducing the conditions of capital accumulation for the development industry. However, the study has deliberately refrained from completely focusing on cases that represent losses on the part of the grass-roots.

It is customary, and by far easier, to concentrate on the many dispute cases in Hawaii in which the state has acted on behalf of the development industry in order to show the pro-capital tendencies of the state. However, an approach that does not account for the cases in which the grass-roots secures a clear victory or least gains some concession through political intervention leaves the analysis vulnerable to pluralistic and state-centric explanations. The state may still be argued to be a neutral agent or accessible by subordinate social groups. The state may also be viewed as acting strictly on behalf of its own interests independent of capital constraints.

The present study does contain a case in which grass-roots demands were denied by the state on behalf of capital. However, the study also examines three other dispute cases in which political intervention resulted in some form of concessions gained by the grass-roots. The aim is to examine how such state intervention attempts to demobilize and depoliticize opposition in order to promote both political and capital interests.

The case selection also pays attention to dates of dispute occurrence as well as ethnic elements. The cases, covering a time period from the early 1970s to the present, provide an historical understanding of the pattern of political intervention in disputes.

Attempt has also been made to select cases that involve native Hawaiian community opposition to development. Disputes involving native Hawaiian communities go beyond environmental concerns and incorporate political, economic and cultural issues. These issues are not only significant to Hawaii, but also reflect the concerns of indigenous people globally.

Four cases were selected for analysis. They are: Waiahole-Waikane: Phase I (1974-1977); Waiahole-Waikane: Phase II (1988-present); West Beach (1977-1987); and Sandy Beach Initiative (1988-1990).

Waiahole-Waikane Phase I was the most intense and mobilized conflict in the history of land disputes in Hawaii. It became a focal point of environmental and land use struggles during the height of disputing activity in the 1970s. The governor of the state, under unrelenting pressures from the largely native Hawaiian farming community of Waiahole-Waikane valleys, was forced to have the contested land purchased by the state to prevent a planned suburban development. The governor's intervention averted a near-certain violent confrontation by community activists who had resisted eviction attempts by the land owner and developer.

The Waiahole-Waikane Phase II conflict is a currently unfolding dispute against several golf course development projects by Japanese corporate investors in the Waiahole

and Waikane valleys as well as in the surrounding Windward Oahu area. Political intervention in this contemporary dispute, unlike the original conflict, is pre-emptive and seeks to co-opt and control grass-roots opposition. The state's strategy is to stage a show of opposition to pressure the developers to relocate the development and thus to avert full-blown opposition in an area with a proven track record of militant mobilization.

The West Beach dispute involved the facilitation of a negotiated and mediated settlement by top-level political officials and representatives of the development and tourism industries. The native Hawaiian opponents of the proposed massive West Beach resort, which is financed by a giant Japanese corporation, eventually agreed to withdraw their opposition in exchange for concessions that, even though limited in nature to begin with, were not ever fully delivered by the developer.

The Sandy Beach Initiative dispute resulted in the banning of a housing development project through the use of the initiative process. Initiative powers allowed a group of middle-class white activists to propose and have the electorate enact a zoning ordinance that prevented the development. In response to this victory, the state of Hawaii subsequently invalidated land use initiative as a process.

Sandy Beach Initiative is not the first nor the most intense use of initiative in launching an anti-development opposition. However, the case allows the analysis to examine the state's eventual invalidation of initiative in relation to promoting capital interests, especially during the massive influx of Japanese capital investment in development.

Data Collection. Case analyses rely on primary and secondary sources of data. The primary data refer to the information produced by the participants in the conflict. The bulk of primary data in this study was obtained through in-depth face-to-face interviews with key participants in the disputes, ranging from current and former elected and appointed public officials to community and environmental activists and representatives of the developers and land owners. Over 100 individuals were interviewed for the cases studies.

Other primary data sources included correspondence, minutes of meetings, and newsletters by grass-roots groups and/or state agencies when available. Governmental documents produced during the disputes such as public hearing testimonies, committee reports and legislative bills and acts were also reviewed. Data were also collected through non-participant observation in public hearing, meetings and rallies for the Sandy Beach and

Waiahole-Waikane Phase II disputes which were unfolding during the course of the research.

The secondary data, produced by non-dispute participant observers during or after the conflict, were also utilized. Newspaper reports and business magazine articles were reviewed to help construct the chronology of the disputes and surrounding public discourse. When available, the study also utilized descriptive case studies of the disputes produced in the Department of Urban and Regional Planning at the University of Hawaii to put together a chronology of the disputes and a list of key participants.

Contributions

The critical analysis of the nature of political and economic forces on land related environmental disputes in the above case studies contributes to bridging the gap in theory-building and research efforts in the fields of environmental dispute resolution, social movement and state theory perspectives. The field of environmental dispute resolution can benefit by a critical understanding of the role of political and economic influences on disputes. The field suffers from an apolitical orientation and theory-building efforts that lack an awareness of the significance of large scale social forces on dispute processes.

Like Hofrichter, the present study illustrates the promise and potential of a class-centric state perspective in the analysis of environmental disputes. By utilizing the analytic framework of the class-centric perspective and its advocates in the field of urban political economy, the study is able to examine the nature of political intervention in disputes within the broader context of a state-capital relationship.

The present study illustrates how political intervention in disputes reflects and reproduces the critical conditions for capital accumulation, namely a disturbance-free environment, that is essential for the expansion of the development as well as tourism capital. The analysis of dispute cases helps posit the state and its actions toward disputes as not only promoting but also a component of production and capital accumulation conditions.

The study contributes to the emergent attempts at applying state theories to social movement analysis. The field as yet appears to lack a framework which accounts for the influences of the state as well as economy on the dynamics of movement activity such as disputes. When the NSM school was criticized for under-emphasizing the role of politics on concrete social movement activity, the PPM was criticized for over-emphasizing the role of politics on

grass-roots mobilization and overlooking the economic roots of political actions.

The present study contributes to the field of social movement theory by illustrating how political intervention in grass-roots mobilization is constrained by the imperatives of a capitalist economy. As such, the effort is to bridge the gap between the emerging PPM and NSM perspectives.

The present study incorporates the PPM's key assumptions by focusing on the role of the state on the dynamics of grass-roots opposition and analyzing its actions in terms of fostering the state's self-survival goals and interests. However, the notion of legitimation crisis incorporates the PPM and its state-centric assumptions within the broader contours of the class-centric perspectives. The analysis illustrates that state actions are not independent of capital.

By demonstrating these dual and contradictory pressures that act upon the state, the study is able to contribute to the state theory perspective. Most structural class-centric analysis, including the works of Hofrichter and urban political economists, depict political intervention as catered largely to avert a crisis of capital. They generally under-emphasize the significance of legitimation pressures and thus do not grasp the nature of grass-roots impact on political actions.

The present study furthers the understanding of the complexity of the capital-state relationship. By incorporating the nature of popular pressures on the state, the study helps to integrate and ground state-centric assumptions and account for capital-logic dynamics emphasized by the class-centric perspective. Political intervention in grass-roots mobilization is argued to be rooted in legitimation pressures imposed from below and pressures to secure the overall production and capital accumulation conditions of dominant industries.

CHAPTER 2
HISTORICAL OVERVIEW OF THE POLITICAL ECONOMY
OF LAND USE IN HAWAII

The bulk of the analysis in this chapter focuses on a comparison of Hawaii's two major land use policies: the Great Mahele of the mid-19th century and the Land Use Law of 1961, each constituting the core of political restructuring that took place in the respective periods. The analysis also provides an overview of Hawaii's increasing dependency on tourism and development industries, particularly during the development boom of the 1960s as well as the political legitimation crisis of the 1970s due to the rise of anti-development opposition. These broad political and economic contours are critical in understanding both the nature of contemporary disputes and the political response to them.

With respect to the comparative land use policy analysis, emphasis is placed on examining the transformation of Hawaii's economy, first to sugar and then to tourism, in the context of preceding economic crises. The two land use policies are then examined in relation to promoting the fundamental production and accumulation conditions for the growth of the sugar and tourism industry.

The aim is to illustrate the larger conditioning impact of the dynamics of capitalist development on the nature and transformation of the political structure of land use controls. The analysis demonstrates how the two different land use policies at different historical periods reflect political attempts to reproduce the conditions specific to capital production and accumulation.

Exemplifying the capitalist roots of land use politics serves to demonstrate that the state is not neutral or independent of economic imperatives; rather, its policies, historically, have been shaped by and are an integral component of capital production and accumulation conditions. In fact, because of the central and indispensable role of land as a condition of production for over 150 years, the present analysis illustrates how the regulation of land has been a key factor in the very process of state formation and transformation in Hawaii.

The historical and comparative approach of this analysis best reflects the systemic linkage between state and capital. As such, it can help anchor the understanding of the state's intervention in and impact on specific disputes as not only dependent on capital forces but also as going beyond case-specific capital-state interactions in dispute situations. This policy level analysis thus dispels the pluralistic notion that capital is just another party to the dispute, albeit more resourceful and better

organized, without any special significant ties to the political arena.

The analysis provides a historically specific and grounded understanding of the contemporary political economy of land use and development in Hawaii. The aim of the case studies are to go beyond descriptive accounts of legislative and tactical maneuvers. The objective is to explore how political intervention and impact on their contour and outcome reflects and reproduces Hawaii's political economy. Without a good historical understanding of the politics of land use and their economic roots, the case studies would be examined in isolation from the historical forces that condition the context of their unfolding.

An historical overview provides an understanding of the roots and dependency of Hawaii on tourism and the dynamics of the industry's production and accumulation conditions. It explains the concentrated nature of land ownership, the integral connections between tourism and the land development industry, subsequent development booms and the continued alienation of native Hawaiians from the land. The analysis anchors later examinations of how these factors play a significant part in the nature of land use regulation, implementation and the political intervention in response to opposition to development.

Theoretical Approach

The case studies, as stated in chapter one, examine the state's intervention in disputes in terms of political efforts in intercepting and eliminating conflict. This is done in order to secure a stable environment, which is viewed as an indispensable condition of production and capital accumulation.

At the policy level, the study also emphasizes the role of the state as rooted in promoting capital production and accumulation conditions. In this analysis, different forms and scope of land use regulation will be examined in terms of how they facilitate the accumulation and production conditions specific to Hawaii's sugar and tourism/land development industries.

The structural or capital accumulation-logic perspective has been utilized in historical analyses of the emergence of the modern and interventionist state and formulation of specific policies ranging from social welfare to environmental, industrial, and labor regulations (Best & Connolly, 1982; Greenberg, 1979; Howe, 1988; Levine, 1988; Robbins, 1982; Thomas & Lauderdale, 1987; Wolfe, 1977). These studies trace the rise of the modern state and its regulatory policies to the crises of capitalism and political efforts to offset economic decline by regulating capital competition, absorbing excess abuses,

and securing stability and other conditions of capital production and accumulation.

The present analysis, like the above studies, examines the two significant land use policies in Hawaii in relation to historical changes within the capitalist mode of production, their preceding crises, and associated accumulation conditions. As such, the mode of production serves as the basic unit of analysis.

Since production conditions, which include land, nature, and urban space, are often not produced as commodities, the agency of the state tries to make these condition available at the right time, place, quantity and quality. Capital accumulation conditions require the state to provide for its continued expansion and create through a reliable access, supply and protection of resources as well as a predictable field of action that guarantees and attracts investment. The role of the state is thus to regulate or reproduce the condition of production and accumulation of capital (O'Connor, 1988).

The regulation of land by the state, as a strategic and indispensable condition of production and accumulation, is an attempt at political intervention in protecting and promoting capitalist development (Chase-Dunn, 1989; O'Connor, 1988). However, since capitalism is dynamic and exhibits historical and regional variations in its basic mode of production and accumulation of profit, the

regulation of production conditions, for example in terms of land use policies, also take on different forms.

Therefore, a political economy approach, informed by the capital accumulation-logic perspective, looks at historical changes in terms of variants within the capitalist mode of production. Shifts in policies and other types of political intervention are examined in relation to the crisis of capitalism in which the existing organization of accumulation, including policies and legal frameworks, becomes less productive. These crises are often in response to global economic trends and create pressures for restructuring the very mode of production and accumulation (Ross & Trachte, 1990).

The fundamental assumption of this perspective is that capital requires the organized social authority of the state to execute a comprehensive restructuring of economic processes in response to declines and shifts in the existing production and accumulation conditions (Esping-Anderson, Friedland & Wright 1976; Hirsch, 1981; Levine, 1985; Poulantzas, 1978; Ross & Trachte, 1990). It is argued that the structure and policies of the state are largely conditioned by the systemic constraints and contradiction of capitalism. As such, in the course of economic change and development, the inner structure of the state and its regulatory activities undergo changes.

Thus, the state is not only viewed as an arena and an object of struggles between capital, labor and other social movements, but it is also a product of capital and the imperatives of accumulation. The state apparatus and its activity are then viewed as integral components of production and accumulation conditions.

Within this theoretical framework, the analysis attempts to demonstrate that shifting production and accumulation conditions have been the organizing framework behind the emergence and transformations of land use regulation in Hawaii. The analysis compares two different land use policies at two different historical periods dominated by two very different modes of capitalist production in order to illustrate how these policies reflect political attempts to reproduce the conditions specific to the dominant mode of capital production of the time.

The Rise Of Sugar And The Great Mahele

The sugar economy grew in the 1830s and remained the dominant industry in Hawaii until well after the Second World War. Its rise was rooted in the crisis and decline of the preceding provisioning market economy. The expansion of sugar ushered in a series of land reforms in the 1840s, collectively referred to as the Great Mahele which converted Hawaii's traditional land tenure system,

based on a communal use rights, to one that commodified and opened land to foreign ownership.

The Great Mahele must be understood as a political response to restructure Hawaii's economy and accommodate the expansion of the sugar industry to which the uncertainty of the traditional land tenure system acted as an obstacle. Similar to Thomas and Lauderdale's (1987) analysis of land reforms of agrarian nations in the process of incorporation into world economic and political order, the Mahele must be examined as a major expansion of Western legal and rational state authority and, thus, an important component of the state-building process in Hawaii. The Mahele illustrates how the very growth of the state in terms of rationalization of land use and imposition of legal principals governing ownership is rooted within crises of the the capitalist mode of production.

Prior to the rise of sugar, Hawaii's traditional political economy had been destroyed and replaced by a market economy based on provisioning ships in the trans-Pacific trade. Merchant ships began stopping in Hawaii almost immediately after Captain Cook's arrival in 1778 and by the 1820s a large number of ships were wintering in Hawaii, attracting many merchants to the islands. Mercantile capitalism proved very lucrative in Hawaii until the 1850s (Daws, 1968; Fuchs, 1961; Geschwender, 1982).

The Hawaiian aristocracy, or ali'i, also stood to gain in the profits and played a significant part in transforming the traditional communal and subsistence-based economy of Hawaii, ultimately destroying their own dominance and authority. Prior to European contact, land was appropriated by the ruling class to commoners who cultivated and devoted certain amounts of labor and products to the ali'i. With the encroachment of the market economy, the ali'i, having developed a taste for Western luxuries, abused their traditional authority over the commoners by increasing levies on commoners' labor to produce goods for sale to ships and increase their own wealth, thereby creating poverty and famine among the commoners (Beechert, 1985; Kelly 1980; Kent 1983).

The devastating social and environmental impact of the capitalist market economy in Hawaii is reflected in the Sandalwood trade. Merchants in Hawaii had soon discovered the sandalwood in the Hawaiian forests and its commercial value for trade with the orient. The Hawaiian royalty initiated an exchange of sandalwood for European goods to such a level of intensity that it created a major diversion of labor from subsistence-oriented activities and brought about wide-spread famine at the cost of generating substantial profits for the merchants and the ali'i. By the 1830s the sandalwood supply was totally exhausted (Beechert, 1985; Geschwender, 1982; Kent 1983).

In addition to the depletion of sandalwood, the provisioning market ceased to be a profitable activity for merchant capitalists in Hawaii from the 1840s onward due to the construction of the U.S. transcontinental railroad which allowed ships to operate out of San Francisco (Geschwender, 1982). Thus, between the 1830s and 1850s, the few powerful merchants who had accumulated capital from sandalwood and the provisioning market viewed agriculture, particularly large-scale commercial sugar production as the major growth economy of the islands (Kelly, 1980; Kent, 1983).

From the mid-1830s sugar was grown extensively in Hawaii. By the 1840s the industry had become monopolized in the hands of a few growers. The merchant capitalists held partial ownership of the plantations and served as agents or factors for the plantations. Thus, by 1847 five sugar factors (ex-merchants), known as the Big Five, dominated not only sugar production but also banking and other financial and services in Hawaii (Kent, 1983).

The impetus for land reform began with the growth of commercial agriculture in Hawaii. The mercantile businessmen who had invested their accumulated capital into developing Hawaii's sugar plantations began to exert pressures to convert Hawaii's communal land system into one that allowed for private land ownership (Kent, 1983).

Subsequent to the rise of sugar, land became a valuable commodity. However, its ownership under the traditional land use tenure system was not secure. The sugar merchants believed that outright ownership of land would provide security for capital investment in agriculture (Kelly, 1980; Kent, 1983; Creighton, 1978).

The traditional Hawaiian land tenure interjected a level of uncertainty that acted as an obstacle to large-scale production of sugar and accumulation of profit. In the traditional land tenure system in Hawaii, land was controlled by the ali'i who expropriated food and labor from the cultivators. The commoners (makaainana) had the right of access and use to the resources of the land and the sea. parcels of land (ahupua'a) were divided into small units (kuliana) cultivated by families (Kelly, 1980).

Under the same system many foreigners, including missionaries and merchants-turned sugar growers, had gained access to land in Hawaii. Thus, while the foreign sugar planters had the use of vast acres of cheaply acquired lands, their land rights were granted by the monarch and revocable as he saw fit. From the point of Hawaiian chiefs, land was inalienable and its use controlled by the high chiefs. The sugar elite saw their land rights as unstable and subject to "irrational" whims of the King or the chiefs and incompatible with their needs (Kelly, 1980).

The issue, thus, was not so much the availability of land but stability and certainty of access to land as a transferable commodity with laws protecting private ownership. Secure and permanent land titles to foreign landholders not subject to uncertainties and limitations of the existing system was essential for attracting massive investment from abroad, which was sought after by the planters to facilitate the growth of sugar. For sugar to grow and become the major capital producer, new land legislation was needed to establish firm property guarantees for foreign landholders (Beechert, 1985; Kelly, 1980; Kent, 1983).

The traditional politics of land tenure did not adequately address the newly emerging production and accumulation conditions of the expanding plantation industry. Land is a central condition of production in agrarian capitalism. A political framework guaranteeing a stable and legal ownership, in other words commodification of land itself, was a necessary condition of production and profit accumulation.

By the 1840s the modern nation-state building process in Hawaii was well under way. Under the influence and leadership of missionaries sympathetic to capital interests, merchant and sugar growers, a Western style of constitutional parliamentary government had been created. The sugar elite, as influential advisors, directors of

elite bureaucracies and presiding over the legislature, became the real power behind the throne. Beginning in 1848, they drew up a series of organic acts that formed the Mahele.

The Mahele divided the Hawaiian lands between the king who received 27% as his private property, and the chiefs who divided 39% of land among themselves. 36% of the land was designated as government lands, and the commoners, comprising 99% of the population, received less than 1% of the lands. Most importantly however, the Mahele conferred the right of land ownership upon foreigners, thereby making land a commodity to be bought and sold (Forester, 1972; Kelly, 1980).

The Great Mahele affirmed and constituted the emergence of the Hawaiian nation-state, and marked the end of the communal Polynesian society. The Mahele, the Hawaii's first major land use and planning attempt, is a response to economic shifts that required political intervention, regulation and management of land use and allocation to secure the conditions of expansion and long-term production and accumulation of the sugar industry. As such, the Mahele, as a policy infrastructure, is itself a component of the sugar industry's accumulation and expansion condition that could not be gained under pre-existing institutional arrangements of land use.

The dispossession of the native Hawaiians from the land was facilitated by the meager allocation of largely unsuitable lands to the majority of Hawaiians. In addition, shortly after the Mahele, sugar growers, either individuals or corporations, also acquired vast acres of governmental lands as well as parcels allocated to the commoners (Kelly, 1980). The Mahele, by nullifying the traditional land use rights, deprived the Hawaiian commoner of the essential elements of their traditional political economy that defined and posited them as members of an extended family (Ohana) and their rights within an ahupua'a. Land ownership did not carry with it the essential concept of the ahupua'a--access and rights to broad spectrum of necessary resources for subsistence life. Without this traditional access and use rights, the communal and subsistence life style could not be maintained. The best use of the land parcels was to sell them to the ali'i and to foreigners (Beechert 1985; Kelly, 1980).

The contemporary concentrated land ownership by the few in Hawaii and the continuing legacy of native Hawaiian alienation or dispossession of land is rooted in the Mahele. A survey in 1967 reveals that 72 major private land owners in Hawaii owned approximately 47% of the land in Hawaii. Moreover, of the 72, 18 of them who owned over 20,000 acres each owned over 78% of the privately held land

in Hawaii. Among the largest land owners today are the Big Five sugar factors or the estates associated with the sugar elite (Kelly, 1980).

Like the contemporary land use regulations, the Mahele and the large-scale economic restructuring that it made possible was cast as a major reform that served the social welfare of people, in this case that of the native Hawaiians. Wrapped in the conventional ideology and wisdom of the place and time, the Mahele was hailed as a victory-- a watershed in the liberation and salvation of the Hawaiians. The act however, resulted in the long term and continuing economic, political, and cultural debasement of native Hawaiians.

The Mahele laid the foundation of the sugar plantation economy. It dislocated Hawaiians from the land and opened vast tracts of cheap and legally held land for massive investment and accumulation by the plantation capital. The Mahele was essential in restructuring Hawaii's economy and a necessary condition for the flourishing of plantation agriculture by placing the land legally and firmly in the hands of foreign sugar growers.

Following the passage of the Mahele, the Hawaiian monarchy was overthrown by the sugar oligarchy in 1893, Hawaii was then annexed as a territory of the U.S. in 1898. The sugar oligarchy, solidified by the Mahele, dominated Hawaii's economy as well as politics for over a

century until the mid-1950s. Sugar was an encompassing monocultural economy in which political and economic power became concentrated in the hands of the Big Five (Kent 1983). This tightly knit and interlocked business directorship owned or controlled not only the production of sugar but also virtually every important business such as banks, insurance, utilities, shipping, construction and wholesale and retail trade (Bell, 1984; Geschwender, 1982; Kent, 1983; Tabrah, 1984; Simpich, 1971).

Throughout the pre-war territorial era, Hawaii's politics were the politics of the sugar plantation. Many territorial governors, legislators, judges and other prominent political posts were occupied by either major planters themselves or representatives of the plantation economy. Pre-World War II Hawaii was economically and politically under the hegemonic control of the sugar capital through the rule of the Republican party (Bell, 1984; Joesting, 1977; Kent 1983; Wang, 1982).

Post-War Era: Crisis And Transition

Although sugar remained the dominant economy of the islands up until the mid-1950s, the wheels of its eventual demise were set in motion by post-war shifts in global economic trends. The crisis of sugar propelled the economic restructuring of Hawaii to one dominated by tourism and land development.

The period of economic crisis and transition in the post-war era was also marked by significant political struggles in Hawaii that led to the decline of the hegemonic political control of agricultural capital. However, the emerging state, dominated by Democrats of Japanese ancestry and closely allied with organized labor, did not, contrary to popular conceptions, act against but rather promoted the interests of the sugar elite who also sought to re-structure Hawaii's economy and invest in the rapid growth of tourism industry.

The Democratic takeover is a major facet of the political restructuring of Hawaii and integrally linked to economic transformations and associated land use policy and regulation. Land use control and allocation was a central issue in the political debates and contentions of the 1940s and 1950s. The Democratic polity ushered in a second land use reform and constituted the modern state of Hawaii with a new breed of politicians, who, although not direct representatives of the landed capital, nevertheless laid the foundation of the tourism-land development economy.

Like the Mahele and the rise of sugar a century before, a fundamental shift in land use policy is the hallmark of the political restructuring of the late 1950s and early 1960s. The Land Use Law (LUL) of 1961 served to solidify and make possible the survival and growth of an emerging tourism and land development economy.

The analysis of LUL as a pro-capital rather than an anti-capital legislation thus requires a closer examination of the nature of Hawaii's economic and political transformations in the mid-1950s. The analysis offers the opportunity to examine how a state, not run by the capital elite or their direct representatives, nevertheless acted to promote production and accumulation conditions of tourism and development.

Decline of Sugar and the Rise of Tourism

The dependent, monocultural and highly concentrated nature of the sugar economy made it vulnerable to post-war international competition that was intensified by the rise of multinational corporations in agri-business. In search of cheap raw material, land and labor, many corporations had established operations in non-union Third World nations (Kent, 1983).

Post-war Hawaii was at a comparative disadvantage due to the extensive unionization and higher demands for wages and benefits that had occurred shortly after the end of WWII. In 1930, sugar plantations had numbered 47; however, by 1950 the number of plantations had declined to 28 (Rose & LaCroix, 1987). Hawaii suffered increased unemployment and economic uncertainty. The 1950s marks a bleak period in Hawaii's sugar industry and thus in the overall economy.

By the mid-1950s tourism and land development, rather than sugar, was seen as the promising growth industry and the economic future of Hawaii by the landed agricultural capitalists (Bell, 1984; Cooper & Daws, 1985; Farrell, 1982; Kent, 1983). The Big Five began seeking a rapid growth in tourism.

During the 1950s, in response to the decline of sugar, the Big Five in Hawaii had themselves become mini-multinationals, investing nationally and internationally in diverse projects including agra-business in Third World nations (Kent, 1983). Domestically, since the late 1940s and 1950s, Hawaii's Big Five corporations and other major land owners in Hawaii in fact had begun drafting resort and urban development plans for their vast land holdings (Wolbrink, 1990). By the mid-1950s, investment by mainland-based corporations had begun to take off and initiate resort and urban development (Bell, 1984; Callies, 1984).

Tourism and land development are highly integral industries. The growth of large-scale tourism in Hawaii since the 1950s has required extensive infrastructural as well as resort and hotel development. In addition, acceleration in tourism-related development led to a massive population increase in the islands which, in turn, fueled further expansion of urban and housing developments making real estate investment and development a significant

profit-producing activity (Cooper & Daws, 1985; Creighton, 1978; Kent, 1983).

Like the rise of sugar, the growth of tourism and its companion land development industry in Hawaii were shaped by global shifts in the national and international flow of capital. Hawaii's agriculture capitalists sought to reallocate their capital to a different sphere of production in tourism and development. However, the direction for this economic restructuring was determined by the interest of larger international and U.S.-based conglomerates in investing in resort and urban development in Hawaii.

Pre-WWII Hawaii experienced the growth of a fledgling tourism economy and the development of a cluster of hotels (Farrell, 1982). In a 1939 report by the Territorial Planning Board, tourism was viewed as a major source of revenue (Downes, 1986). In 1939, at \$11 million annually, tourism revenues ranked third after sugar, at \$91 million, and federal military expenditure, at \$35 million (Schmitt, 1977).

Tourism continued its accelerated growth in Hawaii. Increased post-war affluence and cheap and efficient transportation had given rise to a tourism industry on a global scale. In 1949, tourism grossed \$24 million and by 1955 that figure had jumped to \$55 million (Schmitt, 1977). Thus, by the 1950s, Hawaii's potential tourism

market had become known and attracted the interests of outside capital investors as Hawaii's only viable and growth-oriented industry.

These conglomerates, in search of profitable outlets for the investment of their post-war accumulated capital, played a significant role in spurring Hawaii's tourism and urban growth. The launching of a rapid large-scale economic transformation to tourism and land development required and attracted massive capital investment from abroad.

The Big Five and the landed estates, land-rich but capital-poor, solicited outside capital investment from the largely U.S.-based giant conglomerates who, like themselves, were interested in rapid and extensive development. The Big Five also collaborated with local Asian developer-entrepreneurs who provided necessary organizational and management skills in development projects (Kent, 1983).

Thus, in the 1950s different capital actors entered the economic arena that was previously restricted to the close-knit plantation oligarchy. The very dynamic of extensive resort and urban development, thus, depended on and was facilitated by the participation of U.S. mainland conglomerates and local Asian investors/developers.

Political Transformation

In the mid-1950s the Democratic party, largely dominated by second-generation Japanese, gained a decisive majority position in the territorial legislature for the first time and replaced the Republican hegemony, or the near direct political rule of the agricultural capital. The party has since maintained its own monopoly dominance in Hawaiian politics. This Democratic transition or "take-over" was rooted in the intense post-war organized labor mobilization that provided a political opportunity structure for accessing and controlling the state apparatus by the Democrats.

Prior to the late 1930s there was little labor organization activity in Hawaii. The plantation labor recruited primarily from Japan, China, the Portuguese Azores, and the Philippines worked under harsh conditions with little opportunity for protest.

Following the surge of labor militancy and the rise of industrial labor organizations on the mainland, the International Longshoremen and Warehousemen Union in Hawaii began its labor organizing efforts in the 1940s (Levine & Geschwender, 1981). Organized labor in Hawaii began to launch a political campaign in the mid-1940s in conjunction with second-generation Japanese World War II veterans who pushed for the opening of economic and political opportunities to non-Caucasians. Both groups attempted to

break the domination of the sugar oligarchy. By the mid-1950s the Democratic party, largely mobilized with the aide of organized labor, held the majority in the territorial legislature and, in the early 1960s, won the governorship (Bell, 1984; Cooper & Daws, 1985; Kent, 1983; Levine & Geschwender, 1981).

A central debate in the Democratic/labor platform in the 1940s and 1950s reflected popular dissatisfaction with the sugar elite's control of land and its choke-hold on all sectors of the economy. Heated political debates centered on the breakup of the monopoly land ownership and redistribution of land (Cooper & Daws, 1985; Dinell, 1974, 1980; Kent, 1983).

The Democratic legislature's promised land reform was ultimately delivered by the Land Use Law in 1961. It is, however, erroneous to regard the rise of the Democrats and the passage of the LUL as anti-capital. Conflict and tensions between the Democratic polity and the landed elite had been resolved by 1960 as is evidenced by business investments by state officials in development projects and collaboration with the landed capital (Cooper & Daws, 1985; Kent, 1983).

The 1961 Land Use Law

Not surprisingly the LUL, despite extensive political rhetoric, did not break up the concentrated land ownership in Hawaii. The LUL resulted in the state's extensive

autonomy over land use by giving the state the power to classify state-wide land use designation. This power was used to usher in, not hinder, massive resort and urban development which benefited the landed elite.

In 1961 Hawaii became the first state to pass a highly centralized state-wide land use regulatory policy. Its stated goals were to protect the dwindling supply of prime agricultural land and to prevent scattered development and urban sprawl (Callies, 1984; Creighton, 1978; Horowitz & Meller, 1963; Myers, 1976).

The LUL placed all of the state lands in one of three categories: urban, agriculture, or conservation. A fourth district, rural, was added in 1963. The LUL also established the State Land Use Commission (LUC) with the power to district and redistrict lands state-wide and approve or deny amendments to district boundaries pending development requests by land owners.

The LUL is both a land use plan and a highly regulatory measure. The LUL is essentially a zoning measure which defines and allocates land among alternative uses, a regulatory power not available to any other American state (Callies, 1984; Callies & Lowry, 1981; Lowry, 1980). As such, the LUL gives the state tremendous authority over fundamental planning decisions regarding urban growth, namely the determination of a spatial limit

of growth both in terms of quantity and location of development (Lowry, 1980).

The LUL did not abolish but rather supplemented local/county land use and development regulatory powers by adding an additional and more centralized level of land use control mechanism. The state maintains control over agricultural and conservation districts, over 96% of the state lands. The Urban district, comprised of 4% of the land mass where the bulk of development takes place, is placed under the jurisdiction of the four Hawaii counties, which in turn exercise substantial authority over development (Callies, 1984; Callies & Lowry, 1981; Lowry, 1980).

The passage of the LUL and its implementation via the LUC did not result in the protection of agricultural lands and the prevention of excessive and scattered development; instead, Hawaii experienced a massive and unprecedented development boom in the 1960s. Tourism and land development industries were solidified during this decade of accelerated economic expansion.

Studies show that large land owners had been able to get LUC approval to reclassify their lands from agriculture to urban for development purposes in the 1960s (Callies & Lowry, 1981; Cooper & Daws, 1985; Lowry, 1980). Between 1964 and the early 1970s, more than 36,000 acres of agricultural lands had been added to urban use (Lowry,

1980). These statistics provide striking evidence that the LUL's ostensible goals of protecting agricultural land and excessive development and urban sprawl were not important factors in the LUC's decisions-making.

LUL: Liberal/Pluralistic Interpretation

State officials, attorneys and planning professionals often forward a liberal interpretation of the centralized approach of the LUL. These experts take at face value the public discourse of the LUL's stated purpose of protecting agriculture and the public against rampant development and growth. Thus, the LUL is viewed as an effort to curb un-hindered development. Law makers at the time had argued that this task was beyond the capacity of the four counties due to their lack of adequate land use control measures (Callies, 1984; DeGrove, 1984; Dinell & Lowry, 1981; Lowry, 1980).

This view often regards centralized planning and regulation as more efficient and capable of serving and protecting public interest. Callies (1980, 1984) and Bosselmen & Callies (1971) argue that the centralist approach of the LUL, less cumbersome than the parochial municipal controls, is better able to facilitate large-scale development that, in turn, provides affordable housing, equitable access by minority groups and safeguards environmental quality through the application of high standards in planning. Thus, the LUL is depicted as

constraining capital in defense of public safety and security (DeGrove, 1984).

This pluralistic discourse often casts political institutions as the neutral agents of "public interest", deliberating between conflicting interest and making decisions on the basis of the collective good of the society. Proponents of this view tend to dismiss pro-development biases of the state primarily as isolated instances of corruption (Callies, 1990). They explain the excessive development of the 1960s in terms of the inadequacy of LUC staffing, available data, and a clear and workable mandate (DeGrove, 1984).

Yet others like Lowry (1990, 1980), who admit that development interests dominate land use regulatory decisions, adopt a more sophisticated pluralistic view of the compete-capture model. He explains pro-development political tendencies on the superior resources and accessing powers of developers and landowners in the political arena relative to that of environmental and community activists.

LUL: Power Elite Interpretations

Historians like Cooper and Daws (1985) provide an invaluable documentation for the pro-development stance of political officials in Hawaii throughout the 1960s and 1970s. They argue for a pervasive corruption of politicians and labor leaders by documenting their

extensive real estate investments and other professional ties with the development elite. Cooper and Daws (1985) argue that control over land use regulation via the LUL is the root of the very ascendancy of the Democratic party and its ability to share the expanding economic pie with the landed elite in their personal quest for wealth and political power.

This view overlooks the fact that the Democratic dominance and collaboration among key politicians and business leaders had been solidified in the mid-1950s well before passage of the LUL. Most importantly however, Daws and Cooper's power elite account of the LUL, similar to that of liberal/pluralistic explanations, ignores the constraints that economic imperatives place on the state to promote the conditions of production and accumulation for the emerging tourism and development industries.

Power elite and pluralistic views portray an un-systemic relationship between the state and capital, a relationship that is limited to particular interplay between individual capitalists and politicians. Although it can be argued that mutually beneficial relationships are pervasive, analytically the pro-business biases can be eliminated if a different breed of socially and environmentally oriented politicians access the polity.

LUL: Structural interpretations

The aim of the present discussion is to illustrate the systemic and historically specific constraints that dynamics and crises of capital accumulation place upon the framework of land use policies in Hawaii. Unlike power elite or pluralist accounts, this analysis explores the impact of Hawaii's economic crisis caused by the decline of the sugar industry, the associated imperatives to restructure the mode of production to tourism and land development and the very dependence of the state on this successful re-direction and the continued expansion of these industries.

The 1950s was a period of economic stagnation and uncertainty due to the decline of sugar. The adaptive response of agricultural capital to the decline of sugar was to internationalize investments and to actively encourage outside investments by large multinational corporations in the development of Hawaii's tourism and land development industries.

The economic decline also aided the rise of the Democratic contenders who, despite their rhetoric of breaking the land ownership monopoly, intended to usher a rapid economic growth and the accumulation of profit to expand the employment base and tax revenues. The Democratic party leaders were not anti-growth but rather, like the landed capitalists, were committed to rapid and

efficient expansion of tourism industry (DeGrove, 1984; Dinell, 1980; 1987; Kent, 1983).

While the plantation economy required a minimalist state, the development of tourism called for a highly interventionist state. The 19th century state allocated finances for infrastructural development and labor recruitment but in terms of land use planning and regulation, the Mahele, unlike the LUL, did not impose highly centralized and extensive land use controls.

Moreover, the territorial state apparatus did not serve to regulate or control competition among capitalist elites. The hegemonic control of the few interlocked corporations easily prevented the entry of competitors in all facets of economic activity in Hawaii (Kent, 1983).

In the late 1950s and early 1960s state intervention, particularly through the LUL which served as a plan and a regulatory mechanism, played a crucial role in off-setting the economic decline and overcame obstacles to the rapid expansion of tourism and development industries. The LUL also served to regulate the newly created potential for capital competition. State intervention in promotion and planning of the tourism industry had indeed began to increase before the passage of the LUL in 1961.

The Democratic majority in the legislature was fully supportive of (the Republican governor) Quinn's provision of massive capital outlay for infrastructural development

such as roads and airports necessary for tourism and urban development (Kent, 1983). Also, prior to the passage of the LUL and in response to the crisis of sugar, the state, like landed capitalists themselves, had begun extensive land use planning.

The legislature had established the Territorial Planning Board in the late 1930s to examine land use patterns in response to the Great Depression and its impact on sugar. These pre-1950s economic planning efforts, however, were at best sporadic (Fairbanks, 1980). The 1950s saw the beginning of extensive and comprehensive state planning activity, which according to state-produced literature, has always been closely linked to land use in Hawaii, since land use is basic to economic expansion (Downes, 1986).

In 1957, the Republican governor Quinn, a strong advocate of state planning, sought to produce a first state general plan. Approved in 1961, this plan recommended state zoning power and greatly contributed to the drafting of the LUL (Creighton, 1978; Myers, 1976). This indicates that land use planning and regulation, and the LUL itself, cut across partisan politics.

It is thus erroneous to adhere to the commonly held view of the Democratic polity and the LUL as against the landed elite and capital expansion. The LUL's rhetoric of conservation and protection of agricultural land imbued its

original mission to promote and regulate capital with a politically popular mission (Rose & LaCroix, 1987).

Rather, the planning efforts and the LUL are attempts at consolidating control over land, a vital condition of production and accumulation, within the hands of few pro-growth metropolitan state agencies. This expanded political jurisdiction served to promote the development industry as a whole by reducing the uncertainties over available land and financing to facilitate large-scale rapid development.

The LUL provided a predictable field of action for the long-range development plans of the landed capital that were drafted in the 1950s. It is a well-known fact among political and land use policy observers that the landed capital did not challenge, but rather supported, the establishment of the LUL (Cooper & Daws, 1985; DeGrove, 1984; Lowry, 1980; Kent, 1983; Myers, 1976; Rose & LaCroix, 1987). As Myers (1976) points out, the debate largely centered on the drawing of the land district boundaries. Kent (1983) and Cooper and Daws (1985) document closed meetings between state planners and landed capital over the drafting of boundaries. As such, the boundaries drawn under the LUL, and the pace and direction of the ensuing development responded to capital interests.

The predictability of centralized land use planning and regulation served to attract substantial capital investment from abroad and promoted planned and massive development projects by reducing potential interference from local level governments. The intent is not to portray municipal governments as anti-development or to suggest the local jurisdiction on land use was totally abolished.

As Walker and Heiman (1976) and Popper (1988) stress, a single political agency at the helm suits large-scale projects better than many overlapping municipal land use controls. In Hawaii, however, local governments themselves are highly centralized and limited to four combined city and county governments. In their island-specific jurisdiction there are no overlapping boundaries.

Nevertheless, the LUL reduced the field of influence and potential obstacles from city/county governments in large-scale and state-wide land use planning and regulation. The LUL, by giving the state great authority over urban growth decisions in the form of overall control on spatial configuration of growth, allowed for a more efficient promotion of massive and planned development projects. Outside conglomerate investors, the landed capital in Hawaii and the new Democratic polity all desired this rapid expansion of large-scale development. Thus, as Hirsch (1981) stresses, such a homogenized political

control was an essential condition for extensive and speedy planned regional economic restructuring.

Logan and Molotch (1987) assert that land use planning and regulation serves to control prices, costs, and demands on behalf of capital. The LUL in Hawaii has artificially maintained high land values, boosting speculative practices that are at the core of capital accumulation dynamics in a land development industry.

In Hawaii, exorbitant land and property values since statehood have been explained in terms of low supply of developable land. This scarcity of land for urban development has been artificially and institutionally created by the LUL's restricted urban land classification to 4% of the island land mass.

Tremendous development has occurred in that 4% urban land area since the 1960s. Moreover, the LUC, as pointed out earlier, has consistently reclassified lands particularly from agricultural to urban use designation in response to large land owner and developer plans for development. However, the limited nature of urban-designated land and the time-release nature of lands for development has helped increase the value of land in Hawaii by 22 times between 1965 and 1985 (Economic Indicators, 1988).

The necessity for the artificial boosting of land values is rooted in the uniqueness of land and built environment as a condition of production and accumulation. According to Logan and Molotch (1987), land is a non-commodity in that it can not be produced and has a fixed quantity. A land development economy thus depends on extra-market forces, namely the political and legal frameworks, to maintain its profitability.

Rose and LaCroix (1987) stress that development capital has interest in and benefits from a restricted amount of land zoned and released for urban development. In fact, they observe that the highly monopolistic development capital in Hawaii dominates political land use decisions to achieve this artificial scarcity and thus higher land values. These land owners are, at the same time, compensated with tax breaks for keeping their land in agriculturally zoned areas for future development. Thus, anticipating massive development, the restricted urban land classification and its planned release to major land owners for development has helped maintain high land values and prevented a valuation crisis that according to Harvey (1981) could occur by over-investment and over-production.

Moreover, development profitability depends on the selling and re-selling of land and property at higher and higher values. Speculation is the core mechanism of profit accumulation in a land development economy to ensure the

continued profitability of successive investments in a fixed resource. Speculation is not, thus, the aberrant practices of the greedy few (Logan & Molotch, 1987).

Hawaii's development industry is based on speculation. Development rights from land owners are repeatedly sold at increasing costs. Zoning and governmental approvals themselves help boost land values in this selling and re-selling process. These speculative practices coupled with restricted and time-delayed nature of releasing land for development have further exacerbated Hawaii's housing market which, by the 1970s, was three times higher than the U.S. mainland (Creighton, 1978; DeGrove, 1984; Rose & LaCroix, 1987).

Far from placing a cap on development or speculation, the LUL and state LUC's implementation of the policy have made the state an integral component of and a grand player in the speculation process. The legal restrictions and zoning powers of the LUL, that reflect long-term plans of major land owners and powerful developers set locational trends, determine the pace and patterns of development and thereby modify and organize not only the use but also the value of the land.

As mentioned earlier, the LUL also provided the landed capital with a form of land banking, allowing the major land owners to place and keep their land in agriculturally zoned districts which served as a holding zone in which

large land units were taxed at lower rates until they were ready to be developed. By the late 1970s, over 421,000 acres were placed in the agricultural district by major land owners (Lowry, 1980). Since agriculture was not deemed as Hawaii's economic growth potential since the late 1940s, the heavy emphasis on the protection of agricultural land as the prime mandate of the LUL can thus be explained in terms of this service for capital.

Even according to the advocates of the LUL such as Lowry, the LUL and its implementation by the LUC has served to regulate capital competition between the few large landowners (Lowry, 1980; McElroy, 1990; Ordway, 1989). Most importantly however, the LUL appears to have limited and protected the interests of the large landed capital from competitors such as outside investors and small land owners and developers unwilling to collaborate with the landed elite in development projects.

Research shows that, in Hawaii, the LUL has not thwarted major development projects of big land owners and politically well-connected developers. Since the adoption of the LUL, the agriculturally zoned lands have been consistently released and re-zoned for development based on the plans and request of major land owners. It is generally small developers and land owners or those not well-connected with the landed capital that fail to secure

approvals (Davidson, 1991; McElroy, 1990; Ordway, 1989; Whitesell, 1989).

Lowry's (1980) analysis of the LUC decisions between 1964 and 1974 shows that the LUL's mandate to protect agricultural lands and prevent scattered development was not upheld with respect to development petitions of large land owners and politically well-connected developers. This research, updated in 1981 by Callies and Lowry as well as by Daws and Cooper in 1985, shows the same pattern of political catering to the landed elite.

The differential political promotion of the landed elite's development interests is at the core of power elite tendencies in the contemporary state and capital relationship in Hawaii. The entrance of the other more powerful capital interests, such as outside investors as well as local Asian developers in the 1950s, necessitated by the thrust for large and rapid development and encouraged by the landed elite itself, nevertheless had presented a potential for competition to local landed capital.

Beginning in the 1950s the landed capital opened opportunities for collaboration and investment to key Democratic state officials. It is argued here that this was not done to foster pro-growth tendencies on the part of the polity; rather, it was undertaken to ensure that their monopoly over land would not be broken by the Democratic

powers. After the passage of the LUL, such collaborations were continued by individual landed capital to ensure that each would obtain approvals and to prevent the approval of development petitions by outside capital and small land owners who would be unwilling to collaborate with them.

The 1960s: Consensus and Growth

Following the passage of the LUL, the 1960s became a decade of accelerated economic growth marked by a massive and unprecedented development boom in Hawaii. It was during the 1960s that tourism grew to be Hawaii's number one industry.

Unlike the Great Mahele and the Land Use Law of 1961, the state's intervention in land use regulation since the 1960s did not seek to help usher in fundamental changes in the mode of production or the industrial profile of the region. Rather, political efforts have concentrated on promoting the growth of tourism and land development.

Between 1960 and 1969 the number of tourists rose from 300,000 to 1,396,000 annually (Schmitt, 1977). Today Hawaii accommodates nearly 6.5 million tourists a year. As a percentage of the Gross State Product, tourism expenditure itself shot up from 7% in 1959 to 43% in 1989 (Pai, 1989a, 1990; Ramsour, 1990).

Contrary to some assertions, Hawaii's economy has remained monocultural and heavily dependent on tourism. Tourism is at the center of the web of economic activity in

Hawaii. The host of other industries such as retail, utilities and food service are auxiliary businesses revolving around the continued growth and vitality of tourism. Military expenditure and limited sugar and pineapple production, largely subsidized by the federal government, adds to the economy, but neither are growth areas that would attract foreign investment.

Even construction or development is a component of and is fueled by tourism. Tourism's rapid ascendancy during the 1960s generated extensive resort and hotel development. Between 1960 and 1969, the number of hotel rooms in the state jumped from 9,500 to 26,900 (Department of Planning and Economic Development [DPED], 1969; Yoshida, 1971).

The expansion of tourism also resulted in an extensive resident population growth. Hawaii's population shows a 35% increase in the 1960s (Schmitt, 1977). By 1985, Hawaii's population experienced a 68% increase (Pai (1989a).

This population growth further fueled non-tourism development. Thousands of condominiums units and more than 700,000 single family homes, as well as 7.5 million square feet of downtown Honolulu office buildings were developed in the 1960s ("Hawaii From the Ground Up", 1990; Farrell, 1982).

Today, in terms of total economic activity in Hawaii, development ranks as the second-largest sector of the State Gross Product (Ordway, 1989). In addition to expanding the tourism industry, construction expenditure provides a great deal of revenue for the state and county governments. Annual expenditure in hotel and resort construction alone has increased 20 times in thirty years from \$8 million in 1959 to \$165 million in 1989.

This growth also extends to commercial construction such as office buildings and shopping centers as well as housing, which has had an annual expenditure increase of \$86 to \$648 million during the same period (Pai 1989a). The combined expansion of tourism and development activity resulted in a 50% rise in Hawaii's Gross State Product from \$1.8 to \$3.61 billion during the decade (DPED, 1969; Yoshida, 1971).

The growth of tourism and land development industries since the 1960s has had a tremendous environmental and social impact. While it has been regarded as a safe, clean and ecologically sound industry by some, tourism has resulted in an extensive population growth and development that has destroyed and endangered native flora and fauna.

According to Pai (1989a), the state chief economist, tourism has created a dual market in which workers are polarized into a primary sector, characterized by high-paying and stable jobs, and a growing secondary service-

oriented labor market, characterized by low wages and little chance of advancement. Thus, while the figures show a 12-fold increase in personal income level since statehood, this prosperity has not translated into economic welfare for all. The growth of tourism and development in Hawaii has also been accompanied by soaring land and property values, which increased over 17 times between 1959 and 1985 (Pai 1989a).

The burgeoning of tourism and land development industries have had a devastating impact on Hawaii's poorer populations, particularly the native Hawaiian communities. Native Hawaiians are economically the most depressed population with the highest infant mortality rate and health problems and shortest life expectancy (Dudley & Agard, 1990).

Native Hawaiians who were already alienated from their land since the Mahele suffered greatly during the economic transformation. Since the 1960s the rush on commercial development of land into hotels, luxury resorts, and high-cost condominiums and suburbs has continued to displace and dispossess Hawaiians from the land. Many rural communities which had remained relatively untouched during the plantation era were besieged by development. Native Hawaiians, pushed by encroaching development, moved into crowded urban high-rises and make-shift beach tents. Others who had moved into dwindling farming valleys were

systematically evicted to make room for development (Minerbi, 1988, Trask, 1983, 1984, 1987).

The 1960s, which marks the rapid rise of tourism and development, is also a period of intensified collaboration between outside capital, the landed capital and local developers in Hawaii. As in the 1950s, the Big Five and the landed estates continued to provide land and local political influence, while the giant conglomerates furnished the necessary investment and local developers brought their management techniques needed for the rapid pace of large-scale development (Cooper & Daws, 1985; Kent 1983).

Throughout the 1960s, as Daws and Cooper's (1985) research indicate, politicians at the county and the state levels approved development projects of large land owners and promoted the massive development that took place. Their research shows the continued involvement of the polity as investors in development projects well into the 1970s and 1980s.

The collaboration between the Democratic polity and the capital elite and their mutual commitment to unlimited development in the 1960s can be seen in the composition of key governmental agencies regulating the use of land, particularly the LUC and the Department of Land and Natural Resources (DLNR). Both agencies included representatives

of the Big Five, pro-growth Democratic appointees and organized labor leaders (Cooper & Daws, 1985; Kent, 1983).

Organized labor had mobilized as a serious challenge against landed capital during the reign of sugar in the 1940s. However, by the 1960s organized labor had come to support the landed elite. Like their close associates in the Democratic party, labor leaders since the mid-1950s had developed a mutual interest in extensive and rapid economic growth to expand the employment base. Since the 1960s, unions have acted as staunch supporters of and an invaluable resource to promote pro-growth Democratic candidates and development interests (Beechert, 1985; Cooper & Daws, 1985; Kent, 1983).

Thus, the political economy of Hawaii in the 1960s is characterized as an era of consensus in which unhindered development was carried out while conflict and competition in the economic arena was held at bay by the near-hegemonic rule of the Democratic party (Kent, 1983). As such, the 1960s saw no major shifts or modifications in land use planning and regulatory policies. Rather, political intervention in this period was largely in the form of promoting development projects.

This consensus was further facilitated by a lack of serious and organized grass-roots opposition to development in the 1960s. The environmental movement, nationally as well as in Hawaii, did not become a potent and visible

political force until the 1970s. Thus, in Hawaii, the 1960s development boom took place in the near-absence of organized and aggressive environmental opposition.

The 1970s: Conflict and Crisis

The 1970s saw the advent of organized environmentalism and aggressive disputing in Hawaii as a reaction against massive development and the political promotion of it. The rise and momentum of grass-roots opposition created a climate of crisis for both the state and development capital.

Environmental disputing in Hawaii corresponds to the rise of the national environmental movement. However, the focus of environmental activism in Hawaii has been shaped by the political economy of the islands. Responding to a decade of extensive growth, environmental activism and disputing in Hawaii has virtually an exclusive focus on land development issues.

The disputes in the 1970s reflected concerns over the sheer extent and pace of development which had encroached, destroyed or limited public access to scenic and popular areas, increased congestion and resulted in the dislocation of native Hawaiian communities from the land. As such, the genesis of the environmental movement and its specific conflicts are rooted in and integral to the inherently expansionist and, thus, contradictory nature of capitalist production and accumulation conditions.

Middle-class Caucasian activists launched an aggressive environmental opposition to development during the 1970s. Many community groups also objected to further development of areas within or adjacent to their neighborhoods, largely based on aesthetic and environmental grounds (Cooper & Daws, 1985; Dinell, 1990).

By far however, the most confrontational, white, middle-class environmental force was an organization called Life Of The Land (LOL). LOL and its activities became synonymous with environmentalism and disputing in Hawaii in the 1970s.

Reflecting the significance of land and development in Hawaii's environmental movement in its very title, LOL was a key player in launching the majority of land use disputes in Hawaii. For the first time in Hawaii, an environmental organization began filing many lawsuits against governmental agencies for their inadequate and improper implementation of regulatory controls.

Although the organization did engage in some lobbying activity, LOL was predominantly a dispute-oriented organization. This abundance of and emphasis on disputing is largely conditioned by the many development projects that were taking place in Hawaii as well as the extensive pro-development decisions of political agencies.

A very small fraction of disputes resulted in substantive court victories or otherwise stopped development (Letts, 1990; Lowry, 1990; McElroy, 1989). However, even though clear-cut environmental wins are few and far between, opposition managed to put great strain and delays on many projects.

Anticipated opposition also served as an obstacle to developers who attempted to avoid certain projects and areas where expected returns were not worth the while to deal with opponents (Lowry, 1990; McElroy, 1989). LOL claims to have disrupted between \$1 to \$3 billion worth of government and private development.

Thus, as Hofrichter (1987) and urban political economists indicate, the surge in disputes and legal challenges in the 1970s created a crisis for development capital in Hawaii by creating a climate of unpredictability and instability for development capital. In the 1970s, environmental and land use disputes hindered the flexibility of capital expansion.

The threat posed against the expansion of tourism and development capital is also a crisis of the state in terms of securing the growth of its own revenue and employment base. However, disputing in the 1970s also created a legitimation crisis for the state.

The highly politicized nature of grass-roots criticisms and demands was rooted in the pro-growth decisions of state officials as well as the central and regulatory role of the state in land use. LOL activists were particularly strident and highly critical of the role of political officials. LOL's lawsuits, predominantly against key land use regulatory state agencies, criticized the vested interests, pro-development biases and mismanagement and violation of regulatory processes by political officials (Cooper & Daws, 1985; Modavi, 1988, 1991).

Besides the rise of middle-class and largely white environmental activism and land disputes, the 1970s also saw the growth of protest and opposition by native Hawaiian communities against development projects. Historically dispossessed from the land, many Hawaiian communities continued to be dislocated due to urban and resort development projects. In the 1970s, struggles began to emerge in communities that were faced with eviction or encroaching development that posed a threat of an eventual dislocation and erosion of Hawaiian rural life-style (Dinell, 1990; Minerbi, 1990).

It was during this climate of heightened environmental activism and political legitimation pressures that an anti-development dispute emerged in the Waiahole-Waikane valleys on the island of Oahu. The conflict, examined in detail in

the next chapter, came to embody the intensity of escalating opposition against land development in the 1970s.

CHAPTER 3

WAIAHOLE-WAIKANE DISPUTE

PHASE I: 1974-1977

In the 1970s, the Waiahole-Waikane (W-W) dispute became the focal point of mobilization and controversy over the impact of development on land and on Hawaiian and local communities. The conflict unfolded from 1974 to 1977 during a political climate already rife with escalating anti-development pressures and mobilization. The W-W dispute, regarded as the most intense and mobilized conflict in the history of land use disputing in Hawaii, represents a forceful and impassioned grass-roots victory. The governor, under unrelenting pressure from the W-W farming community, was ultimately forced to intervene and stop a suburban development. The land was purchased from the private land owner with state funds, a level of political intervention unprecedented in Hawaii.

The W-W conflict was chosen for analysis in order to analyze how, even in a case in which the state ultimately acted against the immediate interests of an individual capitalist, political intervention attempted to promote and secure the conditions of capital accumulation for the dominant development industry. As such, the W-W case study offers an analysis of how state intervention in disputes reflects and reproduces the political economy of Hawaii.

The conflict illustrates how the state attempts to cope with its dual and contradictory role of promoting the accumulation conditions of dominant capital and, at the same time, securing a legitimate image in the face of public discontent. The W-W dispute not only had emerged in a period of intense anti-development disputing, but also held the potential for a broad-based and radical movement against the landed elite. As such, the conflict posed a threat to the stability and predictability of capital expansion, an essential condition of profit production and accumulation.

The case also shows how the state was forced to intercept an increasingly intense opposition that not only threatened capital but one which posed a serious political legitimation crisis. To date, the W-W dispute has posed the greatest threat to political legitimacy in the history of environmental and land disputing in Hawaii.

The state acted against the immediate interests of an individual capitalist in order to prevent further intensification of the conflict into a violent confrontation and potential mobilization of a unified state-wide land use struggle. Both of these situations would have aggravated the already mounting political legitimation crisis as well as detrimentally impacted the conditions of production and accumulation for the development capital. State intervention and response toward the W-W dispute thus

reflects political attempts to secure stability for the state as well as for the capitalist class at large.

The W-W dispute also provides an opportunity to posit the state-centric approach of the political process model (PPM) within the class-centric perspective. The conflict exemplifies that the state did act on behalf of its own interests in maintaining political stability by stopping a single development project. The case further illustrates how grass-roots opponents were able to fuel and utilize a political legitimation crisis as a political opportunity to secure an eventual victory.

The analysis, however, posits the PPM dynamics within the framework that emphasizes the significance of capital constraints on the state. The state's action against a single capitalists is examined as an exercise of relative autonomy. The state did act on the basis of its own interests, particularly in the face of a legitimation crisis. However, the state refrained from any action that would detrimentally impact the conditions of capital accumulation, and, in fact, helped to secure long-term interests of the dominant tourism and development industries.

Historical Background

Waiahole and Waikane are two adjoining valleys on the windward coast of Oahu, about 20 miles from Honolulu. Historically the lands have always been in agricultural

use. Since 1910 the valleys have largely produced sweet potatoes, bananas and papayas (Harter, 1975; Morihara, 1986; Saxton, 1976).

By the time of the conflict in 1974, approximately 900 people lived and farmed in the valleys. A substantial 46% were native Hawaiians. Most were second or third generation families on the land, having lived in the valleys for over 20 years.

While a few of the farmers owned small parcels of land, the majority were tenant farmers who leased land from the private land owner, the McCandless Estate. The Estate owned the majority, nearly 3,000 acres, of the W-W land area (Harter 1975; Peterson, 1979; Saxton, 1976; Yamamoto, 1985).

The W-W lands changed hands from native Hawaiians to Lincoln McCandless, a politically powerful and wealthy white businessman, during the post-Mahele period of the late 1800s. It was during this period that many native Hawaiians were dispossessed of their Kuleana lands (Thompson, 1973).

McCandless' entire land holdings in Hawaii, totaling 36,000 acres, made him the 13th largest private land owner in the state. Upon McCandless' death in 1940 all his land holdings became part of a private estate that was passed on to his heirs, a daughter, Elizabeth Marks, and her three sons (Thompson, 1973).

By the mid 1950s, during the economic transition from sugar to an increasing dependence on tourism and land development, large land owners had begun resort and urban development and planning for their lands. Elizabeth Marks also had become interested in the potential of the W-W valleys for extensive suburban development during this time.

In 1959 Elizabeth Marks commissioned a development plan for W-W. The plan shows Marks' intention for prompt development of the valleys that would transform the rural farming community into a large middle-class suburb (Bartholomew & Associates, 1959). However, a dispute between Elizabeth Marks and her three sons over land titles prevented the development of the valleys from 1959 to 1973. As result of these intra-family disagreements, the tenants in W-W were left alone with low monthly leases of \$10 per acre until 1973 (State Department of Agriculture [DOA], 1974b).

The Genesis of the Dispute

The wheels of confrontation were set in motion in 1973 when Elizabeth Marks was able to consolidate and acquire sole interest in W-W land holdings through negotiations and trades with her sons. In 1973 Marks commissioned a second development plan for the valleys and requested the State Land Use Commission (LUC) to reclassify W-W lands from agriculture to urban designation for the development of a

suburb that would accommodate a population of 25,000 (Tune, 1974a).

The W-W tenants were not informed as to the impending development plans (Geschwender, 1983; Saxton, 1976; Yamamoto 1985). Nevertheless, the residents had become increasingly suspicious when a community survey, as a component of the development plan, was conducted in the valleys earlier in the year (Geschwender, 1983; Peterson, 1979).

In October of 1973 Bob Nakata, member of a neighboring community association, was approached by his uncle, a W-W farmer, to investigate the development rumors. Nakata, adept in land use planning and approval processes, was able to confirm the evidence of development plans for the valleys. At his urging, the first W-W community meeting took place in December of 1973 (Nakata, 1990; Peterson, 1979).

In addition to bringing his skills to the service of the W-W community, Nakata also involved several other highly skilled activists in the struggle. Out of this effort Pete Thompson, a Marxist activist, and several of his associates became involved at a very early stage in the mobilization of the W-W opposition.

Thompson's involvement was critical for the high degree of mobilization of the W-W conflict from the beginning. Thompson also played a crucial role in

fostering a grass-roots strategy that aimed to create and fuel a political legitimation crisis through unrelenting pressure on the governor, radicalizing the rhetoric and tactics of the opposition, and potential unification of several eviction struggles.

The mobilization of the W-W community and the publicity that Pete Thompson was able to generate are rooted in the climate of political crisis that had emerged in the early 1970s. The timing of the W-W conflict, in turn, had a tremendous impact on the political response towards the conflict, including the state's ultimate intervention in the outcome of the dispute.

By the early 1970s, a contentious climate had already been established by the preceding decade of intensive tourism and urban development. In addition to middle-class white environmental opposition, which unfolded largely in the courts and administrative arenas, the early 1970s also saw the emergence of native Hawaiian activism, which began in the form of anti-eviction struggles. Both struggles severely criticized and spot-lighted the pro-development actions of political officials.

By the 1980s the Hawaiian movement would evolve into a larger struggle for sovereignty, seeking native Hawaiian political autonomy. However, many native Hawaiian activists within the movement today initially participated and helped mobilize several Hawaiian communities that were faced with eviction in the 1970s.

Strongly influenced by the Civil Rights and the anti-Vietnam War movement, these activists, some students at the University of Hawaii, stressed the oppression of the native Hawaiians. They emphasized the preservation of agricultural and rural lands as land rights of the local people against resort and subdivision use.

In 1970 Thompson and other native Hawaiian activists, along with several white Marxist-oriented faculty at the Ethnic Studies Program at the University of Hawaii, attempted to mobilize the Kalama Valley community on Oahu in their protest against eviction. Kalama, described as a struggle of the land-less poor native Hawaiians against the development plans of the Bishop Estate, Hawaii's largest private land owner, was among the first disputes that generated extensive negative publicity for the state and signaled the potential emergence of a militant native Hawaiian activism (Trask, 1987).

The story of Kalama was a common one to many other native Hawaiian communities and a fate that loomed for the people of the W-W valleys. Native Hawaiians, dispossessed

of their land since the Mahele, suffered particularly during the economic transition from sugar to tourism and land development. In the rush for commercial development of land in the early 1960s, many rural communities which had been relatively untouched during the plantation era were besieged by development of their agricultural areas. Pushed away by encroaching development, many native Hawaiians moved into crowded urban high-rises or make-shift beach tents. Others, in an attempt to stave off the encroaching development, had moved on to the dwindling farming valleys such as Kalama (Trask, 1987).

In 1970 Kalama Valley residents protested the plans for extensive residential development. Thompson and other activists brought to the conflict a more poignant and Marxist-oriented anti-capital discourse and rhetoric. They questioned the moral and legal authority of massive private property ownership and dispossession of native Hawaiian from the land to sate the profit-making appetites of the white elite (Trask, 1987).

These activists adopted a Black Panther-type program of community defense, self-determination, and control. Civil disobedience tactics such as sieges of the valley and physical obstruction of bulldozers generated extensive publicity (DeLeon, 1981).

The Kalama conflict, however, unfolded at the onset of environmental and native Hawaiian land struggles with the state at a time when the state was not, as yet, faced with a mounting anti-development opposition. Political power was utilized to make way for the development in heavy-handed manner: Police were used to arrest, remove the protestors and to bulldoze the make-shift shacks.

By 1974 however, Hawaii had experienced a rapid rise in the level and intensity of anti-development opposition and environmental awareness. This placed the governor, George Ariyoshi, and his pro-development administration under heavy scrutiny and subjected them to constant public criticism. Because of this scrutiny and criticism, Thompson was thus able to amass a stronger show of mobilization and exert greater legitimation pressure on political official and agencies.

In April of 1974, with the help of Nakata, Thompson and a few of his associates, the Waiahole-Waikane Community Association (WWCA) was formed. Although Thompson played an important part in organizing and mobilizing a large and highly vocal and visible opposition from the onset, the association's steering committee for the first two years of the struggle was largely dominated by small land-owning farmers who preferred a less confrontational approach. Thompson maintained a lower profile in the initial phase of

the struggle as compared to his involvement in the Kalama valley conflict.

From the beginning, however, the primary aim of the WWCA was to prevent the eviction of the tenants from the valleys. Having witnessed many evictions and dislocations throughout the island for over a decade, and noting the political tendency to endorse development plans, the WWCA perceived the threat of eviction very seriously.

Strategically, however, environmental concerns were incorporated into the opposition rhetoric in order to attract publicity and mobilize rising middle-class support for the cause. WWCA's initial effort was to seek the help and endorsement of various environmental and community groups (Thompson, 1990b; Saxton, 1976).

In the early summer of 1974, not long after its formation, the WWCA also contacted Governor Ariyoshi and the Department of Agriculture (DOA) in an effort to gain political support for their position (WWCA, 1974c). The attempt to seek political support also indicates the non-confrontational approach of the WWCA's steering committee members and their willingness to work with rather than against political authority figures.

The initiative to seek the endorsement of state officials also reflects an attempt on the part of the WWCA to take advantage of a political opportunity structure. Governor Ariyoshi, in the 1974 election campaign, had

stressed his administration's strong commitment to saving and promoting agriculture in Hawaii (Peterson, 1979; Salas, 1990).

Despite the rhetoric of saving agriculture and agricultural lands, both the governor and the DOA were unresponsive to the WWCA demands. Ariyoshi, in the absence of extensive mobilization in W-W at the time, had opted to take a hands-off position on the issue. Expressing only his "concerns" for the plight of the tenants, Ariyoshi offered no commitment other than "conveying his thoughts" to the LUC (WWCA, 1974c).

The hands-off approach of the governor, however, came to an end with the show of extensive and highly visible opposition by the WWCA before the LUC in August of 1974. In the summer of 1974 Ariyoshi was faced with a mobilized and highly vocal dispute in W-W and the mounting intensification of a political legitimation crisis taking place during a gubernatorial election campaign. The governor was forced to take on a more active role in demobilizing the dispute through a compromise settlement and to publically step-up an environmentally-oriented slow-growth campaign platform.

Having failed to secure political backing for their demands the WWCA, with the help of Nakata and Thompson, had begun to mobilize the community and put on a highly visible and extensive show of force at the LUC hearings in August

of 1974. More than 800 people, W-W residents and their supporters, attended this emotionally charged hearing. Such a high level of mobilization remained a feature of the W-W conflict.

By far, however, the grand mobilization of W-W opposition had to do with the existing climate of anti-development activism and public awareness of the mid 1970s. Thompson and Nakata were able to round up much support among many community and environmental activists and amass strong, large and vocal protests and gain much publicity.

The W-W conflict also occurred during a time in which the LUC, an agency closely associated with Governor Ariyoshi's administration, attracted considerable criticism and opposition. The LUC, the chief land use regulatory state agency, had been the target of many community and environmental activists before and after the genesis of the W-W conflict in 1974. However, WWCA's opposition was one of many community protests that were launched against the LUC between August and December of 1974 during the LUC's five-year boundary review and redistricting proceedings (Cooper & Daws, 1985).

The Land Use Law of 1961 had required the LUC to conduct a state-wide review and reclassification of land districts every five years. In 1974 the rising environmental activism coincided with the largest group of major land owners and developers seeking land

reclassification at one time (Cooper & Daws, 1985). The LUC was confronted with many angry and vocal community groups and environmentalists opposing development projects (Lueras, 1974a, 1974b, 1974c; Tune, 1974d; Wolfe, 1974).

In the summer of 1974, during this heightened focus on land use and growth issues, and faced with protests against the LUC and a rising and highly organized and vocal opposition in W-W, the governor intensified his efforts to project a pro-environmental image. He adopted a "slow-growth" campaign platform stressing, as he had done earlier in the year, the protection of agriculture and agricultural lands in Hawaii (Downes, 1986).

Ariyoshi was by no means an anti-growth politician. He had served as lieutenant governor in John Burns' administration, the first Democratic administration in Hawaii responsible for ushering in extensive development. In addition to being closely associated with Burns' pro-development administration, Ariyoshi was a close ally and friend of many key Democratic politicians who had strong ties and vested interests in development (Cooper & Daws, 1985).

Well-known in business and development circles globally and particularly in Japan, Ariyoshi has taken an active role in further promoting Japanese investment and development in Hawaii since his three-term governorship. In addition to serving on the advisory committee of the

newly-formed Japan Foundation's Center for Global Partnership, Ariyoshi has also set up the Asia Pacific Consultation Group within his law firm. In his own words, Ariyoshi describes his role as a go-between for many Japanese firms who want to invest in Hawaii and elsewhere in the U.S. mainland (Glauberman, 1991).

Back in 1974, upon Burns' death in office, Ariyoshi became the acting governor and was seeking re-election to the office. In a climate of heightened environmental awareness and activism, he was also faced with a potentially intense opposition from W-W. The conflict, by the end of the summer of 1974, had already become a focal point of discussion and controversy over the impact of development on the land and on Hawaiian and local communities and remained so throughout its life span. Thus, in addition to emphasizing his slow-growth platform, Ariyoshi took on a more active role in demobilizing the opposition and bringing an end to the dispute.

Under Ariyoshi's directive, the DOA, initially unresponsive to WWCA demands, began to act as a mediator, or a neutral intermediary, to arrive at a compromise that would "ensure the long-term preservation of agriculture in W-W" (DOA, 1974a). From September of 1974 onwards, as the elections drew closer, the DOA publically appeared opposed the W-W development because it ran "counter to the

governor's goal of more agricultural diversity and self-sufficiency" (Schlenk, 1975).

However, the very essence of this compromise effort, as stressed in the DOA's own internal memo (1976), was to save some agricultural land but ensure substantial urban development in the valleys. Thus, despite the public rhetoric of supporting the farmers in their plight and advocating a slow growth position, privately the governor's mandate called for the DOA to facilitate a compromise that would not only allow for extensive development in the W-W valleys, but one which would inevitably result in the relocation of the majority of the farmers from the land (DOA, 1976). WWCA members did agree to consider compromise proposals from the developer through the DOA; however, these offers were repeatedly rejected by the WWCA.

From the onset of negotiations in September of 1974, WWCA members had declared that they would reject any offers that involved relocation of residents. They demanded that the state expand agriculture, provide long-term leases, and preserve the rural life-style of the W-W valleys. In essence, the WWCA sought to fight suburban development in the valleys (WWCA, 1974d).

The non-compromising stance of the WWCA was largely rooted in the WWCA's perception of a potential victory due to the existing pressures on the state and Thompson's ability to mobilize a large opposition and generate further

criticism on the governor. Thus, for Thompson and many other landless tenants farmers and residents, agreement to review compromise packages was largely intended to keep a line of communication and pressure on the governor (Salas, 1990; Thompson, 1990a).

The WWCA's non-compromising stance can, in part, also be linked to the exclusive nature of early negotiation strategies adopted by the state. The intervention of DOA officials and other political agents to forge a compromise in the W-W conflict varies significantly from mediation practices exercised by professional mediators and state agencies today.

Today community opponents are incorporated at very early stages and made to feel as equal and significant partners. Emphasis on friendship and partnership fosters cooperation and trust on the part of community activists. The inclusive and often informal nature of contemporary mediation is a significant factor in demobilizing and disorganizing grass-roots opposition (Hofrichter, 1987).

Political and capital intervention in W-W in the early 1970s did not incorporate the inclusive and informal characteristics of contemporary mediation practices. In fact, it may be argued that no mediation and negotiations, in the sense that they are understood today, took place in the W-W dispute. The process was exclusive rather than inclusive. WWCA was not at any point a participant in

negotiations with state officials, the land owner, or the developer whose identity had remained unknown to the WWCA until late 1974. Thus, compromise attempts were viewed by the WWCA as political efforts to benefit the developer and land owner (Nakata, 1990; Thompson, 1990a; WWCA 1974c, 1974d).

The direct political intervention also helped to further create political criticism for the governor. The intervention by a recognizable government agency as the official mediator politicized the issue further by focusing attention on the response of political officials. In early September of 1974, the press called the W-W conflict a "most difficult and delicate community negotiation exercise" that involved "the very credibility of government". The same article cited the eviction of other farming communities by land owners and called for the state, namely governor Ariyoshi, to show support for its own stated commitments for preservation of agriculture in W-W (Tune, 1974b).

W-W is not the first land dispute in which there was an attempt on the part of the state to facilitate a settlement. However, according to Ono (1991), the administrative director of the Governor Office at the time and the governor's chief trouble shooter, W-W is the first major effort to bring about a negotiated settlement or compromise through government intervention. The governor's

intervention intensified as the conflict unfolded, eventually forcing Ariyoshi to shoulder the responsibility for a potential violent confrontation.

Illustrating the dynamics underscored by the PPM perspective, Thompson's strategy to focus on a few top political officials from the onset denotes his attempts at taking advantage of political opportunity structures. Thompson had directed the WWCA to focus on a few highly visible and powerful public officials, particularly the governor, who had authority and power to stop the development. WWCA created much publicity and intended to pressure Ariyoshi by emphasizing the governor's own campaign platform which stressed slow growth and protection of agriculture within a system of planning. WWCA's tactics took advantage of electoral uncertainties and competition, which are also stressed by the PPM perspective as political opportunity channels.

For example, five days before the primary elections in September of 1974, the WWCA staged a large demonstration in front of Ariyoshi's office at the State Capitol demanding to know whether he supported reclassification of W-W lands in the upcoming LUC decision. The WWCA also invited the three other gubernatorial candidates to speak to the W-W residents, and the rest of the state by way of media coverage. These candidates had already spoken against the development in the past to gain popular votes (Sullam,

1974). Given the sensitivity and popularity of the dispute in a climate of legitimation crisis, the W-W also provided an opportunity for political contenders to secure votes. Ariyoshi was pressured to meet with the WWCA the very next day and publicly and firmly oppose reclassification of W-W lands.

Thus, WWCA members did not base their hope of a victory on the expressed public support of political officials. Their enthusiasm reflected a real potential of stopping the development by placing extreme public pressure on Ariyoshi, who was already under heavy criticism, to force an action on his part.

Ariyoshi's effort to foster a compromise through DOA's intervention came about after the W-W show of extensive mobilization and before the LUC hearings scheduled in October of 1974. The LUC was already experiencing unprecedented criticism and protest. A neutralized opposition would allow the LUC to approve the land use re-designation without intensifying a dispute and attracting further negative attention for the governor and the agency, particularly so close to the elections.

Prior to the LUC hearings and for the remainder of the dispute, the governor as well as the mayor of Honolulu, who was also targeted by the WWCA, publicly opposed the development in order to deflect criticism. However, after expressing their "sympathy", privately they continued to

stress to WWCA members that, legally, they could do nothing to prevent the development.

Efforts at negotiations were unsuccessful. In October of 1974 an intense protest, attended by many community associations, environmental groups, and people involved in other eviction struggles, was launched against the LUC during the reclassification hearings. The WWCA was also able to present the LUC with an anti-development petition signed by 25,000 Oahu residents (Tune, 1974c).

Given the deadlocked nature of negotiations the DOA's chair, reflecting Ariyoshi's public position, testified against reclassification of W-W lands before the LUC (Lueras, 1974a; Tune, 1974c). However, his testimony also stressed that the DOA's anti-development position was to be "on the record" because no compromise had been arrived at. He went on to say the DOA would support the development in a re-petition application once a compromise had been achieved (Lueras, 1974a).

In other words, once the farmers were relocated and opposition neutralized the DOA, and by extension Ariyoshi, would no longer have to publically oppose the development. A potential LUC rejection, therefore, did not appear to WWCA members as the final blow to the development plans nor an expression of anti-development sentiment on the part of public officials.

In December of 1974, as expected, the LUC unanimously denied the re-designation of W-W lands from agriculture to urban (Lueras & TenBruggencate, 1974). Under pressure and negative publicity from W-W and other community protests during its boundary review process, the LUC also rejected several other major development proposals including West Beach, a massive resort development in the leeward coast of Oahu (Lueras & TenBruggencate, 1974). It must be noted, however, that several of the rejected development proposals, such as the mammoth West Beach resort, were subsequently approved by the LUC.

From a PPM perspective, the LUC's denial of development approval may be interpreted as a grass-roots victory. Legitimation pressures did create a political opportunity structure for the WWCA. It must be pointed out, however, that the the victory was a limited one. It did nevertheless, reaffirm to the WWCA activists that pressures on state officials and agencies could result in eventual tangible success (Salas, 1990; Thompson, 1990a).

Following the LUC's denial, the land owner and the developer adopted a more coercive strategy to force W-W residents to accept a compromise offer. The land owner, in June of 1975, raised the lease rents in W-W valleys by 400 percent ("Pao Planning", 1975). Within two months, Marks initiated eviction proceedings against the W-W residents.

The rent increase and associated threat of eviction further intensified the opposition from W-W with a potential for confrontation. The WWCA responded by vowing to fight the rental increase and resist, physically if necessary, any eviction attempts (Tune, 1975; Kobayashi & Matsukawa, 1975). The WWCA and hundreds of their supporters staged large protest marches and rallies before governor Ariyoshi's office in the state capitol, the courts, City Hall, and residences of the developer and land owner. The WWCA was also able to attract extensive media coverage by releasing the names of political officials with investments in the W-W development, which were uncovered through Thompson's research efforts.

The state, already under pressure to defuse the opposition, was faced with a potentially more intense and confrontational conflict. As such, the governor, although re-elected to the office, was confronted with a further deterioration of image.

The governor publically became more vocal in his opposition to the development shortly after the announcement of rent increases and eviction plans. Unlike his earlier non-committal responses, the governor began to use stronger language in condemning the developer and vowed to fight the development (Burris, 1975).

Contrary to the governor's promise, no specific and prompt action was taken on his part to stop the development. The state's options in neutralizing the opposition, given the heavy-handed approach of the developer, however, were limited. The state could delay but not indefinitely prevent evictions from taking place. The state could relocate tenants to state owned lands. Indeed, DOA records indicate that the state began to entertain this option at this time. However, a DOA memo also indicates that no agriculturally suitable land large enough to house the rather sizable W-W community could be located on Oahu.

Another state alternative was the purchase the W-W valleys. This measure could stop the development while the land owner would receive full value of her land. While this option was ultimately exercised as a last resort intervention, it was avoided until the very end because of its associated political risks.

Land purchases in the context of conflict are generally eschewed by political officials as setting a "dangerous" precedent. Up until the very end of the W-W dispute, the governor stayed away from exercising this option. Given the frequency and intensity of disputes in Hawaii, the state could experience a tremendous fiscal crisis if, by previous intervention, it encouraged grass-

roots pressure to purchase privately held lands as a mechanism of conflict management.

Thus, despite vocal public denunciations, Ariyoshi continued to push for a compromise settlement through the DOA. Indeed, Ariyoshi pursued this option until all attempts at negotiations and compromise efforts appeared to have been exhausted. In effect, at this junction a compromise appeared as the only viable choice for Ariyoshi to demobilize the opposition.

To secure more time for forging a compromise, the summary judgment for eviction, requested by the landowner, was postponed by the circuit court in December of 1975. This was a feat no doubt achieved through George Ariyoshi's influence.

The Radicalization of Opposition

The coercive approach of the developer, as well as the governor's continued commitment to a compromise settlement, led to the intensification of the W-W dispute beyond the stepping-up of marches and protests. The threat of eviction in the absence of an anticipated imminent political action to ban the development led to a shift in the makeup and leadership of the WWCA. Early in 1976, the WWCA's strategy and ideology was transformed into a more militant and confrontational one.

These external pressures created a situation in which the more militant and confrontational elements within the opposition were able to assume command under the informal leadership of Pete Thompson. The "radicalization" of the struggle, largely under Thompson's strong influence and mobilization included (a) a strategy to launch a more inclusive and expansive anti-eviction struggle in Hawaii; (b) a transformation of the struggle into a worker-versus-land owner conflict with a strong class consciousness and Marxist undertones; and (c) a near-certain violent confrontation which was most important for short-term political considerations.

It is important to grasp the class make-up of the W-W community and their associated interests in order to understand the shift in the leadership and subsequent strategic transformations of the WWCA. WWCA Newsletters (1974b), from the onset of the disputes, indicate tensions between the landless tenant farmers and the small land-owning farmers and residents.

The tenants were the poorest group who stood to lose their home and livelihood with little or no compensation. They perceived the threat very seriously and were least receptive to compromise offers that would relocate them. Thompson, from early on, had perceived this group to have militancy potential compared to the small land owners (Nakata, 1990; Salas, 1990; Thompson, 1990a).

The small land holders, more educated and economically better off, were opposed to the development but did not stand to lose everything; they would get some compensation for their land. They were reluctant to expand their activism beyond the largely non-confrontational, legal, and respectable forms such as protests, marches, rallies, concerts, and attendance at public hearings. (Geschwender, 1983; Nakata, 1990; Thompson, 1990a).

The WWCA, under the leadership of small land owners for the first two years, mainly attempted to address the broader environmental theme of saving green agricultural valleys and stopping urban sprawl. Largely through Thompson's efforts, the WWCA was able to mobilize a large and intense opposition with an extensive support network which temporarily abated political approval of the project. The conflict had become a symbolic struggle that attracted the support of many middle-class environmentalists, university students and community activists.

However, by early 1976 W-W's more outspoken tenants had become frustrated and saw no end to the battle. The tactics of the past two years had not yielded enough pressure for swift political response to stop the development and, in fact, the situation appeared less hopeful with the looming threat of eviction. These tenants had come to accept Thompson's urging for a more militant

strategy and, with his help and mobilization, they were able to gain the leadership of the WWCA and shift the struggle toward a more confrontational one.

During the latter part of 1975, when eviction became a real possibility, Thompson was able to organize and mobilize a faction within the WWCA membership called the Up-In-Arms Committee. Composed of the now-militant tenants, the group took over the WWCA in the association's annual election in early 1976.

From 1976, as evident in the protest rhetoric and statements to the media, the WWCA under Thompson's leadership appears to have shifted its focus from environmental and life-style issues to that of exploitation of the working class by the land owners and politicians. Most importantly, in addition to the Marxian and class-oriented rhetoric, Thompson and the new WWCA steering committee attempted to build a more unified struggle with other eviction struggles, attracting the participation of many other native Hawaiian activists (Niheu, 1991; Thompson, 1990a). This potential for unification and rise of a larger and radical state-wide anti-development movement by Hawaiians posed a threat both to the legitimacy of the state as well as a crisis for the development industry as a whole.

According to Kalahiki (1991), who has had a close association with the development community and was involved in the mediation efforts in the later stages of W-W conflict, many large land owners and developers in addition to the governor had become very uneasy about the increasing intensity of the W-W mobilization. Kalama Valley, W-W, and other potentially large-scale struggles were viewed as a threat and watched carefully by prominent developers and land owners.

In 1976 the state was confronted with not only W-W opposition, but was also under pressure from several other eviction struggles including Nawiliwili, Ota Camp, Chinatown, Heeia Kea, and Sand Island. State officials, the developer and land owners, having already experienced the show of Hawaiian militancy in Kalama Valley, were now faced with an increasingly contentious W-W opposition that had begun to join forces with the above protests.

Thompson was influential in gaining both the support of these other threatened communities and the involvement of many native Hawaiian activists. Protestors from W-W and other eviction conflicts began to participate in one another's demonstrations and staged joint rallies and marches. The protest discourse reflected the potential unification in such slogans as "One People One Struggle" and "People United Won't Be Defeated". For the first time

in Hawaii, there was a potential for the rise of a larger anti-development and native Hawaiian land rights movement.

Another indication of the class orientation, and a further potential for a larger and threatening opposition both to the state and capital, was Thompson's mobilization of labor on behalf of the W-W struggles. Workers United to Defend Waiahole-Waikane was established in early 1976, attracting some hotel workers, a few construction workers, and the unemployed to participate in protests and donate food and money to the struggle.

Perhaps more influential on political response in the short run was the WWCA's adoption of a confrontational stand. Continuing to put the reputation of the governor at risk, the WWCA began to issue ultimatums to Ariyoshi to stop eviction or be responsible for the subsequent potential violence.

Though the WWCA publically advocated non-violence, they did particularly convey to Ariyoshi the impression, as part of their strategy, that violence was a very real possibility in the event of eviction. He was also made to understand clearly that the WWCA intended to publically hold him accountable for any confrontation (Salas, 1990; Thompson, 1990a).

Thus, throughout 1976, Ariyoshi was under increasing legitimation pressure from a conflict that held both the potential of violence and the capability of uniting the

poor and the landless Hawaiians. Such potential could further aggravate a situation marked by increasing anti-development mobilization, already a hallmark of the mid-1970s.

The WWCA staged extensive, highly organized, and coordinated protest marches in front of Ariyoshi's office at the state capitol involving other eviction struggles and hotel union workers. Ariyoshi was given the ultimatum to stop eviction or to expect "whatever it takes" on the part of W-W residents to save their valleys (Wolfe, 1976).

After delaying evictions several times to avoid a confrontation, the circuit court in spring of 1976 granted the land owner the right to evict tenants in Waiahole valley. A number of environmental groups for the first time publically requested that Ariyoshi purchase the valleys.

Instead of exercising the purchase option, the governor stepped up his attempts to press for a compromise. During the summer of 1976, still avoiding to directly play the role of mediator himself, Ariyoshi succeeded in getting the developer and land owner to once again delay the eviction until October of 1976 to allow time for a compromise effort (Turner, 1976).

However, the state's commitment to a compromise settlement, along with the unresolved eviction threat, resulted in a renewed WWCA confrontational stance in a

number of protests and public statements (Scott, 1976). To highlight their commitment to resistance and to exert pressure on the governor, the WWCA began to stage highly coordinated mock occupation drills of the valleys in the Fall of 1976. With the October eviction deadline approaching, the WWCA practiced its civil disobedience techniques (Kobayashi, 1976). These drills managed to demonstrate to state officials, developers, and land owners a level of organization and cohesion that was unprecedented in Hawaii.

During the critical election months of September and October the mayor of Honolulu, unwilling to jeopardize his re-election chances, refused to allow the city police force to be used in the event of an eviction. Again, electoral competition had secured another temporary reprieve for the grass roots.

The October eviction deadline was also postponed several times by the court in order to avoid a confrontation in the valleys, which had remained in a state of siege. During these legal maneuvering and delays, the developers made compromise offers similar to the one made earlier in the year. All were rejected by the WWCA.

A new eviction deadline was then set for January of 1977. By December the land owner had obtained court papers allowing authorities to proceed with evictions which, again, appeared imminent.

In December of 1976, having failed to secure a compromise, the DOA was removed from its task to negotiate a compromise. Andy Anderson, a state senator representing the area and a known supporter of development, sought to facilitate a negotiation.

In late December, after the breakdown of the senator's negotiation attempts, the DOA's internal memos indicated that the state had finally begun eyeing the purchase of Waiahole-Waikane lands as a viable option to settle the conflict and prevent a potential violent confrontation. The memo stressed that there was a good chance that no compromise will ever be achieved and pointed to a strong possibility that violence could occur as a result (DOA, 1976).

As the threat of the January eviction deadline drew near, W-W residents and hundreds of their supporters gathered in the valleys, awaiting the arrival of the police or the National Guard. In addition to a high level of coordination and organization in this occupation, both the governor and the mayor were barraged 24 hours a day with phone calls from the WWCA and their supporters to force the governor to come up with an alternative, namely the purchase of the valleys, or else any violent outcome would be publically blamed on him (Haugen, 1977b; WWCA, 1977).

On January 4th the WWCA, anticipating the arrival of the police, blockaded the roads to the valleys. Though authorities say it was a false alarm, Thompson and other WWCA members had observed police movements towards the valleys from downtown Honolulu. In response, a 2.5 mile stretch of Highway was blocked for over one hour until reassurance of no impending eviction was received from police (Geschwender, 1983; Peterson, 1979).

During this state of siege, the governor was approached by the Council of Hawaiian Organizations (CHO), a member of which was a resident of the neighboring community and closely involved with the WWCA, to warn the governor about the impending "blow-out" and the very strong potential of violence. While WWCA members refrain from admitting this Johnson (1991), a close aide of the governor at the time, and other community activists such as Perotheroe (1991), stress that the WWCA activists were armed. According to Johnson, the governor was well aware of this fact.

Kalahiki (1991), a CHO member, and Johnson (1991) describe Ariyoshi as very concerned with the volatile nature of the W-W situation, given the previous large scale Kalama valley struggle as well as contemporaneous conflicts occurring with W-W. Ariyoshi had then sought the intervention of the CHO to facilitate a compromise (Kalahiki, 1991; Thompson, 1990b).

The CHO was not a component of the rising radical Hawaiian activism of the 1970s; rather, it was representative of mainstream Hawaiian civic organizations and clubs. Understandably, the CHO position and advice to the WWCA was to cool down and compromise. As for the WWCA, they agreed to the CHO's intervention on behalf of governor in order to, again, maintain access to Ariyoshi (Thompson, 1990b).

The governor set up another negotiation session between the land owners, the CHO and his own office (Kobayashi & Kato, 1977). However, Ariyoshi, like before, did not publically appoint himself the primary mediator because of the volatile nature of the dispute. This role was delegated by him to the CHO who, like the DOA and Senator Anderson, would hold separate meetings with the WWCA and the developer.

However, the governor's intervention increased from this point onward as the threat of eviction and subsequent confrontation was taking stronger root. He appointed himself the "liaison" and held several long meetings with the CHO, the WWCA and the land owner and developer on separate occasions to arrive at a compromise, a level of intervention that he had not reached before.

Acting as a liaison between the parties Ariyoshi, after a five-hour meeting in January with the land owner, developer and the CHO, declared that the eviction was once

again postponed until March to "avert a major incident". Ariyoshi's administrative aide was assigned the task of assisting with the drafting of settlement options.

However, in January, after a two-hour meeting with Ariyoshi and the developer, talks became deadlocked and the CHO's relationship with the governor appeared strained (Kakesako, 1977). In February, the CHO refused to comment and withdrew its formal involvement with negotiations. Ariyoshi had reluctantly become the ultimate arbiter in the conflict. As a member of the CHO put it, "the matter now rested completely in Ariyoshi's hands" (Barr, 1977).

The Land Purchase: an Exercise of Relative Autonomy

After the failure of this negotiation attempt, Ariyoshi appears to have made the decision to exercise the purchase option and avert the imminent threat of confrontation. No compromise settlement had materialized for over three years and the opposition had become increasingly confrontational and held the potential of fostering a broader and united land use conflict. In fact, in the last sessions, when the withdrawal of the CHO was clearly anticipated, talks with the developer and the land owners revolved around a fair price for the Waiahole lands with the developer seeking to maintain his development interests in Waikane valley (Kalahiki, 1991).

Although he made no public statements as to his decision Ariyoshi, for the first time, made a strong anti-development statement in a speech a day after the CHO's formal withdrawal. The speech stressed the significance of keeping the Windward Coast, including the two valleys, as a relatively undeveloped coastal plain (TenBruggencate, 1977).

Within a week a draft of a Windward Regional Plan that was commissioned by Ariyoshi over a year before was also made public, calling for the preservation of the rural and agricultural character of the W-W valleys (Boswell, 1977a; Kato, 1977b). It is not certain what the content of the plan would have been like had Ariyoshi's compromise settlement been achieved.

Also during this time the developer had again re-petitioned the LUC for re-designating 429 acres of land in Waikane from agriculture to urban for his subdivision development plans. In the subsequent LUC hearings in February the WWCA once again was able to stage large demonstrations attended by the other eviction activists and workers (Altonn & Mores, 1977).

Given W-W's explosive situation, political approval of any development was denied. Yet the media's focus remained fixed on Ariyoshi as the atmosphere became thick with anticipation before the March 1st eviction date. On February 22nd, Ariyoshi was warned by the WWCA to take

action before leaving for the National Governors' Conference in four days. The WWCA had promised to re-occupy the valleys on February 27th and brace for a violent confrontation ("Ariyoshi Still Silent", 1977; Haugen, 1977a).

On February 26th, a week before the eviction deadline, and a day before his scheduled departure and the promised state of siege by the WWCA, Ariyoshi announced that the state would purchase 600 acres of land in Waiahole valley for \$6 million. In addition, Ariyoshi promised long-term low-cost leases and the provision of low-cost housing, farm structures, and infrastructural improvements in Waiahole valley (Kato, 1977c).

While the governor's action is viewed as anti-capital, it nevertheless fully compensated the land owner with tax revenues. Furthermore, the developer, having refused to sell his Waikane land holdings, maintained his development options for Waikane lands at a later date. The developer himself, as early as 1976, had in fact agreed to relinquish his Waiahole development plans in exchange for Waikane. More importantly, this state intervention also refrained from detrimentally affecting the development industry as a whole, specifically in the form of banning the sale and development of agricultural lands, anti-specualtion measures, or putting a cap on the extent of development.

Ariyoshi's decision to purchase the land as a means to demobilize the dispute was not made lightly and without exhausting the compromise option over a long period of time. The purchase was a last resort emergency intervention in order to avert an intense confrontation that also had the potential of launching a more broad-based land use rights movement. Without state intervention W-W conflict could not only compromise the state's legitimacy but also posed a threat to the stability of capital.

As a strategy of quelling opposition, however, the state purchase of land is politically very risky. The protection of capital interests and political legitimation concerns came not only at great fiscal costs but was also seen as setting a dangerous precedent, especially at the time when the polity in Hawaii was under great pressure from many other grass-roots activists.

Land purchase has never been viewed as a desirable political response to settle land use and environmental opposition in Hawaii. With respect to W-W, many state and city officials heavily criticized and disapproved of Ariyoshi's action. Calling the purchase an "unwise" move, some state legislators questioned the legality of the purchase and asked the governor to reconsider (Boswell, 1977b).

The purchase of Waiahole by Ariyoshi did, however, have a strong influence in effectively demobilizing the W-W opposition. The elimination of the threat of dislocation coupled with the promise of long-term leases by the state for the majority of the tenants who lived in Waiahole made the once militant tenants more accepting of the developer's compromise offer for the development of Waikane valley.

Back in 1978, despite Thompson's urging to reject any development plans, the WWCA entered into an agreement with the developer without Thompson's knowledge. The settlement called for the relocation of Waikane families at the developer's expense. Shortly thereafter, Thompson was ousted from the WWCA because of his non-compromising stance (Nakamoto, 1990; Thompson, 1990a; Woo, 1977). Thus, the W-W opposition was effectively demobilized by the governors' intervention.

Unlike before, WWCA activists no longer anticipated total victory, having realized that the absolute extent of state intervention would not go beyond the purchase of Waiahole. Moreover, having realized their long-standing concern with obtaining a measure of security and certainty to land, the Waiahole tenants had become harnessed to the state as the result of the purchase agreement.

According to some activists, the WWCA's willingness to compromise may have been rooted in the fear that the state's promise of low and long-term leases would not be

forthcoming in the event of their further opposition to Waikane development (Reppun, 1990; Nakata, 1990). However, despite the fact that neither long-term leases nor the infrastructural improvements and low cost housing in Waiahole valley have materialized as promised by the governor (Moriyama, 1986), the W-W valleys remained uncontentious for nearly fifteen years.

The valleys, however, are currently the scene of a new land use dispute. Since 1988, with the influx of Japanese investment in development in Hawaii, the W-W residents have been faced with golf course developments.

The strategies of community opponents as well as the form of political and developer intervention departs significantly from that which unfolded in the 1970s. This contemporary phase of W-W dispute reflects the shifts in the state and capital approach to conflict management and is examined in detail in the next case study.

CHAPTER 4

WAIAHOLE-WAIKANE DISPUTE

PHASE II: 1988-PRESENT

In 1988, a decade after the much-publicized grass-roots victory in Waiahole-Waikane (W-W), the valleys became the site of yet another land use dispute. This currently unfolding conflict emerged in response to proposed golf course developments in Waikane valley by Japanese firms. The W-W golf course dispute and its corresponding political intervention also expanded to incorporate active opposition to several other Japanese golf course development projects in the Kaneohe Bay area in the vicinity of the W-W valleys.

Although the W-W golf course dispute is not fully resolved, the conflict's analytic contributions are nevertheless significant. The dispute was chosen for analysis because it illustrates the changing nature of the state's contemporary intervention in land use disputes and its impact on the strategies and goals of the grass-roots opposition in the latter 1980s and the 1990s.

Similar to the original W-W struggle, but in a different context, the present case demonstrates how the state attempts to avert a political legitimation crisis and promote the long-term expansion of tourism and development industries by attempting to demobilize the opposition. As such, the recent W-W dispute offers an opportunity to

analyze the nature and form of state intervention as they reflect and reproduce Hawaii's political economy.

The case analysis will demonstrate the extensive but informal intervention of top-level political officials in co-opting community opponents and even orchestrating a controlled opposition in order to prevent the emergence of an unchecked dispute. The state utilizes the opposition not to restrict the development, but to direct it away from the volatile W-W valleys and Windward Oahu area because of its historical track record for intense and militant anti-development mobilization.

Like the other case studies, the analysis of the W-W golf course dispute allows for the incorporation of the political process model (PPM) dynamics within the class-centric perspective. The case illustrates that legitimation concerns of the state have provided an opportunity for the community opponents to reduce the number of golf course developments in the area. However, the case also shows that the state's general pro-development stance is not changed.

The W-W golf course dispute must, therefore, be understood as an exercise of the state's expanded relative autonomy. This autonomy is reflected in the state's attempt to direct, not restrict, foreign investment and the expansion of resort development away from areas with high potential for community mobilization with potential

negative costs both to the state and the development capital.

Emerging in the midst of this golf course opposition crisis, the W-W dispute illustrates the increasingly interventionary role of the state in dispute management since the latter 1980s. This analysis will attempt to show how the state's greater intervention in conflicts is a reflection of its expanded relative autonomy or power. This increase in the state's relative autonomy is explained as being further facilitated in part by the newly-created competition among Japanese corporations for investment opportunities in Hawaii's tourism and real estate markets. The conflict and the political response towards it must be understood in the context of a massive influx of Japanese development investment and its resultant renewed community opposition, particularly against the proliferation of golf course development.

Japanese Investment in Hawaii

Between 1985 and 1990, Japanese investment, which constituted 98% of all foreign investment in Hawaii, showed a ten-fold increase from \$160 million annually in 1985 to \$1.6 billion in 1990 (Mak, 1990; Pai, 1990a; Ramsour, 1990). In the peak year of 1989, Hawaii received 23% of the total Japanese investment in the U.S. (Kenneth Leventhal & Company [KLC], 1991). Among the metropolitan areas in the U.S. that have received Japanese investment in

the latter 1980s, Honolulu ranks fourth after Los Angeles, New York, and Chicago (KLC, 1991).

Japanese investment in Hawaii is largely concentrated in real estate (KLC, 1991). Out of a total of \$9.9 billion that Japan plowed into Hawaii between 1985 and 1990, \$8.9 billion was spent on buying quality resorts, hotels, and residential real estate, shopping centers, office buildings and raw land (Economic Indicators, 1987, 1988a, 1988b, 1989; Ordway et al, 1989; Wiles, 1989, 1990a; Wood, 1990b).

In addition to purchasing existing real estate, Japanese investment in Hawaii has been the major stimulus to the development of resorts and, thus, to the expansion and growth of the tourism and development industries in this period. The pace and scope of this development resulted in a development boom during 1986-1991 (Ordway et al, 1989; Ramsour, 1990, 1991; Yoneyama & Hooper, 1990).

In 1989, figures show purchases of \$794,200,000 worth of raw land (14% of the total property investment) (Wiles, 1990b). In 1990 land purchase in Hawaii constituted 18% of the total property investments which were slated for development of resorts, luxury residents, and golf courses (KLC, 1991). Kenneth Leventhal & Company (1991) figures indicate that while purchases of existing property continued to rise from 35% to 39% of total property investment from 1989 to 1990, investment in new

construction jumped from the already substantial 25% in 1989 to 35% in 1990.

In addition to resort-related development, about 50% to 75% of all the non-resort construction in Hawaii since 1988 was also financed with Japanese capital. Japanese hold over 12% of Hawaii's buildings and land assets, compared to 3% in California. Thus, the impact on Hawaii's economy, particularly in the scope of development and the speculative rise in the land value, is more acutely felt (Burns & Meyer, 1988; Heins, 1988; Pai, 1990a).

The velocity and magnitude of Japanese investment in development and property in Hawaii during the 1986-1991 period exacerbated the existing problems that pose a potential threat to political legitimation. Among them are soaring property values with an associated affordable housing crisis and tax valuation, and most importantly, a renewed community opposition to the rash of development activity.

Japanese investors have set benchmark prices, paying many times over existing prices and creating an upward spiral of land values ("The Values of Land", 1990). Although records show that hotels and resorts saw an 85% jump in value, Japanese purchases also have driven home prices on Oahu up an average of 90% between 1985 and 1991 (Burriss, 1989; Glauberman & Kresnak, 1990; Waite, 1991a, 1991b; Wiles, 1990a).

This property valuation has made many home owners in Hawaii face much higher property-tax bills. Moreover, in the latter 1980s these escalating costs further squeezed the average family from the already tight housing market (Ong, 1991; Wiles, 1990b).

Soaring real estate prices have prompted strong negative feelings towards Japanese investment. A 1989 poll of Hawaii residents shows 60% strongly opposed to Japanese investment and development in Hawaii (Wiles, 1989).

Golf Course Development in Hawaii

Golf course development, as an extension of the resort industry in Hawaii, has attracted Japanese interest and capital investment. The proliferating golf course development has also generated negative public opinion and opposition in Hawaii.

Government reports such as the Honolulu City and County's report (Department of Land Utilization [DLU], 1989), industry magazines and prominent economists in Hawaii all acknowledge that many Japanese investors began to see golf as integral to Hawaii's major growth industries, real estate development and tourism (Ordway et al, 1989; Pai, 1990a; Pang, 1990; Ramsour, 1991; Sanburn, 1991; Smith, 1990).

The vision to make Hawaii a major golf destination by outside investors is integrally tied to tourism and land speculation as being the only viable and profit generating

economic activity in Hawaii. Despite the state's encouragement and lobbying for diversifying Hawaii's economic base, foreign investors have for many decades refrained from investing in industries other than tourism and land development (Mak, 1990).

Between 1986 and 1989, \$255 million was invested in golf course development and another \$506 million invested in purchasing raw land for future development. All together, golf course development, including the acquisition of land, constituted 12% of the \$6.6 billion investment in real estate by the Japanese in Hawaii during that period. In 1990 this figure had increased to 18% of the total investment in real estate, making golf course development the fifth category of Japanese investment in Hawaii (Pai, 1990a; KLC, 1991).

The Japanese interest has added 20 new courses in Hawaii since 1985. 24 new courses are under construction and an additional 64 courses are proposed by Japanese firms mostly in conservation and marginal agricultural lands (KLC, 1991; Merrill Lynch, 1991; Ordway et al, 1989, 1990; Sanburn, 1991; Voss, 1991; Waite, 1990b).

Approximately 40 of the new golf course developments have been proposed for the island of Oahu alone, which would take up over 7,500 acres of mostly agricultural and conservation lands (Merrill Lynch, 1991; Ordway et al,

1989; Pai, 1990b; Sanburn, 1991; Voss, 1990; Waite, 1990b). In Windward Oahu, the area surrounding the W-W valleys, there are 11 courses planned or under construction (Dooley, 1990b; DLU, 1989; Ordway et al, 1990).

The W-W golf course dispute is rooted in the rash of golf course development activity by Japanese firms in Hawaii since the mid-1980s. The conflict surfaced in the midst of a surge in golf course development opposition from many other farming communities, which created a crisis for capital expansion and posed a legitimation threat to the state. As such, the examination of state intervention in and impact on the W-W golf course opposition must be understood in the context of this climate of crisis.

Since the late 1980s, Hawaii has experienced a rising negative public opinion towards "excessive" golf course development by Japanese investors. A poll in May of 1988 showed that 65% felt golf course development was bad and had to be prohibited or restricted. In another Honolulu Advertiser poll conducted two years later in August of 1990, 76% of Hawaii residents indicated that golf course development was a bad idea for Hawaii (Burriss, 1990).

The "avalanche" of permit requests for golf course development in marginal agricultural districts since the mid-1980s also gave rise to a growing and vocal grass-roots opposition by environmentalists and communities directly affected by the proposed development projects. By 1988,

several affected farming communities and their supporters, including the WWCA, were protesting proposed golf course development projects (Andrade, 1990b). Indeed, among the 24 active environmental and land use disputes raised since 1985, 15 have been against golf course development projects (Essoyan, 1989; Modavi, 1991; Pang, 1990).

These growing controversies have renewed grass-roots' criticism of the state. The mushrooming of opposition to golf course development projects had embroiled the state in several heated conflicts, in which attention was focused on political promotion of golf course development (Eagar, 1989; Fujimoto, 1990; Waianae Ag Water and Land Use Concerns Committee, 1989; Yamaguchi, 1988).

The concerns voiced by farmers and middle-class environmentalists stress a similar range of environmental and social issues but with a different degree of emphasis. Tenant farmers, generally leasing land in "marginal" agricultural lands, mostly fear eviction or otherwise an eventual dislocation from the land due to rising land and rent values in the surrounding development area (Essoyan, 1989; Pang, 1990).

This is not an unfounded fear. With respect to golf course development, merely obtaining proper development permits in some instances has increased the value of the land from 300 to 500% (DLU, 1989; Ordway et al, 1990;

Waite, 1990a). This impacts the surrounding land values. In Waiahole-Waikane, for example, the proposed golf course boosted land values by 230% in 1989.

Both middle class environmentalists and Hawaiian farming communities emphasize the harmful ecological impact of golf courses as well as the erosion of the rural lifestyle. Many see golf courses as the prelude to the future development of exclusive luxury residential or resort development in the area (Hopkins, 1990, 1991; Sanburn, 1991; Wong, 1991).

Another common theme shared by both farmers and environmental activists is the resentment toward the encroachment of the wealthy in the community. Most cite the emerging two-tier cast system in which the locals will cater to the rich outsider in menial service jobs.

The W-W Golf Course Controversy

In 1988, Pan Pacific Development, a subsidiary of one of Japan's largest development corporations, purchased 500 acres of land in the back of Waikane valley ("The Japan Top 20", 1991; Tune, 1987). In early summer of 1988, Pan Pacific contacted WWCA steering committee members. Despite their recent participation in anti-golf course struggles, the WWCA members, within two months and without any public opposition, agreed not to oppose the golf course development in exchange for a package of community benefits from the developer. The agreement, not yet finalized,

included at the time donations to area schools, college scholarships for WWCA members' children, and a \$100,000 community trust fund with promise of future support (Chinen, 1990; Nakamoto, 1990; Salas, 1990).

Thus, the largely impoverished W-W community representatives were able to gain some concessions from the developer which had not been forthcoming from any government programs (Salas, 1990). Whereas the contributions may not appear impressive to middle and upper middle-class communities, a potential trust fund of upwards of \$100,000 and school contributions were significant to W-W residents, especially when coupled with a steady stream of contributions to schools and other community organizations and events (Chinen, 1990; Quon, 1990).

Also, a significant factor behind the WWCA's willingness to settle for these tangible goods has to do with the fact that most of the WWCA members, as well as a sizable number of Waiahole residents, were not threatened by any dislocations due to eviction or by land valuation. The state's purchase of Waiahole back in 1977 also promised long-term and cheap state land leases to the tenant farmers.

The effectiveness, or the smoothness, of Pan Pacific's pre-emption of any opposition from the WWCA also had a great deal to do with the inclusive negotiation style of the developer. The Pan Pacific's approach to the WWCA

demonstrates the strategy of the new and so-called more "sophisticated" developer. Utilizing Hofrichter (1987), this approach can be described as a pre-emptive strategy to stave off near-certain grass-roots opposition.

Political officials and professional planners stress that since the 1970s a mobilizable public has necessitated a careful approach by the developers to "deal" with the community in order to get their projects realized. Most developers in the past decade attempt to negotiate directly with the community rather than face an opposition that can act as an obstacle to their projects (Cachola, 1990; Davidson, 1991; Lowry, 1990; Masumoto, 1991b; Mitsuda, 1991).

Kudo (1989), an attorney representing development interests, for example, warned developers of the rising anti-development sentiment in the 1989 Hawaii Resort Development Conference. Similar cautions were voiced by developers in the 1991 Pacific Rim Japan-America Resort and Golf Course Executive Conference (Applegate, 1991; Cain, 1991; Gee, 1991). In an industry-commissioned golf course study, Ordway et al (1990) encouraged developers to become involved with and offer amenities to appeal to local residents before they take any fixed positions and become politicized.

Community opposition can thus act as an obstacle to capital expansion and create a climate of unpredictability. Developers have been faced with delays in their approval process and in some instances have been forced to withdraw their petitions because of the legitimation pressures placed on state officials (Davidson, 1991).

Reflecting the emerging trend, Pan Pacific representatives adopted an inclusive approach, treating the WWCA member with respect and incorporating them in negotiations long before the onset of formal government approval processes. The WWCA was approached in an informal and friendly manner and made to feel as a partner with equal power in the planning of the project. WWCA members such as Chinen (1990) and Salas (1990) stress the fact that they felt a great sense of partnership, cooperation, and trust. However, Chinen also admits that the WWCA's input has made little impact on the scope and physical features of the golf course plans.

According to those who later became heavily involved in the negotiations, such as State Senator McCartney (1990), the impetus for the developer to offer concessions was rooted in the WWCA's formidable reputation in the 1970s conflict. This was reinforced by the WWCA's recent opposition to golf course development on behalf of other farming communities engaged in anti-golf course opposition.

It is critical for Pan Pacific as with developers in general to demonstrate a show of community support in an attempt to show political officials that a sustained and organized opposition is not likely to occur. This show of community support also enables politicians to portray dissenters, when a dispute does emerge, as part of a vocal minority, thus justifying their pro-development decisions.

However, the developers' efforts in pre-empting or demobilizing community opposition by inclusive negotiation tactics and substantial offers do not always appease all the community members. Many communities become divided in their support or opposition to the projects.

The Genesis of Opposition and Early Political Intervention

Similarly, Pan Pacific's approach was not able to arrest the tide of opposition and polarization in the W-W community. An opposition group, called the Concerned Residents of Waiahole-Waikane (CRWW), was formally established shortly after the May 1989 public hearings over the developer's request for development approvals.

The CRWW is not a cohesive organization. Some members opposed the development because of potential adverse impacts on the environment and rural life style; others mostly feared dislocation. While the residents did not face eviction, small land-owning farmers in the valleys, who were not protected by the state land purchase and lease agreements, anticipated escalation of land values (Chinen,

1990; DLU, 1989; Nakamoto, 1990; Nakata 1990, 1991a, 1991b, 1991c; Reppun 1990; Salas, 1990).

The CRWW's force and direction came largely from its leadership. This included two individuals: John Reppun, a farmer from a middle class background with a track record of environmental/community activism, and Bob Nakata, a seasoned community organizers highly active in the original W-W struggle.

The Honolulu City and County (HCC) deferred action on granting Pan Pacific's permit request due to the passage of a nine-month county moratorium on golf course development in order for the city to draft a golf course control policy and approval criteria (Kresnak, 1989; Whalen, 1989; Young, 1989). The county's moratorium on golf course development should not be viewed as an anti-capital measure. The aim of the moratorium was to establish policies to exact exorbitant impact fees as a condition of development approvals in order to boost county revenue and reduce infrastructural burdens while allowing the development to proceed at its escalated pace.

The City's post-moratorium golf course report expressed Mayor Frank Fasi's recommendation that a \$20 million impact fee be levied against golf course developers as a condition of approval to "mitigate" the negative social and environmental impacts (DLU, 1989). Stressing that land as a valuable commodity should not be given away

cheaply, the mayor has since increased the asking price to \$100 million, while supporting golf courses as environmentally and economically the most viable type of development (Andrade, 1990a; Fasi 1990, 1991; Lee, 1990).

The developers of those projects going through formal approval stages have offered the city large sums ranging between \$20 to \$100 million (above and beyond their offers to the community groups) and have thus far been able to obtain incremental approvals for their projects (Kresnak, 1991a, 1991b; Nieva, 1991; Waite, 1990b; Yamaguchi, 1991c). Thus far, only one golf course development project has been denied by the HCC.

During the summer and fall of 1989, while Waikane golf course development approval was stalled by the County's moratorium and debates continued over the amount and mechanism of imposing impact fees, another Japanese firm, Hoyu Construction, purchased over 1,400 acres of land in the back of Waiahole-Waikane valleys to build two major golf courses. This further increased the concerns of the opponents. The developer and the state were faced with a polarized community with an increasingly vocal opposition over its resumed efforts to obtain a development plan amendment in February of 1990.

Moreover, by the summer of 1989 the CRWW leadership, Reppun and Nakata, appeared concerned not just with the fate of W-W but with the rapid proliferation of proposed

golf course development projects surrounding Kaneohe Bay in Windward Oahu. Out of 11 golf courses planned or under construction in the Kaneohe Bay area, 4 projects (Minami, Bay View, Heeia Kea, and Nanatomi) in addition to Pan Pacific and Hoyu's, were hotly contested by area residents (Nakata, 1990, 1991a).

Political intervention to demobilize the developing dispute also emerged during the summer of 1989 through the efforts of Senator Mike McCartney. In his first run for a senatorial seat representing the area in 1988 elections, McCartney had began, in his own words, to "rave and rant" against the proposed golf course in order to get popular votes. He immediately supported the development after realizing that the notorious WWCA was indeed in favor of the project.

However, with a solidification of opposition, Pan Pacific requested McCartney to eliminate the opposition by forging an agreement between the CRWW and WWCA (McCartney, 1990, 1991). The developer and McCartney thus had a overlapping interest in averting a full-blown community opposition.

However, McCartney's increased intervention in the dispute failed to obtain a compromise between the CRWW, WWCA, and the developer. Moreover, HCC's approval of Pan Pacific's development plan amendment request in the spring of 1990 further fueled the CRWW's opposition (Mariani, 1991).

The actual zone change for the land still required the adoption of a separate ordinance by the HCC. However, the developer's incremental victory at this stage propelled the leadership of CRWW to launch a mobilization campaign in the summer of 1990 (Nakata, 1991a, 1991b; Reppun, 1990).

Reppun and Nakata had begun to generate awareness and mobilize opposition against not just W-W projects but the other 4 contested golf courses in the Kaneohe Bay area (Nakata, 1990). They had begun an extensive island-wide outreach campaign to seek support from a variety of neighborhood boards, community associations, environmental organizations to generate a full-blown fight against the state, the city, and golf course developers in general (Nakamoto, 1990; Nakata, 1990).

In addition to disputes against specific golf course projects, several prominent environmental organizations had also begun to pressure the state and the county for tighter controls over golf course regulation. Thus, given Reppun and Nakata's reputation as community mobilizers, the

situation appeared ripe for the emergence of a larger anti-golf course movement on Oahu.

Political Control and Co-optation of the Dispute

Political intervention in the W-W golf course dispute also intensified in the summer of 1990. The Office of State Planning (OSP) became heavily involved in the conflict in response to the potential intensification and expansion of the scope of the opposition. The OSP's intervention eliminated the potential of a larger grass-roots opposition and significantly impacted the goals and strategy of the CRWW leadership. The OSP, in essence, has taken the directive of the opposition and has utilized it as a strategy of negotiations with the Windward golf course developers.

The OSP's involvement in the Waiahole-Waikane golf course dispute illustrates the state administration's increased relative autonomy and expanding interventionary role not only in land use and development but also in dispute management. Spacial control of development and exactions of fees appear to be at the core of the state administration's attempt to de-intensify anti-development opposition. Unlike the county government that primarily seeks to increase its revenue and reduce its infrastructural burdens, the state's over-riding incentive appears to encompass both the encouragement and direction

of foreign investment in development as well as the demobilization of development opposition.

The expanded state intervention in directing development and dispute management has emerged with Governor John Waihee's administration in 1986, coinciding with the boom in Japanese investment and subsequent development in Hawaii. The Waihee administration has centralized and increased the state's power and autonomy on land use and development, largely through the creation of the OSP within the Governor's Office.

The OSP's functions are described as assisting the governor in guiding the state's development. The OSP is supposed to carry out significant state-wide or regional development planning, conduct special studies, and formulate policies. The office is given the power to identify significant issues, problems and opportunities confronting the state and to formulate appropriate strategies and courses of action in response. More specifically, the OSP is directed to monitor the impact of tourism development and activities on social, economic and physical environment where they are likely to have a negative effect. The OSP is to advocate on behalf of residents solutions to ameliorate, avoid or prevent these undesirable effects (Act 336, Hawaii Revised Statutes 1987).

The OSP is not mandated to impose conditions on development projects or to negotiate in the settlement of disputes. However, the language of the Act allows the OSP to informally but extensively intervene in the management of disputes. The OSP is, thus, much more than an advisory body and has become the real power behind land use district reclassification approvals. Through the LUC application and approval process, or even in cases formally under city and county jurisdiction, the OSP participates as a major player and power-broker in negotiations in disputes between community groups and developers.

In 1989, during the heat of golf course and resort development disputes and general public resentment towards Japanese investment, the OSP issued a position/guideline report with respect to foreign investment. The OSP's acknowledged intent was to articulate guidelines "before public opinion forces reached draconian measures which would be destructive to our economy" (OSP, 1989). The OSP's report reaffirms the state's support for and dependence on massive infusion of outside investment for the growth of tourism industry, particularly in construction (OSP, 1989).

The main thrust of the state administration, as reflected in the report, is to seek a greater degree of autonomy in controlling rather than reducing development. The report stresses that, rather than "restricting"

development plans of foreign corporations, the state would "direct" the use of that land (OSP, 1989). The report, highlighting negative impacts of foreign investment such as dislocation of farmers and land valuation, stresses that in order to minimize negative impacts and maximize benefits, investment can not be left to market forces alone.

This direction by the state takes the form of imposing high exactions fees and relocation of the development away from the area through land exchanges with the state. Developers are pressured to be "socially responsible" and mitigate social impacts by contributing to community needs in order to avoid the mobilization of the community (Cachola, 1990; OSP, 1989). But most importantly, as the W-W golf course dispute illustrates, the state also attempts to direct development away from volatile regions with a proven track record of, or a high potential for, sustained and intense community opposition.

The OSP, within the last three years, has intervened directly but informally in negotiations with developers. Utilizing the threat of community opposition, they have levied impact fees in the form of affordable housing and jobs-for-hotel-rooms in proposed resort developments (State Land Use Commission, 1990a, 1990b; Yamaguchi, 1990; 1991a).

The OSP either utilizes potential or existing community opposition to pressure the developers to comply with fees or relocation plans. According to a planner in

the OSP, its director Masumoto pressures the developers into agreeing with large impact fees and substantial community benefit packages by indicating that, in the case of an opposition by highly "mobilizable" communities in Hawaii, the state would be powerless in promoting their project (Cachola, 1991).

The state's position of directing rather than restricting development is emphasized by Masumoto (1991b, 1991c), director of the OSP. Masumoto stresses the state's strong opposition to a general impact fee formula, a threshold or an absolute cap on the number of golf course development in the state as well as state-wide or even island-wide moratoriums on golf course development.

Instead, the OSP supports a flexible, case-by-case evaluation of golf course development. According to Mitsuda (1991), director of OSP's Land Use Division, the state is pro-development and, unlike Mayor Fasi, does not want to "scare off" or discourage developers by seeking a rigidly adhered-to fee amount. The state does not want to overburden developers and seeks flexibility in levying impact fees and other conditions (Mitsuda, 1991). The state's commitment to maintaining this flexibility is reflected in the OSP's unwillingness to produce a written statement, much less a policy, on its golf course impact fee exactions position.

Impact fees, whether used to boost state income or to demobilize an opposition, are an expression of the state's expanding relative autonomy or the power of the state in the midst of a foreign investment surge. The state's (and the county's) effort to secure sizable fees from developers as well as its increased intervention in the demobilization of disputes through relocation and community concession exactions have been in part conditioned by the influx of Japanese investment. The political pressure for impact fees is partly a reflection of national trends and leadership style of the present governor. However, the magnitude of the fees is also tied to competition among affluent Japanese investors and developers who pay record prices for properties and acquiesce to exorbitant impact fee payments to gain expedient political approvals.

While Ross, Bitterman and Zimmer (1988) and Ross and Trachte (1990) argue that the state's autonomy declines with extensive foreign investment or the internationalization of the economy, in Hawaii there seems to be an increase in political relative autonomy. This appears to affirm Poulantzas' (1978) assertion that capital competition actually increases the state's relative autonomy. The expansion of the relative autonomy of the state and city in their ability to demand such fees is facilitated by the newly-created competition among Japanese investors for the opportunity to invest in Hawaii.

Although Hawaii competes with other investment destinations, its climate and established tourism market attracts Japanese investors and gives the state an edge to press for concessions (Cachola, 1990; McCartney, 1990; McElroy, 1989; Mitsuda, 1991; Ordway, 1989).

David Callies, a land use attorney who represents the development industry's interests, indicates that developers will continue to acquiesce to large fees and community offers because of a high demand for Hawaii land. Developers, he says, desire to maintain community and political good will for future projects and will not challenge impact fees (Andrade, 1990a).

From the PPM or state-centric perspective as described by Tilly (1990), it is clear that the state in Hawaii attempts to expand its own power and interests in the form of revenue and the prevention of a legitimation crisis. This autonomy, however, is relative and not absolute. The state can not and does not restrict investment and development by setting a cap on the amount of golf and resort development. State records show that, on Oahu alone, more than 6,000 acres of land has been redesignated to urban use between 1986-1989, nearly double the amount in the preceding decade (Young, 1989).

In July of 1990, during their outreach and mobilization efforts, Reppun and Nakata approached the OSP to draft a regional plan. The aim on the part of activists

was to stave off the development approval process in order to build up their opposition (Nakata, 1990; Reppun, 1990).

The OSP's director, according to Nakata (1991b, 1991c), appeared alarmed by the excessive nature of the proposed developments and potential community discontent. Shortly after this contact, the OSP took a commanding role in the community opposition.

With the involvement of the OSP, McCartney's role shifted from an intermediary between the WWCA and CRWW to an informal member of the CRWW leadership. From this point on McCartney, Reppun, and Nakata would work closely with the OSP's director, Masumoto, in an attempt to implement the state's plan to reduce the number of golf course development in the Windward region without hindering the development industry at large.

In September of 1990, only two months after the OSP's intervention, CRWW goals and strategy showed significant changes. CRWW discontinued its opposition to the Pan Pacific and Minami golf course projects and, most importantly, abandoned its effort to mobilize an extensive opposition against proposed golf courses. Instead, they focused on imposing huge impact fees on certain developers including Pan Pacific and Minami as a means to "buy off" other developers in the area. Some developers, like Nanatomi, were also urged to purchase and thus replace the Bay View development (Nakata, 1991a).

According to McCartney (1990) and other OSP officials, having developers buy each other out is less discouraging to future investment than having developers driven out because of intense community opposition. Impact fee exaction to purchase other lands from developers compensates the investor often with a hefty return on their initial investment. Remembering the W-W conflict in the 1970s, McCartney stresses that such a strategy also prevents the emergence of a type of dispute in which the state would have to purchase the land with its own funds.

The OSP emerges as the initiator and central planner of this strategy despite Reppun, Nakata, and McCartney's emphasis to the contrary. According to McCartney (1990, 1991), it was Nakata and Reppun who came up with this plan and subsequently gained the the OSP's approval and support. However, Nakata (1990) describes McCartney as the one who, shortly after the OSP's involvement in the conflict, had encouraged Nakata and Reppun to pressure the developers for impact fees or land swaps through a show of opposition.

McCartney's suggested tactics are, in turn, those that are espoused by the state, not just in the OSP's foreign investment report but also in practice. McCartney was involved in the OSP's and the governor's negotiation for a land exchange with a large land owner to prevent the development of one of the controversial Windward golf

course plans as early as November of 1989, a year and half before the CRWW's formulation (Johnson, 1991; Paulsen, 1991).

The most important indicator of the OSP as the leading force in the changing of the grass-roots goals and demands is the very magnitude of the land swap and impact fee exaction plans. The implementation of such demands requires extensive and high-level political support and backing. Long-time community activists stress that most grass-roots opponents would not develop and pursue such complex and extensive land exchange or impact fee strategies (Perotheroe, 1991; Wong, 1991).

The primary mechanism by which the OSP began exerting pressure on developers to direct development away was the co-optation and control of community opposition. This technique also served to demobilize and depoliticize the opposition.

Shortly after the OSP's involvement, Nakata (1990), McCartney (1990) and Reppun (1990) stress that it was indeed Masumoto who suggested to them that they should create a show of opposition to obtain substantial impact fees as a means to purchase other golf course-slanted lands. According to Masumoto, opposition creates a political edge for pressuring developers to pay high impact fees or agree to the sale or exchange of their lands.

The CRWW leadership, which now included Senator McCartney, has so far agreed to the Pan Pacific golf course development and has worked closely with the OSP to stage opposition at public hearings to pressure other developers for impact fees or relocation options. As such the OSP, as the real force, can maintain a distance and public unaccountability, especially over issues under formal county jurisdiction.

The OSP's intervention not only contained the opposition from becoming a larger anti-golf course movement, it also depoliticized the conflict. The show of community opposition under the OSP's control did not target or criticize the state as it invariably would have if left to unfold without the OSP's intervention.

The impetus for the OSP and McCartney to promote intervention in exacting impact fees and land swaps as a means to reduce the number of golf courses does not represent an anti-development stance. Rather, both the OSP and Senator McCartney's efforts are rooted in averting a potential legitimation crisis and promoting long-term interests of developers and foreign investors by reducing the chances of an intense and broad-based opposition erupting in the Windwards area.

Nakata (1990) stresses that, in the absence of state intervention, their only other option would have been to launch a "full-blown" fight against the developers, and the

state and city officials, seeking to stop all golf course development in the area. Indeed, shortly before the OSP's involvement CRWW's leadership had taken initial mobilization steps towards generating a grass-roots opposition.

McCartney (1990) describes the OSP as the real force behind negotiations that took place in the public arena between him, Reppun and Nakata, and the developers. All parties, particularly the developers, knew that the OSP was the power and agent of negotiation. McCartney (1990) and other activists who have since joined the effort, stress that without the OSP they would not wield any clout or power to get agreements from developers (Perotheroe, 1991).

The co-optation of the opposition is reflected in the grass-root's perception of Masumoto as a partner and a trusted friend who advocates and presses for their concern. When community opponents talk about goals and strategies, they describe the OSP as an active and key player on their team. When they say "we" they include Masumoto (McCartney, 1990, 1991; Nakata, 1990, 1991b, 1991c; Perotheroe, 1991; Reppun, 1990).

The state's intervention and co-optation of the opposition has thus managed to impact the very goals, demands, and strategy of the opposition away from attempts at stopping development towards one that helps the state to

channel development away from the area. This reflects the state's attempt at executing its expanding relative autonomy as indicated in the OSP's foreign investment report by not restricting but directing development away from volatile areas.

In January of 1991, Minami agreed to a cash settlement of \$12.1 million (Minami, 1991). The negotiations under the weight of the OSP were conducted with Nakata, Reppun, and McCartney. The amount of money to be exacted from Minami was determined and requested by Masumoto (McCartney, 1991) and, under the OSP's terms, the funds go to a newly created community foundation with Reppun on the board of directors. A month before, in December of 1990, the OSP and the governor had finalized a \$54 million land exchange deal with the state's largest private land owner, thus preventing a golf course development in the Windward area (Yamaguchi, 1991b).

Shift in Political Intervention

The OSP's position and strategy, and by extension, those of the community opponents, has shifted since December of 1990 in response to the financial constraints faced by Japanese corporations. In late 1990, The Japanese rate of investment in Hawaii began to show a sharp decline associated with a rash of bankruptcies and development delays due to a credit squeeze among the Japanese firms ("A 4-Year Boom", 1990; Holden, 1991; "Japanese Finance", 1990;

Martin, 1991b; Taketa, 1991a, 1991b; Wiles, 1991; Wood, 1990b).

The slowdown in investment and the associated financial hardship of Japanese firms are rooted in the recent restrictive monetary policies in Japan. Since late 1989, The Bank of Japan, in conjunction with the Japanese government, has attempted to force down soaring land and stock prices that have skyrocketed by speculative investment and development within Japan. The Japanese banks have doubled their interest rates (from 4% to 8%), cut back on new real estate lending and development overseas. This has brought about a rash of bankruptcies and development delays due to a credit squeeze among firms that had used land and property holdings as collateral ("A 4-Year Boom", 1990; Holden, 1991; "Japanese Finance", 1990; Martin, 1991b; Taketa, 1991b; Wiles, 1991; Wood, 1990b).

The OSP in the past year appears less inclined to pressure the Windward developers for high impact fees because the Japanese financial crisis has left corporations less able to pay exorbitant impact fees. The state has ceased to pressure Pan Pacific for high impact fees or Nanatomi to purchase Bay View or Hoyu. Instead, the OSP and the opposition forces now attempt to pressure the remaining developers to agree to land exchanges with the

state (Honig, 1991; Nakata, 1991a, 1991b, Perotheroe, 1991).

Nanatomi, with its bankrupt parent company in Japan, agreed to a land exchange with the state in February of 1991. The developer and the state are now engaged in negotiations over potential sites in the Ewa plains of Oahu where the bulk of urban and resort development is being directed (Nakata, 1991a; Perotheroe, 1991).

The OSP and community opponents have since concentrated on the two remaining contentious projects in the Windward area, the Bay View and Hoyu golf course developments. In June of 1991, Bay View developers, who had offered the city a \$20 million impact fee, obtained the preliminary approval of the City Council's zoning committee for a zone change.

Pacific Atlas' efforts to push for development approvals renewed community opposition. However, this opposition, mobilized in March of 1991, was also incorporated and co-opted by the OSP.

Working closely with the OSP and the CRWW's leadership from the onset, these activists worked with the OSP to realize the strategy of pressuring the Bay View developer to agree to a land exchange. Community opponents describe the OSP's director as the central figure in this opposition (Perotheroe, 1991).

In essence, a division of labor has developed. The OSP, as key player, determines the general strategy, namely the relocation of the development. The actual negotiation with the developers is undertaken by the CRWW's leadership (Nakata, 1991b). This allows the OSP to formally and publicly remain distant. And finally, the coordination of public opposition is carried out by community activists working closely with the OSP and CRWW's leaders (Perotheroe, 1991).

The Bay View development case also reflects a certain degree of cooperation between the state and county governments. In November of 1991 the Honolulu City Council, at the OSP's urging, denied the developers' rezoning request. Bay View is the first golf course development denied by the HCC. At this junction the Bay View developers have no alternative but to accept a land exchange offer by the state.

The OSP also appears to seek a land swap settlement with Hoyu. In August of 1991 Hoyu filed a petition at the state Land Use Commission (LUC) requesting the reclassification of its land in W-W from agricultural to conservation designation for the development of two golf courses. Hoyu will then seek to obtain a development permit from the Department of Land and Natural Resources (DLNR) with jurisdiction over the conservation lands.

In response to Hoyu's petition, the WWCA has mobilized an opposition. The WWCA, upholding their support for the Pan Pacific golf course, opposes the Hoyu development. The association agrees that the land should be placed in the conservation district but has demanded the OSP attach a no-golf-course-development clause as a condition of the reclassification (Chinen, 1991; Nakata, 1991c).

However, the OSP, while reiterating its opposition to the golf course development, has refrained from rejecting the development at this stage. The decision whether to oppose or allow the golf course development, according to the OSP, must be made at a later date by the DLNR after the LUC reclassification (Masumoto, 1991c). In January of 1992 the LUC approved the land reclassification into conservation district without a clause banning the development of golf courses.

At this junction, the OSP's response to the Hoyu golf course appears to seek time to allow for a settlement agreement between the WWCA and the developer or, if no community-developer agreement is struck, a land exchange agreement between the state and the developer. According to the WWCA's attorney, a land exchange deal that would move Hoyu's development interests to the Ewa plains is under consideration (Cooper, 1991). A land swap is particularly a viable option since Hoyu had informally

indicated its interest in such an arrangement as early as spring of 1991.

Another potential alternative may be a WWCA-Hoyu agreement. The WWCA has already proven itself willing to support development projects in exchange for material benefits. Hoyu is now making overtures to the WWCA to discuss community concessions. While Chinen (1991), WWCA president, emphasizes that the WWCA is firmly against the development, Salas (1991), a prominent WWCA steering committee member, has stressed that they may support the project if Hoyu would make them an "offer that they just can't refuse".

By far the most convincing element that points to the OSP's non-intervention as an indication of a possible settlement agreement is the lack of CRWW leadership's opposition to the Hoyu development. The CRWW leadership, who initially opposed golf course development in the W-W valleys, has taken no active stance against the Hoyu golf course (Chinen, 1991; Nakata, 1991b).

The CRWW's leadership "defers" to the decisions of the WWCA. Thus, if the WWCA agrees to the development, the OSP would not have to contend with an opposition from the now fully co-opted CRWW.

CHAPTER 5

THE WEST BEACH DISPUTE

The West Beach dispute involved an unprecedented top-level political intervention in the 1987 mediated settlement of a decade-old dispute over the proposed construction of the West Beach resort on the island of Oahu, the largest planned luxury resort-residential development in Hawaii. This informal but very crucial political intervention has limited rather than empowered the grass-roots opposition. The political facilitation of the mediated settlement is examined as a political effort to demobilize and depoliticize the opposition, one that sought to avert both a political legitimation crisis and a potential detrimental impact on capital accumulation.

The West Beach dispute involved the opposition of a predominantly native Hawaiian rural community adjacent to the development site. Its settlement, ostensibly achieved through direct developer-community mediation, was not the first nor the only successful mediated resolution of a land use dispute in Hawaii. However, the scope of the project, the long and bitter history of opposition and the environmentally and culturally oriented language and settlement terms has gained West Beach the reputation of being the most difficult and the most significant mediated settlement in the state.

In the political and corporate arena, the West Beach settlement is applauded as the cutting edge of a new wave toward socially and environmentally responsible development. The settlement is viewed as an example of a symbiotic and mutually beneficial developer-community relationship, one that serves as a model of good corporate citizenship--where developers pay attention to and successfully meet community concerns and demands.

Contrary to its public promotion, the West Beach mediation and implementation of its settlement terms were engineered by an unprecedented and top-level political intervention in conjunction with the land owner and developer. A closer look also portrays a less than benign picture of the mediation process and outcome: The process produced a vague and largely non-binding settlement agreement which did not address fundamental opposition concerns; moreover, a look at post-settlement dynamics indicates that none of the more significant terms of the agreement were implemented as drafted in the agreement. Thus, while the opposition was eliminated, the mediation did not result in the so called "empowerment" of the grass-roots or a "win-win" resolution.

The West Beach case study grounds Hofrichter's assertions that mediation can serve as a political tool to depoliticize and demobilize the grass-roots opposition. Hofrichter (1987) is among the few who counters a positive

assessment of mediation: He maintains that mediation is a form of political control that disempowers the grass-roots and benefits business and industry.

Hofrichter (1987) argues that the extensive use of the courts by environmentalists in the 1970s posed a threat to industry by creating a climate of disorder and unpredictability. Mediation, according to Hofrichter, emerged as a response to this climate of crisis in which the state could not adequately de-mobilize volatile conflicts in formal court and administrative settings.

The West Beach study illustrates Hofrichter's argument that mediation, as an informal and inclusive form of conflict management, serves as a pre-emptive political strategy of conflict management. Mediation is an effort to provide a stable environment that is a critical condition of production and capital accumulation.

Mediation de-politicizes conflicts by locating the process outside of formal political institutional settings. However, mediation is very much an agency of the state. It allows the state to penetrate deeper and with more discretion to demobilize opposition by inhibiting the formation of alternative and more oppositional strategies on the part of the grass-roots.

West Beach also posits how mediation achieves such neutralization and disorganization of the opposition by inclusion rather than exclusion. No overt repression or

elimination of conflict was undertaken. Rather, the unofficial and friendly context with its emphasis on cooperation and partnership served to conceal and de-emphasize power differentials and defuse anger and disarm the opposition. According to Hofrichter (1987), opponents, as cooperative partners, become harnessed to or dependent on the state and industry and are then less likely to launch protest, boycotts, civil disobedience, and lawsuits.

The West Beach dispute indicates how mediation efforts averted the adoption of confrontational and potentially violent strategies by opponents. The dispute was not the largest and most intense in the contemporary history of Hawaii. However, the conflict did pose an imminent threat of becoming violent during a gubernatorial election year.

The intensification of the dispute by native Hawaiian opponents could have harmed the chances of the first part-Hawaiian candidate, Lieutenant Governor Waihee, in his first run for the governor's seat. The analysis thus goes beyond Hofrichter's assertions that depoliticization of conflict largely serves to reduce or eliminate detrimental impacts on capital. The case study demonstrates that depoliticization and demobilization also seek to avert political legitimation crises.

Although the polity and the developer feared the potential violent strategy of the opposition, community opponents entered mediation because they perceived

themselves as having little power. Similar to Amy (1987), the analysis underscores that the grass-roots entered mediation and agreed to less than satisfactory offers because they had little power to halt the development. The developer had extensive and demonstrated political support.

Moreover, they could not have generated large-scale support since, unlike the Waiahole-Waikane dispute, the community was divided over the development. Island-wide support was also unlikely since the region was not a popular recreational area such as Sandy Beach. Sabotaging, or so-called "monkey-wrenching" tactics, were regarded by the activists as impossible to sustain with limited community support, and ineffective in the long-term.

The culturally and spiritually-laden mediation process further helped transform the goals and demands of the opposition. It defused the anger of the native Hawaiian opponents and secured their eventual agreement to a compromise. This compromise allowed the development to proceed in full-scale in exchange for limited concessions which, ultimately, were not delivered as promised by the developer. Moreover, through continued intervention of the governor, the activists have not only tolerated the developer's unforthcomingness but have also abandoned their involvement in the environmental and archaeological monitoring originally stipulated in the agreement.

The cultural and spiritual orientation of the mediation in an unofficial context with emphasis on friendship and cooperation appears to have had an impact on the activists' acceptance of the terms of the agreement. These observations uphold both Hofrichter and Amy's (1987) assertions that mediation helps defuse anger and results in grass-roots' agreement to compromises by creating an illusion of egalitarian participation. The West Beach mediation also illustrates both Hofrichter and Amy's assertions that the process masks the systemic power differentials between grass-roots opponents and industry, the real decision-maker.

Political intervention in West Beach in the form of mediation was an attempt to secure the expansion of both the development and tourism industries. Political intervention began with the threat by the Japanese corporate investor to withdraw financial backing from the mammoth project. The polity's expressed fear was the dispute's potential detrimental impact on future investment in other projects, particularly from Japan. Moreover, the very scope of the project and its integral link to development of a surrounding Second City made any obstacle to the specific project a larger threat to the long-term growth of the development industry on the island of Oahu.

Moreover, both the state and the development industry officials had expressed fear of the potential escalation of the conflict. The tourism industry has been described as highly susceptible to the negative global publicity that would emerge in the event of violent tactics adopted by the indigenous population against affluent tourists. The potential monkey-wrenching and long-term future harassment of tourists would not only harm the West Beach resort but could detrimentally impact the entire tourism industry in Hawaii.

The West Beach case study demonstrates how mediation allows the state to straddle and cope with the dual and contradictory pressures that act upon it. Mediation, as a form of political strategy of conflict management, enables the state (a) to portray a neutral political image by defusing a potentially intense conflict with grave political costs, as well as (b) to eliminate threats to the short and long-term interests of the regionally dominant tourism and development industries.

The case illustrates how the West Beach mediation reflects and reproduces Hawaii's political economy by demonstrating capital as the organizing framework behind political intervention in disputes. As such, the intent is to posit the very apparatus of the state and its activities as an integral and significant component of the capital production and accumulation process.

The practice of mediation allows the state to avoid highly public and intense criticism from the opposition. Mediation also allows the state to quell opposition without obstructing the specific development and escape pressures to act in ways that would detrimentally impact the accumulation conditions of capital, for example, by restricting development or speculative activity.

The case-by-case approach of mediation allows the state to maintain the escalated pace of development at only slightly higher development costs. The West Beach case study illustrates the real potential of what Amy stresses: The cumulative impact of mediation can lead to undesirable agreements which, in the long run, could deteriorate the environment.

Scope and Planning History of West Beach

The massive West Beach resort is only a component of the largest, most ambitious, and complex planned development in Hawaii. The idea is to create a self-contained second city on Oahu which would span over 30,000 acres with the resort serving as the city's primary employment center or nucleus. This mammoth development is projected to keep the construction industry in Hawaii afloat far into the 21st century (Martin, 1991a; Uprichard, 1989; Wood, 1990a).

The West Beach resort itself will eventually cover over 1000 acres with 8 hotels, a 400-slip marina, an 18 acre shopping center, condominium units, luxury residences and golf courses along 2 miles of artificially constructed beach and lagoons. The West Beach resort will significantly expand Hawaii's share of the upscale international tourism market (Wood, 1990a).

The West Beach development involved a partnership between a prominent local developer, Herbert Horita, and Kumagai Gumi, one of Japan's largest construction companies, whose investment in the project in 1983 made the development a reality. The plans for the development were, however, drafted long before by the land owner, Campbell Estate, the 7th largest private land owner in Hawaii.

In the mid-1950s, responding to the decline of sugar and the growing potential of tourism and development in Hawaii, Campbell Estate began to plan for an extensive urban and resort development for its vast land holdings on the Ewa plains of Oahu (The Estate of James Campbell, 1988). In 1972 Herbert Horita secured the development rights for the construction of the massive West Beach resort.

The political support for Campbell Estate and Horita's development plans illustrates how economic interests guide the pace and direction of development in Hawaii. In 1977, the Second City concept and the West Beach resort was

adopted as an integral component of City and County of Honolulu's first General Plan in 1977. In the same year the state Land Use Commission approved Horita's request to reclassify the land from agriculture to urban, a major step in development approval process.

Genesis of Dispute

The land reclassification application by the developer before the State Land Use Commission in 1977 initiated an opposition from two community groups in the neighboring Waianae community. The Waianae Coast on Oahu is regarded as the last refuge of poor native Hawaiians who have successively been displaced from encroaching land development throughout the island since the 1960s, when Hawaii experienced a development boom that accommodated its expanding tourism industry and resultant population growth.

The community activists from this population of veteran evictees expressed fear of yet another dislocation and a further destruction of the rural Hawaiian life style as a result of land and rent valuations accompanying the massive development and urbanization of the area. The perceived threats of the development also included potential adverse impacts on archeological sites and coastal ecology as well as the continued erosion of native Hawaiian cultural pride with further incorporation into the low-paid and low-skilled tourism labor market.

Pre-mediation Dispute Dynamics

Between 1977 and 1983 the political impetus for granting necessary approvals for the West Beach project appear to have ebbed. This was largely due to Horita's difficulty in securing financing for the project during a period of national recession and a general slow-down of investments in development.

The opposition, thus, remained somewhat dormant until 1983 when Kumagai Gumi, a giant Japanese firm, provided the needed capital. With the project becoming a reality and solvency of the developer ensured, political processing of the development approvals took off and resulted in renewed opposition.

Between 1983 and early 1986, the now affluent development partnership obtained various zoning and permit approvals at the county level in exchange for infrastructural provisions. During this time the development partnership also attempted to settle with opponents in order to ensure a smooth processing of permits and to avoid legal obstacles.

In 1984 the representatives of the developers and landowner had begun informal talks with Eric Enos, the leader of Waianae Land Use Concerns Committee (WLUCC), the group at the forefront of community opposition. The developer's representatives, in their outreach to opponents, had ignored the members of the Na Opio Aloha

Aina (NOAA), another group of activists who represented the non-compromising element of the opposition. Moreover, Enos also had not informed any NOAA members as to his talks with developer's representatives and his impending plan to submit a settlement proposal (Kelly, 1990; Meyers, 1990).

The reason for targeting Enos, and Enos' subsequent willingness to negotiate a settlement without informing other opponents, are rooted in Enos' economic dependence on the continued donations and upkeep of a taro farm. Enos and many of his constituents had been involved in the restoration and operation of Ka'ala, a taro farm, as a part of a youth drug rehabilitation project for many years. This dependency has played a major role in determining the developer as well as political officials' selective targeting of the grass-roots and the terms of the eventual settlement.

In 1983 Enos had developed a friendship with Gregory Pai. Pai soon afterwards became the chief economist of the second largest bank in Hawaii and was later appointed as the governor's chief economist. In 1984 Pai had encouraged and helped Enos in concepting a settlement. Called an alternative community development strategy, the plan basically called for the support and expansion the Ka'ala farm and other similar projects which were to ensure employment for Enos and his associates (Pai, 1990c). The key determinant of this strategy is, however, the affluence

of Kumagai Gumi and their willingness to pay to defuse the opposition.

The 1984 settlement proposal, drafted by the WLUCC's attorney was similar to the eventual Aloha Agreement of 1987 in seeking money for farming and fishing projects and environmental and archaeological controls. However, unlike the Aloha Agreement, its terms were legally binding and much more stringent upon the developer. For example, obligations and penalties in case of non-compliance were clearly spelled out (Murakami, 1990). As such, the proposal was rejected by the developer.

After the failed settlement attempt, the options of the WLUCC had become severely curtailed. By early 1986, the developers had obtained all necessary political approvals. Moreover, political support for the projects had been expressed to them repeatedly by political officials. Although in 1985 and 1986 the WLUCC filed suits against the city and the state's approval decisions, the activists did not expect to halt the development in the long run (Burgess, 1990b; Enos, 1990b).

WLUCC also had not expected to generate sustained, cohesive and large-scale protest in the community. The community had at best been divided over the issue. Some community members, despite resentment towards tourism, had stressed the need for jobs for the impoverished area (Burgess, 1990b; Enos, 1990b).

Thus, by 1986, sabotage, popularly referred to as monkey wrenching, was seriously being discussed as an option by the WLUCC activists. Although they did not view it as a sustainable strategy, it was, nonetheless, regarded as their only alternative to continue the fight. The potential for violent confrontation and high-risk sabotage activity was very real (Burgess, 1990a; Enos, 1990b; Kahikina, 1990).

The development partnership and the land owner were alarmed by the intensity of the dispute and its volatile nature. The very real potential of a violent outbreak could cost them a serious political setback if state officials needed to quell a significant popular struggle to preserve their own image of legitimacy, especially during an important gubernatorial election year. The threat of long-term sabotage and harassment by an "unfriendly" community was also perceived as highly detrimental to a luxury tourism market. At the very least the development partnership dreaded the potential delays the opponents could impose on the development in the courts (Holmes, 1990a, 1990b; Stender, 1990).

Thus, by early 1986, there was a sense of crisis and urgency on the part of Horita to defuse and settle the dispute. The developer's fear was further enhanced by the threat of withdrawal made by the Japanese investor/partner because of the compromised status of the project due to

sustained and escalating community opposition (Holmes, 1990a).

The intensification of the dispute in a native Hawaiian community was highly detrimental to the Lieutenant Governor, John Waihee, the first gubernatorial candidate of Hawaiian ancestry, in his bid for governor in the 1986 elections. For the prospective governor, a known supporter of the West Beach and Second City development as well as foreign investment, the intensification of the dispute also meant potential discouragement of future Japanese investment in large-scale development and growth of Hawaii's tourism and construction industries (Holmes, 1990b). Obstacles in the path of West Beach and urban development of the area itself could hurt the tourism and construction industries badly because of their massive scope.

Mediation Process

In early 1986 Waihee, regarded and respected as the next governor of the state, intervened to defuse the conflict and facilitate a settlement. His intervention was informal and behind the scenes. Many in fact deny his participation. However, two sources very close to the mediation process stress Waihee's presence and critical involvement.

Kenny Brown (1990), appointed by Waihee to facilitate the initial phase of the mediation, stated that Waihee had indeed wanted to mediate the dispute directly and had maintained a presence throughout the process. Norma Wong (1990), Waihee's administrative aide at the time, stated that his involvement was to such an extent that he could step in and take over the mediation at any time if the need arose. Most importantly, she indicated that his involvement was crucial in terms of selecting the right people to directly facilitate the talks.

Waihee's informal and sub rosa involvement can be explained by the potential negative publicity that could be generated in the event the mediation efforts were to fail. This would have cost him the election if he were linked directly as the chief mediator, given his support of the project (Holmes 1990b).

Before appointing Brown to facilitate the process, Waihee had initially met with Enos. Although no one elaborates on the content of these talks, Wong describes Waihee's role as critical in getting Enos' agreement to consider settlement negotiations once again.

Brown describes Waihee's intervention as giving Enos a sense of power and credibility and thus making him feel less fearful of entering negotiations. The appointment of Brown, a figure commanding power and respect in the development industry and the political arena, is itself

part of the power-accessing strategy by Waihee. This strategy was continued by Brown in the form of meetings staged between some of the activists and prominent business and political leaders.

This empowering strategy, initiated by Waihee and carried out by his appointee Brown, was meant to be an expression of support and friendship of the development community and politicians towards whom the activists had harbored deep distrust and resentment. The aim was to generate trust and reduce the sense of vulnerability, fear and paranoia on the part of opposition leadership in dealing with powerful adversaries and to encourage them to settle despite criticism from their fellow activists (Brown, 1990; Holmes, 1990a).

This pre-mediation process, contrary to assertions, did not empower but rather demobilized the opposition by inhibiting a more confrontational dispute from emerging. The anger and distrust of the activists were defused by the sense of respectability and credibility generated on the part of the opposition leadership. The emphasis on friendship and partnership helped veil the apparent power imbalances, and propelled opposition leadership to do the right thing by cooperating in a rational and practical manner (Brown, 1990; Burgess, 1990b; Enos, 1990a).

A significant strategy used by the politically-facilitated mediation was the use, or the abuse, of native Hawaiian spirituality in further de-intensifying animosities. In order to generate consensus, Brown had refrained from a focused discussion of the development. Rather, he kept the discussions on cultural compatibilities between Japanese and Hawaiians and the inherent desire of the Japanese partner to better the condition of native Hawaiians (Brown, 1990; Enos, 1990a; Holmes, 1990b).

Brown elaborated on the concept of Aloha, defining it as a way of doing things righteously which, he in turn had added, requires one to act in love and trust first in order to generate the same in the other party (Brown, 1990; Burgess, 1990b). In other words, the opponents were to trust the developers who were ostensibly their friends.

This four-month long pre-mediation process has been described by Holmes and Brown as the most critical component leading to the eventual mediation and achievement of the settlement. The false sense of empowerment and trust developed on the part of the opposition leadership was crucial in getting their agreement to a less than satisfactory and vague settlement.

Contrary to professional mediation practices, this elite intervention did not seek to incorporate other stakeholders or components of the opposition, namely the NOAA members as well as the WLUCC activists (Bright, 1990;

Kahikina, 1990; Kelly, 1990, Meyers, 1990). The political and corporate elite had focused on Enos and later only one other activists, Pua'nani Burgess. When detailed negotiations began to take place in the Fall 1986, Enos and Burgess had developed enough sense of partnership to have kept the serious nature and content of negotiation from their fellow activists (Bright, 1990; Kahikina, 1990)

The incorporation Of NOAA and other WLUCC activists would have posed an obstacle to the negotiation process and achievement of the agreement by enlarging the field of influence to individuals who, more than likely, would have criticized the proposed settlement terms. Such potential disagreements could have very likely become highly vocal and public during the last critical months of the election campaign.

The rather covert phase of mediation and negotiation was led not by Brown but a Buddhist Bishop. A key participant in the mediation, Holmes (1990a) regards the Bishop as far from being a neutral third party, a critical and ethical requirement of professional mediation practices. Rather, the Bishop has been described as a strong ally and a representative of the developer with strong connections to Waihee and other key political officials (Dooley, 1990a; Holmes, 1990a; McElroy, 1990).

Indeed, the sessions were attended by mostly those representing, albeit indirectly, the developers' interests such as Holmes and Kato. Wong, Waihee's administrative assistant, had also attended the last but critical sessions finalizing the terms (Holmes, 1990a; Kato, 1990; Wong, 1990).

Interestingly however, in yet another departure from professional mediation, neither Horita nor Kumagai Gumi officials had attended the mediation and negotiation sessions. Moreover, the WLUC attorney, who had in 1984 insisted on legally binding and more stringent terms, was kept from attending these sessions. This effectively avoided fights and disagreements from developing between the parties while the talks shifted to actual terms of a settlement.

Sympathizing with the two opponents, the Bishop had suggested that fighting the development, particularly through monkey-wrenching tactics, the very thing that both the developer and prospective governor were most fearful of, would be inconsequential and without impact. He had, according to both Enos (1990a) and Burgess (1990a), convinced them to behave practically and realistically and settle. Under the Bishop's influence, Enos and Burgess agreed to accept the terms of settlement drafted by Kato in exchange for dropping their lawsuits.

The Aloha Agreement was signed in January of 1987, in the governor's office with the governor acting as the key signatory. Holmes (1990a), Brown (1990), and Wong (1990) explain the governor's role as symbolic and aimed at putting the opponents at ease by giving them the backing of the head of the state. Again we see the significance of this false sense of empowerment at the crucial last phase of the process.

In addition to keeping the core of WLUCG activists unaware of the impending nature of the settlement, the Aloha Agreement itself was also kept a secret for several months (Bright, 1990; Kahikina, 1990). In fact, a mock protest at the ground-breaking ceremony of the development was staged by the WLUCG leadership within two weeks of the signing of the Aloha Agreement.

Also, the second required signatory on behalf of the WLUCG was provided not by a WLUCG member but by another Hawaiian activist unaware of the issues and the content of the settlement. An illiterate, he had been urged by Enos to sign the document because it was a "good" settlement (Akaka, 1990; Meyers 1990).

The Aloha Agreement was unveiled publicly to the surprise of WLUCG and NOAA activists in April of 1987 in an un-announced press conference at the Office of Hawaiian Affairs (OHA), a native Hawaiian advocacy agency within the state government. The OHA trustees had been distressed

when faced with a surprise press conference called by Enos and the developer to announce the Aloha Agreement publicly. The Trustees felt the office was being used to give legitimacy to the agreement (Akaka, 1987, 1990).

The Aloha Agreement

The Aloha Agreement stresses the developer's understanding, respect, and commitment to the enhancement of the economic, political, cultural and spiritual needs of the Waianae community. The agreement contributed \$250,000 toward establishing a catfish aquaculture operation to promote alternative community based economic activity in place of tourism. The agreement also provided \$125,000 for the drafting of a community development master plan, largely a perfunctory activity, ostensibly to help plan for diversifying the employment alternatives in the community (The Aloha Agreement, 1987). A non-profit corporation headed by Enos and Burgess was created to carry out the terms of the Aloha Agreement.

The Aloha Agreement, however, does not address the most fundamental concern of the opposition, namely the fear of dislocation from the land due to rising land costs and destruction of rural Hawaiian life style. This is not an empty fear since in March of 1990 the land value in adjacent Ewa, the cite of the development, had increased so much as to raise the real property value by 58% (Glauberman & Kresnak, 1990) and yet another 29% jump by 1991 (Waite,

1991b). Pai (1990c), the governor's chief economist and a big player in drafting the agreement, agrees that in 20 years there may be no Waianae community due to escalating land value surrounding the development.

The Aloha Agreement attempts to address the environmental and archaeological concerns of the opposition. The agreement called for the establishment of an advisory committee, comprised of developer and community representatives, to monitor and oversee the environmental and archaeological impacts of the construction.

Aside from the more concrete aspect of committee formation, the rest of the Aloha Agreement's promises of environmental and archaeological protection are, according to WLUC's own attorney, vague and legally non-binding. It promises to act with respect, using their reasonable and best efforts in implementing the terms in the spirit of trust. There are no clear terms of expected performance or sanctions in the event of non-compliance. Even Holmes (1990b) and Wong (1990) agree that such vague and non-binding language makes for a weak settlement, giving rise to future tensions. Without legal binding, the activist would have to depend on the good faith of the developer.

Post-Settlement Dynamics

There has indeed been many instances of developer non-compliances, giving rise to complaints on the part of community activists. Since the signing of the Aloha

Agreement, governor Waihee has acted as the chief mediator (Wong, 1990) and has managed to prevent the re-surfacing of vocal opposition. In the process, he has further reduced the power and potential of the community activists.

The original and rather sizable conception of the aquafarm had drastically been reduced within a year after the signing of the agreement due to the unwillingness of a prominent land owner to donate land for the project. The governor has since intervened and provided matching funds for the development of a small-scale backyard type aquafarm project and the operation of the Ka'ala farm. After four years, the small scale aquafarm is still largely in a planning stage. Even if materialized, it is safe to assume that the project, while supporting the WLUCC leadership and some other activists, will not impact the quality of life of the Waianae Coast.

The Governor also has intervened, upon the request of Enos and Burgess, over disagreements with the developers over disrespectful handling of ancient Hawaiian remains and the destruction of significant archaeological sites as well as inadequate monitoring of coastal ecological impacts (Burgess, 1990a; Enos 1990b; Smith, 1989; Wong, 1990). Under the governor's influence, however, the activists have relinquished environmental monitoring to the developers and archaeological monitoring to the land owners. Thus, we

even see the obliteration of the mere advisory role of the activists as originally drafted in the agreement.

The joint monitoring committees, raked with animosities, are now thus inactive (Enos, 1990a; Murakmai, 1990). This tension-filled inaction on the part of the activists was depicted as a worst-case scenario in the implementation of the Aloha Agreement by WLUCC's attorney (Murakami, 1990).

The containment of the hostilities on the part the activists also must be understood in relation to their deepening dependence on political and developer patronage. In 1990, the activists received a \$500,000 grant from the governor for the operation of Ka'ala and the aquafarm. Similarly the development partnership has recently created a private foundation with a \$1 million budget geared towards funding charitable, education and cultural or employment initiatives for the Waianae Coast (The Pacific Foundation, 1990).

CHAPTER 6

THE SANDY BEACH INITIATIVE DISPUTE

The Sandy Beach dispute began when an ad hoc environmental group led a highly publicized and contentious initiative campaign that successfully prevented a relatively small residential development project across a popular public beach on the island of Oahu in 1988. However, this site-specific victory led to a larger policy dispute and the eventual invalidation of land use zoning by initiative by the Hawaii State Supreme Court and the legislature. The state's elimination of land use initiative is examined as an effort to promote the long-term accumulation of capital and prevent or pre-empt further use of a political strategy that invariably focuses negative attention on political officials.

Initiative is a process by which citizens can propose laws or constitutional amendments by petition. The proposed legislation is then put on ballot and subject to popular vote (Goetz 1989; Stanford Environmental Law Society, 1973).

The Sandy Beach conflict provides an opportunity to examine political intervention in a dispute that utilized initiative, a growing and controversial disputing strategy in land use and environmental conflicts both in Hawaii and on the U.S. mainland. Sandy Beach is not the first nor the most intense land use dispute utilizing initiative as a

strategy in Hawaii. However, the case was chosen for analysis because of its transformation into a broader policy conflict and the subsequent renouncement of zoning by initiative by the state.

Like the previous case studies, the Sandy Beach dispute illustrates the dual and contradictory role of the state. The case demonstrates the pressures acting on the state when grass-roots activism increases the potential of a political legitimation crisis and poses a threat to the stability of capital.

Unlike mediation and negotiation, initiative politicizes a conflict and, in fact, resists informal mediation and negotiations. Initiative disputes in Hawaii generate tremendous publicity by the fact that they often occur over highly popular land use conflicts during sensitive election periods. The disputes become hotly debated electoral issues and many officials and candidates are publicly identified or forced to take a position in support of or opposition to the development.

Initiative campaigns allow political contenders to gain popularity and votes by appearing supportive of the grass-roots. Initiative can cost votes; and as such, it presents a threat to the stability of the regime.

Initiative poses a strong threat to capital. It is an obstacle to significant conditions of capital accumulation, namely expansion and stability. Initiative, however

infrequently used, can take away the power from political officials and make the electorate the ultimate arbiters in significant development decisions. Thus initiative, by empowering the grass-roots, introduces a tremendous unpredictability in the expansion of the development industry by preventing specific development projects as well as discouraging capital investment in the region.

The dissolution of initiative by the state thus posits the state as an integral component, or a condition, of capital accumulation. The Sandy Beach conflict will demonstrate how the state ultimately attempted to eliminate obstacles to investment and development, particularly when faced with a massive influx of Japanese investment and the subsequent development boom in Hawaii.

Like the other case studies, the Sandy Beach conflict presents an opportunity to examine state-centric and PPM dynamics within the capital-logic framework. The dispute illustrates a non-unified and non-monolithic portrait of the state and reveals how initiative campaigns are used as political opportunity channels by the internally-divided polity to gain votes in electoral competitions. The case also indicates how this political support also provides a political opportunity channel enabling the grass-roots to mobilize a larger a movement and gain more publicity.

While anchoring certain state-centric assumptions, the Sandy Beach conflict indicates that political decisions and actions are not solely rooted in the internal political competition. The case shows that, given political contentions and interests in gaining and retaining political power, the state did act to secure the interests of the development industry by eliminating a political process that empowered the grass-roots.

The significance of political intervention in the unfolding and outcome of the Sandy Beach conflict must be understood within the broader context of the history of land use and environmental initiative campaigns, both nationally and in Hawaii. The controversial history of initiative and its current manifestation provide the basis of the perceived threats of initiative by the state and the development industry in Hawaii that led to the invalidation of the provision in response to the Sandy Beach conflict.

History and Patterns of Initiative: U.S.

The American labor movement in the late 19th and early 20th centuries launched an organized advocacy for the passage of an initiative provision at the state and county levels in an effort to gain labor concessions (Schmidt, 1989). Between the 1890s and 1916, the American Federation of Labor was instrumental in the successive passage of initiative in the majority of the 23 states that have such state-wide provisions (Cronin 1898; Schmidt, 1989). The

U.S. constitution, however, has never allowed initiative or referendum provisions at the federal level (Cronin, 1989; Goetz, 1989; Schmidt, 1989).

The actual use of initiative peaked between 1910 and the advent of WWI. As expected, initiative during this period was predominantly used to gain welfare measures. Other initiative measures also resulted in structural reforms in the electoral process such as primary elections which have since been adopted on nation-wide bases (Callies, Neuffer, & Caliboso, 1989; Cronin, 1989; Goetz, 1989; Schmidt, 1989).

With the advent of WWI the use of initiative subsided. After a brief resurgence during the inter-war years, initiative remained dormant from WWII throughout the 1960s (Schmidt, 1989).

The 1970s marked the second wave of increased grass-roots use of initiative. The contemporary initiative campaigns are no longer led by labor for welfare provisions. Rather, they are largely initiated by consumer groups, environmentalists and community activists (Schmidt 1989).

Similarly, there has been an increase in the use of initiative and referendum in land use and environmental issues since the 1970s. Many land use cases have been withdrawn from city council chambers and taken directly to the voting booth by ad hoc citizen groups (Schmidt, 1989).

In California alone 27 initiative and referendum measures reached the ballot in city and county elections of 1986 that had to do with a variety of land use issues (Goetz 1989). Land use initiative, as practiced on the U.S. mainland, also shows the tendency of the grass-roots to not only seek bans on specific development projects but also to attempt to enact larger growth control policies and restrictions on future development (Goetz 1989).

Statistics on state-level initiative and referendum cases indicates a close 50-50 outcome (Schmidt, 1989). Moreover, big business cannot guarantee the outcome of initiative by spending and sophisticated advertisements. Campaign spending by opponents of initiative only seems to have been a factor in 12% of the 189 state-level initiative cases. These are cases with overwhelming no-vote spending (at least twice as much as the proponents). It appears that public support and credibility of proponents and opponents are stronger factors, particularly on local level campaigns in which the role of money becomes more dubious (Schmidt 1989).

History and Patterns of Land Use Initiative: Hawaii

In Hawaii, the dominant political elite has always been opposed to state-wide initiative powers. During the territorial era, the powerful Republican party opposed initiative while the then marginal Democratic party supported it.

With the advent of the post-WWII labor mobilization in Hawaii, both organized labor and the closely associated but powerless Democratic party became strong advocates of initiative (League of Women Voters [LWV], 1988; Rutledge, 1978; Wilkins, 1990). Initiative, as in the Progressive era on the U.S. mainland, was viewed by labor and pro-labor Democrats as a tool to gain concessions from and eventually break the political and economic hold of the sugar oligarchy and their Republican representatives. .

However, after the Democratic ascendancy to power in the late 1950s, the Democratic elite vigorously opposed the passage of state-wide initiative. Although the Democratic party platform formally abandoned its advocacy of initiative and referendum in 1964, the party had lost its support for initiative shortly after its ascendancy to power in the late 1950s. The state constitution adopted by the Democratic-dominated legislature in 1959 did not include state-wide initiative (Hawaii Democratic Party Platform 1952, 1954, 1958, 1960, 1962, 1964; Kumagai, 1990; LWV, 1988).

The state of Hawaii in the 1960s, dominated by the Democratic Party, was committed to a rapid restructuring of Hawaii's economy from sugar to tourism. The state in this period was interested in expanding, rather than sharing with the electorate, its regulatory power particularly over

land use decisions through the adoption of the Land Use Law.

While state-wide initiative was never realized, initiative provisions were granted to counties that were not the center of rapid development. Maui and Hawaii provided initiative powers in their charters in 1968, and Kauai followed suit in 1976 during the time in which many city and county governments throughout the country allowed for initiative and referendum provisions (LWV, 1977, 1988; Sandy Beach Initiative Coalition [SBIC], 1991; Schmidt, 1989).

In the case of Maui and Hawaii, initiative provisions were provided prior to the influx of environmental activism and disputing. The city and county of Honolulu, which encompasses the island of Oahu where the bulk of development took place during the 1960s and 1970s, obtained initiative provisions in 1982 only through community activism.

It must be noted, however, that initiative in Hawaii prior to the late 1970s was not a significant political issue. The Democratic party's position on state-wide initiative was a passive rather than an active opposition.

The 1978 Constitutional Convention

The 1978 constitutional convention (con-con) represents the first organized grass-roots advocacy and heated public debate over initiative in Hawaii. By the

late 1970s, Hawaii, like the U.S. mainland, had experienced a decade of environmental activism and disputing. The 1970s had become an era of grass-roots mobilization and heightened political awareness that had given rise to a "citizen participation" or "open government" movement.

During the 1978 con-con/election year many environmentalists, as well as members of grass-roots political organizations like the League of Women Voters and Common Cause, began campaigning for state-wide initiative. Given the rise and popularity of initiative on the mainland, Hawaii activists, many of whom had moved to Hawaii from the mainland in the 1960s and 1970s, also sought initiative as a means to gain a greater access to land use and development decision-making (Boswell, 1978; Pendelton, 1990; Zachary, 1990).

Pressures from environmental and community activism had already resulted in political responses in the form of "slow-growth" rhetoric, greater "standing" status for environmentalists in the state Land Use Commission hearings, and mandates for state and county level planning. At the city level, neighborhood boards were established through which citizens could participate in development planning.

These political provisions for greater political access, however, allow participation in an advisory capacity only. Initiative would actually empower the

people, enabling them to make significant land use decisions, because of the state's highly regulatory role in land use zoning via the Land Use Law of 1961. Vast tracts of lands could be rezoned into conservation districts, for example, thereby obstructing the expansion of the development and tourism industries.

The threat of initiative was rooted in its ever-expanding use on the U.S. mainland. In the context of extensive environmental and land use disputes in Hawaii, particularly on Oahu, state-wide initiative could have a detrimental impact on development.

Organized labor in Hawaii, a close ally of the development industry, along with key Democrats led the opposition to initiative in the 1978 con-con (Liu, 1978b; Woo, 1978). Among the chief opponents were the con-con leaders John Waihee, the present governor of Hawaii and a strong opponent of initiative to this date, and William Paty, the current director of State Department of Land and Natural Resources.

State-wide initiative mobilization met with defeat in the 1978 con-con. The majority of the con-con delegates were supported by and represented labor unions. Many other con-con delegates came to oppose initiative after being promised support by union leaders and Democratic party leaders in their own bids for public office in the 1978 elections (DiBianco, 1978). This defeat occurred despite

the fact that polls had indicated that 86% of Hawaii residents supported state-wide initiative (Social Science Research Institute, 1978).

Honolulu City and County Initiative

Unlike the neighbor islands, Oahu was the seat of massive resort and urban development of the 1960s and early 1970s. As such, while three Hawaii counties had incorporated initiative and/or referendum in the 1960s and 1970s, the Honolulu City and County charter did not allow for initiative powers for adopting county legislation.

In 1972 the Honolulu City and County (HCC), in a response to mounting pressures and criticism of environmentalists seeking a more responsive government and greater participation opportunities in politics, had allowed for initiative to be used in amending city charters but not in proposing and passing actual ordinances (Tuttle, 1990). The limited nature of initiative provision, pertaining only to city charters, also effectively prohibited the grass-roots exercise of power over land use and development decisions. The most significant county-level land use approvals, particularly zoning, are adopted as city ordinances or laws.

The charter initiative should be viewed as a compromise measure. It was designed to deintensify the increasingly aggressive land use disputes by environmentalists and community activists on Oahu without

actually granting them a power to affect land use and development decisions.

In 1981, in anticipation of 1982 elections and a city charter revision, several environmental and political activists led by Callan and McMurdo organized a campaign to secure initiative rights for county level legislation on Oahu (Callan, 1990; McMurdo, 1990). Their strategy was to utilize the charter initiative process to amend the city charter to allow initiative powers in city ordinances ("Drive For Initiative", 1981; "Drive Underway", 1981).

County-level initiative as demonstrated in the case of Nukolii in 1980, Hawaii's first anti-development initiative, had proved a viable tool to prevent undesirable development. The Nukolii dispute, in which plans for a resort development on the island of Kauai were thwarted, also marked initiative as a political opportunity for aspiring politicians to gain extensive publicity.

As such, the role of personal political motivations in pressing for initiative provisions in HCC must not be ignored. In 1981, Callan had decided to run for a HCC council seat in the 1982 election. According to Callan (1990), his decision to take up the charter amendment process to allow initiative for ordinances was a cause which could generate great publicity and popular votes, given the Nukolii's experience, for his impending 1982 election campaign.

In 1982, outside the regulatory control of the state, the charter amendment was passed by the electorate. The measure allowed grass-roots groups to put to ballot proposed land use ordinances having to do with development rights on Oahu.

Initiative Cases in Hawaii

Between 1978 and 1988 Hawaii experienced a rise in the use of initiative by the grass-roots to stop development. These actual uses of initiative as a strategy in land use disputes in Hawaii further illustrates its threat to the expansion of development and tourism industries and political legitimation.

Of the 9 grass-roots initiative campaigns in Hawaii, 7 have been about land use and development issues. Hawaii statistics on land use initiative outcome appear to reflect a national balance of wins and losses. Out of the 7 anti-development land use initiative campaigns in Hawaii, 4 were won by environmentalists and community groups seeking to prevent or limit either housing or resort development (Boylan, 1989). Again similar to the national trend, big expenditure by business interests does not guarantee an initiative outcome. Indeed, in Hawaii, where development capital has out-spent proponents of initiative campaigns by more than 2 to 1, big business has only been able to secure two defeats.

In 1978, environmentalists in Kauai pressured a developer to scale down a proposed resort development by merely starting the initiative process (Hollis, 1982; LWV, 1988). In 1980, again on Kauai, voters approved a referendum to repeal the county council's zoning approval for a resort development in Nukolii. In 1984 the developers launched a counter-initiative that allowed for the resort construction to proceed (Boylan, 1989; Cooper & Daws, 1985).

In 1986 and 1988, the Date-La'au and Fort DeRussy initiative campaigns were launched respectively. Date-La'au rezoned a parcel of land in Honolulu as low-density, thereby thwarting the land owner's development plans. The Fort DeRussy initiative failed to designate an open-space for a military-owned parcel of land in Honolulu (Boylan, 1989; Tagawa, 1988).

In 1988, concurrent with the Sandy Beach initiative, the Hapuna Beach initiative was launched by an ad hoc environmental group to stop a resort development on the island of Hawaii. Unlike Sandy Beach, the Hapuna initiative failed to prevent the proposed development (Clark, 1989; Dooley, 1989; Rothstien, 1987; Thompson, 1988; Wood, 1988).

A brief analysis of these cases illustrates how initiative can politicize the dispute and increase the potential of a political legitimation crisis. Because

initiative requires ultimate public support to thwart development, initiative is often used as a tactic in dispute cases that involve popular recreational locations to which the public has strong sentimental attachment.

Sandy Beach, Hapuna and Nukolii were among the most intense and publicized disputes that each respective island had experienced. All three initiative conflicts generated a great deal of publicity and negative criticism of political officials that were identified as pro-development during critical electoral periods. The Nukolii initiative dispute even led to campaigns of civil disobedience, vandalism and threats of violence against the developer and the mayor of Kauai, an ardent supporter of the project (Cooper & Daws, 1985; Mansur, 1984; Nakamura, 1982; Nicol, 1983).

The intense popularity of these cases made initiative a tool or opportunity for outside contenders or members of the polity to seek or enhance their political position. Both Sandy Beach and Nukolii initiatives were launched with the help of a respective county council member who had plans to run for mayor in the upcoming elections. JoAnn Yukimura, the Kauai council member, was able to displace the pro-development mayor of Kauai in 1982, based on the publicity she generated in her support and mobilization of the Nukolii initiative (Heckathorn, 1989; McGraw, 1986).

In the case of Date-La'au, Mary Jane McMurdo, who had helped launched the Oahu initiative charter amendment, was able to win a senatorial seat during the same 1984 elections (McMurdo, 1990). Similar to Callan, Jerry Rothstein, the key mobilizer in the Hapuna initiative also ran, although unsuccessfully, for a county council seat (Rothstein, 1990).

Thus initiative, because of the popularity of cases and subsequent publicity, represents a threat to the political career of the established politicians who are depicted as sympathetic to or closely associated with the development industry. Initiative politicizes land use disputes in Hawaii by making development an electoral issue in which candidates are forced to take a position and attract highly publicized criticism. Unlike mediated disputes, neither the state nor the development industry is able to demobilize initiative disputes in an informal and quiet manner.

Initiative further politicizes conflicts because, as compared to other land use disputes, they tend to steer away from mediation and negotiation. Of the 32 land and environmental disputes in the 1980s, 14 have either been settled through or show an attempt at mediation and negotiations. Among the initiative disputes, however, Hapuna Beach is the only one in which the grass-roots opponents inquired about the feasibility of a mediation

from the Center for Alternative Resolution (Lowry, 1989). This request came shortly before the 1988 elections and was rooted in the opponents' perception of the initiative's defeat.

Initiative, as an empowering tool, gives the grass-roots a perception of success in thwarting development and make them less willing to compromise their demands. Thus, to the development industry, initiative is invariably challenge of which no amount of counter-mobilization and spending can guarantee its defeat.

Initiative can prevent specific project or potentially be used to impose growth moratoriums, as has been the case on the U.S. mainland. Initiative makes for an unpredictable climate that discourages large-scale investment in massive planned developments. This potential crisis of capital also becomes the crisis of the state.

In the case of Nukolii the Japanese developer, Hasegawa Komuten, a subsidiary of a major Japanese development corporation, divested all future development plans from Hawaii in favor of other U.S. mainland locations (Aotani et al, 1988). Masaji Takahashi, Japan's former consul general in Hawaii, has viewed land use initiative as making Hawaii a threatening place for development investment (Taketa, 1991).

Sandy Beach: The Site-Specific Dispute

The Sandy Beach conflict was an opposition to the plans for the development of 211 up-scale homes. Opposition to this relatively small-scale development project and the subsequent publicity it generated was rooted in the location of the proposed houses directly across from one of Oahu's most popular beaches within a scenic stretch of coastline in East Honolulu (Save Sandy Beach Initiative Committee [SSBIC], 1988).

The opponents of the development stressed that the housing project would make Sandy Beach the playground of affluent home owners and destroy an important scenic resource. Sandy Beach, they contend, is integral to the open-space character of an undeveloped expanse of rugged coastline that provides a precious refuge from urban Honolulu (SSBIC, 1988).

The Sandy Beach housing project was a part of the ongoing expansion of the Hawaii Kai suburban development that started over 30 years ago by Kaiser Development Company on land owned by Bishop Estate. Bishop Estate, the largest private land owner in Hawaii, owns 17% of privately held lands in the state and 22% of privately owned land on the island of Oahu (Sullam, 1976).

In the 1950s Henry Kaiser, a mainland industrialist who, along with many other U.S. investors, had come to recognize the potential of Hawaii's tourism industry.

Anticipating a massive population growth in Hawaii, Kaiser negotiated an exclusive development contract for 6,000 acres of undeveloped land in East Honolulu with Bishop Estate in 1958 and soon after commenced the development of the Hawaii Kai suburb (Hancock, 1983).

In 1986 Kaiser Development Company transferred the ownership and management of a major portion of its real estate holdings nation-wide to Bedford Properties, a real estate company (Stone, 1986). Bedford thus assumed the development rights from Bishop Estate to the already expansive Hawaii Kai area.

The Sandy Beach conflict emerged in April of 1987 in response to Bedford's attempt to obtain a Special Management Area (SMA) permit to begin construction of the 211 homes as a part of the Hawaii Kai expansion. Although the area was zoned by the County as residential as early as 1964, the developer needed to obtain a SMA permit from the city council since 57 of the 211 homes still fell within a SMA boundary. This boundary includes coastlines with unique and fragile natural habitats, historical, cultural, and geologic significance as well as those with scenic and recreational value (Callies, 1984; Hartwell & Brislin 1988; Matsukawa & Alm, 1980).

The Sandy Beach dispute was initiated by the mobilization efforts of HCC council member Bornhorst as well as significant contributions by another council

member, Gary Gill. The council members' launching of the dispute and continued intervention on behalf of the development opponents is linked to their political aspirations.

Bornhorst, a veteran council member, had intended to run for mayor of Honolulu in the 1988 election. Publicity over the Sandy Beach would gain votes for Bornhorst who was known as a maverick pro-environmental politician and who had no support from key Democratic party members or labor unions. Gill was interested in increasing the ranks of the Hawaii Democratic Movement and further solidify his leadership of this progressive Democratic movement in Hawaii (Gill, 1990; Johnson, 1990; Port, 1990).

Bornhorst and Gill insisted that the council hold a public hearing. Bornhorst set out to generate an extensive show of opposition to the development for the upcoming April public hearing. Bornhorst and her staff alerted many environmental organizations and community activists throughout the island ("Artists To Rally", 1987; Bornhorst, 1990a, 1990b; Esterman, 1990; Griffen, 1990; Lynch, 1987).

Bornhorst's networking and publicizing resulted in the coalescing of a core of opponents that would lead the opposition (Esterman, 1990a; Lum, 1990). Many of the opponents had not taken an active step in opposition prior to Bornhorst's effort in publicizing and generating a tremendous turn-out for the hearings. The activists stress

that they were encouraged to fight the development because the outpouring of popular sentiment and support made them more certain of an eventual victory (Esterman, 1990b, 1990c; Lum, 1990). By April, opposition was fully in place and began to gain a great deal of media coverage.

The April hearings, dubbed by the press as the liveliest public hearings in many years, drew large crowds and generated publicity. Over 200 testimonies in opposition to the development were presented in comparison to 17 that were offered in its support (largely by the employees of the development company). The popularity of the Sandy Beach development opposition was also reflected and fueled by the extensive and strongly supportive media coverage of the development opponents ("Helping Sandy Beach", 1988; "Initiative On Sandy's", 1987; "Kaiser Determined", 1988; Kresnak, 1987a; "Let People Decide", 1988; "No On Sandy Beach", 1987; "Sandy Beach Lessons", 1987).

On April 15th the HCC council in a 5-4 vote approved the developer's SMA permit request. The press editorials called the council actions irresponsible and came out strongly in support of the opponents. Bornhorst and Gill were commended for their effort in keeping the "magnificent", "spectacular", and "majestic" coastline unspoiled ("Council Offers", 1987; Kresnak & Matsunaga, 1987; "Sandy Beach Lessons", 1987).

Shortly after the council approval of the development, the core activists formed an ad hoc group called "Citizens for Sandy Beach" (Mathews, 1990a, 1990b). The group decided on the use of initiative soon after the council vote. The initiative would propose an ordinance downzoning the contested parcel of land from residential to preservation in 1988 elections (Esterman, 1990c).

In strategy sessions attended by Gill and Bornhorst, the decision to launch an initiative was finalized (Esterman, 1990a). None of the activists attribute the strategy to any suggestions by Gill or Bornhorst. Again, however, it must be noted that, due to pending lawsuits against the city by the developer in the aftermath of the initiative, the disclosure of such close collaboration between council members and members of the opposition could be damaging or a liability.

The opponents stress that both Gill and Bornhorst did provide information and advice and were supportive of an initiative campaign. Bornhorst in particular had continued to provide "nuts and bolts" guidance on initiative throughout the struggle. She had attended and helped arrange for meetings with land use attorneys and other "experts" such as senator McMurdo, a seasoned initiative leader (Bornhorst, 1990b; Esterman, 1990c).

Within a month, the group was renamed the Save Sandy Beach Initiative Coalition (SSBIC) and filed a suit against the city to invalidate the SMA permit (Esterman, 1990a; Wilson, 1990). This legal action would delay any construction and provide time for the initiative campaign to formally get under way.

According to Chong (1990), a Bedford official, the developer's offers to negotiate was rejected by the opponents. While the opponents deny any negotiation overtures by Bedford, the developer did reduce the scale of its development from 211 to 190 and then again to 175 houses in efforts to appease the opponents and stop the initiative campaign. This compromise was viewed by SSBIC as "totally unacceptable" and did not affect the SSBIC's decision to proceed with the initiative ("Initiative On Sandy's", 1987).

The empowerment potential of initiative is reflected not only in the opponents' resistance to negotiation and compromise settlement, but also in the expansion of their demands. The activists no longer objected to the portion of the development in the SMA boundary and visible from the beach, but as Mathews (1990b) states, "with initiative we decided to go after the whole development" and downzone the entire 30 acres.

Legal effort was undertaken to thwart the Sandy Beach initiative during this early stage of the campaign. In September of 1987 the developer filed a suit against the city seeking to invalidate the Sandy Beach initiative and block the issue from going before the electorate in the 1988 elections. The suit claimed that since the developer had all the proper permits, no downzoning could take place (SSBIC, 1988).

In November of 1987, the Circuit Court upheld the developer's SMA permit in response to SSBIC's suit against the HCC filed in May of 1987. In April of 1988, the court placed an injunction against the Sandy Beach initiative and invalidated zoning by initiative at large (SSBIC, 1988). Land use and zoning decisions, according to the judge, were under the exclusive jurisdiction of the county government and not the citizens (Kresnak, 1987b).

SSBIC was thus forced to appeal the ruling before the Hawaii Supreme Court as the only legal recourse to counter the circuit court's blocking of the initiative (Altonn, 1988; "Kaiser Foes", 1988; Mariani, 1988; SSBIC, 1988). The decision to allow the Sandy Beach initiative now rested with the State Supreme Court.

On September 9, 1988, five months after filing of the appeal, the Supreme Court allowed the Sandy Beach initiative to be placed on the ballot in the November 1988 elections. The high court maintained that it would issue a

ruling on the validity of zoning by initiative at large at a later date (Kobayashi & Yamaguchi, 1988). The Supreme Court would indeed invalidate county land use zoning by initiative after the elections.

The legal decision to allow Sandy Beach initiative to proceed, despite an earlier declaration of its invalidity, is rooted in the legitimation concerns of the polity in the context of electoral competition. During the summer of 1988, the Sandy Beach initiative had generated extensive publicity. It had become a heated electoral issue and a potential legitimation liability because of its ability to generate intense debate on the nature of democratic rights, lack of political representation, and the promotion of development interests instead of popular will ("Initiative Issue Sparks Debate", 1988; Wagner, 1988).

Many political officials in the electoral race, sensing the mounting popularity of the issue, had come out in support of the Sandy Beach initiative. A cue to the popularity of the Sandy Beach was reflected in the SSBIC's ability to collect 29,000 signatures on Oahu during the summer of 1987, 10,000 over the required number. Under media pressure, this stance was essential to avoid a negative image particularly since many of their contenders were attempting to utilize popular sentiment by supporting the initiative. Opposition to the Sandy Beach initiative appeared to be an act of political suicide.

In the mayoral race all the candidates, including the incumbent Fasi who was running against Bornhorst as the lead contender, endorsed the initiative. Even council member Iwase, another mayoral candidate who had voted for the SMA permit, came out in strong support of the SSBIC ("Initiative Issue Sparks Debate", 1988). By the September primaries, 81 candidates for political office, ranging from races for the federal congress to the HCC council, officially supported the Sandy Beach initiative and SSBIC's anti-development position.

Thus, a Supreme Court obstruction of the Sandy Beach initiative could have grave political costs for many established politicians who were either traditionally associated with the development interests or those running against candidates visibly in support of the initiative. The political lessons of the Nukolii initiative was that initiative could result in the ousting of officials and their replacement with pro-initiative candidates.

The Hawaii Supreme Court's decision to allow Sandy Beach initiative to proceed was an obstruction of the developer's interests. By the same token, the political support of many politicians for the Sandy Beach initiative as a means to protect or further their own political careers also acted against the developer's plans.

However, these political and legal responses were made against a single small-scale development in the context of political competition. The political commitment to the Sandy Beach initiative, made under duress, did not detrimentally impact the development industry as a whole. The court and the legislature, with electoral pressures behind them, would invalidate initiative in order to secure a more predictable environment, a basic condition of capital accumulation of the development industry.

However, the political support for the Sandy Beach initiative during the 1988 election was a considerable boost of credibility for the SSBIC. The legitimation pressures on the polity in the case of the Sandy Beach conflict, like the other case studies, served as a political opportunity channel for the grass-roots.

With the transfer of the decision-making powers from the polity to the hands of the electorate and the perception of a near-certain victory of the Sandy Beach initiative, Bedford and Bishop Estate launched a counter-mobilization against the initiative. In October of 1988, a month before the elections, Bedford and Bishop Estate organized a group called "People Who Vote Know" (PWVK). The source of funding and members of PWVK clearly illustrate the interest of the development industry as a whole and labor unions in defeating the initiative (Glauberger & Kresnak, 1988; Kresnak & Clark, 1988).

Debates flared shortly before the elections. They focused on the merits of initiative, integrity of the land use planning and regulatory process, and, more fundamentally, the meaning of democracy (Glauberman, & Kresnak, 1988).

Bedford and Bishop Estate spent \$396,662 in October of 1988 compared to SSBIC's spending of \$85,000 in over a year. However, the well-funded campaign of the developer and land owner failed to ensure the defeat of the initiative (Dooley, 1989). In November of 1988 164,000 Oahu voters overwhelming approved the Sandy Beach initiative, in a 2 to 1 margin, to downzone the 30 acre parcel of land from residential to preservation.

Zoning by Initiative: The Policy Dispute

The Sandy Beach initiative victory did not mark the end of the dispute for the SSBIC. Post-election political intervention in the dispute which invalidated the land use zoning initiative was accompanied by a reversal of earlier political support expressed for the Sandy Beach initiative.

With the eventual invalidation of initiative by the Hawaii Supreme Court, the conflict transformed into a policy dispute over the validity and restoration of land use initiative powers. State intervention, in the form of a legal ruling, also had a major impact on grass-roots strategy. SSBIC had to take its struggle from winning the hearts and minds of the people with respect to specific

development to one which became contained and eventually defeated within the legislative arena.

The Supreme Court Invalidation

In April of 1989, five months after the elections, the Hawaii Supreme Court upheld Bedford's SMA permit but did not issue a ruling on the initiative however ("Court Upholds", 1989). The high court appeared hesitant to pass a general ruling on county zoning by initiative measure.

The court's hesitancy was reminiscent of and a possible repeat of its past reluctance to issue a ruling on such a controversial matter. In the Date-La'au case, the Supreme Court had deferred a general or even a case-specific ruling on zoning by initiative (Esterman, 1991a; Howell, 1990; "Sandy Beach Project", 1989).

In May of 1989, the court, under pressure from the HCC, declared county zoning by initiative to be invalid. The underlying basis for this eventual invalidation of the initiative in 1989, as opposed to earlier years, must be understood in the mushrooming of Japanese capital investment and its resultant development boom in Hawaii that had begun in 1985. The Sandy Beach initiative was a small-scale development and did not involve Japanese corporate investment. However, the Sandy Beach dispute provided legal and political opportunity to invalidate initiative in order to eliminate a growing threat to the future foreign investment in Hawaii that was essential for

the expansion of Hawaii's fundamental industries, tourism and land development.

Japanese corporations have appeared eager and, in fact, seem to compete with one another to invest in Hawaii real estate and development. However, unchecked land use initiative powers introduce an unacceptable level of unpredictability that could eventually dampen investment flow to the islands in favor of other "less threatening" locations (Taketa, 1991a, 1991b). Nukolii initiative had demonstrated that the outflow of capital investment can become a reality. In the latter 1980s, with the development boom and Japanese capital investment in full swing, the potential of initiative, if left undaunted, could have had industry-wide ramifications particularly for large-scale resort and residential development projects that depend on foreign capital.

With the onset of the Hawaii Supreme Court hearings on the initiative issue in May of 1989, the SSBIC's attention became fully focused on the issue of land use initiative at large. During the court hearings pro and con arguments centered on the legal ambiguity over initiative. Attention was focused on the interpretation of the state's county enabling law which does not specifically deny or permit county-level zoning by initiative (Hawaii Revised Statute, 1985).

The SSBIC argued that since the state grants zoning powers to the counties, the exercise of initiative must be left to the counties. SSBIC attorneys stressed that Hawaii's home rule state constitution stresses that any power not expressly denied by the state is retained by the county. As such, the right to do away with initiative is not the prerogative of the state.

On the contrary, Bishop Estate and Bedford stressed that zoning is the exclusive power of the counties. Initiative was further depicted by the development interests as contrary to the state's policy of long-range comprehensive planning (Yamaguchi, 1989a).

Reflecting and reaffirming the development interests, the court interpreted the existing state county enabling law as only granting the counties zoning and other land use decision powers. Zoning by initiative was declared as inconsistent with the state's policy of long-range comprehensive land use planning (Kier, 1990; Yamaguchi, 1989b).

Bishop Estate promptly described the court's ruling as a clear statement showing the world that Hawaii is not anti-business ("Sandy Beach Project", 1989). This sentiment and the fear of discouraging foreign investment in development would be stressed extensively at the ensuing state legislative hearing.

The court's decision was recognized by the SSBIC as a much greater loss to the environmentalists in exchange of their victory in stopping the Sandy Beach development. A SSBIC activists accused politicians for getting "the chicken for the developers and we got the feathers... as a small reward, we get Sandy Beach" (Ohira, 1989).

This realization renewed the SSBIC's commitment to "win back" the zoning by initiative right at the state legislature. Their slogan changed from "Save Sandy Beach" to "Restore zoning by initiative" ("Proponents Gear To Take Initiative", 1989).

The Legislative Struggle and Defeat

The court's decision to rule on the basis of the state enabling law shifted the dispute to the state legislative arena where it was certain that initiative rights would not be restored. The SSBIC's only alternative in restoring the initiative was through introducing bills in the 1990 legislative session to amend the state's enabling law to specifically grant county zoning by initiative powers.

The court refrained from basing its ruling on a constitutional grounding option, thereby effectively barring the SSBIC to appeal its case to the Federal Supreme Court which in the past had upheld the power of initiative. According Callies (1990), a land use attorney affiliated with development interests, the State Supreme Court could

have based its invalidation decision on "due process" grounds.

In due process reasoning, land use initiative would be invalidated on the grounds that it deprives land owners and developers from their constitutional rights to due process guaranteed by the 14th amendment of the U.S. Constitution. The due process arguments are also strongly linked to the 5th Amendment's eminent domain clause that prohibits the "taking" of property without just compensation (Epstein, 1989; Goetz, 1989).

The high court did not rule on this ground because, as Callies (1990) also stresses, such a ruling would have made the issue a federal case (Yamaguchi, 1989b). This, in turn, would allow the SSBIC to appeal the ruling to the Federal Supreme Court where the upholding of land use initiative was a certain outcome.

In 1976 the Federal High Court upheld the validity of municipal land use initiative. This general ruling was made in response the "Eastlake" case where residents of an Ohio town overruled a county zoning approval granted to a developer through a referendum process. The developer's suit eventually reached the Ohio Supreme Court which found the initiative and referendum to be in violation of the due process clause of the 14th Amendment and thus unconstitutional (Goetz, 1989).

In response to an appeal, the Federal Supreme Court heartily endorsed the validity of initiative and referendum. The court celebrated initiative and referendum as a "basic instrument of democratic government" and compared it to New England town meetings as "a practical and symbolic part of our democratic processes" (Goetz, 1989).

The federal upholding of initiative still has allowed the state-level supreme courts the ability to eliminate municipal land use initiative within their own jurisdictions. Since the Eastlake decision, Idaho, Washington, Pennsylvania, New Mexico, West Virginia, and Texas Supreme Courts have either invalidated or curtailed land use initiative. In all cases the courts have refrained from repeating the original Ohio due process grounding of their ruling. They either declared initiative as a quasi-judicial process and thus off-limits to the electorate, or, as in the case of Hawaii, they have ruled on the basis of state and county enabling laws (Goetz, 1989).

Without access to the Federal Supreme Court, SSBIC's potential in restoring land use initiative powers was effectively stamped out. Once in the legislature, SSBIC activists could no longer appeal to public sentiment. Rather, their strategy had become limited to lobbying and testifying before state law makers who had full power to

invalidate land use initiative by not acting on the proposed legislation.

However, legislators still faced a great deal of publicity and public criticism for their actions, particularly since much of the intense debates centered on sensitive issues such as the fundamentals of political representation and community autonomy. Thus, legitimation concerns, even after the elections, appear to be very much an issue.

The SSBIC still was able to attract media attention because of the momentum of the Sandy Beach initiative campaign. SSBIC's press statements criticized Hawaii politicians as deliberately promoting development interests. The court's decision was depicted as a part of a larger effort by government officials, bankers, developers and large land owners to take away the people's right to initiative (Ohira, 1989; "Saving The Beach", 1989).

Given the heightened politicized nature of the conflict, it was indeed a wary and cautious legislature that eventually refused to restore land use initiative. Shortly before the opening of the 1990 legislative session, the press called the land use initiative the most important and "troublesome" political issue facing the politicians in decades (Yamaguchi, 1989c). The statement attests to the sensitivity of initiative as a political issue and the dual

and contradictory role of the state in maintaining a legitimate image under public pressure while promoting the interests of capital.

In the summer of 1989, in anticipation of the January opening of the 1990 legislative session, state legislators no longer expressed their support of initiative as they had during the 1988 elections. Instead, they appeared apprehensive about publicly opposing it.

With the legislative session approaching, many law makers refused to go public with their position on initiative. In January of 1990, 68% of the 76 legislators polled had declined to declare their support or opposition for county land use initiative. Adding poignancy to this silence, the legislators themselves had commented that the pro-initiative forces would have a "tough time" getting their law passed (Kier, 1990).

The legislative silence is thus not a sign of support but a unwillingness to attract public criticism for their lack of support for initiative. Lawmakers who had refused to identify themselves had commented in the press that legislators were afraid of not being re-elected in the upcoming 1990 elections (Hosek, 1990c).

The legitimation concerns of the polity is well founded. As early as the 1978 con-con, polls had indicated a high level of public support for initiative (Kier, 1978). In November of 1989, prior to the start of the 1990

legislative session, polls indicated that 71% of the survey respondents had agreed that Hawaii voters should have the right to enact zoning laws by initiative (Brislin, 1989). Moreover, this majority support for initiative is reflected across ethnic, income, age, and education boundaries ("Initiative Poll", 1989).

The top Democratic leadership's opposition to initiative, however, was known publicly. Governor Waihee, who had been a long-time opponent of land use initiative since his days as the majority leader of the 1978 con-con, had reiterated his opposition to initiative. In addition, the House Speaker and Senate Majority leader had also stressed that they opposed land use initiative (Kier, 1990; Yamaguchi, 1989b, 1990a, 1990b).

Interestingly, the press also appears less supportive of the SSBIC and initiative with the approach of the legislative session. The two major daily newspapers took a neutral position over initiative and refrained from endorsing initiative as they had done with respect to the Sandy Beach initiative. One paper went so far as to state that merely arguing that initiative is the people's democratic right is not sufficient ("Saving The Beach", 1989). In addition, the SSBIC was no longer portrayed as a bold and heroic grass-roots force.

The Supreme Court's invalidation of initiative channeled and contained the struggle within the state legislature. However, this intervention also resulted in a widening of the scope of the dispute both in terms of transforming it into a policy conflict and, as such, pitting the development industry as a whole against a broader spectrum of environmental activists. The conflict was no longer limited to Bedford and Bishop Estate versus the SSBIC.

By the start of the legislative hearings the SSBIC, now renamed the Sandy Beach Initiative Committee (SBIC), had managed to mobilize many environmental organizations. Environmentalists and political activists offered over a 100 testimonies in support of initiative.

Anticipating a considerable show of force by the initiative supporters, the development industry, consisting of large land owners, developers, labor unions, construction businesses, and real estate companies, launched an initiative counter-attack beginning in October of 1989. Over a hundred testimonies were also offered by these individuals at the legislative hearings.

Two front organizations were formed, the People Opposed to Initiative (POI) and Good Neighbors Good Planning (GNGP). Funded by development interests, these two organizations began a \$249,000 television and press ad campaign and geared for a show-down at the state

legislature (Borreca, 1990; Dayton, 1989; Hooper, 1990; Hosek, 1990a; Mariani, 1989).

This overwhelming mobilization of the development industry does demonstrate the threat of initiative to the development industry, but the mobilization should not be viewed as the industry's perception of political support for initiative. Rather, based on the legitimation concerns of the state law makers and the popularity of the issue, such an anti-initiative show of force was necessary to justify the state's actions to uphold the Supreme Court's invalidation.

A review of the testimonies offered in February and March of 1990 during the legislative hearings as well as interviews and press reports, illustrates the perceived threat of initiative by the development industry. Initiative opponents brought up several non-issues largely as a smoke screen. But, mingled within these, strong statements were made as to the threat of initiative to production and accumulation of development capital.

The non-relevant issues were used as scare tactics aimed to portray initiative as threatening. The development industry, reminiscent of the 1978 con-con, depicted initiative as a threat to minority rights whereby a barrage of legislation could be enacted against ethnic groups, homosexuals, or women.

With respect to the looming issue of land use, the development industry attempted to equate the situation and interests of Hawaii's large land owners and big developers with that of the average home owner. As such, land use initiative was portrayed as equally threatening to the "humble" home owners (Callies, 1989). Anti-initiative ads presented a scenario in which a fictitious couple, Mr. and Mrs. Hirata, who after years of hard work, could not send their children to college because their backyard was declared a scenic resource by a bunch of environmentalists and subject to island-wide initiative.

The humor in this vignette was unintended. All initiative campaigns in Hawaii had targeted big land owners and developers. The backyards of residential neighborhoods are not subjected to anti-development initiatives because initiative is a time-consuming and expensive affair requiring great mobilization and expenditure of resources. The very precondition of an initiative win is the popularity of the locality. Thus, the issue is not about the violation of the constitutional rights of the "little guy", but about the profit potential of big business.

The intended aim of the message was that "everyone's backyard is fair game" to downzoning and thus any "taking without just compensation" is to depict land use initiative as "the tyranny of the majority" against the constitutional rights of private property. This threat was likened to any

potential violation of freedom of speech, religion, and assembly. Initiative was even described as the "pitfall of democracy" (Callies, 1989).

Anti-initiative testimonies stressed that initiative would result in near-anarchy. The process was described as "mob emotionalism" and "bumper sticker campaigns that would allow special interests to manipulate the uninformed and not very knowledgeable electorate" (Dayton, 1990; Mason, 1990). While the special interests here refer to environmentalists, big business interestingly stressed the menace of big money's ability to influence initiative outcomes (Initiative Testimonies, 1990a, 1990b).

The interests of the development industry lie in the maintenance of the status quo, in which political power over development interests lies in the hands of an accommodating polity not subject to the electoral vote. In this attempt, testimonies portrayed a pluralistic conception of the land use regulatory and planning process and, by extension, the representative democratic institution.

The political tendency to promote development and serve the interests of big land owners and developers is well-documented and even admitted by Davidson (1991), an industry representative. Nevertheless, the existing process was described repeatedly as ensuring a balanced and fair consideration of all interests by expert and neutral

political officials for the overall good of the people. The ability to testify in an advisory capacity in public hearings and planning process was depicted as providing ample opportunity for citizen input, making initiative superfluous.

Moreover, by depicting the elected official as the only legitimate representative of the public's will, all grass-roots activism automatically becomes designated as special interests. This labeling helps portray a manipulative and negative image of the pro-initiative activists.

The most significant theme stressed in many testimonies at the legislative hearings clearly denoted the threat of initiative to the development industry and organized labor. Land use initiative was depicted as making the business climate too uncertain and unpredictable, particularly for the development of large-scale, master-planned projects that are built incrementally over a span of several years. Initiative can not only stop such developments but has the potential for a bigger and more long-term detrimental impact on the development industry by its ability to discourage foreign capital investment in major development projects.

Initiative was repeatedly described as increasing uncertainty and risks in business. Initiative as a wild card would dampen the ability of developers to secure

financing for their projects. Although Japanese investors were not singled out, references were made to Nukolii, in which a giant Japanese investor withdrew all its future development plans from Hawaii.

It must be stressed again that in 1989 and 1990 Hawaii was experiencing the peak of Japanese investment in development of mega-resorts as well as financing over 50% of all non-resort construction in Hawaii. Land use initiative, in the face of a development boom, a resurgence in environmental disputing, and general dissatisfaction about rapid escalation of property values could pose a threat to the expansion of tourism and land development.

The interest of organized labor is integrally linked to that of land owners and developers. Testifying in opposition, labor union representatives stressed that initiative as a threat to the development industry should be eliminated. Growth in development should not be slowed down. Such a slowdown would mean the loss of jobs (ILWU, 1989).

Radcliff (1990), the head of GNGP and a long-time labor organizer, stressed that initiative costs jobs and would worsen the lack of affordable housing and the exorbitant cost of living in Hawaii. His solution to continue growth fails to connect Hawaii's housing crisis, high land and property values with the very expansion of tourism and land development economy.

The Development industry also attempted to interject ethnic and class tensions and antagonism into the conflict along the same lines as in the 1978 con-con. Despite the fact that the majority of all other non-Caucasian ethnic populations, including native Hawaiians, had supported initiative in the November 1989 poll, Radcliff described initiative supporters as a "bunch of well-to-do middle-class haoles mainlanders" (Radcliff, 1990).

The effort to transform the dispute into an ethnic and class conflict was also reflected in non-verbal and symbolic ways. The acronym POI refers also to poi, ground taro root, a staple of native Hawaiian diet. More visibly, the developers and labor leaders had mobilized many Hawaiian construction workers to attend the public hearings.

The SBIC's advocacy for initiative and its participation in the legislative arena reflects the activists' belief in the democratic process. Initiative was depicted as the very essence of democracy, in that power ultimately lies with the people. Numerous references were made to the East European democracy movements with a plea to the legislators not to move Hawaii backwards on the path of political freedom.

Land use initiative, they argued, would not violate due process since it is no different than the legislative act of the county councils. Stressing the haphazard and

pro-growth nature of planning in Hawaii, the proponents stressed that initiative does not violate comprehensive planning. In fact, they emphasized that increased citizen participation and power is an important part of good planning.

Initiative was repeatedly depicted as a tool of last resort rather than a replacement of representative democracy or planning. According to supporters, initiative would serve as a safeguard when politicians failed to represent public will despite all attempts at conveying demands at public hearings.

In these statements, the SBIC and other environmental activists exhibit an understanding of the state-capital relationship that closely approaches Domhoff's power-network conception. Thus, unlike the development industry's neutral portrayal of the state, the environmentalists' testimonies repeatedly implied that big business interests exercise a covert influence and manipulate government officials' decisions (Esterman, 1990a; Mathews, 1990b; Wilkins, 1990; Wilson, 1990).

Missing from this portrayal is an understanding of the systemic constraints of capital on political behavior. The environmentalists by and large do not connect the state's dependency on a growth-oriented tourism and land development economy to pro-development political decisions. The blame is placed on a few corrupt

politicians who promote development interests in exchange for promises of campaign contributions and other favors.

Though efforts were taken to depict initiative as not threatening, the proponents' testimonies do attest to the potential power of the initiative. Initiative was described as a political process or opportunity that would empower the grass-roots to oppose unwanted development. This empowerment can be highly contradictory to development capital's inherent expansion and encroachment. Initiative can be used by grass-roots forces to curb capital expansion and, as such, detrimentally impact a necessary and fundamental condition of production and accumulation of profit.

Moreover, the proponents of initiative in many ways did allude to a political legitimation crisis that initiative would pose. Initiative was repeatedly described as keeping politicians "on their toes". Under the pressure of initiative, or its potential use, political officials face an ever present threat of a highly politicized land use dispute that would focus negative attention on them and result in their displacement by a contender.

As such, initiative clearly illustrates the dual and contradictory role of the state. Initiative heightens the contradictory pressures on state officials by interfering with their attempts at maintaining a legitimate public image while at the same time promoting capital interests.

Initiative would place state officials in a bind in that securing development interests would generate politicized initiative campaigns, while acting against development interests would detrimentally affect long-term economic growth. For the state the elimination of land use initiative served to stave off public display of the state's contradictory role.

However, the killing of initiative at the legislature also posed certain legitimation costs, particularly with the upcoming 1990 elections. Six weeks into the sessions and after five hearings, legislators continued to keep silent on their position on initiative. During the hearings it also became obvious that the bills would be killed in legislative committees (Hosek, 1990b).

This strategy allows bills to be killed without the necessity of committee members having to vote on the bill. Moreover the bill would not go before a full Senate or House vote ("Why Have Committees", 1990). One senator stated that in this way initiative bills would be killed without any legislators having to "look bad before the public--especially during an election year" (Hosek, 1990b).

In March of 1990, the Senate and House killed their respective county land use initiative bills by refusing to pass them out of legislative committees for a full Senate and House vote. No formal vote was taken within the committees (Glauberman, 1990; Hosek, 1990c; Yamaguchi, 1990b; Yamaguchi & Kresnak 1990).

Epilogue: Defeat After Defeat

Following the defeat of initiative in the legislative arena in 1990, the SBIC has continued to maintain its momentum and exert pressure on the state to restore land use initiative rights. The tenacity of the SBIC has been met with the repeated defeat of proposed initiative bills in the past two years as well as attempts by the legislature to appease and, as such, to demobilize and depoliticize the SBIC's activism.

The SBIC leadership mobilized a coalition of environmental and native Hawaiian land sovereignty organizations, called the Aloha Aina Action Congress (AAAC), in February of 1990 in anticipation of the March defeat of initiative bills. Although the aim of the AAAC was never explicitly linked to the initiative campaign, the potential mobilization would enhance the power of the SBIC which was visibly at helm of this newly-formed coalition.

The potential of the AAAC as a political force for initiative or for any other environmental or political cause did not materialize. The abundance of environmental

and land use conflicts and pressing problems rendered concerted action difficult (Aloha Aina Action Congress, 1990a, 1990b, 1990c, 1991). The AAAC did not accomplish anything more than organizing music concerts, meetings, and endorsement of organizational resolutions.

The SBIC's ability to mobilize and sustain the AAAC for two years, nevertheless, attested not only to SBIC's staying power but also its potential leadership of environmental activism in Hawaii. In fact, despite the failure of the AAAC to live up to expectation, SBIC activists were able to make initiative an electoral issue in the 1990 elections. The SBIC, once again, pressured many political candidates to publicly support initiative shortly before the September 1990 primaries (SBIC, 1990).

The SBIC was also able to stage another strong show of support for initiative during the 1991 legislative session. The development industry, in anticipation, also launched an opposition similar to the scope of the 1990 session (Initiative Testimonies, 1991a, 1991b).

For their part, the SBIC had once again amassed a great many individuals representing environmental organizations to testify on behalf of initiative. However, denoting its lack of power at the state legislature, the SBIC proposed amendments to the initiative bill as a compromise effort. The SBIC had agreed to take the bite out of initiative by proposing that any zoning ordinance

adopted by the voters by initiative may be repealed or amended by the county councils within a two year period (Esterman, 1991b).

Even in its neutered form, the development industry, represented by POI and GNGP, opposed the compromise bill. The 1991 legislative session managed to kill the proposed initiative bills ("Initiative Dead For This Year", 1991).

Despite its second defeat, the SBIC returned to the state legislature for the third time in full force. In a repeat performance, the 1992 legislative session also killed proposed land use initiative bills (Kresnak, 1992).

However, the state, in an effort to demobilize the tenacious initiative activism and, as such, avert continued criticism and pressure on itself, introduced a so-called compromise measure. Indeed, the compromise bill was not a compromise at all in that it provided no mechanism for citizens to vote on zoning or other land use issues (Yamaguchi, 1992).

The bill, introduced by legislators, allowed the grass-roots to petition the county councils to simply reconsider their land use decisions. Opponents to development would have 30 days to file an objection and 90 days to gather signatures of 3 to 5% of voters. The council would then have 45 days to reconsider, but not necessarily change, its decision (Morse, 1992).

This "reconsideration" bill refrained from restoring voting rights and, as such, fails to empower the grass-roots in the manner that initiative did. The power to affect development rests with the polity in what the legislators describe as deliberative process rather than popular vote (Yamaguchi, 1992).

The grass-roots opponents would not be able to take development decisions before the electorate. Removing this empowering core, the measure would have given the illusion of more citizen participation channels while inhibiting mobilization and politicization of opposition. In fact, SBIC members describe the measure as a cruel joke on the voters and state that it would not encourage any group to gather signatures if the issue "just goes back to the county" (Morse, 1992).

Thus, this non-initiative "compromise" bill posed no threat to the long-term stability of capital accumulation conditions of tourism and development industries. Unlike initiative, the provision would only delay rather than introduce a major source of unpredictability in the development process.

Nonetheless, the bill was also killed in the 1992 legislative session. Failing to appease the SBIC and their supporters, the legislators cited the bill as being "too tough on the developers" (Kresnak, 1992).

CHAPTER 7

CONCLUSIONS

The dispute case studies have provided an opportunity to examine social movement and disputing activity with the analytic framework of the structural class-centric state perspective. Such an approach contributes to contemporary debates in social movement and conflict analysis by underscoring the economic roots of political intervention in and impact on conflict dynamics.

The study illustrates how state intervention in disputes aims to demobilize and depoliticize grass-roots opposition to development in order to both promote long-term interests of Hawaii's dominant tourism and land development capital as well as avert political legitimation crises. As such, the analysis regards state intervention in disputes, in part, as a reflection of the state's possessing and acting on behalf of its own political self-interest.

However, the study also examines political intervention in conflicts as reflecting and reproducing Hawaii's political economy. The state, it is argued, attempts to secure a disturbance-free environment which is a critical condition of capital accumulation and expansion. The study, therefore, posits the state as well as its response towards social conflicts that seek to curb capital expansion as a component of production and capital

accumulation conditions. In so doing, the study argues that analysis must not only examine the role of the state but also the economic constraints that condition the nature and shape of political intervention in movement and conflict dynamics.

The analysis attempts to anchor the individual dispute case studies within the historically-conditioned and systemic state-capital relationship. As such, the study provides a historical and comparative analysis of Hawaii's two most significant land use policies, the Great Mahele and the Land Use Law. This portion of the study establishes the interdependence of state and capital by demonstrating how two different land use policies, at different historical periods, reflect political attempts to promote and reproduce the production and accumulation conditions of the sugar and tourism industries respectively.

The analysis illustrates how the Great Mahele secured a stable environment necessary for the growth of the sugar industry. The Mahele, by declaring land as a transferable commodity and bestowing land ownership on foreigners, accorded secure and permanent legal titles of land to sugar growers. The Mahele was an essential element that facilitated the expansion of sugar as the dominant industry of Hawaii for over a century.

The Land Use Law of 1961 helped usher in a rapid economic transformation to tourism in response to the decline of sugar in the 1950s. The LUL, a centralized state-wide land use zoning, helped facilitate massive resort and urban development projects by limiting the field of influence in large-scale land zoning. The LUL also afforded a type of land banking in which vast tracts of land, slated for future development, could be kept in agricultural or conservation zones at low tax rates by Hawaii's large land owners.

The analysis shows that spurts in political intervention and regulation correspond to economic crises and transformations. At each historical junction, economic crises and restructuring has corresponded with the advent of a significant land use policy that has served to offset the regional economic decline by promoting the conditions of accumulation specific to the emerging mode of capitalist production.

This historical overview provides a critical vehicle for understanding the roots of Hawaii's contemporary dependence on tourism and land development industries. The state's intervention on behalf of capital as illustrated in the case studies rests strongly on Hawaii's economic dependency on tourism and development.

Most importantly however, the analysis exemplifies the conditioning impact of capital on the state. Land use policies in Hawaii, because of the central position of land as the significant condition of production, have constituted an important element of political change and posit the state as an integral component of the mode of capital production and accumulation. Thus, the origin and transformation of the state in Hawaii is shown to be historically defined and conditioned by the dynamic nature of capital production and accumulation.

As such, the analysis challenges the state-centric depiction of the state as an independent organization separate from capital production and accumulation dynamics. The historical political economy of land use in Hawaii furthers the case studies by demonstrating that the state is not neutral or independent of capital imperatives. The analysis more solidly anchors the state as a component of capital accumulation and strengthens the case studies by demonstrating that capital has historically acted as the organizing framework behind state action.

Indeed, the comparative policy-level component of the study utilizes the same analytic arguments as those employed in the case studies. With respect to both policies and conflicts, the state is depicted as an institution of crisis management which intervenes either in conflicts or through policy formulation in an effort to

secure a more predictable and stable environment for the expansion and accumulation of capital.

The case studies, more specifically, illustrate how political intervention in land use disputes is embedded in and reflects the state's attempt at coping with its dual and contradictory role. In doing so the analysis employs and empirically grounds such abstract concepts as the state's legitimation crisis and relative autonomy in relation to its intervention in and impact on the goals, strategies and outcome of grass-roots opposition.

The case studies illustrate how the state is placed under contradictory pressures to simultaneously promote long-term capital accumulation conditions and secure a neutral or legitimate image in the face of popular demands that seek to curb capital expansion. All 4 case studies show how the state attempts to demobilize and depoliticize grass-roots opposition to development in order to avert a detrimental impact on the fundamental conditions of capital accumulation as well as prevent the emergence or escalation of a political legitimation crisis. Each case, as such, empirically grounds the diverse ways in which the state attempts to neutralize or divert the grass-roots from adopting more confrontational strategies which would pose a threat to both the legitimacy of the state and the expansion of capital.

The concept of political legitimation crises has allowed the incorporation of fundamental state-centric or PPM assumptions within the class-centric framework. The study documents how the state possesses and acts on behalf of its own self-survival interests. The case studies illustrate the ways in which legitimation pressures and concerns of the polity can act as political opportunity structures for the grass-roots to gain concessions.

However, the case studies also show that political concessions to the grass-roots are not anti-capital measures and should be viewed as the exercise of the state's relative autonomy. The study illustrates that the state may act against the immediate interests of individual capitalists or exert pressure to determine the location of development and growth in order to not only avert a political legitimation crisis, but also to promote the long-term interests of the capital class as a whole. The state exercise of relative autonomy is rooted in and serves as a mechanism for the state to cope with its dual and contradictory role.

The state's intervention in the Waiahole-Waikane dispute is analyzed as an exercise of the state's relative autonomy and is rooted in its dual and contradictory role. The ultimate political intervention on behalf of the grass-roots is posited as an effort to demobilize an intense conflict in order to avert both a mounting political

legitimation crisis as well as to promote the long-term interests of the development and tourism industry as a whole.

In the case of Waiahole-Waikane, the grass-roots exhibited an extensive mobilization and support base, militant tactics, an unrelenting focus on the governor of the state, and a potential for broadening the struggle into a more unified movement with a Marxist discourse. The Waiahole-Waikane conflict was able to blossom as a result of heightened environmental and land use activism during the early and mid-1970s. Thus, the struggle was able to fuel an existing climate of political legitimation crises.

The analysis illustrates how legitimation concerns and pressures can create political opportunity structures for the grass-roots, enabling them to secure political victories. However, while the state acts on its own self-survival goals, the conflict also shows that political intervention is constrained by long-term interests of the dominant capital.

While thwarting the ambitions of a single land owner and developer, the state's purchase of the land refrained from posing any obstacles in the expansion and growth of tourism and land development. The state, for example did not put in place bans or restrictions on the rate of development, speculative activity, or development of

agricultural lands. The state's action in the dispute, therefore, should not be viewed as an anti-capital measure.

The state's intervention, in fact, can be viewed as an effort to prevent a detrimental impact on the development and tourism industries as a whole. The governor's intervention reflected the state's efforts to maintain and reproduce the conditions conducive to capital accumulation by the development industry in Hawaii. The governor's action demobilized an opposition that not only intensified political legitimization problems but also posed a threat to the stability of capital.

Land owners and developers were equally concerned with the significant rise of opposition and lawsuits in the 1970s. The intensity of the conflict and its potential for expanding into a larger state-wide anti-eviction and native Hawaiian land rights movement with Marxist overtones could compromise the expansion of development capital by creating a climate of instability and unpredictability for large-scale development. The eventual outcome of state intervention in the Waiahole-Waikane conflict was the demobilization of not only the site-specific dispute but also of the potentially larger land-use rights movement by the landless and poor native Hawaiians.

The political intervention in the recent conflicts over golf course development projects in the Waiahole-Waikane valleys and surrounding areas also reflects an

exercise of the state's relative autonomy. Similar to the original dispute, political intervention in the golf course opposition is rooted in the state's dual and contradictory role. The analysis, likewise, posits the state as seeking to intercept and avert the rise of a larger anti-development movement that would pose a threat to the stability of both the state and capital.

Like the original conflict, the state attempts to demobilize and depoliticize the opposition by providing concessions to the grass-roots in terms of reducing the number of golf course developments in the area. However, the mechanism of this de-intensification in the recent dispute is not through a reactive and last-resort emergency response as it was in the 1970s conflict. Rather, the state adopts a pro-active or pre-emptive strategy of co-optation and control of the grass-roots activism.

The co-optation of the opposition occurred with the state's forming of an informal and behind-the-scenes coalition with the opponents. As the key player, the state has managed to direct and stage a show of opposition to pressure the developers to either relocate the development by exchanging lands with the state or to purchase the development rights of one another. The state's increased intervention in land disputes and its fundamental strategy of directing rather than restricting development are both manifestations of the state's expanding relative autonomy.

At first, political co-optation and actual utilization of opposition may sound incongruous as a strategy of demobilization and depoliticization. However, the state's co-optation of the conflict has resulted in the demobilization of the opposition in terms of diverting the opponents from launching a larger anti-golf course development movement on Oahu.

The state has exercised a tremendous influence on the goals and strategies of the grass-roots. Without the state's intervention, the opposition would have focused against all golf course development in the area and possibly island-wide. Since their cooperation with the state, the community opponents work to implement the state's authority of directing development.

Political intervention in reducing the scale of development is a reflection of Waiahole-Waikane's proven track record for militant opposition. The state's efforts were thus attempts to pre-empt a legitimation crisis similar to the one caused by the original dispute. The participation of the state as "partner" has thus far depoliticized the opposition in that the opponents have refrained from targeting or criticizing the state.

Like the original struggle, the second Waiahole-Waikane case study illustrates how legitimation concerns act as political opportunity structures for the grass-roots to obtain concessions. In this case, the opponents'

history of near insurgency pressured the state to divert the development away from the area.

However, the state's action must not be viewed as anti-capital. On the contrary, the state admittedly encourages development and expansion of the tourism industry. State intervention in the golf course conflict is a manifestation of the state's intent not to limit but rather to direct golf course development, a policy which has been emphasized in the state's foreign investment report. The state does not seek to reduce golf course development state-wide. Instead, it seeks to exercise its relative autonomy to direct development away from sensitive areas with a high potential of community opposition.

State intervention in the golf course conflict serves to secure the long-term interests of the development capital by demobilizing a potentially bigger dispute with an aim to ban golf courses. Unchecked opposition could have a discouraging impact on the flow of capital investment in development, particularly during the peak of Japanese investment. Under the state's directive, the opposition is geographically contained and no longer poses a potential threat to mobilize an island-wide ban on golf course development.

The unprecedented top-level political intervention in the facilitation of a mediated settlement in the West Beach dispute is also a political effort to demobilize and

depoliticize the opposition. The case study of the West Beach dispute also posits the state's intervention as an attempt to secure both a legitimate image as well as protect capital accumulation conditions. Thus the political promotion of mediation, similar to the state's intervention in other dispute cases, is depicted as a reflection of the state's attempt at dealing with dual and contradictory pressures.

The case study grounds Hofrichter's assertions that mediation and negotiation serve as political tools to depoliticize and demobilize by establishing an informal, friendly and cooperative atmosphere. In the case of the West Beach dispute the state, in collaboration with development and tourism industry officials, launched an elaborate and culturally and spiritually-laden mediation. This was done in an effort to defuse the anger of native Hawaiian opponents and secure their ultimate agreement to a compromise which allowed the development to proceed in full-scale in exchange for limited concessions. These concessions, ultimately, were not delivered or implemented as promised by the developer.

The political demobilization and depoliticization of the West Beach dispute is rooted in the legitimation threat it posed to the state as well as to the development and tourism industries. The West Beach dispute was not large and well-mobilized nor did it have the potential of

launching a larger anti-development movement. However, the conflict did pose an imminent threat of becoming violent during a gubernatorial election year.

An intense confrontation by native Hawaiian activists, with near-certain media attention, would harm the chances of the lieutenant governor's run for the governor's seat as the first part-Hawaiian candidate. Thus, once again the case analysis illustrates how political legitimation concerns serve as political opportunity structures for the grass-roots to induce state intervention and exact limited concessions.

Political intervention in the resolution of the dispute also reflects an attempt to secure the expansion of development and tourism capital by providing a stable environment. Political intervention began with the threat by the Japanese corporate investor to withdraw from and thereby destroy the project.

The West Beach dispute posed a serious threat to the growth of Hawaii's top industries, tourism and construction. The massive scope of the project, and its integral link to Second City development in the Ewa plains of Oahu, would render any site-specific threat a threat to the development industry in Hawaii.

Also, any significant obstacle to the mammoth project and its accompanying escalation of the conflict was perceived to have a discouraging impact on future Japanese

investment in development in Hawaii. Japanese investment had begun to take off in 1985 and, by 1986, was viewed as a lucrative source of finance for boosting a rather stagnant development climate. Thus, the unprecedented top-level political involvement in the facilitation of the mediation and settlement reflects the state's dependence on tourism and development.

The informal and unseen intervention on the part of the state served to maintain its legitimacy as a neutral agent and allowed for a deeper and more flexible penetration by the state to demobilize and depoliticize the opposition. The informal nature of the mediation, the friendly approach of key political and corporate elite helped give a false sense of empowerment to the activists and defused their anger and mistrust and, most importantly, inhibited them from pursuing confrontational strategies. The community opponents, as a result agreed to a package of very limited concessions.

The settlement agreement failed to address the fundamental concerns of the opponents. Concerns over the eventual dislocation of poor native Hawaiians from the land due to increasing land/rent values were never answered. Also, the developer's promise of funding an aquaculture operation to ostensibly promote economic self-sufficiency in the community was drastically reduced.

Moreover, intervention by the governor as the chief post-settlement mediator has help further disempower the grass-roots. Through the efforts of the governor, the activists have abandoned their involvement in environmental and archeological monitoring as was originally envisioned in the agreement.

The practice of negotiation and mediation, thus, allows the state to straddle its dual and contradictory role. It helps the state avoid highly public and intense criticism from opposition. Mediation also allows the state to quell opposition without obstructing specific development projects and without detrimentally impacting the accumulation condition of capital. It eliminates pressure on the state to put a cap on development or speculative practices.

The case-by-case approach of mediation allows the state to maintain the pace of development at only slightly higher production costs for the developer. In exchange, however, it allows for a predictable environment for expansion at an escalated pace without regard for the cumulative social and environmental impact of development and the long-term survival of impoverished communities.

The study's final case, the Sandy Beach initiative dispute, like the other three case studies, posits the state's intervention as a reflection of Hawaii's political economy and the state's dual and contradictory role. The

Sandy Beach dispute illustrates how the state's invalidation of land use zoning initiative was an attempt to eliminate a source of instability and unpredictability for the expansion of development and tourism industries. The state's action also was a reflection of its own legitimation interests and concerns.

The case study illustrates that land use zoning initiative was stamped out because, unlike mediation, it politicizes and mobilizes opposition rather than de-intensifying it. Mediation and negotiation, as a form of dispute intervention and management, contain conflicts within informal settings in which political and industry officials can diffuse the anger and opposition of the grass-roots. By promoting a sense of partnership, friendship and trust, especially when community opponents know they have little power to halt the development, compromises are achieved in which development projects proceed in exchange for concessions.

In contrast to mediation and negotiation, which is highly encouraged and promoted by the state, land use initiative empowers the grass-roots in Hawaii by enabling them to take the development decision-making power out of the hands of the polity and place it before the electorate. Grass-roots opponents become less inclined to settle for compromises and more inclined to pursue their

fight because of their perceived greater potential of victory.

Given the increasing use of initiative as a strategy of opposition in Hawaii, the state was faced with the prospect of dealing with many intense future disputes. These conflicts would not only threaten the growth of tourism and development but would also impose legitimation pressures on the state.

Initiative politicizes land use and environmental disputes and creates a legitimation crisis, particularly since campaigns must be undertaken during critical electoral periods. Because initiative campaigns are generally about popular development issues, they generate a great deal of media coverage.

Initiative disputes almost always become hot electoral issues and serve as political opportunity structures not just for the grass-roots but also for some political contenders to gain publicity and votes. The Sandy Beach dispute was launched and greatly facilitated by a polity member who was a contender in the mayoral race. The displacement potential of initiative disputes serves as a threat for many polity members who become severely criticized by development opponents.

The Sandy Beach dispute illustrates again how political legitimation serves as an opportunity structure for the grass-roots. Many political candidates, sensing

the popularity of the issue, publicly supported initiative thereby generating greater publicity and support for the cause.

Nevertheless, while many politicians supported initiative once the issue was before the public, land use initiative and political support for it was scrapped once electoral pressures were lifted. The killing of land use zoning initiative on the part of the state not only eliminated the prospect of having to face an ever-increasing use of such highly politicized and mediation-resistant disputes, but also reflected an effort to do away with a source of instability and unpredictability for the expansion of development and tourism industries.

The nearly balanced odds for defeating anti-development initiative opposition creates an unpredictable climate for the development industry. The cumulative impact of such oppositions could be detrimental to land owners and developers' ability in securing capital investment from abroad.

Given the popularity of initiative on the U.S. mainland and its increasing use in Hawaii, a greater use of anti-development initiatives could be anticipated. Moreover, similar to some other states, initiative campaigns in Hawaii could go beyond opposing specific development projects and begin to seek greater growth control measures. These trends could have a dampening

effect on the inflow of investment capital in large scale, master-planned projects.

The Sandy Beach dispute illustrates the inherent contradictions of democratic capitalist states. The analysis illustrate how the state curbs a form of participatory democracy because it poses a threat against capital expansion. Initiative empowers the very political mobilization that arises in reaction to the expansion of capital and seeks to limit that encroachment and political promotion of it. Land use initiative power was eliminated by the state because it would repeatedly bring to the surface and publicly expose the dual and contradictory role of the state.

The above case studies have helped anchor the state's intervention in and impact on grass-roots opposition in land use and environmental disputes within a structural class-centric framework. Viewing the state as an institution of crisis management, the study has documented how depoliticization and demobilization of grass-roots opposition allows the state to cope with and stave off the contradictory pressures that operate on it in its attempt to secure the stability of capital as well as the state itself.

The dispute case studies posit state intervention as an attempt to intercept social conflicts to avert political legitimation crises. As such, the case studies incorporate

the state-centric assumptions of the political process model that the state is a variegated and complex organization with its own self-survival interests. Legitimation pressures and concerns of state officials have been shown to provide certain opportunities for the grass-roots to extract concessions.

However, the case studies illustrate that the state's legitimation crisis is not only independent of but is rooted in capital contradictions. It is the expansionary logic of capital and the state's promotion of that expansion that leads to the emergence of opposition and social movements.

The crisis of the state is not limited to its more immediate legitimation concerns. Because of the state's dependency on the expansion of tourism and development, any force that threatens the conditions of production and accumulation of these dominant industries is invariably a threat to the state.

The demobilization and depoliticization efforts of the state with respect to anti-development struggles are thus a reflection of Hawaii's political economy. The state, through its effort to create a disturbance-free environment, emerges as being a fundamental component of the capital accumulation condition.

The ultimate aim of the study has been to integrate a Poulantzian-informed class-centric approach with social movement and environmental dispute analysis. The study has argued that the political process model, as a theoretical approach to social movements, can and must incorporate and account for the economic roots of political intervention in movement activity and conflicts. The perspective needs to overcome its weakness by developing a broader notion of the state as an institution which is historically and structurally conditioned and constrained by capital imperatives.

The study also attempts to show that the new social movement perspective can benefit from concentrating on concrete state-movement interaction and dynamics. While many scholars within the perspective take the structural state-capital relationship as given, their approach to social movements often remain at the broad macro-psychological level.

The aim of the study is to neither oppose nor berate the politics-specific assumptions of the political process model or the cognitive approach of the new social movement perspective. Rather, the objective is to show that theoretical and empirical accounting of certain social movements and conflict requires a political economy understanding that is provided by the structural class-centric state theory.

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