

## KINGDOM OF HAWAI'I Nou Ke Akua Ke Aupuni O Hawai'i

Ua Mau Ke Ea o ka 'Aina i ka Pono, The Sovereignty of the land is perpetuated in righteousness.

Ka Pu'uhonua O Na Wahi Pana O Hawai'i Nei

His Majesty, Ali'i Nui Mō'ī Edmund K. Silva, Jr. Whose Sacred Name is - Nalikolauokalani Paki - Ka 'I 'omaka-ola-hou-Kaluaokalani-ka-'Imano'anu'unu'u-ka-lama-kea-i-ho'oku'ke'aupuni-o-Hawai'i

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# STATEMENT OF CASE AND AUTHORITIES

(AN ACADEMIC LEGAL TREATISE) IN SUPPORT OF

# **ROYAL DECREE**

TO CEASE & DESIST

**JUNE 4, 2019** 

### I. <u>UNCONSTITUTIONAL HAWAIIAN OCCUPATION,</u> ANNEXATION, & STATEHOOD

**FACTS** 

Prior to the arrival of the first Europeans, the Native Hawaiian people lived in a highly organized and self-sufficient society with a sophisticated language, culture, and faith, governed by High Chiefs on different islands. Later, Kamehameha I created a unified monarchy that eventually became a constitutional monarchy recognized as the Kingdom of Hawai'i. P.L. 103-150 (107 Stat. 1510).

From 1826 until 1893, the United States recognized the independence of the Kingdom of Hawai'i, extended full and complete diplomatic recognition and relations to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs, regarding commerce and navigation, in 1826, 1842, 1849, 1875, and 1887. P.L. 103-150 (107 Stat. 1510).

On June 30, 1887, a meeting of residents including the armed militia of the "Honolulu Rifles" (a group of non-native-Hawaiian white soldiers who secretly served as the military arm of the "Hawaiian League") and politicians who were members of the Reform Party of the Hawaiian Kingdom, demanded from King Kalākaua the dismissal of his Cabinet, headed by Walter M. Gibson. Their concerns about Gibson stemmed from his strong support for the King's authority. The meeting was called to order by Sanford B. Dole and chaired by Peter Cushman Jones, president of the largest sugarcane plantation

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agency in Hawaiii. The Hawaiian League and the Americans controlled a vast majority of the Kingdom of Hawai'i's income wealth, in the form of the sugar plantations, and they desired and conspired to do whatever it took to maintain their grasp on it. Lorrin A. Thurston presented a list of demands to the King. The participants in the meeting also insisted that a new constitution be written.

In a short period of time, the new proposed constitution was drafted by a group of lawyers, including Thurston, Dole, William Ansel Kinney, William Owen Smith, George Norton Wilcox, and Edward Griffin Hitchcock. All were also associated with the Hawaiian League, which deeply desired the end of the Kingdom of Hawai'i and its annexation into the United States of America.<sup>2</sup>

King Kalākaua signed the document July 6, 1887, despite deep disagreement over the scope of the changes and his assent and signature being forced by violence, threats of violence, and coercion. For this reason, this constitution became known (and is well known in history, world-wide) as the "Bayonet Constitution".

The Bayonet Constitution stripped the King of most of his personal authority and empowered the legislature and the cabinet of the government. Later, Queen Lili'uokalani explained some of the threats used against King Kalākaua to obtain his signature upon the Bayonet Constitution, in a history and book published by her.<sup>3</sup> The Bayonet Constitution was never ratified in the legislature of the Hawaiian Kingdom.<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> Thurston, Lorrin A. and Andrew Farrell, *Memoirs of the Hawaiian Revolution*, 1936

<sup>&</sup>lt;sup>2</sup> Forbes, David W., *Hawaiian national bibliography*, 1780 – 1900. University of Hawai'i Press. pp. 232 – 233, 2003

<sup>&</sup>lt;sup>3</sup> Lili'uokalani Queen of Hawai'i (1838-1917), Hawai'i's story by Hawai'i's Queen, 1990

<sup>&</sup>lt;sup>4</sup> Lili 'uokalani Queen of Hawai 'i (1838-1917), Hawai 'i's Story by Hawai 'i's Queen, Lee and Shepard, Boston, 1898

The Bayonet Constitution and other attempted insurrections (at other times) against the monarchy and the government of the Kingdom of Hawai'i, by American non-native-Hawaiian men (largely in order to accumulate and consolidate more money, power, and influence, related to the Kingdom of Hawai'i's rich sugar exports) worked toward and culminated in the 1893 overthrow of the rightful monarchy and government of the Kingdom of Hawai'i.

On January 14, 1893, John L. Stevens (the U.S. "Minister" assigned to the sovereign and independent Kingdom of Hawai'i) wrongfully and illegally conspired with a small group of non-Hawaiian residents of the Kingdom of Hawai'i, including citizens of the United States, servicemen of the U.S. military, with the support and participation of U.S. military units, commanders, soldiers, troops, weapons, and equipment (the non-residents, U.S. military personnel, and the United States Minister hereafter jointly referred to as the "conspirators" or "co-conspirators")—to overthrow the indigenous and lawful Government of the Kingdom of Hawai'i (hereafter referred to as the "illegal overthrow"). P.L. 103-150 (107 Stat. 1510).

On January 16, 1893, in support of the illegal overthrow of the Kingdom of Hawai'i, the co-conspirators caused armed naval forces of the United States to invade the sovereign Hawaiian nation, including, without limitation, positioning themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Lili'uokalani and her Government. P.L. 103-150 (107 Stat. 1510).

On January 17, 1893, the "Committee of Safety" (hereafter the "committee"), which represented the American and European sugar planters (descendants of missionaries and financiers) deposed the Hawaiian monarchy and proclaimed the establishment of a provisional government in and over Hawaiia. And, immediately thereafter, the United

States Minister extended diplomatic relations and recognition—officially and on behalf of the entire United States' government—to the provisional government, self-proclaimed and formed by the committee and the co-conspirators, without the consent of the Native Hawaiian people or the lawful Government of Hawaii—in violation of treaties between the two nations and of international law. P.L. 103-150 (107 Stat. 1510).

Shortly after the illegal overthrow and due to grave threats of death, destruction, and bloodshed, and in order to protect her people, the Native Hawaiians and other Kingdom subjects whom she lawfully ruled over, Queen Lili'uokalani (the rightful ruler and monarch of the Kingdom of Hawai'i) issued the following statement under the gravest and most egregious conditions of coercion and compulsion:

I, Lili'uokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a provisional government of and for this Kingdom.

That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the provisional government.

Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, A.D. 1893. P.L. 103-150 (107 Stat. 1510).

The Kingdom of Hawai'i has never surrendered its sovereignty to the United States. To "yield" (the words used by Queen Lili'uokalani) is to concede, for a time, under forced coercion, but not to surrender, submit, or abrogate one's authority to another.

Without the active participation, support, and direct intervention by and of U.S. military units, commanders, soldiers, and troops, supported by U.S. military weapons, boats, vehicles, and equipment—the co-conspirators and the insurrection against the Government of Queen Lili'uokalani would have failed for lack of popular support and insufficient arms. P.L. 103-150 (107 Stat. 1510).

On February 1, 1893, the United States Minister raised the American flag and proclaimed Hawai'i to be a protectorate of the United States.

After this, President of the United States, Grover Cleveland, commissioned and sent former U.S. Congressman, James Henderson Blount, as "Special Representative" for the President and the U.S. government—to conduct an official investigation (the "Blount Investigation") into the events surrounding the insurrection and the unconstitutional and illegal overthrow of the Kingdom of Hawai'i. The Blount Investigation was extensive, and Special Representative James Blount procured testimony from interviews, letters, affidavits, and other documents, including the "Statement of the Hawaiian Patriotic League" and "Memorial on the Hawaiian Crises". When completed, Special Representative James Blount's report (known widely as the "Blount Report") stated that improper U.S. backing for the illegal overthrow of the Kingdom had been responsible for the co-conspirator's success, and concluded that the provisional government lacked popular support.

Due to the Blount report, President Cleveland dismissed the U.S. Minister, John L. Stevens, the military commander of the United States armed forces stationed in Hawai'i was disciplined and forced to resign his U.S. military commission, and President Cleveland began to work toward the restoration of Queen Lili'uokalani, Hawai'i's

constitutional monarchy, Queen Lili'uokalani's government, and the Kingdom of Hawai'i. P.L. 103-150 (107 Stat. 1510).

In a message to U.S. Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the co-conspirators. President Cleveland described them as "act[s] of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress". P.L. 103-150 (107 Stat. 1510). President Cleveland also stated that this was "An act of war committed [by United States citizens and official federal governmental officials] based on false pretext." President Cleveland also stated and acknowledged that "by such acts the government of a peaceful and friendly people was overthrown." P.L. 103-150 (107 Stat. 1510). Finally, President Cleveland concluded that a "substantial wrong [had] thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair". P.L. 103-150 (107 Stat. 1510). President Cleveland then called for the restoration of the Hawaiian constitutional monarchy, Queen Lili'uokalani, her government, and the Kingdom of Hawai'i. P.L. 103-150 (107 Stat. 1510).

In doing this, President Cleveland cited <u>The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns</u><sup>5</sup>, (hereafter referred to as "The Law of Nations") which is a foremost legal treatise on international law, which declares it unlawful for one nation to bring its military into another nation's territory without just cause, and prohibits nations from harming the governments of other nations.

<sup>&</sup>lt;sup>5</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

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As recently as May 13, 2019—the *United States Supreme Court*, itself, cited to and relied upon *The Law of Nations* to overturn the previously decided (1979) U.S. Supreme Court decision in Nevada v. Hall, 440 U.S. 410, 99 S.Ct. 1182, 59 L. Ed. 2d 416 (1979). The case that overturned Nevada v. Hall, is Franchise Tax Bd. v. Hyatt, 2019 U.S. LEXIS 3399, \_\_ S.Ct. \_\_, 2019 WL 2078084 (2019); and, it is so recent that the Supreme Court reporter numbers (i.e., "\_\_S.Ct.\_\_") have not yet been assigned.

Despite the U.S. Constitution clearly and explicitly providing that the U.S. President is solely and exclusively charged, tasked, and authorized to conduct foreign relations for and on behalf of the United States—the newly and illegally coup d'état installed provisional government of Hawai'i protested President Cleveland's call to restore the Kingdom of Hawai'i and its monarchy, and they continued to pursue annexation of the Kingdom of Hawai'i to the United States. P.L. 103-150 (107 Stat. 1510). The illegal provisional government lobbied U.S. Senator John Morgan and the Committee on Foreign Relations of the U.S. Senate (hereafter referred to as the "Senate Committee") to conduct new investigations into the events surrounding the illegal overthrow of the Hawaiian Monarchy. P.L. 103-150 (107 Stat. 1510). The Senate Committee and Senator Morgan conducted hearings regarding the illegal overthrow, in Washington, D.C., from December 27, 1893, through February 26, 1894. P.L. 103-150 (107 Stat. 1510). In those hearings, members of the illegal provisional government justified and condoned their actions and the actions of all the co-conspirators. Though the illegal provisional government was able to obscure the role of the United States in the illegal overthrow they were unable to, and they failed, to rally the support of the necessary two-thirds of the U.S. Senate, required to ratify a treaty of annexation of the Kingdom of Hawaii. P.L. 103-150 (107 Stat. 1510).

On July 4, 1894, after being defeated in obtaining the U.S. Senate's required vote in favor of ratifying a treaty of annexation of the Kingdom of Hawai'i, the illegal provisional government summarily declared itself to be the "Republic of Hawai'i". P.L. 103-150 (107 Stat. 1510). The so-called Republic of Hawai'i made a second attempt to have a treaty of annexation ratified. And—once again—the United States Senate declined and refused to ratify annexation or any such treaty.

On July 7, 1898, due to the Spanish-American War, President McKinley, who replaced President Cleveland, signed the Newlands Joint Resolution, which provided for the annexation of Hawai'i into the United States—despite the fact that U.S. rules and laws regarding joint resolutions, provide that joint resolutions can only be lawful, enforceable, or effective—as to matters entirely internal (i.e., domestic) to the United States. The very action attempted by the Newlands Joint Resolution, however, was to annex exterior lands and territory, in the form of the Kingdom of Hawai'i and the Hawaiian Islands, INTO THE UNITED STATES; ergo, the action pursued and done was external, and not domestic, to the United States and, therefore, it could NOT lawfully be done via a joint resolution. On this point, during U.S. Congress's debate(s) regarding the possible annexation of Hawai'i by a joint resolution of Congress—Rep. Thomas Henry Ball (Dem.) (Texas 1st District, March 4, 1897 to March 3, 1903; and Texas 8th District, March 4, 1903 to November 16, 1903) strongly rebuked those in Congress considering any such annexation of Hawai'i (by a joint resolution), when he stated: "the very presence of this measure here [for the annexation of Hawai'i] is the result of a deliberate attempt to do

Immediately after the supposed annexation of Hawai'i by U.S. Congress's joint resolution, the self-declared Republic of Hawai'i (having been so self-declared by citizens of the United States who retained their U.S. citizenship while simultaneously supposedly creating, maintaining, and delivering (to the United States) an entirely new nation, out of whole cloth) ceded sovereignty of Hawai'i and the Hawaiian Islands to the United States, including 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawai'i, without the consent of, or compensation to, the Native Hawaiian people, or their ancient and rightful sovereign government. P.L. 103-150 (107 Stat. 1510).

The indigenous Hawaiian people and other non-Native Hawaiian subjects of the Kingdom<sup>7</sup> and their rightful rulers never directly relinquished their rights or claims to the United States, on or for: their inherent sovereignty as a people, the sovereignty of their own government, or their lands, treasures, and resources, either through their monarchy or through a plebiscite or referendum. P.L. 103-150 (107 Stat. 1510).

On April 30, 1900, President McKinley signed the Organic Act, which provided a government for the territory of Hawai'i and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States. And, on August 21, 1959, Hawai'i became the 50th State of the United States. P.L. 103-150 (107 Stat. 1510).

 $<sup>^6</sup>$  Available at:  $\frac{https://www.govinfo.gov/content/pkg/GPO-CRECB-1898-pt7-v31/pdf/GPO-CRECB-1898-pt7-v31-2-2.pdf, last viewed May 25, 2019$ 

<sup>&</sup>lt;sup>7</sup> The Apology Resolution (P.L. 103-150 (107 Stat. 150)) is addressed to the Native Hawaiian people of the Kingdom of Hawai'i. However, there were non-Native Hawaiian subjects of the Kingdom who also lost their nation

All the foregoing facts and the material conclusions of law (e.g., that the overthrow of the Kingdom of Hawai'i was wrongful and illegal)—have expressly and explicitly been admitted and acknowledged, as stated above—through official, transparent, and lawful governmental process, completed and enacted by both the legislative and executive branches of the government of The United States of America. This was accomplished on November 23, 1993 when Public Law 103-150 (107 Stat. 1510) was passed by the U.S. Congress and signed into U.S. federal law by President Bill Clinton, in commemoration of the 100th anniversary of the 1893 illegal overthrow of the Kingdom of Hawai'i. P.L. 103-150 (107 Stat. 1510). As such—all the pertinent and material facts related to the issues of Hawaiian sovereignty, the illegal overthrow of the Kingdom of Hawai'i, and the rightful rule and governance of the Kingdom of Hawai'i and the Hawaiian Islands belonging to the people of Hawai'i, the Hawaiian monarchy, and the rightful descendants and heirs to the monarchy and throne of the Kingdom of Hawai'i—are explicitly admitted and wholly uncontested by the United States federal government, in and through U.S. federal law. P.L. 103-150 (107 Stat. 1510).

The U.S. legislative and executive branches of government have NOW—after 100 years of un-American and unconstitutional conquest driven oppression over the Hawaiian Islands—explicitly, expressly, and officially recognized, openly admitted, and affirmed:

- (1) That "the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land". *Id.*;
- (2) That "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". *Id.*;

- (3) That "the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions". *Id.*; and
- (4) That "it is proper and timely for the Congress on the occasion of the impending one hundredth anniversary of the event, to acknowledge the historic significance of the *illegal overthrow* of the Kingdom of Hawai'i, to express its deep regret to the Native Hawaiian people, and to *support the reconciliation efforts*..." (emphasis added). *Id*.

# II. OTHER U.S. & HAWAIIAN HISTORY RELEVANT TO THE ILLEGAL OVERTHROW OF HAWAI'I

On the forever indelible and auspicious occasion of July the 4th, 1776, the Founding Fathers of the United States of America declared America's independence from the English crown by stating, in part: "But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

After a long, dark, and bloody war with England, General George Washington, his soldiers, military colleagues, and the American people emerged victorious. And, General George Washington became the first President of the United States, after refusing to be crowned King. After serving and discharging his duties as the first President and Commander in Chief and after refusing to run for a third term in office, President George Washington cautioned all of America in his written and published farewell address, teaching and admonishing that:

It is our true policy to steer clear of permanent...entanglements...with any portion of the foreign world... Taking care always to keep ourselves by suitable establishments on a <u>respectable defensive posture</u>, we may safely trust to temporary alliances for extraordinary emergencies...Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an <u>equal and impartial hand</u>; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying <u>by gentle means the streams of commerce</u>, <u>but forcing nothing...</u>8 (emphasis added).

Later, Thomas Jefferson, echoing President George Washington during Mr. Jefferson's inaugural address in the U.S. Senate immediately prior to being sworn in as the third President of the United States by Chief Justice John Marshal, said:

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; **peace, commerce, and honest friendship with all nations, entangling alliances with none.**..9 (emphasis added).

#### **LAW**

I. THE UNITED STATES CONSTITUTION LIMITS AND GOVERNS THE POWER(S) OF WAR, OF THE U.S. AND/OR U.S. STATES DECLARING OR GOING TO WAR, KEEPING TROOPS, KEEPING SHIPS OF WAR, AND DECLARES THAT STATES HAVE NO POWER AND THAT THE U.S. FEDERAL GOVERNMENT HAS EXCLUSIVE POWER TO MAKE ANY AGREEMENTS WITH FOREIGN POWERS

Article I, § 8 of the United States Constitution (hereafter the "Constitution") provides and declares the limited powers of the U.S. Congress. Among the enumerated

<sup>&</sup>lt;sup>8</sup> President George Washington, Farewell Address to the United States, September 19, 1796, Printed in the *American Daily Advertiser*, 19 September 1796, Philadelphia

<sup>&</sup>lt;sup>9</sup> Jefferson, Thomas, Presidential Inaugural Speech, delivered in the U.S. Senate Chamber, March 4, 1801 (delivered immediately prior to being sworn into office by Chief Justice John Marshall)

powers given and granted to the U.S. Congress, is the power to declare war. It states "The Congress shall have power... To *declare war*..." (emphasis added). U.S. Const. art. I, § 8.

Article I, § 10 of the U.S. Constitution declares that "No state shall, without the consent of Congress, lay any duty of tonnage, <u>keep troops</u>, <u>or ships of war</u> in time of peace, <u>enter into any agreement or compact</u> with another state, or with a <u>foreign</u> <u>power</u>..." (emphasis added). U.S. Const. art. I, § 10.

II. THE UNITED STATES CONSTITUTION DICTATES THAT THE PRESIDENT OF THE UNITED STATES HAS THE POWER TO MAKE TREATIES, WITH (AND REQUIRING) TWO THIRDS APPROVAL BY THE U.S. SENATE

The U.S. Constitution provides that "[The President]... shall have power, by and with the advise and consent of the Senate, to make treaties, provided two thirds of the Senators present concur..." U.S. Const. art. II, § 2.

III. TREATIES ENTERED INTO BY THE UNITED STATES ARE BINDING, ARE THE "SUPREME LAW OF THE LAND", AND ARE FULLY SUBJECT TO THE "JUDICIAL POWERS" OF THE GOVERNMENT

Regarding the "supreme law of the land", the U.S. Constitution states that "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding" (emphasis added). U.S. Const. art. VI.

Furthermore, the U.S. Constitution states that the "judicial power[s] shall extend to all cases, in law and equity, arising under...treaties made, or which shall be made..." U.S. Const. art. III, § 2. Furthermore, the U.S. Supreme Court has original (first instance)

jurisdiction over any and all cases "affecting ambassadors...public ministers and consuls...[as well as cases involving]...a state..." *Id*.

# IV. U.S. CONSTITUTIONAL AUTHORITY OR POWER(S) TO ANNEX NEW LANDS OR TERRITORIES INTO THE UNITED STATES

The Tenth Amendment to the U.S. Constitution states that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." U.S. Const. amend. X.

Article I, § 8 of the U.S. Constitution provides the specific "enumerated powers" of Congress, and any powers not enumerated—are powers that the federal U.S. government does not have and which are reserved to the states or the people. Interestingly, there is NO enumerated power within the U.S. Constitution regarding the power or authority to annex new land(s) or territories into the United States. And, for obvious reason, individual states within the United States cannot annex lands or territories into the United States.

Article II, § 2 of the U.S. Constitution provides that the President of the United States has power (with the concurrence of two thirds of the U.S. Senate) to enter into treaties. U.S. Const. art. II, § 2. This is the power, under the U.S. Constitution, which has been used the by the United States to enter into 9 treaties of cession, thereby annexing into the United States 56 of 58 acquired territories between 1783 and 1951 (168 years). This procedure and mechanism are the primary pattern used by the U.S. to annex new lands and territories into the United States.

Finally, Article IV, § 3 of the U.S. Constitution states that "New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the

junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress" (emphasis added).

U.S. Const. art. IV, § 3.

THE U.S. SUPREME COURT—DICTATE AND REQUIRE THAT IT IS UNLAWFUL FOR ONE NATION TO BRING ITS MILITARY INTO ANOTHER NATION'S TERRITORY WITHOUT ENTIRELY JUST CAUSE AND THAT IT IS PROHIBITED FOR ONE NATION TO HARM THE GOVERNMENT OF ANY OTHER NATION

As stated above, U.S. President Grover Cleveland cited the *Law of Nations*<sup>10</sup> (after receiving the Blount Report) when addressing Congress and calling for the United States to restore the Hawaiian constitutional monarchy, Queen Lili'uokalani as the Queen of Hawaii and the Hawaiian Islands, her government, and the Kingdom of Hawaii in total.

On March 5, 1979 the U.S. Supreme Court decided the case of <u>Nevada v. Hall</u> (later overturned, see below), which ruled on the law, in the United States, regarding the legal doctrine, as well as the application, of "Sovereign Immunity".<sup>11</sup>

On May 13, 2019 the U.S. Supreme Court decided the case of <u>Franchise Tax Bd. v. Hyatt</u>, 2019 U.S. LEXIS 3399, \_\_ S.Ct. \_\_, 2019 WL 2078084 (2019). <u>Franchise Tax Bd. expressly overruled the holding and law announced and held by the U.S. Supreme Court in <u>Nevada v. Hall</u>. <u>Nevada v. Hall</u> reduced and diminished the power, effectiveness, efficacy, and application of the legal doctrine and rule of Sovereign Immunity in the United States (holding that U.S. states were NOT entirely immune from law suits against</u>

<sup>&</sup>lt;sup>10</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

<sup>&</sup>lt;sup>11</sup> Defined by *Black's Law Dictionary*, West Group, St. Paul Minnesota, Vol. 7 (1999), ("see IMMUNITY (1)" in same publication) as: "sovereign immunity. 1. <u>A government's immunity from being sued [judged, altered, affected, compelled, or controlled]...without [that government's own] consent..."</u>

them, brought in the courts of other U.S. States; meaning, that they could not assert Sovereign Immunity to avoid such liability in the courts of other states within the United States). The U.S. Supreme Court <u>entirely and explicitly reversed and overruled</u> that holding in <u>Franchise Tax Bd.</u>, thereby directly re-expanding the legal doctrine of Sovereign Immunity in and for the whole of the United States.

In reversing and overturning Nevada v. Hall, the U.S. Supreme Court expressly cited to and TREMENDOUSLY leaned upon the Law of Nations<sup>12</sup>, which was cited by U.S. President Grover Cleveland when he addressed the U.S. Congress regarding the illegal overthrow, and the plight, of the Kingdom of Hawai'i, Queen Lili'uokalani, Hawai'i's constitutional monarchy, and the government of the Kingdom of Hawai'i. In reaching its holding (overruling and overturning Nevada v. Hall and re-expanding the legal doctrine of Sovereign Immunity within the United States)—the U.S. Supreme Court stated, held, and explained:

...[T]he doctrine that a sovereign could not be sued without its consent was universal in the States when the Constitution was drafted and ratified"... As Alexander Hamilton explained:

'It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union.' The Federalist No. 81, at 487 (emphasis deleted).

The Founders believed that both 'common law sovereign immunity' and 'law-of-nations sovereign immunity' prevented States from being amenable to process in any court without their consent. See Pfander, Rethinking the Supreme Court's Original Jurisdiction in State-Party Cases, 82 Cal. L. Rev. 555, 581-588 (1994); see also Nelson, Sovereign Immunity as a Doctrine of Personal Jurisdiction, 115 Harv. L. Rev. 1559, 1574-1579 (2002). The common-law rule was that 'no suit or action

<sup>&</sup>lt;sup>12</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

can be brought against the king, even in civil matters, because no court can have jurisdiction over him.' 1 W. Blackstone, Commentaries on the Laws of England 235 (1765) (Blackstone). The law-of-nations rule followed from the 'perfect equality and absolute independence of sovereigns' under that body of international law. Schooner Exchange v. McFaddon, 11 U.S. 116, 137, 7 Cranch 116, 3 L. Ed. 287 (1812); see C. Phillipson, Wheaton's Elements of International Law 261 (5th ed. 1916) (recognizing that sovereigns 'enjoy equality before international law'); 1 J. Kent, Commentaries on American Law 20 (G. Comstock ed. 1867). According to the founding era's FOREMOST EXPERT on the law of nations, 'filt does not... belong to any foreign power to take cognisance of the administration of [another] sovereign, to set himself up for a judge of his conduct, and to oblige him to alter it.' 2 E. de Vattel, The Law of Nations \$55, p. 155 (J. Chitty ed. 1883). The sovereign is 'exemp[t]... from all [foreign] jurisdiction.' 4 id., §108, at 486. (emphasis added).

Franchise Tax Bd., Supra.

#### ANALYSIS AND ARGUMENT

I. APPLICATION OF SECTIONS 8 AND 10 OF ARTICLE I OF THE U.S. CONSTITUTION, TO THE CIRCUMSTANCES LEADING TO THE ADMITTED ILLEGAL OVERTHROW OF THE KINGDOM OF HAWAI'I—CLEARLY PROVE THE <u>UNCONSTITUTIONAL</u> ILLEGALITY OF THE "ACTS OF WAR" CULMINATING AND ENDING IN THE ILLEGAL OVERTHROW OF THE KINGDOM OF HAWAI'I

Pursuant to § 8 of article I of the U.S. Constitution, only Congress can authorize and declare war for the United States of America. And, § 10 of article I further clarifies that this power is expressly reserved to the U.S. federal government, with even states not having this power or ability.

Next, pursuant to § 10 of article I, the U.S. Congress must provide its authorization for any state (or any body other than the U.S. federal government) to keep any troops or ships of war, or to enter into any agreement(s) or compact(s) with...a foreign power..."

In the case of the illegal overthrow of the Kingdom of Hawai'i, not only did the U.S. Congress not authorize or declare war on the Kingdom of Hawai'i, but neither did any state within the United States. *Individuals* with position, power, and authority—acting outside their authorization—but through their official offices and stations, and

purportedly on behalf of the U.S. government, illegally overthrew the Kingdom of Hawai'i.

The Constitution of the United States expressly prohibits what occurred to and within the Kingdom of Hawai'i and, as such, the illegal overthrow of the Kingdom was not only illegal—but was <u>unconstitutional</u>, being expressly contrary to many and various provisions, requirements, and prohibitions explicit in the U.S. Constitution.

II. BECAUSE ONLY THE PRESIDENT HAS THE POWER TO MAKE TREATIES (I.E., AGREEMENTS) WITH FOREIGN POWERS, THE CO-CONSPIRATORS' PROMISES, ENTICEMENTS, OFFERS, THREATS, AND NEGOTIATIONS WITH THE KINGDOM OF HAWAI'I—RESULTING IN THE ILLEGAL OVERTHROW OF THE KINGDOM—WERE AND ARE ENTIRELY NULL, VOID, AND UNENFORCEABLE

Pursuant to sections 8 and 10 of Article I of the U.S. Constitution (discussed above), as well as application of § 2 of Article II of the Constitution—results in only the President having power and authority to make treaties (i.e., "agreements") with foreign powers.

With this, any and all of the promises, enticements, negotiations (including threats), or agreements offered by any of the co-conspirators prior to and/or during the Bayonet Constitution and/or the illegal overthrow of the Kingdom of Hawai'i—were entirely null, void, and unenforceable (under law, or otherwise)—as a direct result of the express language and prohibitions contained in the U.S. Constitution. Separately, international law and the *Law of Nations*<sup>13</sup>, prohibit the same—at an even higher level of natural law.

<sup>&</sup>lt;sup>13</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

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# III. THE EXPLICIT PROVISIONS OF THE U.S. CONSTITUTION MAKE U.S. TREATIES BINDING ON THE UNITED STATES AND ARE ENFORCEABLE THROUGH THE JUDICIARY AND IN THE COURTS OF LAW

Treaties are part of the "supreme law of the land" within the United States and are enforceable, including by redress in the courts of law within the United States. Article VI of the U.S. Constitution expressly states that treaties are part of the "supreme law of the land" and that judges within the United States "shall be bound thereby..."

Furthermore, because Article III, § 2 states that the "judicial power shall extend to all cases, in law and equity [(thereby including injunctive relief)], arising under...treaties made..."—subjects the United States and her political subdivisions to jurisdiction in U.S. courts, for violations of treaties that the U.S. entered into.

Currently, the United States is in violation of the treaties it made with the Kingdom of Hawai'i, which predate the Bayonet Constitution and the illegal overthrow of the Kingdom of Hawai'i. And, the people and the Kingdom and the monarchy of Hawai'i have the right to have all such wrongs fully and completely reconciled and rectified.

# IV. THE U.S. CONSTITUTION PROVIDES NO CLEAR POWER AUTHORIZING THE ANNEXATION OF NEW LANDS OR TERRITORIES INTO THE UNITED STATES; THE TREATY MAKING POWER IS THE MECHANISM THAT HAS HISTORICALLY BEEN USED TO ANNEX NEW LANDS OR TERRITORIES; AND THE U.S. CONSTITUTION REQUIRES CLEAR AND ACTUAL AGREEMENT BY ANY NEW JURISDICTION THAT IS TO BECOME A STATE WITHIN THE UNITED STATES

As discussed above, the United States has annexed new lands and territories into the United States primarily through the treaty power given to the President of the United States. This is because there is no clear enumerated power given in the U.S. Constitution regarding the annexation of new lands or territories into the United States. Obviously, pursuant to their very nature—treaties require mutual agreement (in satisfaction of contract law) to come into existence, or to be of any force or effect. The Kingdom of

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Hawai'i and its monarchs and people have NEVER agreed, in any manner, form, fashion, or to any degree—to or with the violently achieved illegal overthrow of the Kingdom of Hawai'i, or to the violently coerced Bayonet Constitution.

Furthermore, § 3 of Article IV states that "...no new state shall be formed or erected within the jurisdiction of any other state...without the consent of the legislatures of the states concerned as well as of the Congress." U.S. Const. art. IV, § 3. Yet, this (creating a U.S. state out of a NON-CONSENTING legal or political jurisdiction, whether foreign or domestic) is exactly what occurred in the case of the Kingdom of Hawai'i! After the coconspirators failed to obtain the required two thirds vote of the U.S. Senate to approve ratification of the annexation of the Hawaiian Islands into the United States—the coconspirators (who were citizens of the United States) immediately erected—out of whole cloth—the false and legally void Republic of Hawai'i (a supposed entirely and wholly new nation)—while simultaneously maintaining (at that time, AS WELL AS THEREAFTER) their citizenship in the United States of America. The co-conspirators then continued to fraudulently pursue annexing the Kingdom of Hawai'i (in the form of the Republic of Hawai'i) into the United States. The Republic of Hawai'i was a supposed **new** state set up WITHOUT ANY AUTHORIZATION BY ANYONE—in the already existing jurisdiction of the Kingdom of Hawai'i. This violates all the above cited provisions within the U.S. Constitution, regarding war, incursion upon a foreign power's lands, treaty making, as well as the whole cloth new formation of an entirely new sham nation state—solely for the purpose of obfuscating the fraud being perpetrated (i.e., effecting a form of NATIONAL & NATION STATE IDENTITY THEFT).

The illegal overthrow of the Kingdom of Hawai'i violated the domestic laws of the Kingdom of Hawai'i (where it occurred on Hawaiian soil), which were enforceable on any

subjects found within the Kingdom of Hawai'i, including non-native or American Hawaiians living or working in the Hawaiian Islands (i.e., subjecting themselves to the rule and governance of and by the Hawaiian monarchy and government). Furthermore, participation in the illegal overthrow (by those in Hawai'i and/or who were subject to the Hawaiian monarch)—constituted treason, under Hawaiian law. The illegal overthrow also violated the Law of Nations<sup>14</sup>. And, the involvement of individual U.S. citizens (including U.S. dignitaries and officials)—was "an act of war" carried out against a foreign nation with whom the United States was at peace. This violated the U.S. Constitution (as discussed in this treatise), and it violated the domestic laws of the United States.

George Washington, as the first President of the United States, faced the possibility that private citizens of the United States would engage in acts of war against a foreign power with whom the United States was at peace. When war broke out between France and Great Britain in 1793, President Washington was concerned that the United States would be drawn into that war. And, he issued the Neutrality Proclamation, April 22, 1793 (the "Neutrality Proclamation"). The Neutrality Proclamation included a warning to all U.S. citizens "carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition." *Id*.

More directly, the Neutrality Proclamation direly warned: "Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or

<sup>&</sup>lt;sup>14</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

<sup>&</sup>lt;sup>15</sup> P.L. 103-150 (107 Stat. 1510)

furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined under this title or imprisoned not more than three years, or both." *Id*.

Upon President George Washington issuing the Neutrality Proclamation (and further acts in support of it by U.S. Congress; see below)—neutrality and the Neutrality Proclamation became the **Rule of Law** in, for, and upon the United States, as well as all those found within her borders. Similarly, during King Kamehameha III's rule in the Kingdom of Hawai'i (1824 to 1854)—he traveled the world visited hundreds of countries, negotiated and signed dozens of treaties, and hired or setup approximately ninety legations and consulates. As he did this, he offered and presented the Kingdom of Hawai'i as a neutral nation, among nations.

Though there can be little to no doubt of the efficacy of President George Washington's Neutrality Proclamation—given his status, clout, and influence in the United States generally, and in American law and politics specifically—the U.S. Congress codified the Neutrality Proclamation into U.S. federal law, in the Neutrality Act of 1794, thereby enshrining the Neutrality Proclamation into the United States' Rule of Law, which is still in force and effect today as 18 USC § 960 ("Expedition against friendly nation"). The Neutrality Act of 1794 (18 USC § 960, today) states:

Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined under this title or imprisoned not more than three years, or both.

18 USCS § 960.

Under the Neutrality Proclamation (1793) and the Neutrality Act of 1794 (which is still in force and effect to this day)—it was a criminal violation, under U.S. federal law, for the co-conspirators to EVEN ATTEMPT to overthrow the Kingdom of Hawai'i. As such, illegal overthrow of the Hawaiian monarchy, the Hawaiian government, and the Hawaiian Islands—violated the United States own federal domestic laws, in addition to international law, the *Law of Nations* 16, and the laws of the Kingdom of Hawai'i.

THE U.S. SUPREME COURT'S RECENT HOLDING IN FRANCHISE TAX BD. v. HYATT—ESTABLISHES AND DICTATES THAT THE UNITED STATES SUPREME LAW OF THE LAND REGARDING SOVEREIGN IMMUNITY—IS THAT NO ONE NATION HAS ANY POWER, AUTHORITY, OR ABILITY TO DICTATE, DETERMINE, AFFECT, OR ALTER ANOTHER NATION, ITS GOVERNMENT, OR ITS LAWS

As explained above, in the VERY RECENTLY decided (May 13, 2019) case of <u>Franchise Tax Bd.</u>—the U.S. Supreme Court reversed a 1979 U.S. Supreme Court holding (in <u>Nevada v. Hall</u>) and, by so doing, clarified and expressly re-expanded the legal doctrine, the applicability of the legal doctrine, and the meaning of the legal doctrine of <u>Sovereign Immunity</u> (defined above; see footnote 11).

In reaching its holding in <u>Franchise Tax Bd.</u>, the U.S. Supreme Court justified its holding by stating that "According to the founding era's FOREMOST EXPERT on the law of nations, '[i]t does not... belong to any foreign power to take cognisance of the administration of [another] sovereign, to set himself up for a judge of his conduct, and to oblige him to alter it... The sovereign is 'exemp[t]... from all [foreign] jurisdiction." *Id.* 

In layman's terms, the U.S. Supreme Court (in reaching its ultimate conclusion) held, justified, explained, and stated—that the legal doctrine of <u>Sovereign Immunity</u>,

<sup>&</sup>lt;sup>16</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

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when applied to nations (including by, within, and for the United States)—results in the utter and complete legal IMPOTENCE AND INABILITY of any one nation to judge, alter, direct, and/or dictate (in any manner or form, whatsoever) any aspect(s) of another nation or its operation or governance, because each and every nation, and all nations, have "perfect equality and absolute independence of sovereigns' under that body of international law" (citing: Schooner Exchange v. McFaddon, 11 U.S. 116, 137, 7 Cranch 116, 3 L. Ed. 287 (1812)). Franchise Tax Bd., Supra.

Finally, it is important to note that the U.S. Supreme Court, in Franchise Tax Bd.—recognized that *The Law of Nations*<sup>17</sup>, and/or its author, were and are "the founding era's FOREMOST EXPERT on the law of nations..." (emphasis added) Id.

Though, technically, this statement is not a legal holding 18—nevertheless that utterance and pronouncement by the U.S. Supreme Court, expresses the Highest Court's recognition that the Law of Nations<sup>19</sup>, and/or its author, were and are the utmost expert and powerful legal authority regarding international law, the laws that govern nations (including the United States' interactions with other nations), and the meaning, extent, efficacy, and applicability of the legal doctrine of Sovereign Immunity on and within the United States.

<sup>&</sup>lt;sup>17</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

<sup>&</sup>lt;sup>18</sup> Meaning it could or may be deemed "dictum" (n.). Black's Law Dictionary, West Group, St. Paul Minnesota, Vol. 7 (1999), defines "dictum" as: "1. A statement of opinion or belief considered authoritative because of the dignity of the person making it, 2. A familiar rule; a maxim. 3. OBITER DICTUM". Though dictum ("dicta", Plural) is not part of the doctrine of a court's decision—it nevertheless provides light, context, and further meaning on the doctrine of the court's decision, as well as the reasoning used by the court to reach the doctrine of its decision and

<sup>&</sup>lt;sup>19</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

### CONCLUSION

The admitted and uncontested facts surrounding the illegal overthrow of the Kingdom of Hawai'i, and her monarchy, as well as the application of clear U.S. Constitutional and international law to those facts—can ONLY and EXCLUSIVELY lead to the exact same conclusions reached, approved, and passed into law by the U.S. legislative and executive branches of government, in and through U.S. Public Law 103-150 (107 Stat. 1510). Namely, that the overthrow of the Kingdom of Hawai'i and her monarchy (including the Bayonet Constitution) are and were illegal, were done wholly without Constitutional authority or power, were unauthorized "Acts of War" that deprived Hawai'i and Hawaiian people of their "rights of self-determination", and that it is time for reconciliation for these wrongs.

President McKinley signing the ineffective<sup>20</sup> Newlands Joint Resolution was the final successful mechanism (for the time being), which seemingly ratified the illegal overthrow of the Kingdom of Hawai'i and annexed the supposed (but sham new nation) "Republic of Hawaii" into the United States. However, because the Bayonet Constitution, the provisional government, and the Republic of Hawai'i were created illegally, fraudulently, and contrary to recognized international law (the *Law of Nations*<sup>21</sup>), as well as against many explicit provisions and prohibitions in the United States Constitution—the Republic of Hawaii had entirely no ability, power, authority, or efficacy to convey the Kingdom of Hawaii, the Hawaiian Islands, and/or the lands, treasures, and resources of

<sup>&</sup>lt;sup>20</sup> Ineffective because joint resolutions are only effective for and upon <u>entirely domestic and internal matters</u> within the United States, which would exclude the annexation of foreign lands and territories belonging to a foreign power that the U.S. had official diplomatic relations and treaties with

<sup>&</sup>lt;sup>21</sup> Vattel, Emer De, The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns, Vol. 1, 1767

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the Hawaiian Islands to the United States. This is and was tantamount to the supposed and fraudulent Republic of Hawaii ineffectively (see footnote 20) executing a quit claim deed<sup>22</sup> to the United States, for the Kingdom of Hawai'i, the Hawaiian Islands, and the lands, treasures, and resources of Hawaii.

U.S. Public Law 103-150 (107 Stat. 150) merely expresses, admits, and echoes the condemnations and admonishments of those who came before, speaking directly about the (then) proposed annexation of Hawai'i, and/or about the rightful and intended nature of the United States, toward the entire world in general.

In the hallowed halls of the U.S. Congress, upon and during the great Congressional debates regarding the annexation of Hawai'i to the United States—after several failed and expressly repudiated (by the U.S. Senate) treaties of annexation being presented to the U.S. Senate—Rep. Mr. Fitzgerald (Massachusetts) stated that he would vote against annexation, in part, because:

It seems to me nothing more nor less than the alliance of the United States government with a band of men, American citizens, if you are pleased to term them such, who deliberately and willfully overthrew the legalized machinery of the government in the Hawaiian Islands, dethroned its queen, and appropriated the government property of all the people to their own use.<sup>23</sup>

During the same Congressional debates, Rep. Henry Underwood Johnson (Indiana) delivered one of (if not) the lengthiest speeches to the U.S. Congress regarding Hawaiian annexation, and he rebuked annexation and its proponents, in part, as follows:

<sup>&</sup>lt;sup>22</sup> Quit claim deeds, while able to be signed, executed, and delivered by any person, for or in regard to any real property whatsoever—they ONLY convey whatever legal title and interest the person delivering the deed actually has in said real property. The co-conspirators and the supposed Republic of Hawai'i had no right, title, or claim to the land or resources of the Hawaiian Islands and, as such, they actually conveyed NO rights, title, or claim to the U.S. when the Republic of Hawai'i attempted to cede Hawai'i, its land, and its resources to the U.S.

<sup>&</sup>lt;sup>23</sup> 31 Cong. Rec. 5967 (June 15, 1898); Available at: https://www.govinfo.gov/content/pkg/GPO-CRECB-1898-pt7v31/pdf/GPO-CRECB-1898-pt7-v31-2-2.pdf, last viewed May 25, 2019

Mr. Speaker, I shall not consume any of the time which has been allotted to me for debate on the pending resolution in useless exordium, but shall proceed at once to the very heart of the controversy. I affirm, sir, and I shall endeavor to maintain before the house and the country, three propositions... Third. That the annexation of Hawai'i is of itself inherently wrong, and that it is the opening wedge which is designed to lead, and which will lead to still further acquisitions of insulated foreign territory, and that such a policy is against the best interest of the country, and therefore ought not to be entered upon<sup>24</sup>...

This is one thing, Mr. Speaker, which induces me to declare that instead of the [Spanish -American] war being a reason why we should now proceed to annex Hawaii, it furnishes every reason why we should defer all action in the matter until a more suitable occasion, when we can ascertain all the facts and consequences in the premises and come to a deliberate conclusion—one which will not come back to plague us in the years that are to come. Considering the question of the annexation of Hawaii alone and as an independent proposition, it is to my mind by all odds the gravest and most far reaching proposition in its effect upon the American people which they have been called upon to confront since the days of the Civil War<sup>25</sup> (emphasis added)...

Sir, with all these grand questions staring us in the face, what kind of a time is this for us to discuss and pass upon that which is intended to be the first step in this "march to Empire"? Is there a disposition here to commit the American people, suddenly and before they can have an opportunity for calm thought and reflection, to a policy which will inevitably result in their injury, and which they will condemn when they have the time to grasp it in all its aspects and weigh it in all its consequences? Are we not acting here for posterity as well as for ourselves?<sup>26</sup> (emphasis added)...

But where do we find American precedent or authority for such a form of government as this? You will search for it in vain, though you ransack every archive and depository in the land. Nor can you find any sanction for it in the customs of our people. The Declaration of Independence, the spirit and letter of the federal and state constitutions, the utterances and writings of the fathers, every page in the Federalist, the teachings of our publicists, the decisions of all our courts, aye, the very genius of our free institutions, as well as the invariable practices of our people, cry out in vigorous protest against it. This government of ours is "of the people, for the people, and by the people;" it contemplates no such thing as the holding of provinces with no right of local control... It was conceived in protest against the holding of men in servitude. It has ever been and ever must be the antithesis to that odious system which holds possessions by the sword and draws

 <sup>&</sup>lt;sup>24</sup> *Id.* at 5992
 <sup>25</sup> *Id.* at 5994

 $<sup>^{26}</sup>$  *Id*.

<sup>27</sup> *Id.* at 5998 <sup>28</sup> *Id.* at 6016

<sup>29</sup> *Id*.

sustenance from their products. Under our flag individual aspirations for liberty and citizenship are encouraged. If men are never to be qualified to participate in the blessings of free government, we should studiously avoid extending over them the folds of our starry flag. The name will avail us nothing if we abandon the essence of our polity. We cannot remain a Republic and at the same time practice the methods of a despotism<sup>27</sup> (emphasis added)...

For similar reasons, the minority membership of the <u>Committee on Foreign Affairs</u> (as reported by and in Rep. Henry Underwood Johnson's speech (referenced above))—condemned and affirmatively withheld their recommendation for annexation of Hawai'i, on EIGHT different grounds; the first three of which are most telling and are, many decades hence, borne out and proven true, in U.S. Public Law 103-150 (107 Stat. 150). These reasons were stated, thus:

First. The people of Hawai'i have [and were] not...consulted about the proposed annexation. Second. The people of the United States have [and were] not...consulted about the proposed annexation...[and] Third. The annexation in the manner proposed [after several failed attempts to ratify a treaty of annexation] is unconstitutional.<sup>28</sup>

Furthermore, the same body (the minority of the Committee on Foreign Affairs), in its reasoning for the second reason against annexation, stated that they believed that any annexation of Hawai'i—without broad U.S. citizenship awareness and consensus regarding said annexation—could only be accomplished "under the cry of 'war emergency' before the American people can be [or could have been] consulted".<sup>29</sup> That body also stated (in their reasoning for the third reason against annexation) that they believed that only two U.S. Constitutional provisions could possibly allow for annexation of additional lands and territories: (1) through treaties (which that body recognized is the sole means

 $^{30}$  *Id*.

previously used to annex new lands into the United States); and (2) through the constitutional provision regarding the creation of new states within the union (which, as that body stated, applies only to domestic lands and not to foreign nations or non-domestic lands and territories).<sup>30</sup>

The history and transactions between the United States, the Kingdom of Hawai'i, its monarchy, the people of Hawai'i, and the Hawaiian Islands, which have led to this modern state of affairs—utterly and entirely fail all the admonitions, intentions, requirements, rule(s) of law designed by, and hopes of President George Washington (see above), President Thomas Jefferson (see above), all the founding fathers (as evidenced in their prolific writings on freedom)—and even the original and great design and intention of and for the "land of the free and the home of the brave."

Because the State of Hawai'i, as the supposed 50<sup>th</sup> state in the Union, came into existence on the back of the United States and all that has illegally and unconstitutionally transpired—neither the State of Hawai'i, nor the U.S. federal government, are legal, legitimate, or rightful state(s), government(s), or authorities of, for, or over the Hawaiian Islands, the people of Hawai'i, and/or the rightful and lawful government of the Kingdom of Hawai'i—which is presently vested and humanly embodied in *His Majesty, King Edmund K. Silva, Jr.* Despite this, *His Majesty, King Silva* does not support or advocate other than legal process and cooperative and peaceful means to rectify the wrongs committed in the past.

For these same self-evident reasons (admitted and expressed by U.S. Congress, and signed into U.S. law by the President of the United States, as P.L. 103-150 (107)

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Stat. 150))—the decision by the Supreme Court of the State of Hawai'i, regarding Mauna Kea—is without force, effect, or efficacy, and is entirely null, void, and legally impotent.

Due to all the foregoing, the rightful and lawful monarchy of the Kingdom of Hawai'i is the true, correct, and lawful government of and for the Kingdom of Hawai'i, the Hawaiian Islands, and all the subjects and/or people found within any of the original and traditional islands, lands, and territories of the Kingdom of Hawai'i and the Hawaiian Islands.

AS PRONOUNCED BY THE U.S. SUPREME COURT, IN <u>FRANCHISE TAX</u> BD., SUPRA:

"THE LAW-OF-NATIONS [DICTATES]...THE PERFECT EQUITY AND **INDEPENDENCE** ABSOLUTE OF SOVEREIGNS...[AND THAT] SOVEREIGNS ENJOY EQUALITY BEFORE INTERNATIONAL LAW...[AND] THAT IT DOES NOT...BELONG TO ANY FOREIGN POWER TO TAKE COGNIZANCE OF THE ADMINISTRATION OF [ANOTHER] SOVEREIGN, TO SET HIMSELF UP FOR A JUDGE OF HIS CONDUCT, AND TO OBLIGE HIM ALTER IT...[AND, AS THE **SOVEREIGN** TO SUCH EXEMPT...FROM ALL FOREIGN JURISDICTION."

Id.

Mauna Kea is wholly and entirely the sacred mountain of the Kanaka Maoli! And, as King of the Kingdom of Hawai'i, I have power and authority to take the actions that I have taken. And, it is so done, under and by my hand and authority, given rightfully to me by none other than The Creator of All, Almighty God.

Ua Mau Ke Ea o ka 'Aina i ka Pono,



## ALII NUI MŌĪ EDMUND K. SILVA, JR.

Nalikolauokalani Paki — KaʻIʻomaka-ola-hou-Kaluaokalani-ka-ʻI-manoʻanuʻunuʻu-ka-lama-kea-i-hoʻokuʻkeʻaupuni-o-Hawaiʻi.

cc: Na Kupuna Council O Hawaiʻi Nei ame Moku Aliʻi Manaʻo Nui Minister of Foreign Affairs Celestial Council



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#### **CERTIFICATE OF SERVICE**

The undersigned certifies that on the 4<sup>th</sup> day of June, 2019 a true and correct copy of the enclosed and foregoing was delivered by hand, or by U.S. Mail, or by international mail, or by electronic fax, or by electronic mail (e-mail), to the following listed "Parties Recipient".

> Lanny Alan Sinkin (Further Information, Infra) Ali'i Mana'o Nui

Lamy Alan Sinkin

Joshua R. Kotter (Further Information, Infra)

## PARTIES RECIPIENT

FOR COMPLETE SERVICE LIST, CONTACT THE KINGDOM OF HAWAI'I ADMINISTRATION AT +1.808.518.5538

The Service List includes in part, involved parties such as:

- President Donald Trump, The White House
- Nancy Pelosi, Speaker of the House
- Chief Justice John Glover Roberts, Jr., Supreme Court of the United States
- Other U.S. Supreme Court Justices
- Associate Justice, Clarence Thomas
- Associate Justice, Ruth Bader Ginsburg
- Associate Justice, Stephen G. Brever Associate Justice, Samuel A. Alito, Jr.
- Associate Justice, Sonia Sotomavor
- Associate Justice, Elena Kagan
- Associate Justice, Neil M. Gorsuch
- Associate Justice, Brett M. Kavanaugh
- Governor David Y. Ige, State of Hawaii Lieutenant Governor, Josh Green, State of Hawaii
- Chief Justice, Mark E. Recktenwald, Hawaii Supreme Court
  - Other Hawaii Supreme Court Justices
  - Associate Justice, Jeannette H. Castagnetti

1 2 3 4 5 6 7	Associate Justice, Paula A. Nakayama Associate Justice, Sabrina S. McKenna Associate Justice, Richard W. Pollack Associate Justice, Michael D. Wilson Attorney General, Russell Suzuki, State of Hawaii Secretary-General, Antonio Manuel de Oliveira Guterres, United Nations Under Secretary General for Legal Affairs and United National Legal Counsel, Miguel de Serpa Soares, International Court of Justice Secretariat of the Permanent Forum on Indigenous Issues  ALL WORLD LEADERS, PERMANENT UNITED NATIONS MISSIONS FOR MEMBER STATES, AND KEY INTERNATIONAL LEGAL AND POLITICAL BODIES AND INDIVIDUALS.
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10	Lanny Alan Sinkin, Ali'i Mana'o Nui, Esq., J.D., Attorney at Law <sup>31</sup>
11	Legal Representative for the Kingdom of Hawai'i by appointment of Ali'i Nui Mō'ī Edmund Keli'i Silva, Jr.
12	
13	Joshua R. Kotter, Esq., J.D., MBA, Attorney at Law <sup>32</sup> Legal Representative for the Kingdom of Hawai'i by appointment of Ali'i Nui Mō'ī Edmund Keli'i Silva, Jr.
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25	<sup>31</sup> Licensed only In: Texas State, U.S.A. (Active; 18438675); Admitted to Hawai'i Federal Bar <sup>32</sup> Licensed only In: Montana State, U.S.A. (Active: 213496); Utah State, U.S.A. (Inactive: 12145)