

Liko-o-kalani Martin  
P.O. 61508  
Honolulu, Hawaii 96839

H.E. Mr. Ban Ki-moon  
Secretary-General  
United Nations  
New York, New York 10017  
U.S.A.

President of the United Nations General Assembly  
Mogens Lykketoft (Denmark)  
UN Headquarters  
405 East 42<sup>nd</sup> Street  
New York, NY 10017  
Tel: +1-212-963-1234

Subject: Petition in Complaint Against the United States for Violations of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

October 25, 2015

Your Excellency,

I am a native Inhabitant of Hawaii, a member of the group of those people referred to as the “native Inhabitants” in the reports filed by the United States between 1946 to 1959, as required under the United Nations Charter, Chapter XI-Declaration Regarding Non-Self Governing Territories<sup>1</sup>. My family and I have suffered many abuses directly, such as denial of access for fishing and gathering, and adverse possession of ancestral lands, and I have personally witnessed the well-being of our group diminishing in many communities throughout the islands. Herewith, is a formal complaint against the United States for violations of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide<sup>2</sup>.

## COMPLAINT

On September 12, 1984, the Honorable Jeane J. Kirkpatrick, Permanent Representative of the United States to the United Nations testified before the United States Senate, Committee on Foreign Relations on the value of the Genocide Convention in “combating the scourge [of] genocidal practices...which would be contrary to U.S. National interests {and} standing...[and contrary to]...advance the objectives of realizing a world free of genocide”<sup>3</sup>. The U.S., as a Member State of the United Nations, codified the U.N. Convention into U.S. law as “The Proxmire Act”, U.S. Public Law 100-606, Nov. 4, 1988, Pres. Ronald Reagan, (18 USC 1091-Chapter 50-A GENOCIDE)<sup>4</sup>, however, no implementing procedures were enacted.

It may be recalled that in 1946, Hawai‘i was listed under the U.N. Charter, Chapter XI. Then in 1959, the United States, as the administering Power, allowed for the creation of a ‘CORPORATION’ called the STATE OF HAWAII, which adopted the United States Federal Constitution<sup>5</sup>. In order to uphold and fulfill its “sacred trust obligation<sup>6</sup>” and be in compliance with its “obligation” as a Member State, United States Executive Proclamation 3309 was issued by President Dwight D. Eisenhower, which stipulated that Hawaii would be proclaimed admitted under a requirement of being admitted on an “equal footing”.<sup>7</sup> Unfortunately, and to the great detriment of Hawaii’s native Inhabitants, that requirement was never fulfilled. The consequences of non-conformity being widespread administrative abuse, in blatant disregard for the “...sacred trust...” and responsibilities enshrined in Chapter XI.

With respect to affording the Inhabitants of Hawaii an inherent birthright to exercise unfettered political self-determination, it never happened. Upon careful examination of the process employed by the U.S. in 1959, it is obvious that the U.S. deviated from the high moral standard afforded to other Territories and their Inhabitants who have achieved and been granted independence within their Territory. In short, the U.S. misinformed, and misled the Member States into believing that the requirements of Chapter XI have been fulfilled<sup>8</sup>. Whether intended or not, serious deficiencies exist with regards to the native Inhabitants not having an “equal footing”, or the ability to protect themselves from “abuse”.

After 50 years of U.S. Corporate control, we suffer from wanton neglect and manipulation, which has created the conditions lending to the “destruction of the group, in part, and as a whole”<sup>9</sup>, affronting our most basic, fundamental and non-negotiable human rights that the U.N. Charter enshrines. Despite the U.S.

status as a signatory to international Human Rights Treaties, political corruption, civil strife, dependency, racial discrimination, religious persecution and desecration of cultural resources, psychological torture, and inhumane treatment is the norm.

The United States rests in denial of its illegal “act of war”<sup>10</sup> committed on January 17, 1893, in support of a self-proclaimed [provisional government] consisting of sugar planters, merchants, and businessmen<sup>11</sup>, while the continued presence of the U.S military, in a prolonged occupation<sup>12</sup> in support of the [provisional government] aka [STATE OF HAWAII] fosters conditions whereby the inciting and commission of crimes of political, economic, and cultural genocide are easily, routinely and continually perpetrated.<sup>13</sup>

Despite a U.S. Resolution of “Apology” for its infamous takeover in 1893 (U.S. Public Law 103-150, Nov. 23, 1993, Pres. W. J. Clinton), Agencies, Entities, and Individuals, including agents within the U.S. Department of Interior conspire, against great opposition<sup>14</sup>, to establish some form of “government to government” relationship with the native Inhabitants<sup>15</sup>, targeting select members of our group who since 1920, have sought some form of recovery and rehabilitation, from the ramifications of the U.S. aided takeover of Hawaii. Unfortunately, the institution created by the United States Congress, known as the Hawaiian Homes Act of 1920, 1921, as Amended<sup>16</sup>, has been administered by policies of apartheid, servitude, and discrimination similar to a pattern that had existed in apartheid South Africa<sup>17, 18</sup>.

Historical fact, common sense, and simple logic lead one to conclude that if Hawaii had been legitimately and properly [annexed]<sup>19</sup> as purported by the U.S. in its reports under Chapter Xi, there would be no need for establishing a ‘government to government’ relationship, nor need for the “equal footing” requirement in U.S. Executive Proclamation 3309. If the United States had properly annexed Hawaii, it would not have been listed under Chapter XI. The fact that this ongoing effort exists provides evidence of political fraud by the U.S.<sup>20</sup>, in reporting that it had met its “obligation” under the mandate. The United States Department of Interior is inciting and committing acts whose “specific intent” is to transfer and create a separate relationship ”in part”, with those members of our group which will deprive them, being a part of “a whole”, of their rights to exercise unfettered political self-determination, as a free people.<sup>21</sup>

The U.S. would have to do much more in order to sanitize this Territory, where “war crimes”, “crimes against peace”, and “crimes against humanity”, are being committed.<sup>22</sup> The evidence, proof of this fact, is readily available, and I call upon the Member States to rise to this occasion, in order to uphold the dignity of humanity, and the purpose for which the United Nations was created, namely for the protection of humanity in fostering peaceful international relations between Nation States and Peoples of the world.

It may be recalled, at the opening of the Nuremburg Trials, that the lead prosecutor, Justice Robert Jackson stated, “...the privilege of opening the first trial in history, for crimes against the peace of the world imposes a great responsibility, the wrongs that we seek to condemn and punish, have been so articulated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated”.<sup>23</sup> I implore your Excellency to set a course whereby the integrity and pride of the Member States will be celebrated, so that one day the sword will be truly turned into plowshares.<sup>24</sup>

May I recall from the text of General Assembly Resolution 1654 (XVI) Annex III of 27 November 1961, bearing in mind the “purpose and principles...to transfer all powers to the people of those Territories, without conditions or reservations...in order to enable them to enjoy complete independence and freedom”. Provisions in the Declaration (General Assembly Resolution 1514) “... have not been carried out, (in order to prevent) acts aimed at the partial or total disruption of national unity and territorial integrity...(and that) delay...is a continuing source of disharmony...creating an increasingly dangerous situation”.<sup>25</sup>

Annex III continues further to say that “inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence...(calling upon) States encouraged to take action without further delay (to) “...fulfill application and implementation”. I respectfully request through your office, and under your direction, that the Special Committee on Decolonization examine the application of the Declaration, to determine if in fact the United States did fulfill its “obligation” as a Member State, and to make recommendations on implementation, and make a report to the General Assembly, and if necessary, for the Special Committee to conduct meetings in the Territory of Hawaii, to effectively discharge its functions, to include assistance from the Trusteeship Council on the Declaration.

Annex IV relating to implementation, validates the importance of assisting peoples under colonial domination, and puts emphasis on “...their struggle for freedom and independence...in mobilizing world public opinion for the complete elimination of colonialism in all its forms and manifestations...to reaffirm...the right to self-determination and independence’.

Subjection of peoples to alien domination constitutes a denial of fundamental human rights, and is a serious impediment to the maintenance of international “peace and security and the development of peaceful relations among nations”<sup>26</sup>, by applying the principles of international law, while being conscious that colonialism continues to exist, and mindful, that a courageous, peaceful, struggle for freedom, self-determination, independence, and equal rights has been going on in Hawaii since the infamous ““act of war” was committed in 1893 against the Kingdom of Hawaii.

The Member States should do their utmost to immediately promote effective measures for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly Resolution 1514 (XV) of 14 December 1960,<sup>27</sup> irrespective of Hawaii’s size, or prescriptions designed by the United States Executive, Congressional, or Judicial branches in order to maintain the status quo, that give an impression that all is well with the native Inhabitants, in their occupied Territory. Moral and material assistance should be rendered, as well as intensifying efforts to promote the implementation of conventions and resolutions of the General Assembly, and of the Security Council, relating to countries under colonial domination.<sup>28</sup>

Strong efforts should be undertaken by the Member States to end political, military, and foreign economic collaborations, and the takeover of institutions of national character, as well as preventing the continued despoiling, and misappropriation of natural resources to the detriment of Hawaii’s native Inhabitant population as a whole, which has negatively affected our ability to exist and maintain our cultural identity. It must remain very clear that the United Nations cannot treat our group as indigenous peoples, and that this petition is not asking for a referral to the Permanent Forum on Indigenous issues, with much respect to the importance of that venue. Hawaii’s native Inhabitants inherent rights to self-determination, due to historical circumstances, pertain to the recognition and restoration to an independent Nation-State status. Member States should endeavor to collectively or individually take measures to achieve a cessation of all new foreign investments and loans into the “STATE OF HAWAII”, with an emphasis towards the discontinuance of such

activities and practices on the part of their nationals and companies within their jurisdiction.

Colonialism in all its forms and manifestations, including racism, discrimination, slavery and servitude, policies of apartheid, economic oppression, subjugation) aided by prolonged U.S. military occupation, grossly violates the Charter, constituting a threat to Territorial and International peace and security.<sup>29</sup>

Inherently, it is the right of our native Inhabitant people under foreign domination to struggle by all means at our disposal against the oppression of the [U.S. – STATE OF HAWAII] colonial and racist regime and its suppression of our aspirations for freedom, self-determination and independence...to ensure that the permanent sovereignty of Hawaii, under colonial, racist, and alien domination over natural resources shall be fully respected, and safeguarded, as well as adapting measures to discourage or prevent the continuing systematic influx of outside immigrants and settlers, which has severely disrupted the demographic composition, and constitutes a major obstacle to the genuine exercise of the right to self-determination and independence.<sup>30</sup>

Annex IV<sup>31</sup> emphasizes Member States taking opposition to military activities and arrangements and to intensify efforts to, systematically, secure immediate and unconditional withdrawal from Hawaii, of military bases and installations, which could have a positive effect upon the crisis facing the native inhabitants with respect to housing and re-establishing cultural identity, along with unfettered customary and traditional access to natural resources, and additionally adopting necessary measures to prevent recruitment, financing, and training of mercenaries, for use against national liberation movements struggling against the yoke of colonialism, racism, discrimination, torture and inhumane treatment, slavery and servitude, and apartheid, in respect for the Geneva Conventions, and also, applied to protected persons, civilians, and non-combatants, while simultaneously and actively endeavoring to create satisfactory conditions for activities by national and international non-governmental and human aid organizations, in support of Hawaii's native Inhabitants under colonial domination.

The General Assembly must be made aware, and draw attention to the Security Council, that the denial of the exercise of the right to self-determination, as defined in Resolution 1514, poses a threat to international peace and security throughout the Pacific Region, and that the Security Council should consider

imposing mandatory economic sanctions against the U.S., and its allying colonizers.

It is requested that the Special Committee examine whether the United States is in full compliance with the Declaration and other relevant resolutions on the question of decolonization. The full Assembly will continue to bear, and take, responsibility for Hawaii, re-affirming the recommendations and directives to expedite the application of the Declaration, by reviewing Hawaii's political status, and send a mission in order to obtain first- hand information on conditions in Hawaii, and examine carefully the views, petitions, complaints, expressed orally and in writing by Hawaii's native Inhabitants and representatives of non-governmental organizations with knowledge of conditions in Hawaii, since informational transmissions have ceased since Hawaii was removed from the list under U.N. Charter Chapter XI.

It is further requested that the Special Committee assist the General Assembly in making arrangements, in cooperation with the administering Powers, to secure a United Nations presence in Hawai'i to enable it to participate in the elaboration of the procedural arrangements for the implementation of the Declaration and to observe and supervise the decolonization process, and intensify efforts to disseminate information on the struggle of Hawaii's native Inhabitants, pertaining to self-determination, independence, freedom, and equal rights, while looking to render all possible moral and material assistance as is required by the United Nations, and non-governmental organizations having special interest in the field of decolonization, and actively opposing colonization in all its forms and manifestations, in cooperation with the Secretary-General and relevant organs of United Nations.

It is imperative to re-affirm the Charter of the United Nations and People of the world's proclamations in upholding fundamental human rights, in the dignity and worth of the human person, in pursuit of equal rights of men and women, rights of the child, of nations large and small, in promotion of social progress and better standards of life, with consideration to the process of national liberation, being irresistible and irreversible, with a solemn proclamation to immediately and unconditionally put an end to colonialism in Hawaii.

It is notable that since the inception of the United Nations, a great number of colonial Territories have achieved independence, through courageous liberation struggles, assisted by the Special Committee, and former colonial Territories, to realize the purpose and principles of the Charter, by preserving international

peace and security, by implementation of decolonization, impacting contemporary international relations, and mobilizing world public opinion for the complete elimination of colonialism.

The illegal, and prolonged military occupation of Hawaii by the United States, and wanton aggression and oppression by the [U.S. STATE OF HAWAII CORPORATION] against and upon the native Inhabitants of Hawaii, combined with a blatant disregard and manipulation of their inalienable and inherent rights of sovereignty “...in their national lands...”, and subjection to colonial domination, constitutes a gross denial of fundamental human rights, and stands as a serious impediment towards the development, and attainment of peaceful relations among peoples and nations, depriving the native Inhabitants of important and essential economic, social, and cultural self-reliance necessary for the attainment and consolidation of genuine independence.

It is most important that the eradication of racial discrimination, slavery, servitude, and policies of apartheid, and violations against fundamental human rights of Hawaii’s native Inhabitants, be achieved peacefully, and expeditiously, by faithful and complete implementation of the Declaration, in a re-dedication of the Member States to its principles and objectives.

At this juncture in Hawaii’s history, the continued U.S. occupation of Hawaii runs contrary to the purpose and principles of the United Nations. The longstanding, well-documented, and brutal repression, and aggressive activities and acts of destabilization, aligning with the policies of apartheid and servitude, warrant condemnation.

Hawaii’s native inhabitants are deserving of faithful and strict observance of all relevant provisions of the Charter, resolutions, conventions and decisions of the General Assembly, and those of the Security Council, in honor of the deposed, and late Constitutional Monarch, Queen Liliuokalani, who wisely avoided a collision of forces on January 17, 1893<sup>32</sup>. It is a matter of urgency that all moral and material assistance and oversight be rendered to thwart the possibilities of civil revolt, in light of the acceleration of foreign economic interest running counter to the Interests of the native Inhabitants of Hawaii.

Member States are further urged to discontinue all economic, financial, trade and other relations with the racist corporate regime, aka [STATE OF HAWAII], while refraining from entering into any relations lending legitimacy or support the continued illegal occupation and colonization of Hawaii. The Member States



and Organizations of the United Nations system remain obligated to ensure that the permanent sovereignty of Hawaii, and its natural resources are fully respected and safeguarded.

Member States, along with the U.S. as the administering power, under the Charter, and in accord with the Declaration, should endeavor to create economic, social, and other conditions which will enable our native Inhabitant group, as a whole, to achieve genuine independence and economic self-reliance, by adopting all necessary measures, including a call for a land freeze and immediately halt to land transactions based on foreign ownership or investment, to discourage or prevent the continued systematic influx of immigrants and U.S. nationals, which has greatly disrupted the demographic composition, and which has forced the displacement, complete, or partial, of Hawaii's native Inhabitants.

Hawaii's native Inhabitants have, and will continue to psychologically suffer, from severe desecration and destruction of historic sites dedicated to religion, the arts, and science, along with exploitive defacing and toxic contamination<sup>33</sup> of critical watersheds<sup>34</sup>, national monuments such as Mauna Kea<sup>35</sup> and Haleakala<sup>36</sup>, confiscation of private lands<sup>37</sup> and personal property, cultural properties, and agricultural estates, which have destroyed cultural identity, as well as affecting national unity. By virtue of the Declaration, Member States should encourage the full development of Hawaii's native Inhabitant culture, and facilitate the unfettered exercise of their right to self-determination and independence.

Member States must be mindful that the presence of military bases and installations in Hawaii<sup>38</sup> constitute a major obstacle to the implementation of the Declaration, and remain cognizant that it is the responsibility of the Security Council and the U.S., being the administering Power, to ensure that the existence of such bases and installations does not hinder the right to self-determination and independence, nor to continue to involve the use of Hawaii's nationals, and our Territory, in any offensive acts or interference against other States, in order to fully comply with the purposes and principles of the Charter, conventions, declarations, resolutions and decisions of the United Nations relating to military activities and arrangements by colonial Powers in the Territory under their administration, while further adopting measures to prevent the recruitment, financing, training, and transit of mercenaries in the Territory of Hawaii for use against national liberation movements, and other Peoples, struggling for freedom and independence from the yoke of colonialism, racism, discrimination, slavery and servitude, and policies of apartheid.

Member States of the United Nations should consider their role as incumbent with regard to the process of decolonization, and intensify efforts towards disseminating information on the de-colonization of Hawaii, which will result in the mobilization of international public opinion in support of complete decolonization, in order to expedite implementation of the Declaration, and hereby, inviting the Security Council to give special attention to Hawaii's native Inhabitants<sup>39</sup>, whose kinship, linguistic, and bioregional relationships extend throughout Polynesia, and the Pacific Rim Continents, with consideration to impose mandatory sanctions against the United States under throughout Polynesia, and the Pacific Rim continents, while giving serious consideration to Chapter VII of the Charter.

It is also requested that those specialized agencies and other organizations of the United Nations system render or continue to render, within their respective spheres of competence, all possible moral and material assistance to the colonized native Inhabitants of Hawaii, affording them the utmost respect and admiration on their efforts for national liberation, and with consideration towards withholding from the apartheid regime aka [STATE OF HAWAII] any form of collaboration or assistance in the financial, economic, and technical fields, until Hawaii's native Inhabitants have expressed their right to self-determination and independence in a united Hawai'i, and until apartheid and servitude have been eradicated, and a non-discriminatory united State has been re-established in accordance with Hawai'i's historic international treaty relations, customary national usages, and established fundamental self-governing organisms, which are deemed adequate by Hawai'i's native Inhabitants, in respect for their "...national origins...", as respecting the instruments and norms of customary international law(s).

It is finally requested of the Special Committee to examine the full compliance of the United States to the Declaration, and other relevant resolutions concerning decolonization, and to seek suitable ways for the speedy and total application of the Declaration on the Granting of Independence to Colonial Countries and Peoples in the Territory of Hawaii to which it applies, and propose to the General Assembly specific measures for the complete implementation of the Declaration, while inviting all States to co-operate fully with the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of independence to Colonial Countries and Peoples, in the complete fulfillment of the mandate.

Respectfully Yours,

-----  
Liko-o-kalani Martin, Petitioner  
Native Tenant, Inhabitant of Hawaii

-----  
(date)

-----  
Leon Siu, Ascendant to Petition in Complaint  
Hawaiian National

-----  
(date)

Cc:

United Nations, Office of the High Commissioner for Human Rights  
Palais-des Nations  
CH-1211 Geneva 10, Switzerland  
Attention: Secretariat of the Human Rights Committee  
President of the General Assembly of the United Nations

Chairman of the U.N. Special Committee on Decolonization

Royal Order of Kamehameha, Attention: Paul Neves & Wiremu Oterangi  
Kalaniana'ole Vancouver Carroll, Hilo. Hawaii. Hawaiian Kingdom Royal Patent 32,  
Mamalahoa He'eiau (Kuhio Council).

United States Department of State  
Attention: Office of the Secretary of State

In The United States Congress  
Senate Committee on Foreign Affairs,  
Senate and House Judiciary Committees

United States Department of the Interior  
Attention: Office of the Secretary of Interior

(U.S.) STATE OF HAWAII INC.  
Office of: The Governor, and the Attorney General

Laulani Teale, Director, Ho'opa'e Pono Peace Project

The Carter Foundation

## Citations

<sup>1</sup> United Nations Charter, Chapter XI-Declaration Regarding Non-Self Governing Territories

<sup>2</sup> U.N. Convention on the Prevention and Punishment of the Crime of Genocide

<sup>3</sup> Testimony of the Honorable Jeane J. Kirkpatrick, Permanent Representative of the United States to the United Nations, before the United States Senate, Committee on Foreign Relations, September 12, 1984.

<sup>4</sup> Proxmire Act, 1988

<sup>5</sup> Admissions Act, 1959. Note: O'Malley, Eric Steven. Irreconcilable Rights and the Question of Hawaiian Statehood. The Georgetown Law Journal. Vol. 89: 2001. pp 501-536.

“Significantly, a few years before the 1959 vote on statehood, the United States stopped sending the requisite Article 73 reports on Hawaii, a move never questioned by the United Nations. For the statehood plebiscite, the ballot offered only one alternative: "Shall Hawaii immediately be admitted into the Union as a State?"”

<sup>6</sup> UN Charter, Chapter XI

<sup>7</sup> United States Executive Proclamation 3309, 1959

<sup>8</sup> Trask, Mililani. Hawaii and the United Nations. Cultural Survival.

<http://www.culturalsurvival.org/ourpublications/csqa/article/hawaii-and-united-nations>

“By letter dated September 17, 1959, the United States notified the U.N. Secretary-General that Hawai'i had become a state of the Union in August 1959 and that the United States would thereafter cease to transmit information to the United Nations.”

<sup>9</sup> Proxmire Act, 1988

<sup>10</sup> (U.S.) PRESIDENT'S MESSAGE, 53<sup>rd</sup> Congress 2d Session, Ex. Doc. No. 47, relating to the HAWAIIAN ISLANDS, December 18, 1893, Washington: Government Printing Office, 1893, To the Senate and House of Representatives: “...was of in itself an act of war...” U.S. President Grover Cleveland.

<sup>11</sup> US PL 103-150, 1993

<sup>12</sup> Geneva Convention IV, 1907

<sup>13</sup> Proxmire Act, 1988

<sup>14</sup> Wang, Frances Kai-Hwa. NBC News Online. Native Hawaiians to Federal Government: Give Us Back Our Kingdom.  
<http://www.nbcnews.com/news/asian-america/native-hawaiians-federal-government-give-us-back-our-kingdom-n151801> Jul 11 2014, 8:45 am ET

<sup>15</sup> U.S. Federal Register, Vol. 79, No. 119, Friday June 20, 2014- Proposed Rules.

<sup>16</sup> U.S. Congress, Hawaiian Homes Commission Act of 1920, 1921, as Amended

<sup>17</sup> Perkins, Umi. A Brief History of Hawaiian Homelands. The Umiverse.  
<https://theumiverse.wordpress.com/2012/01/06/a-brief-history-of-hawaiian-homelands/>. January 6, 2012 · 1:15 am

<sup>18</sup> A Broken Trust , 1991

<sup>19</sup> Newcombe, Steven T , Justice memo shows U.S. never legally annexed Hawaii. The Honolulu Advertiser, Sunday, March 12, 2000-B3

<sup>20</sup> Memorandum for Abraham D. Sofaer, U.S. Dep't of State, Legal Issues Raised by the Proposed Presidential Proclamation to Extend the Territorial Sea, 12 Op. Off. Legal Counsel 238, 319 (1988). The memo states in relevant part:

*Congress acted in explicit reliance on the procedure followed for the acquisition of Texas... This argument, however, neglected one significant nuance: Hawai'i was not being acquired as a State. Because the joint resolution annexing Texas relied on Congress' power to admit new states, 'the method of annexing Texas did not constitute a proper precedent for the annexation of a land and people to be retained as a possession or in a territorial condition.' Only by means of treaties, it was asserted, can the relations between States be governed, for a legislative act is necessarily without extraterritorial force-confined in its operation to the territory of the State by whose legislature it is enacted. Notwithstanding these constitutional objections, Congress approved the joint resolution and President McKinley signed the measure in 1898. Nevertheless, whether this action demonstrates the constitutional power of Congress to acquire territory is certainly questionable. The stated justification for the joint resolution-the previous acquisition of Texas-simply ignores the reliance the 1845 Congress placed on its power to admit new states. It is therefore unclear which constitutional power Congress exercised when it acquired Hawai'i by joint resolution.*

<sup>21</sup> UN Charter, Chapter XI

<sup>22</sup> Nuremberg Trials Final Report Appendix D: Control Council Law No. 10, PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES, CRIMES AGAINST PEACE AND AGAINST HUMANITY.

<sup>23</sup> Nuremberg: Tyranny on Trial - An examination of the historic Nazi trials at Nuremberg (Documentary, 1995). Alden, Jerome and Norman Stahl. The History Channel.

<sup>24</sup> Swords Into Plowshares, United Nations Cyber School Bus, United Nations, UN.org, 2001.

In 1959, a [bronze statue](#) promoting the slogan "[Let Us Beat Swords into Plowshares](#)" was donated by the [Soviet Union](#) to the United Nations. It was sculpted by [Evgeniy Vuchetich](#) to represent the human wish to end all wars by converting the weapons of death and destruction into peaceful and productive tools that are more beneficial to mankind.<sup>[12]</sup>

<sup>25</sup> General Assembly Resolution 1654 (XVI) Annex III of 27. TWENTY-FIVE YEARS OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES. November 1961

<sup>26</sup> UN GA Resolution 1654, 1961

<sup>27</sup> General Assembly Resolution 1514 (XV). Declaration on the Granting of Independence to Colonial Countries and Peoples. December 14, 1960

<sup>28</sup> G.A. Resolution 1654 (XVI) Annex III.

<sup>29</sup> Charter of the United Nations (24 October 1945),

<sup>30</sup> G.A. Resolution 1654 (XVI) Annex III.

<sup>31</sup> G.A. Resolution 1654 (XVI) Annex III.

<sup>32</sup> Statement of Queen Liliuokalani to United States 1893.

<sup>33</sup> BROWNFIELDS, Hawaii Brownfields Assessment Program; showing brownfields that are slated for housing development for native Inhabitants participating in the Hawaiian Homes Act  
BROWNFIELDS, Hawaii Brownfields Assessment Program; showing brownfields that are slated for housing development for native Inhabitants participating in the Hawaiian Homes Act

<sup>34</sup> Drinking Water Contamination, Seventh(7) Request to Health Director John C. Lewin, Gov. John Waihe'e says nothing about contaminations, Bill Dougherty, State Groundwater Advisory Committee.

<sup>35</sup> Petitioning Hawaii Governor: Stop TMT Construction and Arrests of Mauna Kea Protectors. Change.org petition, 2015 (64,873 signatures).  
<https://www.change.org/p/governor-david-y-ige-stop-tmt-construction-and-arrests-of-mauna-kea-protectors?recruiter=270466896>

<sup>36</sup> Haleakala Solar Telescope Desecration. Maui News. May 21, 2009  
<http://kilakilahaleakala.org/site/haleakala-solar-telescope-desecration/>

<sup>37</sup> Leona Lui, Letter from native Inhabitant, under duress from threat of eviction/confiscation of private lands & property by reason of 'eminent domain' under the STATE OF HAWAII, & its Municipality THE CITY AND COUNTY OF OAHU, included as Item No. 2 in the enclosed Attachment to Petition in Complaint Against the United States for Violations of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide.

<sup>38</sup> HAWAII MILITARY LAND USE-MASTER PLAN, EXECUTIVE SUMMARY, MAY 1995, (FOR OFFICIAL USE ONLY.

<sup>39</sup> "KANAKA HUI LANDS', U.S. Department of the Interior "Audited Warranty Deed", U.S GRANT 347 JOINTLY OWNED PROPERTY, under Laws of Joint Tenancy, Surviving Legal Owner by Deed is: Joseph Punilei Manini

## References

GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987 (THE PROXIMITY ACT)  
U.S. P.L. 100-606, see page 102 Stat. 3045, Cong. Record Vol. 134 (1988)

United Nations Charter, Chapter XI-Declaration Regarding Non-Self Governing Territories, 1946

Trask, Mililani. Hawaii and the United Nations. Cultural Survival.

<http://www.culturalsurvival.org/ourpublications/csqa/article/hawaii-and-united-nations>

Presidential Proclamation 3309 of August 25, 1959, by Dwight D. Eisenhower admitting the State of Hawaii into the Union, upon the requirement of “equal footing”.

U.S. Congressional Record, 103<sup>rd</sup> Congress, Vol.139, Oct. 27, 1993, No.147, SENATE-S14477- On the 100<sup>th</sup> Anniversary of the Overthrow of the Hawaiian Kingdom.

Declaration on the Granting of Independence to Colonial Countries and Peoples, United Nations, General Assembly Resolution 1514(XV).

DECOLONIZATION- A publication of the United Nations Department of Political Affairs, Trusteeship and Colonization, No. 26, December 1985, Twenty-Five Years of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Nuremberg Trials Final Report Appendix D: Control Council Law No. 10, PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES, CRIMES AGAINST PEACE AND AGAINST HUMANITY.

Geneva Convention IV respecting the Laws and Customs of War on Land and its annex: Regulation concerning the Laws and Customs of War on Land. The Hague (18 OCT 1907)

International Humanitarian Law, Wikipedia, The Law of Geneva and The Law of the Hague, Two Historical Streams.



(United States) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, Official “protest” filed with the U.S Department of State in Washington D.C. on the 17<sup>th</sup> of June 1897, from her late Majesty, Queen Liliuokalani against the ‘U.S. Senate annexation resolution’ purportedly ceding Hawaii to the dominion of the United States.

Ku e: The Hui Aloha ‘Aina Anti-Annexation Petitions 1897-1898, compiled by Nalani Minton and Noenoe K. Silva, Published at Honolulu July 1998.

HAWAIIAN LAND DIVISIONS, TERMINOLOGIES & LOCATIONS, prepared by Kumu Kuponopono John Keolamaka‘ainana Lake, Na Hanona, June 20, 1990.

THE KINGDOM IS, United States Documents and Facts pertaining to the De Jure Hawaiian Kingdom Government, Aran Alton: Ardaiz and Jon Robert Johnson, Teachers, The Truth of God Ministry, P.O. Box 62107, Manoa, Hawaii (USPZ Exempt 96839), Common Law Copyright 1999, Aran Ardaiz.

(U.S.) THE ADMISSION ACT, an Act to Provide for the Admission of the State of Hawaii into the Union, (Act of March 18, 1959, Pub L 86-3, 73 Stat 4)

Courts of Bias, Courts of Deceit, “Citizenship is Voluntary”, Aran Ardaiz: Ardaiz and Jon Robert Johnson, Teachers, The Truth of God Ministry, P.O. Box 62107, Manoa, Hawaii (USPZ Exempt 96839), Common Law Copyright 1999, Aran Ardaiz.

FOUR (4) TYPES OF CITIZENSHIP, “Citizenship is Voluntary”, Aran Ardaiz: Ardaiz and Jon Robert Johnson, Teachers, The Truth of God Ministry, P.O. Box 62107, Manoa, Hawaii (USPZ Exempt 96839), Common Law Copyright 1999, Aran Ardaiz.

THE LAW OF NATIONS, Applied to the Conduct and to the Affairs of Nations and of Sovereigns, By Emer de Vattel, translation from the edition of 1785 by Charles G. Fenwick.

TREATIES and CONVENTIONS, entered into by His Majesty Kamehameha III and His Guardians.

RESTRUCTURING FOR PEACE: Challenges for the 21<sup>st</sup> Century, an International Conference in Honor of the Late Senator Spark M. Matsunaga, Jefferson Hall, East-West Center, Honolulu, Hawaii, June 2-5, 1991, sponsored by Spark M.

Matsunaga Institute for Peace (UOH), Institute of Culture and Communication (EWC), Spark M. Matsunaga Peace Foundation, United Nations University-Tokyo, Japan, Albert J. Simone, President, University of Hawaii.

RESOLUTION, Hawaii Council of Churches, adopted March 19, 1992, by the Board of Directors, Recognizing the RIGHT TO SELF-GOVERNANCE OF NATIVE HAWAIIANS; News Periodical, Honolulu Advertiser 5-2-92, Bishop Joseph Ferrario, "They have suffered much", Bishop urges Catholics to support Hawaiians, by Jon Yoshishige, Advertiser Staff Writer.

Apologies and Resolutions, after 100 years- Hawaiian Sovereignty, August 1989-May 1994, of the Hawaii Ecumenical Coalition

(U.S.) PRESIDENT'S MESSAGE, 53<sup>rd</sup> Congress 2d Session, Ex. Doc. No. 47, relating to the HAWAIIAN ISLANDS, December 18, 1893, Washington: Government Printing Office, 1893, To the Senate and House of Representatives: "...was of in itself an act of war..." U.S. President Grover Cleveland.

(U.S.) Executive Agreement, Cleveland- Liliuokalani Agreement of Restoration (1893), David Keanu Sai, PH.D.

ST. THOMAS LAW REVIEW, Vol. 7, Summer 1995, RESTORATION OF THE INDEPENDENT NATION STATE OF HAWAII UNDER INTERNATIONAL LAW, Francis Anthony Boyle, Symposium, Tribal Sovereignty: Back to the Future?

Testimony of Williamson B. C. Chang in opposition to the Governor's Proposal to resolve Ceded Lands and Hawaiian Homes Claims, March 26, 1991, and April 30<sup>th</sup> 2015 before a Special Meeting of the OHA Board of Trustees, regarding Mauna Kea and the Thirty Meter Telescope.

Office of Legal Counsel, U.S. Department of Justice \*238 LEGAL ISSUES RAISED BY PROPOSED PRESIDENTIAL PROCLAMATION TO EXTEND THE TERRITORIAL SEA, October 4, 1988, Memorandum Opinion for the Legal Adviser, Department of State, "one significant nuance: HAWAII was not being acquired as a state. Because the joint resolution annexing Texas relied on Congress' power to admit new states, "the method of annexing Texas did not constitute a proper precedent for the annexation of a land and people to be retained as a possession or in a territorial condition". "...Only by means of treaties, it was asserted, can the relations between the States be governed, for a legislative act

is necessarily without extraterritorial force—confined in its operation to the territory of the State by whose legislature it was enacted.

“A Rope of Sand”, A Documentary History of the Joint Resolution to Annex Hawaii, Williamson Chang, Copyright October 10, 1997.

The Honolulu Advertiser, Sunday, March 12, 2000-B3, by Steven T Newcomb, Justice memo shows U.S. never legally annexed Hawaii.

MEMORANDUM, April 4, 2001, from Buzzy Agard, Subject: Questions about the annexation of Hawaii,  
The Legal Counsel of the U.S. Department of Justice Memorandum, information referring to Hawaii, to determine future courses of action for the Hawaiian people.

OPINIONS of the Office of Legal Counsel of the United States Department of Justice, consisting of selected memorandum opinions advising the President of the United States, the Attorney General and other Executive Officers of the Federal Government in relation to their OFFICIAL DUTIES, Vol 12 1988, Washington 1996.

APOLOGY RESOLUTION/HAWAIIAN KINGDOM, United States Public Law 103-150, 103<sup>rd</sup> Congress Joint Resolution 19, Nov. 23, 1993, To acknowledge the 100<sup>th</sup> anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

United States Department of State, Washington D.C., [www.state.gov](http://www.state.gov), January 20, 2010, UNCLASSIFIED MEMORANDUM FOR EXECUTIVE BRANCHES AND STATE GOVERNORS, From: Harold Hongju Koh, Legal Adviser, Subject: U.S. Human Rights Treaty Reports, Stressing the importance and serious nature of United States obligations under the ICCPR, CERD, and the CRC Optional Protocols.

Compact Disk (CD), NO TREATY, NO LAW, NO LAND. A supplemental history detailing United States offenses against the Law of Nations, and the United States Constitution.

INUIT SELF-DETERMINATION IS EXTERNAL JURISDICTION, October 14, 1993, Box 211, Barrow, Alaska 99723, by Charles Edwardsen, Jr. Inupiat from Barrow Alaska; a testimony on the principles laid down in Article 76 of the United

Nations Charter, dealing with human and fundamental rights without distinction, and equality of treatment that are not being applied in the United States.

Document: INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, including observations on the fourth periodic report of the United States of America; CRUEL, INHUMANE, AND DEGRADING:Homelessness in the United States under the International Covenant on Civil and Political Rights.

Document: INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969, in accordance with Article 19.

UNITED NATIONS, ECONOMIC AND SOCIAL COUNCIL, E/CN.4/1991/2, E/CN.4/Sub.2/1990/59, October 15 1990, Original, English, Commission on Human Rights, Sub-commission on Prevention of Discrimination and Protection of Minorities, 42<sup>nd</sup> Session, Rapporteur: Mr. Vergre Saboia.

Document: CONVENTION against TORTURE and other CRUEL, INHUMAN or DEGRADING TREATMENT or PUNISHMENT, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27(1).

Document: INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966, entry into force, 3 January 1976, in accordance with article 27.

United Nations DECLARATION on the RIGHTS of INDIGENOUS PEOPLES, ADOPTED, DURING THE 107<sup>TH</sup> PLENARY MEETING, 13 SEPTEMBER 2007; Comments: of the United States Government on the Draft Declaration on the Rights of Indigenous Peoples.

THE "COMPACT OF FREE ASSOCIATION ACT OF 1985, U.S. Public Law 99-239, January 14, 1986, 99<sup>th</sup> Congress, a Joint Resolution, to approve the "Compact of Free Association", and for other purposes, TITLE III- PACIFIC POLICY REPORTS, Sec. 301. FINDINGS, The Congress Finds that – (1) the United States does not have a clearly defined policy for United States noncontiguous Pacific areas (including the Commonwealth of the Northern Mariana Islands, American

Samoa, Guam, the State of Hawaii, and the State of Alaska) and for United States associated noncontiguous Pacific area (including the Federated States of Micronesia, the Marshall Islands, and Palau): (4) (E) to attain the international obligations of the United States; Section 303-CONFERENCE. (a) Meeting...to obtain the views of the noncontiguous Pacific area....

SPECIAL REFERENCE DOCUMENTS RELATING TO AREA OF SERIOUS CONCERN AFFECTING THE WELL-BEING AND TREATMENT TOWARDS THE native INHABITANTS OF HAWAII:

U.S. Constitutional Limits of the Hawaii Stae Constitution, raises the question constitutionality of Article XII Section 5, establishing the Office of Hawaiian Affairs, July 6, 1980, from STATE OF HAWAII, Department of the Attorney General.

[STATE OF HAWAII], Fifteenth Legislature, March 3, 1990, letter from Senator Mike Crozier, Chairman, Housing & Hawaiian Programs Committee, Standing Committee Report No. 2329, February 21, 1990, Re: S.B No. 3236, "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.", indicating the Act shall be not be construed to affect the rights of the successor to the Kingdom of Hawaii, or the descendants of the indigenous citizens to seek redress or reparations from either the SATE OF HAWAII or the United States for wrongful activities associated with the overthrow of the Kingdom of Hawaii.; the Act shall not be construed to alter any other common law or statutory obligations of the United States and the State of Hawaii, including other obligations that may be imposed by future legislation or action by courts.

[STATE OF HAWAII] TAX APPEAL COURT, Case No. 00-0054, on microfilm, Taxpayer raises the question of illegalities arising under the Constitution of the United States and Laws of the State of Hawaii, due to the lack of uniformity with the rules of assessment and the illegality in the application of taxation, U.S. Constitution Article IV – Section 3, "...now new State shall be created within the jurisdiction of another State; fraud and collusion to tamper with evidence.

In the SUPREME COURT OF THE UNITED STATES, Docket No. 07-1372, STATE OF HAWAII, et al, petitioners vs. OFFICE OF HAWAIIAN AFFAIRS, et al, respondents, brief for: Albert Kahiwhiwaokalani Haa, Jr., MOTION TO INTERVENE; NOTICE OF INTERVENTION, by Proper Party Claimant, Heirs (Lineal

Descendants) of Kauikeaouli, (Kamehameha III), filed Feb. 24, 2009 @ 1:27 PM, with the Supreme Court Security.

In the SUPREME COURT OF THE UNITED STATES, 27 FEB 09, David Wynn Miller, syntax filing outlining the (6) areas that are ailing communications, and need correcting with respect to Hawaiian Kingdom claims.

Harvard Environmental Law Review, 2005, Article: \*523 “UA KOE KE KULEANA O NA KANAKA” (Reserving the Rights of Native Tenants): Integrating KULEANA RIGHTS AND LAND TRUST PRIORITIES IN HAWAII, Jocelyn B. Garovoy [FN1], Copyright 2005.

“KANAKA HUI LANDS Audited Warranty Deed/U.S. Grant 347 Jointly Owned Property, Surviving Legal Owner by Deed Is: Punilei Manini, Lands held under the Laws of Joint Tenancy.

Perkins, Umi. A Brief History of Hawaiian Homelands. The Umiverse.  
<https://theumiverse.wordpress.com/2012/01/06/a-brief-history-of-hawaiian-homelands/>. January 6, 2012 · 1:15 am

A BROKEN TRUST – The Hawaiian Homelands Program: Seventy Years of Failure of the Federal and State Governments to Protect the Civil Rights of Native Hawaiians, December 1991, by the Hawaii Advisory Committee to the United States Commission on Civil Rights.

U.S. Congress, Hawaiian Homes Commission Act of 1920, 1921, as Amended

Hawaiian Organic Act, an Act to provide a government for the Territory of Hawaii.

Wall Street Journal, Monday, September 9, 1991, Broken Promise, How Everyone Got Hawaiians' Homelands Except the Hawaiians- Federal Mandate is Abused As Natives Wait Decades For Small Plots of Land-State gives VIPs Huge Tracts-A vast Waiting List- Hawaiians Wait in Vain for Their Land.

United States Department of the Interior, National Park Service, 1849 C Street, N.W., Washington D.C. 20240, LTR. Dated March 19, 2010 (H32(2256). From Jonathan B. Jarvis, Director: “The National Park Service has designated the Hawaii State Historic Preservation Division (SHPD) as a “high risk grantee”, due to serious deficiencies identified in audits going back as far as 2002...and

removal of Hawaii's approved program status would negatively impact the economy of the state and have far reaching effects.

American Indian Religious Freedom. U.S. Public Law 95-341 [S.J. Res. 102]; August 11, 1978. The inclusion of the term Native Hawaiian, implies jurisdiction without authority, not so subtle implication to transfer members of the group under 'indian law', creating an idea that native Inhabitants of Hawaii are to be, and going to be treated as Native Americans. In essence the Act, became a tool to facilitate colonization, and development of infrastructure on a grand scale to accommodate foreign population transfers, or resort complexes, expanded parks, bike paths, and developing energy corridors. No equal footing exists within the framework of the Hawaii State Historic Preservation Division, because under Article XII, of the Corporation's constitution, it recognizes rights to exercise customs and traditions, but reserves the right to have that activity be "...subject to the State."

United States Department of the Interior, Bureau of Indian Affairs, Washington D.C. Jul 26, 1995, Ltr to the Honorable Patsy T. Mink, House of Representatives, Washington D.C. 20515-1102; with Attachment citing the International Covenant on Civil and Political Rights, Article 27, *"In those States in which, ethnic, religious, and linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion...."*

STATE OF HAWAII- Hawaii Administrative Rules Title 13, Department of Land and Natural Resources, Subtitle 13-Historic Preservation Division, Chapter 300, Rules of Practice and Procedure Relating to Burial Sites and Human Remains.

102<sup>nd</sup> Congress, 2d Session, Calendar No. 527-S,2681 [Report No. 102-309]. Relating to Native Hawaiian Health Care, and for other purposes: *Articulates on health conditions, and alarmingly high mortality rates, and diseases with abnormally high percentage of native Inhabitants affected, then important statistics are deleted from its final reading to hide the details and depth of the problem, caused by displacement from lands and loss of lifestyle, due to accommodating expanded development, facilitating colonization.*

Dr. Kekuni Blaisdell, September 5, 2007, TESTIMONY AGAINST THE AKAKA BILL (U.S. Federal Recognition efforts, which have failed in the United States Congress); *the conspiracy effort now has shifted to targeting the participants*

*to the Hawaiian Homes Act of 1920/21 as Amemded, which is administering policies of apartheid.*

BROWNFIELDS, Hawaii Brownfields Assessment Program; *showing brownfields that are slated for housing development for native Inhabitants participating in the Hawaiian Homes Act*

Drinking Water Contamination, article by Bill Dougherty, Member State Groundwater Advisory Committee.

The HonoluluAdvertiser, March 1, 2004-Big Island littered with old ordnance, At least 9 killed or hurt since 1940s.

Makua Means Parents, by Marion Kelly and Nancy Aleck, Published by the American Friends Service Committee-Hawaii Area Program, Dec 1997; *Makua Valley U.S. Military Training Reserve, live ordinance litters the valley floor, historic sites were inadvertently bombed, this year two people badly injured weed-wacking brush. Shows devastating effects of military training, right in the middle of , or in close proximity to, areas densely populated by native Inhabitants.*

LAW REVIEW, Golden Gate University, Vol 16, Number 1 – Spring 1986- Ninth Circuit Survey; MISSING THE BOAT: The Ninth Circuit, Hawaiian Water Rights and the Constitutionality of Retroactive Overruling, Williamson B.C.Chang.

NON-ADVERSARIAL RESOLUTION OF NATIVE HAWAIIAN FAMILY LAND TITLES, A report to the Legislature (SOH), JANUARY 1992, BY NATIVE HAWAIIAN LEGAL CCORPORATION; lands that are at risk in ongoing (SOH) quiet title actions authorized by the (SOH) Legislature, causing displacement, hardship, destruction of the group in parts.

RACISM –A CONTEMPORARY GLOSSARY; MCS Concilliation Quarterly/Summer, 1986

INTERNATIONAL PEOPLES TRIBUNAL HAWAII, August 1993, Introduction to the Verdict: KA HO'OKOLOKOLONUI KANAKA MAOLI; PANEL OF JUDGES: Milner S. Ball, Caldwell, Professor of Constitutional Law at the University of Georgia; Hyun-Kyung Chung, Assistant Professor of Theology from Ewha Women's University, Seoul, Kores; Ward Churchill (Keetoowah Band Cherokee) Rapporteur; Richard Falk, Center of International Studies at Princeton University; Lennox



Hinds, Professor of Law at Rutgers University; Te Moana Nui A Kiwa Jackson, Director of Maori Legal Services, Wellington, Aotearoa; Asma Khader, Attorney-Palestinian Rights Society; Oda Makoto, Novelist-Visiting Professor of Comparative Studies at the State University of New York; Sharon Venne (Cree) Attorney-human rights advocate at the United Nations since 1981, a Rockefeller Fellow on Indigenous legal systems.

THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM- Executive Summary, by the Justice Policy Institute, Myron B. Thompson/School of Social Work, Georgetown Law, Dept of Urban and Regional Planning.

OLA I KA WAI: A Legal Primer for Water Use and Management in Hawaii, D. Kapua'al Sproat, William S. Richardson School of Law, University of Hawaii at Manoa.

Remarks by: Admiral Huntington Hardist Commander in Chief, U.S. Pacific Command, Insular Policy Conference, Ala Moana Hotel, Honolulu, Hawaii, 19 September 1989.

HAWAII MILITARY LAND USE- MASTER PLAN, EXECUTIVE SUMMARY, MAY 1995, (FOR OFFICIAL USE ONLY).

U.S. DEPARTMENT OF THE INTERIOR, Office of the Secretary, [www.doi.gov](http://www.doi.gov) News Release, June 18, 2014-Interior Considers Procedures to Reestablish a Government-to-Government Relationship with the Native Hawaiian Community-Political Genocide CONSPIRACY; U.S. Federal Register, Vol. 79, No. 119, Friday June 20, 2014- Proposed Rules.

Wang, Frances Kai-Hwa. NBC News Online. Native Hawaiians to Federal Government: Give Us Back Our Kingdom. <http://www.nbcnews.com/news/asian-america/native-hawaiians-federal-government-give-us-back-our-kingdom-n151801> Jul 11 2014, 8:45 am ET

General Assembly Resolution 1514 (XV). Declaration on the Granting of Independence to Colonial Countries and Peoples. December 14, 1960

O'Malley, Eric Steven. Irreconcilable Rights and the Question of Hawaiian Statehood. The Georgetown Law Journal. Vol. 89: 2001. pp 501-536. *“Significantly, a few years before the 1959 vote on statehood, the United States*

*stopped sending the requisite Article 73 reports on Hawaii, a move never questioned by the United Nations. For the statehood plebiscite, the ballot offered only one alternative: "Shall Hawaii immediately be admitted into the Union as a State?"*

[STATE OF HAWAII] Citation No. 1DTP-15-127598 dated August 14, 2015 for §291C-112, "Human Habitation", to Liko Martin at Aiohi, O'ahu

ATTACHMENTS  
to  
PETITION IN COMPLAINT AGAINST THE UNITED STATES FOR VIOLATION OF THE  
UNITED NATIONS CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE  
CRIME OF GENOCIDE

ATTACHMENT  
to  
PETITION IN COMPLAINT AGAINST THE UNITED STATES FOR VIOLATION OF THE  
UNITED NATIONS CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE  
CRIME OF GENOCIDE

United Nations  
Office of the Secretary-General

Your Excellency,

Included in this Attachment are two (2) letters.

(1) Comments submitted to the United States Department of Interior (DOI), regarding their involvement in formulating a “government-to-government relationship, at the request of some members of the Hawaiian Community, by employing a method of revising, and/or amending the Hawaiian Homes Act of 1920/21 as Amended. You should be made aware of the failed efforts of the corporate delegates to the United States Congress to pass some sort of recognition legislation over the last 20 years;

(2) Letter to the High Commissioner on Human Rights in Geneva (Complaint filed under Article (27) of the ICCPR, showing an example of the ongoing displacement that occurs as a result of colonization. This family group has been living there for six (6) generations. If the proposed recreation area is developed, they, like hundreds of other native Inhabitants, will be displaced and forced to the streets, or else apply for rehabilitation under the Hawaiian Homes Act. This type of aggression, and assaults upon the native Inhabitants, are routine, and widespread.

Before submitting my formal comments on the five (5) questions the Department is seeking, I wish to address what seems to me to be the paramount question. This must be done before the United States entertains the issues of developing a government-to-government relationship, in light of the unresolved inequities in United States-Hawaii political relations in the aftermath of the historically infamous takeover of Hawaii on January 17, 1893.

It may be recalled that in the debate on the floor of the United States Senate, on the merits of a U.S. resolution of apology for those actions, the late Senator Daniel K. Inouye of the [STATE OF HAWAII (A U.S. Corporation under the U.S. Federal Constitution)], can be quoted as stating, “...let me assure my colleagues, that this is simply an apology...and has nothing to do with the question of whether or not, native Hawaiians are Native Americans.”

Mr. Secretary, that profound statement on the question of identity has never been formally addressed by the Congress of the United States, yet without clarification, a multitude of enactments have been administered and imposed, seemingly for the benefit of those “...People...” for whom Her late Majesty Queen Liliuokalani, filed Her “Official Protest” at the

U.S. Department of State in Washington D.C. in 1897, which reads “I Liliuokalani of Hawaii...”, as a testament to uphold the fundamental dignity of humankind, and the rule of law.

The United States Executive Branch, the Congress of the United States, and its [STATE OF HAWAII] are captive, by their own admissions, in the United States Public Law 103-150, November 23, 1993, President William J. Clinton. They stand in violation of the United States Constitution, the Law of Nations, and other instruments, and norms of applying customary international laws, conventions, declarations, and Human Rights Treaties, which condemn such acts of aggression, crimes against peace, and crimes against humanity.

The International Covenant on Civil and Political Rights (ICCPR), to which the United States is a Party, and is therefore obligated to uphold and implement under Article 8(1) clearly states, “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited; and Article 8(2) states that, “No one shall be held in servitude”.

Forthwith are submitted the following comments, with recommendations to follow, to preclude and prevent any attempts to perpetuate a colossal fraud, or to maintain or re-enforce the deprivation, cruel and inhumane treatment, and blatant administrative abuse of “...Hawaii...” and its “...People...”, manifested thru the neglect of the United States to normalize its political relations in Hawaii, with the aim of “attaining its international obligations”, as articulated in Title III-Pacific Policy Reports, as part of the requirements in the U.S. Compact of Free Association Act of 1985, U.S.P.L. 99-239, Jan. 14, 1986, 99<sup>th</sup> Congress.

The severity of actions contemplated and initiated by the United States Department of Interior, cited in the U.S. Federal Register, lend to inciting and committing acts of genocide specifically intended to “...create a condition...to bring about the destruction of the group as a whole, and in part”; in a blatant and direct contravention to the United Nations Convention on the Prevention and Punishment of the Crimes of Genocide (U.S. Signatory-1986), codified as U.S. Public Law 100-606, “The Proxmire Act”, Nov. 4, 1988, President Ronald Reagan, 18 USC 1091 Chapter 50A-GENOCIDE.

On September 12 1984, the Honorable Jeane J. Kirkpatrick, Permanent Representative of the United States to the United Nations, testified before the United States Senate Committee of Foreign Relations, on the value of the Genocide Convention in “...combating the scourge...[of]...genocidal practices...which would be contrary to United States National Interests...[its]...standing...[and contrary to]...advance the objectives of realizing a world free of genocide”.

In the aftermath of World War II, and in light of the atrocities committed against humanity by Adolf Hitler, and NAZI Germany's Third Reich, the following report was issued:

*Nuremberg Trials Final Report Appendix D: Control Council Law No. 10-Punishment of Persons Guilty of War Crimes, Crimes Against Peace, and Against Humanity:*

Article II-1-

Each of the following acts is recognized as a crime:

(a) **Crimes against Peace.** Initiation of Invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation...or participation of a common plan or conspiracy for the accomplishment of the foregoing.

(b) **War Crimes.** Atrocities or offenses against persons or property, or...violations of the laws or customs of war including, but not limited to, murder, ill treatment or deportation to slave labor or for any other purpose, of a civilian population from occupied territory...plunder of public or private property, wanton destruction of cities, towns, or villages or devastation not justified by military necessity.

(c) **Crimes against humanity.** Extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against a civilian population, or persecution on political, racial or religious grounds, whether or not in violation of the domestic laws of the country where perpetrated.

2. Any person deemed a principal or an accessory, or took a consenting part therein, was connected with plans or enterprises involving its commission, was a member of any organization or group connected with the commission of any such crimes, if he held a high political, civil, or military position, may upon conviction be punishable by death, imprisonment for life, fine, imprisonment with or without hard labor, forfeiture of property wrongfully acquired, or deprivation of some or all civil rights.

4.

(a) The official position of any person, whether a Head of State or as a responsible official in a Government Department, does not free him from responsibility for a crime or entitle him to mitigation of punishment.

(b) The fact that any person acted pursuant to the order of his Government or of a superior does not free him from responsibility for a crime...

(c)...no benefits of the statute of limitations.

**I respectfully offer the following recommendations:**

- **U.S. Department of Interior recommendations for the issuance of an Executive Order for a LAND FREEZE**, to facilitate the process of a peaceful transition of Hawaii out of a “U.S. occupied territory” status, toward recognition as an independent Nation State;
- **U.S. Executive Settlement Agreement, recognizing the Independence of the Kingdom of Hawaii** by mutual accession to the non-abrogated Treaty of Friendship, Commerce, and Navigation of 1850, to include directives to the Congress of the United States to convene hearings under Article 3, Section 8 of the U.S. Constitution, “to define and punish piracies on the high seas, and offenses against the Law of Nations”; and convening a conference under Title III, Compact of Free Association Act of 1986, to assist the United States in “attaining its international obligations”, and to establish liaison to facilitate the timely transfer of administrative responsibility over the independent territory of the Kingdom of Hawaii;
- **U.S. Executive Directives to the United States Congress to bring suit against the corporation [STATE OF HAWAII]** per U.S. Executive Proclamation 3309, Aug. 21 1959. Pres. Dwight D. Eisenhower (24 FR 6868, 3 CFR, 1959-1963 Comp., p. 48) for “breach of trust” and failure to provide “equal footing”, and non-compliance with the U.S. Obligations as a Member of the United Nations, and failure to adhere to the “...sacred trust obligations...” under Chapter XI-Declaration Regarding Non-self Governing Territories, to prevent “...abuse...”, of the Inhabitants, by falsely reporting the achievement of the aspirations of self determination for the Inhabitants;
- **U.S. Executive Directive to the United States Congress to Repeal the Hawaiian Homes Act of 1920/21** as Amended, because it violates the International Covenant of the Elimination of All Forms of Racial Discrimination (CERD); Review and revise the administrative policies to eliminate policies of apartheid, discrimination, and servitude under the Act; Transfer administration of all services and functions deemed viable after review, to the existing, or newly organized native Inhabitant communities that live in those specific geographic areas where the Act has been implemented; Recognition of those Proper Party Heirs and their respective Rights, Titles, and Interests, in those lands designated under the Act,
- **U.S. Executive Directive to the U.S. Office of the Inspector General for a complete audit of lands and associated inventories** under the U.S. National Park Service and the [defacto STATE OF HAWAII] Historic Preservation Division, under the U.S. National Historic Preservation Act, for transfer of administrative control, towards unfettered access to historic cultural properties and religious sites;
- **U.S. Executive Directive to the U.S. Department of Justice to investigate individuals and entities who, since January 17, 1893, had conspired against the Treaty obligations of the United States** under its Constitution Article VI, Section 2. “...treaties...notwithstanding...” leading to criminal prosecutions, and surrender, seizure of assets, in lieu of “criminal and civil conspiracies “ in violation of U.S. Human Rights Treaty obligations to the ICCPR, CERD, CAT, Rights of the Child, as enforceable under U.S. Domestic Law, or referral to the International Criminal Court (ICC), per the admissions and filing of David W. Miller, before the United States Supreme Court Feb. 27 2009.

The preceding comments and recommendations are for the U.S. Department of Interior's Advance Notice of Proposed Rulemaking (ANPRM) – Regulation Identifier Number 1090-AB05 (Federal e Rulemaking Portal: <http://www.regulations.gov>)

I wish to be notified of future developments.

The following recommendations are pertinent to issues of illegalities arising under the Constitution of the United States and laws of the STATE OF HAWAII (INC); and bringing the United States into conformity with Human Rights Treaty obligations, and other Conventions and International laws.

Recommendations as follows:

- 1) Reconstruction of Revenue Laws, to eliminate the illegalities arising under the Constitution of the United States and the [STATE OF HAWAII] and [Municipalities] due to the lack of uniformity and errors in the application of methods of taxation, to conform to the rules of usufruct articulated under Geneva Convention IV-respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (18 Oct 1907)(U.S. signatory 1907-the Hague), SECTION III-MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE; Article 42, 43, 46, 47, 48, 49, 51, 55, and 56: and in conformity with the United States Constitution Article IV, Section 3 “New States may be admitted by the Congress into this union; but no new state 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...;
- 2) Creating legislation or Convening of a “constitutional convention” by the [STATE OF HAWAII], for the purpose of re-inserting the word “National” between “...Hawaiian (National-to be reinserted) Usage...” as part of their constitution, in order for policy to be in conformity with the United States attaining its international obligations...in accordance with the International Covenant on Civil and Political Rights, and U.S. Executive Proclamation 3309, Pres. Dwight D. Eisenhower, requirement for “...equal footing...”; and the International Covenant on the Elimination of all Forms of Racial Discrimination, as it applies to statutory language imposed/administered, under Article XII, (Federal U.S. Constitution adopted [STATE OF HAWAII] Constitution, as adopted;
- 3) Repeal of legislative enactments and ordinances promulgated by the [STATE OF HAWAII] or its [Municipalities] that derogate from the fundamental principles and norms of customary international law that prohibit the creation of conditions intended to bring about the “...the destruction of the (Our) group, in whole or in part...”, as in this case of ‘confiscation by eminent domain’, in an act of aggression and abuse of power’.

Other recommendations may be submitted,

Respectfully Yours,  
Liko-o-kalani Martin  
Petitioner





September 14, 2015

Leona Lui  
P.O. Box 145  
Kahuku.Hi 96731

United Nations, Office of the High Commissioner for Human Rights  
Palais-des Nations  
CH-1211 Geneva 10, Switzerland  
Attention: Secretariat of the Human Rights Committee

Subject: Complaint under Article 27-(ICCPR) International Covenant on Civil and Political Rights;

Honorable Secretariat,

We call upon you for assistance in preventing harm to members of our group. We are native Inhabitants, Hawaiians with national origins who have resided in this district for six (6) generations. We are the living descendants who have walked and toiled this land and seas. Our culture and lifestyle, is as precious to us as any other people, and there could be no greater loss than that of being forcefully removed from our ancestral lands.

We call upon your Excellency, and Member States of the General Assembly to prevent the abuse of power that will bring harm to our group that will lead to the ultimate confiscation of our private property, pillage of our belongings, and destruction of the natural environment that sustains our way of life.

The eminent threat exists in the form of a Master Plan for the Department of Design and Construction, City and County of Honolulu (See Attachment No. 1, Six (6) page Letter dated April 1, 2004, Subject: Proposed Revision to the North Shore Infrastructure Map, Waile'e Beach Park) which proposes a visitor parkway, parking lots, and extensive alteration of the existing natural habitat and flora and fauna. It is crucial that our mineral resources, historic fisheries, bays and waterways, along with the many associated cultural properties, be afforded the utmost protection from the negative impacts of the proposed "parkway".

Copies of this Complaint will be forwarded to the Office of the Secretary General of the United Nations, as an attachment to a Petition in Complaint Against the United States for Violations of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, (codified U.S. Public Law 100-606, Nov. 4, 1988, "The Proxmire Act", USC 1091 Chapter 50-A-GENOCIDE.

We will keep you informed as to the situation.

Respectfully Yours,



Leona Lui



(dated)

With Attachments: Petition in Complaint Against the United States for Violations of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

CC

Office of the Governor of the [STATE OF HAWAII]

Office of the Attorney General of the [STATE OF HAWAII]

Office of the Mayor of the [City and County of Honolulu]

Office of the Corporate Council for the [City and County of Honolulu]

Members of the [STATE OF HAWAII] Congressional Delegation to the United States Congress

Im