



## Kingdom of Hawai'i

Sovereign Nation of God

Majesty Akahi Nui  
P.O. Box 2845  
Moku'aina O Walluku, Moku'uni o Maui,  
Ke Aupuni O Hawai'i

Telephone (808) 575-2060

Fax (808) 575-9095

Re: Truth, Freedom and Justice

Aloha

I, Majesty Akahi Nui, King of the Hawaiian Islands, indigenous aboriginal inhabitants Na Kanaka Maoli Hawai'i nationals and Hawaiian citizens of the lawful independent nation, am of 100% royal blue blood lineage of **Liloa (k)** and **Akahi-a-Kuleana (w)** from both paternal and maternal sides and direct lineal descendants of King Liloa, King Umi-a-Liloa, King Kamehameha I, II, III, IV, V, King Piilani King Kahekili My sixth great grandmother Akahinui (w) is the seventh wife of sixth great grandfather Keouakupuapaikalani the father of King Kamehameha the first.

Please find this is a very informative documentary that tells you of what has happen to our NATION. January 16, 1893 The Seed of Poisonous Tree of Doctrine (unlawful overthrow committed by U.S. and the U.S. military force. (4) Executive Council S.B. Dole, J.A. King, P.C. Jones, W.O. Smith, who administered the Executive Departments of their unlawful Government which consisted of (14) members S.B. Dannon, A. Brown, L.A. Thurston, F.F. Morgan, J. Emmeluth, H. Waterhouse, J.A. McChesney, F. Wilhelm. W.R. Castle, W.G. Ashy, W.C. Wilder, C. Bolte, was planted and it bears branches The *illegitimate* Provisional Government, *illegitimate* Republic of Hawai'i, *illegitimate* Territory of Hawai'i and now The *de facto* state of Hawai'i the perpetuation from the Poisonous Fruits of the Poisonous Tree of Doctrine criminal act). We are also seeking recognition for our nation the Kingdom of Hawai'i from the foreign nations. The Kingdom of Hawai'i is of Na Kanaka Maoli (Hawaiian) people and has always been in existence as long as God permits our race to live. Our sovereignty comes from God.

Whereas the indigenous Na Kanaka Maoli (Hawaiian) people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States. (U.S.P.L. 103-150 11/23/93)

Whereas the well-being of the indigenous Na Kanaka Maoli Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. (U.S.P.L. 103-150).

- The indigenous Na Kanaka Maoli were the original inhabitants of the island archipelago, Hawai'i. Na Kanaka Maoli (Hawaiian people's) oral traditions are passed on through chants, legends, myth and *mo'oku'auhau* or genealogies, and trace the origins of the ancient ancestors. Na Kanaka Maoli are a part of nature and nature is a part of them. In Na Kanaka Maoli language term which expressed this harmonious fundamental relationship was *lokahi*, unity. Related terms expressing this fundamental relationship was "*aloha'aina*," love the land "*malama'aina*" care for and protect the land.
- *Aloha'aina*, love the land, aloha in *Ke akua*, love of God, *aloha kekahi i kekahi*, love one another, expresses the three precepts which formed the core of Na Kanaka Maoli philosophy, world view and belief system. It is important for a Na Kanaka Maoli to sustain supportive, nurturing and harmonious relations with the land, Akua and each other, particularly our 'ohana or extended family.
- Na Kanaka Maoli traced their lineal ancestry to historical figures and ultimately, through them, to various deities and god of the land, ocean, forest and nature.
- The land and all nature was the source of existence for Na Kanaka Maoli not only as the origin of humanity, but also as the source of natural resources for day-to-day subsistence. Na Kanaka Maoli related to the land as an ancestor and dear friend giving its various moods at different times of the year, nurturing it with loving care. They did not possess or own the land or its abundant resources. This was inconceivable. Instead, they maintained steward ship over it planting and fishing according to the moon phased and the changes from rainy to dry seasons. The traditional Na Kanaka Maoli access to the resources they would need for subsistence and to allow for steward ship over the land to the lineal descendants associated with particular ancestral and *akua*.
- The recognition of the Kingdom of Hawai'i was always in existence.<sup>1</sup> The U.S. invasion in 1893. By virtue of its sovereign integrity as a member of the international community, Hawai'i had exclusive jurisdiction over its nationals within its defined territory, i.e., the Hawaiian Islands, the authority over such process by which the United States of America and her creation, the state of Hawai'i, now asserts its jurisdiction over the indigenous Na Kanaka Maoli, Hawaiian citizens acting within the Hawaiian territory are several:

1- the laws of nations including treaties, and customary international laws.

---

<sup>1</sup> This memorandum uses the term Kingdom of Hawai'i and a number of other terms to refer to as the nation of Hawai'i, the Hawaiian Kingdom, Hawaiian nation. The term nation here is not meant to be in derogation of the full international rights and privileges of those entities termed "states" or "nation-states" in international law but instead should be read with equal status with those.

2- internal laws of sovereign nations.

3- the United Nations Charter and subsequent U.N. acts to carry out the terms of the charter.

We begin from January 16, 1893, a time when there can be no debate of the legal international status of two states - Hawai'i and the United States of America.

Both of these states were recognized in the international community as sovereign. Among the attributes of sovereignty were the exclusive right of a state to govern and exercise jurisdiction over its own citizens within its territories.<sup>2</sup>

Sovereignty remain in effect for states unless and until certain circumstances occur which properly changes the relationship between such states and other states or changes the relationship citizens and territories to existing states.

What are the those circumstances which were appropriate to have affected the change in lawful relationship between four international bodies the Kingdom of Hawai'i, the United States of America, Indigenous Na Kanaka Maoli, (Hawaiian citizens) and Hawaiian territory? The continued exercise of U.S. jurisdiction over Hawai'i is unlawful.

#### **A. Under Traditional International Law Principles**

a. On January 16, 1893, the nation of Hawai'i was recognized as a sovereign and independent nation equal in international rights as other similarly recognized nations of the world. The Hawaiian nation had treaties and executive agreements with other nations and peoples, including the United States of America, Belgium, Bremen, Denmark, France, the German Empire, Great Britain, Hamburg, Hong Kong, Italy, Japan, Netherlands, New South Wales, Portugal, Russia, Samoa, Spain, Swiss Confederation, Sweden, Norway and Tahiti.<sup>3</sup>

b. As of January 16, 1893, the United States of America was equally recognized as a sovereign and independent nation equal in international rights as other states of the international community.

c. The laws of nations which included both international customary laws and the treaties in existence between the nation of Hawai'i and the United States of America were binding upon these two nations regarding their conduct towards one another.<sup>4</sup>

---

<sup>2</sup> Schooner Exchange v. McFaddon 11 U.S. 116, 135 (1812)

<sup>3</sup> Digression from the Spirit of Self-Determination and Hawaiian Sovereignty, pp. 5-6

<sup>4</sup> See Grover Cleveland's Message to the Joint Houses of Congress, December 18, 1893. Richardson, A compilation of the messages and Papers of the President: 1789-1908, Vol. IX (1993)

d. The United States of America conspired to overthrow the Hawaiian nation and committed aggression against the nation of Hawai'i in violation of international law.<sup>5</sup>

e. As a direct consequence of the U.S. misconduct, a puppet regime was established in Hawai'i, denominated first, the Provisional Government, and later the Republic of Hawai'i.<sup>6</sup>

f. The Provisional Government and the Republic of Hawai'i were not governments of the people, by the people, or for the people but were primarily the creatures of the minority Anglo-Saxons who believed in the doctrine of divine right of the minority to govern the majority.<sup>7</sup>

g. The United States of America executed treaties of annexation with *de facto* governments promoted and supported by the United States of America, i.e., first, the Provisional government in 1893, and the Republic of Hawai'i in 1897.<sup>8</sup>

h. Queen Lili'uokalani wrote letters of protest to president Benjamin Harrison and to the President-elect Grover Cleveland who was about to take office.

When President Grover Cleveland took office, he rejected the request of the Provisional Government to annex Hawaii.

The majority of the na Kanaka Maoli petitioned United States against annexation of their nation. The heading on Hui Aloha 'Aina's petition read: PALAPALA HOOPII KUE HOOHUI AINA "Petition Protesting Annexation"<sup>9</sup>

i. On November 1896 William McKinley, a Republican, was elected president of the United States, replacing the Grover Cleveland. McKinley was inclined to annexing Hawaii. In early 1897 McKinley agreed to meet with a committee of annexationists, L. Thurston, F. Hutch, and W. Kinney. In June 1897 McKinley signed treaty of annexation with representatives of the Republic of Hawaii.

## **B. Under Internal Laws of the United States of America**

a. Both treaties of annexation were never consented to by two-thirds (2/3rds) of those presented in the United States Senates as required of all treaties in accordance with the U.S. Constitution.<sup>10</sup>

---

<sup>5</sup> Cleveland's Message, *infra*, U.S. Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i, S.J. Res. 19, 103d Congress, 1st Sess, PL 103-150 (107 Stat 1510) 1993

<sup>6</sup> See note 3 pp.14-15

<sup>7</sup> See *infra* at pp13-14

<sup>8</sup> See note 3 pp. 13-14

<sup>9</sup> Ku'e: The Hui Aloha 'Aina Anti-Annexation Petitions 1897-1898, compiled by Nalani Minton and Noenoe K Silva

<sup>10</sup> U.S. Constitution Art. 2, sec.2

b. The organic act presumptively extending U.S. citizenship (sec. 4) to Hawaiian citizens and descendants of them as well as asserting jurisdiction over the territory (sec.2) and citizens of Hawai'i was not properly grounded in that it was based upon the previous resolution on 1898 of annexation of Hawai'i (The Newlands Resolution, *infra* note ).<sup>11</sup>

c. Subsequent applications of laws by the United States of America upon citizens and activities engaged within the territorial limits of Hawai'i were based upon a presumption of appropriate taking of jurisdiction over Hawaiian citizens and Hawaiian territories. These applications of law are only as valid as the foundations provided by the joint resolution of annexation of 1898<sup>12</sup> and the Organic Act of 1900. But if the instrument of annexation is illegitimate, all subsequent acts founded on the initial act are equally unlawful.

**Fruit of Poisonous Tree Doctrine bears the poisonous fruits  
you shall be known by your fruits**

What is happening to United States of America "in God we Trust"  
and its *de facto* state of Hawai'i.

### C. Under U.N. Process of Decolonization

a. Independent of the historical international relationship between the nation of Hawai'i and the United States of America by virtue of the U.S. membership in the United Nation specifically, under Article 73 of the U.N. Charter, the U.N. Charter obligated the United States of America and other metropolitan states found in similar circumstances, as a matter of sacred trust, to *bring about self-government* of people within territories.

b. The United States of America has continued assertion of jurisdiction over Hawai'i territory and its citizens,<sup>13</sup> Unknown to most of the people in Hawai'i, in 1946 under the charter of the United Nations at Article 73, the United States was charged with bringing self-government to Hawai'i.<sup>14</sup>

c. The Hawai'i "statehood" vote, the U.S., reported to the U.N. that it "had met its responsibility" under Article 73. Believing this to be true, the U.N. General Assembly by Resolution 1469 (XIV) in 1959 relieved the United States of America of further responsibility to report to the U.N. on Hawai'i.

---

11 See note 3 pp. 12-15

12 Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895

13 See note 3 pp. 16-22

14 Principles Which Should Guide Members in Determining Whether of not an obligation Exists to transmit the Information. Called for in Article 73(e) of the Charter of the United Nations, Annex to GA Res. 1541 (XV) of 15 December 1960

The U.N. General Assembly subsequently adopted its Declaration on the Granting of Independence to colonial Countries and People, (GA Res. 1514 (XV) 14 of December 1960) and formed the Special committee On The Situation with regard to the Implementation of the Declaration on the Granting on Independence to Colonial Countries and People. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did *not* meet the standard of self-governance required under Article 73. The exercise of self-determination in Hawai'i has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have *had only to a form of integration within the United States of America (territorial status or statehood), not to independence.*<sup>15</sup>

### **CHRONOLOGICAL FACTS OF STATEHOOD**

On August 21, 1959, Hawaii *illegitimately* became a fiftieth state when U.S. President Dwight Eisenhower declared that "the procedural requirements imposed by the Congress on the State of Hawaii to entitle that state to admission into the Union have been complied with in all respects."

While the colonial establishment has subsequently annually celebrated August 21 as a State holiday, only since about 1990, have we Kanaka Maoli begun to learn that the 1959 Statehood process was a fraud.

- In 1946, at the time of the founding of the United Nations (UN), Hawaii was placed on the UN List of Non-Self-Governing Territories (colonies) eligible for decolonization as a consequence of the U.S.'s forced annexation of Hawaii in 1898.
- According to the UN Charter, Chapter XI, Article 73, the U.S., as the administering (colonizing) power in Hawaii, had a sacred trust... to ensure, with due respect for the culture of the people concerned, their political, economic, social and educational advancement... and to assist them in the progressive development of their free political institutions." The U.S. intentionally failed to fulfill this "sacred trust" responsibility to the colonized Kanaka Maoli people.
- Instead, aware that the UN was under pressure to refine a decolonization process that was to become General Assembly Resolution (UNGAR) 1514 in 1960, the U.S. moved to ensure that Hawaii (and Alaska) would be incorporated as states of the Union before 1960.
- March 12, 1959, the U.S. Congress passed the Hawaii Statehood Admission Act (PL.86-3), before a vote on the issue by the colonized Kanaka Maoli people, in violation of the Kanaka Maoli right to self-determination.

---

<sup>15</sup> The Admission Act of March 18, 1959, Pub Law 86-3, 73 Stat 4.

- Later, on June 27, 1959, a Statehood Plebiscite in Hawaii posed only one option on the ballot: immediate statehood. The colonial establishment trumpeted statehood as "equal opportunity and autonomy." The only other (unstated) option was for Hawaii to remain as a territory. No reference was made to two other options-independence or free association-as provided by UNGAR 742 of 1953.
- All U.S. citizens in Hawaii, including U.S. military personal, were permitted to vote, instead of only the colonized Kanaka Maoli people who were the only island residents eligible for the exercise of self-determination and who comprised only 16 percent of the resident population. The vote outcome was as predicted with a large majority in favor of immediate statehood.
- On September 17, 1959, unknown to the general public, the U.S. misinformed the UN the "Alaska and Hawaii had attained full measure of self-government as admitted states."
- On December 12, 1959, without public announcement, the misinformed UN General Assembly approved Resolution 1469 noting that " the people of Alaska and Hawaii have effectively exercised their right to self-determination and clarified some specific features, conditions and outcomes of the UN decolonization process:
  - The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the UN and is an impediment to the promotion of world peace and cooperation.
  - All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - Inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.
  - All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.
  - Immediate steps shall be taken, in Trust and Non-Governing Territories or all other territories which have not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.
  - Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nation.

The colonized Kanaka Maoli in particular have never been publicly informed of the foregoing historical events.

This history does not appear in textbooks and is not taught as part of the core curriculum in the island colonial schools.

### C. STATEMENT OF CASE:

a. The U.S. is obligated to conduct itself in international affairs in accordance with international law.

The U.S. Constitution has incorporated treaties of the United States of America with other states as "the Supreme Law of the Land; and the Judges of every State shall be bound thereby<sup>16</sup>." The U.S. Constitution explicitly recognized the validity of international law when it conferred to Congress the right to define and duty to punish offenses against the law of nations.<sup>17</sup> The United States Supreme Court has already stated that it must take judicial notice of international customary law.<sup>18</sup>

• "The United States has concluded that it has a trust obligation to indigenous Hawaiians because it bears a responsibility for the destruction of their government and the unconsented and uncompensated taking of their lands. U.S. Solicitor General Seth Waxman to the U.S. Supreme Court"<sup>19</sup>

While international law may differ from municipal, internal or domestic laws in that internal laws have a system of enforcement while the enforcement of international law is uncertain at best, the fact that a law is enforceable doesn't make it law. Rather, the fact that it is law demands its obedience, whether enforceable by arms or by moral conscience.<sup>20</sup> Grover Cleveland, in addressing the joint houses of the U.S. Congress, declared that:

The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace.

The U.S. Constitution itself requires courts to view treaties as part of the Supreme Law of the Land<sup>21</sup> **Furthermore, it is a fundamental doctrine of International Law that a state may not excuse itself for violations of international law on the basis that its municipal constitution or laws permitted violations of such international laws.**<sup>22</sup>

Thus, every court in the United States is obligated to look beyond the mere legislative pronouncements of the Congress and hold up these transactions of the U.S.

---

16 U.S. Constitution, Art. VI.

17 U.S. Constitution, Art. 1 sec.8 Piracies & felonies-10

18 The Paquete Habana: the Lola 175 U.S. Reports 677 (1900)

19 Ka wai Ola o OHA vol 16, number 8, 'Aukake 1999 pg. 1 & pg.9

20 See Fitzmaurice, "The Foundations of the authority of International Law and the Problem of Enforcement," 19 Modern L. Rev. 1, 1-2, 8-9 (1956); Weston, Falk and D'Amato, International Law and World Order, West Publishing Co. 1980 p. 116 et seq.

21 U.S. Constitution Art. VI

22 Werner Levi, Comemporary International Law: A Cincise Introduction, Westview Press, Colorado, 1979 at p. 25; Article 13, Declaration of Rights and Duties of States adopted by the International Law Commission 1949; The judgment at Nuremberg, 1 International Military Tribunal, of the Major War Criminals 171 (1947)



government with regards to Hawai'i against the backdrop of international law and the Constitution of the United States.<sup>23</sup>

B. The transactions engaged in by the U.S. in its dealings with Hawai'i in accordance with international law in its pattern of conduct attempting to annex Hawai'i to the U.S..

The United States had formally recognized Hawai'i as an international personality, **recognizing the Nation of Hawai'i as a sovereign, independent nation state**. The treaty of Friendship, Commerce, Navigation and Extradition (hereafter FCN&E) proclaimed November 9, 1850, declared, "There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors."<sup>24</sup>The U.S. was to violate this treaty time and again.

By 1873, U.S. Minister to Hawai'i Henry Pierce, bent on annexation, informed U.S. Secretary of State Fish that annexation would be achieved only if "...the planters, merchants and foreigners... will induce the people to overthrow the Hawaiian Government, establish a republic, and then ask the United States for admittance into its Union"<sup>25</sup> The U.S. government was not limited to merely writing letters between high officials. On January 15, 1873, Major General and commander of the United States Army Military Division of the Pacific, John Schofield, (formerly Secretary of War) and Brigadier General B.S. Alexander of the Corps of Engineers, arrived in Hawai'i pretending to be on a vacation. Instead, they were spies to report about "the defense capabilities of [Hawai'i] different ports and their commerce facilities, and to examine any other subjects that may occur to you as desirable, in order to collect all information that would be of service to the Country in the event of war with a powerful maritime nation. They submitted a secret report on the great value of Pearl Harbor as a port to provide a safe harbor to protect several hundreds ships. This report was kept secret until 1897 when it was declassified to support annexation in Congress.<sup>26</sup>

By 1882, the U.S. President administration was engaged in encouraging the destabilization of the Hawaiian government through discussion with Lorrin Thurston. The Arthur administration assured Thurston that the U.S. government would look with great favor to an annexation treaty should there be a revolt and overthrow of the Hawaiian monarchy and a new government formed.

The U.S. government subsequently sent to Hawai'i annexationist John L. Stevens, as its Minister Plenipotentiary. Stevens was well known as an annexationist. As editor of the Kennebec Journal for time, in partnership with U.S. Secretary of State Blaine, he and Mr. Blaine wrote numerous articles for the annexation of Hawai'i.<sup>27</sup> On

---

23 See also Schooner Exchange v. McFaddon, 11 U.S. 116, 135 (1812)

24 Art. 1 p. 908 William M. Malloy, Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers 1776-1909, Vol. 1, Washington, Government Printing Office, 1910.

25 Letter from Pierce to Fish, February 17, 1873, house Executive Document, 53 Congress 2nd Session, Washington, D.C. 1895, hereinafter cited as the Blount Report, p. 153; Rich Budnick, Stolen Kingdom: an American Conspiracy, Aloha Press 1992, pp.36 & 37.

26 Budnick at p. 37&38; Blount Report at pp. 153, 154, &158.

27 P. Laenui, "Three Days in January" The Overthrow if the Hawaiian Monarchy, a companion

March 8, 1892, he requests instructions from Blaine on how far he may deviate from established international rules and precedents in order to advance the goal of destabilization and annexation of Hawai'i.<sup>28</sup>

By 1892, U.S. Harrison administration, itself, as on the same course as the Arthur administration 10 years earlier, encouraging Thurston toward the destabilization of Hawai'i.<sup>29</sup> On the 17th of January, 1893, through the connivance of the U.S. Minister plenipotentiary, with Thurston, the Hawaiian monarch was forced to yield her authority to the U.S. government by the aggression of the U.S. military upon Hawaiian soil.<sup>30</sup>

Every one of these acts was in violation of international law, both as a matter of customary international law<sup>31</sup> as well as the FCN&E treaty. They were also in contradiction to the much earlier declaration of the U.S. President to the Congress on December 31, 1842, recognizing Hawai'i independence and pledging never to take possession of Hawai'i.<sup>32</sup>

In Article 6(a) of the Nuremberg Charter, we find Crimes Against Peace; namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.<sup>33</sup>

The United Nations General Assembly at its first session in 1946 recognized the principles set out in the Nuremberg Charter.<sup>34</sup>

The United States committed crimes against peace under the law of nations by planning and implementing the use of force to overthrow the Hawaiian monarch without any provocation by her official representatives. United States President Cleveland in addressing the joint houses of Congress on December 18, 1893, stated it accurately when he said, "candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States." The United States Congress, in its apology bill signed by President Clinton on November 23, 1993, was equally explicit when it stated:

---

booklet to a Nine Hour Radio Broadcast of the Event of the Century, Hawaiian National Broadcast Corporation, Honolulu, 1993 at 12.

28 Ibid at 10. Blount Report p. 182

29 Gavin Daws, Shoal Of Time: A history of the Hawaiian Islands, U.H. Press, 1974, p. 266.

30 President Grover Cleveland's Message to the Congress of the United States on December 18, 1893, Executive Doc. no. 47, 53rd Congress, 2nd Session, House of Representative; Apology Bill, PL. 103-150; Liliu'okalani, Hawaii's Story by Hawaii's Queen, Tuttle Press, Tokyo 1965

31 "acts of aggression constitutes international crimes against the human species." Unanimous resolution of 18 February 1928 of 21 American republics at the Sixth (Havana) Pan-American Conference. International Law & World Order, Note 20, supra, at p, 155; By 1893, acts of aggression were already contrary to international law in the Americas and in the South Pacific. Kazi Aktar Hamid, Self-Determination: The Case Study of Hawai'i, Dissertation for the degree of the Doctor of Laws (LL.) 4 November 1991, University of Ottawa, p. 246-247.

32 Dispatch from Pageot, French representative in Washington, to Guizot, French minister of Foreign Affairs, no. 55, June 11, 1844, AMAE (Paris), Etats Unis, Vol. C.

33 Judicial Decisions, International Military Tribunal (Nuremberg). Judgment and Sentences; 41 American Journal of International Law 174 (1947).

34 U.N. General Assembly Resolution 95(1), U.N. Doc. A/6. at 188 (1946).

"On January 14, 1893 John L. Stevens...the U.S. minister ...conspired with a small group of non-Hawaiian residents of the Kingdom of Hawai'i, including citizens of the United States, to overthrow the indigenous and lawful government..."<sup>35</sup> The U.S. Congress concede that the government of the Kingdom of Hawai'i was the lawful government at that time, and that an official agent of the United States government conspired to overthrow the government of Hawai'i. The United States government is bound by the actions of its agents, of its ministers.<sup>36</sup> The President was bound by the actions of the minister. The United States government conspired to overthrow the lawful government of the Kingdom of Hawai'i, which was an internationally illegal act at the time it was done, and is currently acknowledged by President Clinton and congress.

The next paragraph continues, "pursuant to the conspiracy... naval representatives called armed forces to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian government buildings and the (Iolani) Palace to intimidate the Queen Liliu'okalani and her government."<sup>37</sup> Congress significantly calls an invasion an invasion. That is what it was, a clearly illegal act, an invasion in violation of treaties and international agreements, an invasion in violation of international law, and an invasion in violation of the United States Constitution the overthrow of a lawful government.

Under the international law when you have a violation of treaties of this magnitude, the World Court has ruled that the only appropriate remedy is restitution.<sup>38</sup> The Kingdom of Hawai'i, that is our independent nation state. This is the appropriate remedy.

The Public Law goes on from here, reciting the sorry history of what happened, the establishment of the provisional government.<sup>39</sup> Well, that is not entitled to any

---

35 Apology Bill, PL. 103-150, Cleveland's Message, *infra*, U.S. Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i, S.J. Res. 19, 103d Congress, 1st.Sess, PL. 103-150 (107 Stat. 1510) 1993.

36 See Nuclear test case (Austl. v. Fr) 1974 I.C.J. 252 (Dec. 20). where the International Court held that:

It is well recognized that declaration made by way of unilateral acts, concerning legal or factual situations, may have the effect of creating legal obligations. Declaration of this kind may be, and often are, very specific. When it is the intention of the State making the declaration that it should become bound according to its terms, that intention confers on the declaration the character of a legal undertaking, the State being thenceforth legally required to follow a course of conduct consistent with the declaration. All undertaking of this kind. If given publicly, and with an intent to be bound, even through not made within the context of international negotiations, is binding. *Id.* at 267. (holding France bound to statements made by government ministers). *But see* Personnel Management v. Richmond, 496 U.S. 414 (1990) ("The United States is neither bound nor estopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.")

37 Overthrow of Hawai'i Resolution, Public Law No.103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510.

38 Case concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 47 (Sept. 13). *But see* J. Patrick Kelly, *The Changing Process of International Law and the Role of the World Court*, 11 Mich. J. International Law 129, 159(Fall 1989) ("actual practice indicates that compensation is now governed by the doctrine of unjust enrichment rather than a right of restitution").

39 "Whereas, on the afternoon of January 17, 1883, a Committee of Safety that represented the

legitimacy at all. It was imposed by raw, naked, and brutal military force, at the point of a bayonet, (gunboat diplomacy), just as was practiced in many other countries, only here now Congress has finally admitted this.

The next paragraph points out that the establishment of this provisional government was without the consent of the Native Hawaiian people or the lawful government of Hawai'i, and violated all of the international treaties and agreements.<sup>40</sup> So under international law, you would not call this provisional government. You would call it a government of military occupation. That is, we had military forces here and then we had a civilian arm of the military occupying regime.

Therefore, this "provisional government" referred to in the Public Law is really the civilian arm of a military occupation force. That was the predecessor to the current government of Hawai'i that administers to us. Again, following the implications of that law, the state government of Hawai'i occupies a similar position to that provisional government. The federal military forces here keeping it in power.

We then come to the statement by our precious so loved Queen Liliu'okalani, "that I yield to the superior force of the United States of America,"<sup>41</sup> She made it very clear that this statement and her later abdication were procured under duress and force. It could not be treated by anyone as a valid surrender of sovereignty by the Native Hawaiian people at all and she made that very clear in this language. She was simply bowing to superior power, but NOT as a matter of right or of law.<sup>42</sup>

In a parallel case communicating with the World Court, the Owen-Stoltenberg plan<sup>43</sup> to partition the republic of Bosnia and Herzegovina, was concluded, by means of threats and duress, compulsion and coercion. It was therefore invalid, under international law and the Vienna Convention on the Law of Treaties.<sup>44</sup> Our Queen Liliu'okalani a very powerful person, and preserving the rights of her people under duress, she committed an act now seen as "under extreme duress".

The law goes on, with Congress admitting that [w]ithout the active support and intervention by the United States... the insurrection...would have failed for lack of

---

40 American and European sugar planters, descendants of missionaries, and financiers disposed the Hawaiian monarchy and proclaimed the establishment of a provisional government." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

"Whereas, the United States minister thereupon extended diplomatic recognition to the Provisional government that was formed by the conspirators without the consent of The Native Hawaiian people to the lawful government with Hawaii and in violation of treaties between the two nations of international law." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

41 Overthrow of Hawai'i Resolution Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510 1511.

42 See Case Concerning Application of the Convention on the Prevention and Punishment of The Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia), 1993 I.C.J. 325 (Sept. 13).

43 See Alan C. Laifer, Note, *Never Again? The Concentration Camps in Bosnia Herzegovina; A legal Analysis of Human Rights Abuses*, 2 New Eur. L. Rev, 159, 187 (Spring 1994).

44 "A treaty is void if its conclusion has been procured by the threat or use of force on violation of the principles of international law embodied in the Charter of the United Nations." Vienna Convention of the Law of Treaties, *supra* note 12, at art. 52.

popular support and insufficient arms.<sup>45</sup> And in 1893 "the minister raised the flag and declared Hawai'i to be a protectorate of the United States."<sup>46</sup> They did not protect anything, did they? Was there a need to protect Hawai'i from itself, from its own people? Who was threatening Hawai'i at that time? It was the United States. They needed protection from the United States, so this is absurd. Hence, The occupation was entitled to no legal validity at all at the time and is not now. That is basically what Congress is saying.

The Blount Report states that "military representatives had abused their authority and were responsible for the change in government."<sup>47</sup> Again, this is further admission that the United States acted illegally under international law. The implication then, of these admissions by Congress, by the Blount Committee, is that there must be restitution.<sup>48</sup> Na Kanaka Maoli (Hawaiian) people, Na po'e O Hawai'i have a right to be returned to the situation they were in, as of January 17, 1893. The federal government disciplined the minister and forced him to resign his commission. The overthrow should be reversed. The President could have done it if he wanted to; he just did not do it.

President Cleveland's message to congress admitted all this. "An act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress."<sup>49</sup> The President clearly admitted that this was illegal behavior of the most heinous type. A "substantial wrong" was done, calling for the restoration of the Hawaiian monarchy.<sup>50</sup> The United Nations Charter.<sup>51</sup>

The Newlands Joint Resolution<sup>52</sup> provided for the annexation of Hawai'i in 1893. Where is the authority for this? There is none. They stole the land, the country, displaced the government, and now they have annexed it. This very issue was addressed by the Nuremberg Tribunal in 1945, where German Nazi government tried to maintain that some of the annexations of foreign territory that it had undertaken before and during the Second World War were entitled to legal recognition. The Nuremberg Tribunal itself in 1945 said, "no annexations are valid prior to the conclusion of a peace treaty."<sup>53</sup>

---

45 Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

46 Overthrow of Hawai'i Resolution, Public Law 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

47 *Id.* ("Presidential established investigation conducted by Congressman James Blount into the events surrounding the insurrection and overthrow").

48 See Nark A. Inciong, Note, *The Lost Trust: Native Hawaiian Beneficiaries Under the Hawaiian Homes Commission Act*, 8 *Ariz. J. Int'l & Comp. L.* 174, 191 n.34 (1991) ("The Blount Report ... found that the overthrow ... had been illegal ... and that Liliu'okalani [should] be restored to power").

49 "whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

50 Overthrow of Hawai'i Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

51 U.N. Charter, art. 1, & 2.

52 Newlands Resolution, Public Law No. 55, 30 Stat. 750 (1898).

53 "[I]t was held that, by 1939, the rules on belligerent occupation [that it does not transfer

The United States government and the President conceded that they engaged in acts of war, that they are occupying our land and that they put themselves at war with our people.<sup>54</sup> The United States annexation has no validity under international law. The U.S. have effectively, in this law, invalidated the entire annexation. The whole legal basis for it now been invalidated.

The annexation of the land is invalid, then where does the title come from, who has title to the land? It is Na Kanaka Maoli (Hawaiian) people who retain title to the lands of Hawai'i, as a matter of international law. It is not the federal government, not the state government, but Na Kanaka Maoli (Hawaiian) people themselves. That is the implication here. The truth of the findings of facts and conclusions of law are now officially set forth by Congress.

"[T]he Newlands Resolution, the...Republic of Hawai'i ceded sovereignty over the Hawaiian Islands to the United States."<sup>55</sup> But the Republic of Hawai'i<sup>56</sup> never had sovereignty over the Hawaiian Islands. We have already determined the Republic of Hawai'i was the civilian occupying arm of a military occupation forces. Sovereignty remains in the hands of the displaced sovereign. This is black letter international law.<sup>57</sup>

"The Republic of Hawai'i ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawai'i, without the consent of or compensation to Na Kanaka Maoli (Hawaiian) people, or sovereign government."<sup>58</sup> The Republic had no authority to do this. The Republic of Hawai'i was a military occupation authority, the civilian arm, without any sovereign claims to the land under the laws of military occupation and the laws of war. So they had no power to cede anything. The title to the land rested and still rests, under international law, with the Kingdom of Hawai'i Na Kanaka Maoli (Hawaiian) people.

Our Kanaka Maoli Hawai'i, Hawaiian people of the Kingdom of Hawai'i cannot "trespass" on our own land. The trespassers are the state of Hawai'i, the land developers, the golf courses, and the resorts. What this fact does is point out that the whole situation is completely turned around on its head. It now changes the whole way that these U.S. and state authorities should be looking into this matter. The federal government is the trespasser and the criminal. The Kingdom of Hawai'i is Na Kanaka Maoli (Hawaiian) people asserting our rights under international law. This reversal of positions between who is the criminal and who are the VICTIMS, and between who is asserting their RIGHTS and who is violating our rights has been effectively conceded by Congress.

---

sovereignty] been recognized by all civilized nations and were regarded as being declaratory of the law and customs of war." George Shwwarzenberger, 2 International Law 165 (1965) (citing Nuremberg Judgment, International Military Tribunal, Cmd. 6964 at 65 (1946)).

54 Overthrow of Hawai'i Resolution, Public Law 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510.

55 *Id.* at 1510.

56 Mililani B. Trask, *Historical and Contemporary Hawaiian Self-Determination: A Native Hawaiian Perspective*, 8 Ariz. J. Int'l Comp. L. 77, 91-95 (1991).

57 "[A]nnexation of occupied territory is a violation of international law... Title to the territory in question must not change until there is complete subjection (*debellatio*) or a peace treaty has been put into effect." Gerhard Von Glahn, *Law Among Nations* 768 (1992).

58 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

Universal Declaration of Human Rights.<sup>59</sup>

Article 25 of Declaration provides that "everyone has the right to a standard of living adequate for health, well-being of themselves and their family, including food, clothing, housing, medical care and necessary social services."<sup>60</sup> In 1994 a survey was done in the state. Na Kanaka Maoli (Hawaiian) people were ranked #1 as highest in poverty, ill health, homelessness, and imprisonment. The state of Hawai'i has no right to throw anyone of our Kanaka Maoli (Hawaiian) people out. Where is the governments right?

Article 18 of the Declaration provides that "everyone has the right to freedom of thought, conscience, and religion. This includes freedom to manifest his religion or belief in teaching, practice, worship, and observance."<sup>61</sup> The state of Hawai'i, real estate developers, or resort developers, has no right to destroy any of what our ancestors have created as Heiau to worship on our lands or burial sites to respect. Under Article 18.

"Whereas, the Congress...annexed Hawai'i...and vested title to the lands in Hawai'i in the United States.<sup>62</sup> This is clearly illegal. The annexation was invalid. The United States cannot get title from the Republic of Hawai'i because the Republic of Hawai'i never had title in the first place. They had no sovereignty. They were nothing more than a military occupation power, and a military occupation power cannot validly transfer title to land. Again, black letter international law.<sup>63</sup> The occupying power cannot sell land legally. You cannot transfer land title. It does not make it lawful, but invalid. It's illegal. Occupying power cannot sell land legally. All transactions that were done, are all invalid. It is illegal. It's all arguably, they are obliged to leave, and not to stay.

The law goes on to state; "Where, the Newlands Resolution effected the transaction between the Republic of Hawai'i and the United States government.<sup>64</sup> The Newlands Resolution is entitled to no validity at all, since it is based on an illegal invasion, a violation of treaties, and a violation of the principle of *pacta sunt servanda*.<sup>65</sup> Many numerous and repeated violations of law have accrued as a result of this.

Congress admits that "the indigenous Kanaka Maoli (Hawaiian) people never directly relinquished their claims to ... inherent sovereignty... through a plebiscite or a referendum.<sup>66</sup> The U.N. General Assembly subsequently adopted its Declaration on the Gantion of Independence to Colonial Countries and peoples, (GA Res. 1514 (XV) of 14

---

59 Universal Declaration of Human Rights, G.A. Res. 217 (III) U.N. GAOR, 3d Sess, 61.

60 *Id.* at art. 25.

61 *Id.* at art. 18.

62 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

63 "Belligerent, occupation does not transfer sovereignty. Instead it transfers to the occupant the authority to exercise some rights of sovereignty." Von Glahn, *supra* note 58 at 774. *See also*

64 Overthrow of Hawai'i Resolution, Public Law, No. 103-150 1993 U.S.C.C.A.N. (107 Stat.)1510, 1512.

65 *See* Martin Hession, *The Legal Framework of European Community in International Environmental Agreements*, 2 New Eur. L. Rev. 59, 103 (Spring 1994).

66 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

December 1960) and formed the **Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples**. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did meet the standard of self-governance contemplated under Article 73. The exercise of self-determination in Hawaii [Hawai'i] has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have had only to a form of integration within the United States of America (territorial status or statehood), not to independence.<sup>67</sup> The vote is meaningless, as a matter of international law and of United States domestic law. Pursuant to the principle of self-determination in article 1, Paragraph 2 of the United Nations Charter.<sup>68</sup>

The Public Law more admissions "Whereas, the long-range economic and social changes in Hawai'i over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people."<sup>69</sup> A survey done in Hawai'i in 1994 the Hawaiian people rank number 1 in poverty, ill health, homelessness, and imprisonment. The Hawaiian people have been subjected to the international crime of Genocide, as determined and defined by the 1948 Genocide Convention,<sup>70</sup> and the 1987 Genocide Convention Implementation Act,<sup>71</sup> the Proxmire Resolution. That was one of the findings of the San Francisco Tribunal. The key findings held here concerning Hawai'i *Ka Ho'okolokolonui Kanaka Maoli*.

In the International Court of Justice, they have been convinced that Genocide is going on in Bosnia-Herzegovina,<sup>72</sup> There is no reasonable doubt my next step is the World Court. GENOCIDE has being practiced by the United States government against Na Kanaka Maoli Hawaiian People. This will take my people, Na Kanaka Maoli back to the creation of a nation and will bring protection for Na Kanaka Maoli (Hawaiian) people and the Hawaiian Citizens of Hawai'i. I, Majesty Akahi Nui, King of the Hawaiian Islands will not at all even consider what Secretary Babbitt is considering as the same status as Native Americans. My people are not even as close to the same status of a Native American. My people are Na Kanaka Maoli Hawai'i and the people not of the race are Hawaiian citizens.

---

67 U.N. Charter art. 73, The Admission Act of March 18, 1959, Public Law 86-3, 73 Stat. 4.

68 U.N. CHARTER art. 1 paragraph 2

69 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

70 Convention on the Prevention and Punishment of the Crime of Genocide, January 12, 1951, 78 U.N.T.S. 277.

71 Genocide Convention Implementation Act of 1987, Public law no. 100-106, 102 Stat. 3045 (1987).

72 See Case Concerning Application of the Convention on the Prevention and Punishment of The Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia, 1993 I.C.J. 325 (Sept. 13.)



"It is proper and timely for Congress to acknowledge the historic significance of the illegal overthrow."<sup>73</sup> It had no validity at all.

The Resolution then addresses support for the reconciliation efforts.<sup>74</sup> Under international law for a violation of this nature, the remedy is restitution.<sup>75</sup> To set right the harm that has been done to restore the situation to what it had been before the violation in 1893. See the *Chorzow Factory case*.<sup>76</sup>

Section 1, acknowledgment and apology.<sup>77</sup> The law again repeats, "illegal overthrow." the significance of the various "whereas" clauses were "resolved by the Senate and House of Representatives of the United States of America, in Congress and Senate, and signed by the President."<sup>78</sup> This provision of the law recognizes the illegal overthrow and "acknowledges the historical significance of this event which was ultimately the suppression of the inherent sovereignty."<sup>79</sup>

Paragraph 2 apologizes for the overthrow "with the participation of agents of the United States."<sup>80</sup> The U.S. government again is responsible for the actions of its ministers, Congress now calls these people "agents" Their illegal conduct, binds the United States government. The United States government is under an obligation to undo the harm that was done. But even if the United States does not, I, Majesty Akahi Nui and my Na Kanaka Maoli (Hawaiian people) have our right to act to undo the *curse of injustice* in the World Court It is presently active in the World Court. The rest of the sentence reads, "the deprivation of the rights of Native Hawaiians to self-determination."<sup>81</sup>

Congress has conceded that the Native Hawaiian peoples have the right to self-determination. Self-determination of the people is under the U.N. Charter provides a rights to full sovereignty.<sup>82</sup>

Paragraph 4 expresses its commitment to acknowledge the ramifications.<sup>83</sup> The ramifications, and the implications, of the overthrow of the Kingdom of Hawai'i.

The definition section, Congress defines Native Hawaiians as "any individual who is a descendant of the aboriginal people, prior to 1778...occupied and exercised sovereignty, in the area that now constitutes the state of Hawai'i."<sup>84</sup> Our right to determine our political status, our government, through customary systems, and to freely pursue our economic, social, and cultural development in accordance with article 1 of

---

73 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

74 *Id.*

75 Case Concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 1 (Sept. 13).

76 *Id.*

77 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

78 *Id.*

79 *Id.*

80 *Id.*

81 *Id.*

82 U.N. CHARTER art. 1, paragraph 2.

83 Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

84 *Id.*

both the International Covenant on Civil Political, Economic, Social, and Cultural Rights.<sup>85</sup> This affirms that the Kingdom of Hawai'i is still in existence. The descendants of the aboriginal people still lives which affirms the existence of the Kingdom of Hawai'i. The sovereign authority of these lands.

I, Majesty Akahi Nui has been recognized by the illegitimate government that I am a descendant of 1778 on 12th of March 1998.

It is not the state or the federal government, but the Hawaiian people. The sovereignty is still and will always remain in the hands of my people Kanaka Maoli Hawai'i. The territory is the state. The Hawaiian Archipelago, the lands before the invasion of 1893. We claim a twelve mile territorial sea and a 200 mile exclusive economic zone, in accordance with customary international law and the Law of the Sea Treaty of 1982.<sup>86</sup>

Congress has recognized *Na Kanaka Maoli Hawai'i* with sovereign powers. We are the original inhabitants and occupants of these islands. We have always been in possession of our land. Our sovereign nation the Kingdom of Hawai'i was always in existence because the race still lives *Na Kanaka Maoli Hawai'i (Hawaiian people)*. Our rights under the Universal Declaration of Human Rights.<sup>87</sup>

We can come together with a great understanding and great respect for each others nation state to speak with peace and brotherly love.

**"Men may change the laws of the land." "They can not change the truth."**

**"May we now bring healing to the hearts of our people,"**

**"I will prepare the throne for Our Coming King of Kings and Lord of Lords"**

Mahalo, thank you for your time in reviewing the importance of the truth that has been brought to your attention. Future communications will be considered.

On this Eighteenth day of the fifth month in the Holy Year of our Almighty Heavenly Father Yahweh Two thousand.

In Sacred Trust I am;

Majesty Akahi Nui

---

85 *International Covenant on Civil Political, Economic, Social, and Cultural Rights*, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16 at 49, U.N. Doc. A/6316 (1966).

86 United Nations Convention on the Law of the Sea, opened for signature Dec. 10, 1982, U.N. Doc. A/CONF.62/122, reprinted in 21 I.L.M. 1261 (1982).

87 *Universal Declaration of Human Rights*, G.A. Res. 217 (III), U.N. Doc. A/810, at 71 (1948), reprinted in 21 I.L.M. 1261 (1982).