

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 18, 2011 8:14 PM
To: HAWtestimony
Cc: merway@hawaii.rr.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Marjorie Erway
Organization: Individual
Address:
Phone:
E-mail: merway@hawaii.rr.com
Submitted on: 3/18/2011

Comments:
Please fully support this resolution. Mahalo.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 18, 2011 11:30 PM
To: HAWtestimony
Cc: kawehi11@yahoo.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Rita Kanui
Organization: Po'o Hewahewanui 'Ohana Council
Address:
Phone:
E-mail: kawehi11@yahoo.com
Submitted on: 3/18/2011

Comments:

We are Hawaiian Nationals concerned for our downtrodden people in the prisons, homeless, on the waiting list (20,00) and those with less than 50%ers with one drop of Hawaiian blood, they qualify for lands according to the Great Mahele, where all land research begins.

We wonder why and what possessed the United States not to follow the law? The only conclusion is, GREED! For this and many other reasons we want our government and country back fully restored and functioning according to Hawaiian Kingdom Laws.

The proof is in the pudding. We will see in the future which way this is going to turn, and in who's favor.

Onipa'a,
Kawehi

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 19, 2011 9:42 PM
To: HAWtestimony
Cc: jere@krischel.org
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM
Attachments: Oppose HCR107.rtf

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Jere Krischel
Organization: Individual
Address:
Phone:
E-mail: jere@krischel.org
Submitted on: 3/19/2011

Comments:

Albert Willis demanded that Sanford Dole, the head of the Provisional Government of the Kingdom of Hawaii, to return power to Liliuokalani. Sanford Dole, as the head of a sovereign nation, refused to accede to his wishes:

Mr. Dole to Mr. Willis.

Department of Foreign Affairs,
Honolulu, December 23, 1893.

Sir : Your excellency's communication of December 19, announcing the conclusion which the President of the United States of America has finally arrived at respecting the application of this Government for a treaty of political union with that country, and referring also to the domestic affairs of these islands, has had the consideration of the Government. While it is with deep disappointment that we learn that the important proposition which we have submitted to the Government of the United States, and which was at first favorably considered by it, has at length been rejected, we have experienced a sense of relief that we are now favored with the first official information upon the subject that has been received through a period of over nine months. While we accept the decision of the President of the United States, declining further to consider the annexation proposition, as the final conclusion of the present administration, we do not feel inclined to regard it as the last word of the American Government upon this subject, for the history of the mutual relations of the two countries, of American effort and influence in building up the Christian civilization which has so conspicuously aided in giving this country an honorable place among independent nations, the geographical position of these islands, and the important and, to both countries, profitable reciprocal commercial interests which have long existed, together with our weakness as a sovereign nation, all point with convincing force to political union between the two countries as the necessary logical result from the circumstances mentioned. This conviction is emphasized by the favorable expression, of American statesmen over a long period in favor of annexation, conspicuous among whom are the names of W. L. Marcy, William H. Seward, Hamilton Fish, and James G. Blaine, all former Secretaries of State, and especially so by the action of your last administration in negotiating a treaty of annexation with this Government and sending it to the Senate with a view to its ratification.

We shall therefore continue the project of political union with the United States as a conspicuous feature of our foreign policy, confidently hoping that sooner or later it will be crowned with success, to the lasting benefit of both countries.

The additional portion of your communication referring to our domestic affairs with a view of interfering therein, is a new departure in the relations of the two governments. Your information that the President of the United States expects this Government "to promptly relinquish to her (meaning the ex-Queen) her constitutional authority," with the question "are you willing to abide by the decision of the President?" might well be dismissed in a single word, but for the circumstance that your communication contains, as it appears to me, misstatements and erroneous conclusions based thereon, that are so prejudicial to this Government that I cannot permit them to pass unchallenged; moreover, the importance and menacing character of this proposition make it appropriate for me to discuss somewhat fully the questions raised by it.

We do not recognize the right of the President of the United States to interfere in our domestic affairs. Such right could be conferred upon him by the act of this

Government, and by that alone, or it could be acquired by conquest. This I understand to be the American doctrine, conspicuously announced from time to time by the authorities of your Government.

President Jackson said in his message to Congress in 1836: "The uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to the merits of the original controversy." This principle of international law has been consistently recognized during the "whole past intercourse of the two countries, and was recently reaffirmed in the instructions given by Secretary Gresham to Commissioner Blount on March 11, 1893, and by the latter published in the newspapers in Honolulu in a letter of his own to the Hawaiian public. The words of these instructions which I refer to are as follows: "The United States claim no right to interfere in the political or domestic affairs or in the internal conflicts of the Hawaiian Islands other than as herein stated (referring to the protection of American citizens) or for the purpose of maintaining any treaty or other rights which they possess." The treaties between the two countries confer no right of interference.

Upon what, then, Mr. Minister, does the President of the United States base his right of interference? Your communication is without information upon this point, excepting such as maybe contained in the following brief and vague sentences: "She (the ex-Queen) was advised and assured by her ministers and leaders of the movement for the overthrow of her government that if she surrendered under protest her case would afterward be fairly considered by the President of the United States. The Queen finally yielded to the armed forces of the United States, then quartered in Honolulu, relying on the good faith and honor of the President, when informed of what had occurred, to undo the action of the minister and reinstate her and the authority which she claimed as the constitutional sovereign of the Hawaiian Islands." Also, "it becomes my further duty to advise you, sir, the Executive of the Provisional Government, and your ministers, of the President's determination of the question which your action and that of the Queen devolved upon him, and that you are expected to promptly relinquish to her her constitutional authority." I understand that the first quotation is referred to in the following words of the second, "which your action and that of the Queen devolved upon him" (the President of the United States), and that the President has arrived at his conclusions from Commissioner Blount's report. We have had as yet no opportunity of examining this document, but from extracts published in the papers and for reasons set forth hereafter, we are not disposed to submit the fate of Hawaii to its statements and conclusions. As a matter of fact no member of the executive of the Provisional Government has conferred with the ex-Queen, either verbally or otherwise, from the time the new Government was proclaimed till now, with the exception of one or two notices which were sent to her by myself in regard to her removal from the palace and relating to the guards which the Government first allowed her and perhaps others of a like nature. I infer that a conversation which Mr. Damon, then a member of the advisory council, is reported by Mr

Blount to have had with the ex-Queen on January 17, and which has been quoted in the newspapers, is the basis of this astounding claim of the President of the United States of his authority to adjudicate upon our right as a government to exist.

Mr. Damon, on the occasion mentioned, was allowed to accompany the cabinet of the former Government, who had been in conference with me and my associates, to meet the ex-Queen. He went informally, without instructions and without authority to represent the Government or to assure the ex-Queen "that if she surrendered under protest her case would afterwards be fairly considered by the President of the United States." Our ultimatum had already been given to the members of the ex-cabinet who had been in conference with us. What Mr. Damon said to the ex-Queen he said on his individual responsibility and did not report it to us. Mr Blount's report of his remarks on that occasion furnish to the Government its first information of the nature of those remarks. Admitting for argument's sake that the Government had authorized such assurances, what was "her case" that was afterwards to "be fairly considered by the President of the United States?" Was it the question of her right to subvert the Hawaiian constitution and to proclaim anew one to suit herself, or was it her claim to be restored to the sovereignty, or was it her claim against the United States for the alleged unwarrantable acts of Minister Stevens, or was it all these in the alternative; who can say? But if it had been all of these, or any of them, it could not have been more clearly and finally decided by the President of the United States in favor of the Provisional Government than when he recognized it without qualification and received its accredited commissioners, negotiated a treaty of annexation with them, received its accredited envoy extraordinary and minister plenipotentiary, and accredited successively two envoys extraordinary and ministers plenipotentiary to it; the ex-Queen in the mean- time being represented in Washington by her agent who had full access to the Department of State. The whole business of the Government with the President of the United States is set forth in the correspondence between the two governments and the acts and statements of the minister of this Government at Washington and the annexation commissioners accredited to it. If we have submitted our right to exist to the United States, the fact will appear in that correspondence and the acts of our minister and commissioners. Such agreement must be shown as the foundation of the right of your Government to interfere, for an arbitrator can be created only by the act of two parties.

The ex-Queen sent her attorney to Washington to plead her claim for a reinstatement in power, or failing that for a money allowance or damages. This attorney was refused passage on the Government dispatch boat, which was sent to San Francisco with the annexation commissioners and their message. The departure of this vessel was less than two days after the new Government was declared, and the refusal was made promptly upon receiving the request therefor either on the day the Government was declared or on the next day. If an intention to submit the question of the reinstatement of the ex-Queen had existed, why should her attorney have been refused passage on this boat? The ex-Queen's letter to President Harrison dated January 18, the day after the new Government was proclaimed, makes no allusion to any understanding between her and the Government for arbitration. Her letter is as follows:

"His Excellency Benjamin Harrison,

"President of the United States:

"My Great and Good Friend: It is with deep regret that I address you on this occasion. Some of my subjects aided by aliens, have renounced their loyalty and revolted against the constitutional Government of my Kingdom. They have attempted to depose me and to establish a provisional government in direct conflict with the organic law of this Kingdom. Upon receiving incontestable proof that his excellency the minister plenipotentiary of the United States, aided and abetted their unlawful movements and caused United States troops to be landed for that purpose, I submitted to force, believing that he would not have acted in that manner unless by the authority of the Government which he represents.

" This action on my part was prompted by three reasons: The futility of a conflict with the United States; the desire to avoid violence, bloodshed and the destruction of life and property, and the certainty which I feel that you and your Government will right whatever wrongs may have been inflicted upon us in the promises.

" In due time a statement of the true facts relating to this matter will be laid before you, and I live in the hope that you will judge uprightly and justly between myself and my enemies. This appeal is not made for myself personally, but for my people, who have hitherto always enjoyed the friendship and protection of the United States.

" My opponents have taken the only vessel which could be obtained here for the purpose, and hearing of their intention to send a delegation of their number to present their side of this conflict before you, I requested the favor of sending by the same vessel an envoy to you to lay before you my statement, as the facts appear to myself and my loyal subjects.

" This request has been refused, and I now ask you that injustice to myself and to my people that no stops be taken by the Government of the United States until my cause can be heard by you.

" I shall be able to dispatch an envoy about the 3d of February, as that will be the first available opportunity hence, and he will reach you by every possible haste that there may be no delay in the settlement of this matter.

" I pray you, therefore, my good friend, that you will not allow any conclusions to be reached by you until my envoy arrives.

" I beg to assure you of the continuance of my highest consideration.

" LILIUOKALANI R.

" Honolulu, January 18, 1893."

If any understanding had existed at that time between her and the Government to submit the question of her restoration to the United States, some reference to such an understanding would naturally have appeared in this letter, as every reason would have existed for calling the attention of the President to that fact; especially as she then knew that her attorney would be seriously delayed in reaching Washington. But there is not a word from which such an understanding can be predicated. The Government sent its commissioners to Washington for the sole object of procuring the confirmation of the recognition by Minister Stevens of the new Government and to enter into negotiations for political union with the United States. The protest of the ex-Queen, made on January 17, is equally with the letter devoid of evidence of any mutual understanding for a submission of her claim to the throne to the United States. It is very evidently a protest against the alleged action of Minister Stevens as well as the new Government, and contains a notice of her appeal to the United States.

The document was received exactly as it would have been received if it had come through the mail. The endorsement of its receipt upon the paper was made at the request of the individual who brought it as evidence of its safe delivery.

As to the ex-Queen's notice of her appeal to the United States, it was a matter of indifference to us. Such an appeal could not have been prevented, as the mail service was in operation as usual. That such a notice, and our receipt of it without comment, should be made a foundation of a claim that we had submitted our right to exist as a government to the United States had never occurred to us until suggested to us by your Government. The protest is as follows:

" I, Liliuokalani, 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 said Provisional Government.

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

" Done at Honolulu the 17th day of January, A. D. 1893.

" Liliuokalani, R.

" Samuel Parker,

" Minister of Foreign Affairs.

"William H. Cornwell,
"Minister of Finance.

"John F. Colburn,
"Minister of the Interior.

"A. P. Peterson,
" Attorney-General.

"S. B. Dole, Esq., and others,
"Composing the Provisional Government of the Hawaiian Islands."

(Indorsed:) " Received by the hands of the late cabinet this 17th day of January, A. D. 1893. Sanford B. Dole, chairman of executive council of Provisional Government." You may not be aware, but such is the fact, that at no time until the presentation of the claim of the President of the United States of his right to interfere in the internal affairs of this country, by you on December 19, has this Government been officially informed by the United States Government that any such course was contemplated. And not until the publication of Mr. Gresham's letter to the President of the United States on the Hawaiian question had we any reliable intimation of such a policy. The adherents of the ex-Queen have indeed claimed from time to time that such was the case, but we have never been able to attach serious importance to their rumors to that effect, feeling secure in our perfect diplomatic relations with your country, and relying upon the friendship and fairness of a government whose dealings with us had ever shown full recognition of our independence as a sovereign power, without any tendency to take advantage of the disparity of strength between the two countries.

If your contention that President Cleveland believes that this Government and the ex-Queen have submitted their respective claims to the sovereignty of this country to the adjudication of the United States is correct, then, may I ask, when and where has the President held his court of arbitration ? This Government has had no notice of the sitting of such a tribunal and no opportunity of presenting evidence of its claims. If Mr. Blount's investigations were apart of the proceedings of such a court, this Government did not know it and was never informed of it; indeed, as I have mentioned above, we never knew until the publication of Secretary Gresham's letter to President Cleveland a few weeks ago, that the American Executive had a policy of interference under contemplation. Even if we had known that Mr. Blount was authoritatively acting as a commissioner to take evidence upon the question of the restoration of the ex-Queen, the methods adopted by him in making his investigations were, I submit, unsuitable to such an examination or any examination upon which human interests were to be adjudicated.

As I am reliably informed, he selected his witnesses and examined them in secret, freely using leading questions, giving no opportunity for a cross-examination, and often not permitting such explanations by witnesses themselves as they desired to make of evidence which he had drawn from them. Is it hardly necessary for me to suggest that under such a mode of examination some witnesses would be almost helpless in the hands of an astute lawyer, and might he drawn into saying things which would be only half-truths, and standing alone would be misleading or even false in effect. Is it likely that an investigation conducted in this manner could result in a fair, full, and truthful statement of the case in point? Surely the destinies of a friendly Government, admitting by way of argument that the right of arbitration exists, may not be disposed of upon an ex parte and secret investigation made without the knowledge of such Government or an opportunity by it to be heard or even to know who the witnesses were.

Mr. Blount came here as a stranger and at once entered upon his duties. He devoted himself to the work of collecting information, both by the examination of witnesses and the collection of statistics and other documentary matter, with great energy and industry, giving up, substantially, his whole time to its prosecution. He was here but a few months, and during that time was so occupied with this work that he had little opportunity left for receiving those impressions of the state of affairs which could best have come to him, incidentally, through a wide social intercourse with the people of the country and a personal acquaintance with its various communities and educational and industrial enterprises. He saw the country from his cottage in the center of Honolulu mainly through the eyes of the witnesses whom he examined. Under these circumstances is it probable that the most earnest of men would be able

to form a statement that could safely be relied upon as the basis of a decision upon the question of the standing of a government?

In view, therefore, of all the facts in relation to the question of the President's authority to interfere and concerning which the members of the executive were actors and eye-witnesses, I am able to assure your excellency that by no action of this Government, on the 17th day of January last or since that time, has the authority devolved upon the President of the United States to interfere in the internal affairs of this country through any conscious act or expression of this Government with such an intention.

You state in your communication-

"After a patient examination of Mr. Blount's reports the President is satisfied that the movement against the Queen if not instigated was encouraged and supported by the representative of this Government at Honolulu; that he promised in advance to aid her enemies in an effort to overthrow the Hawaiian Government and set up by force a new government in its place; that he kept his promise by causing a detachment of troops to be landed from the Boston on the 16th of January, 1893, and by recognizing the Provisional Government the next day when it was too feeble to defend itself and the Constitutional Government was able to successfully maintain its authority against any threatening force other than that of the United States already landed." Without entering into a discussion of the facts I beg to state in reply that I am unable to judge of the correctness of Mr. Blount's report from which the President's conclusions were drawn, as I have had no opportunity of examining such report. But I desire to specifically and emphatically deny the correctness of each and every one of the allegations of fact contained in the above-quoted statement; yet, as the President has arrived at a positive opinion in his own mind in the matter, I will refer to it from his standpoint.

My position, is briefly, this: If the American forces illegally assisted the revolutionists in the establishment of the Provisional Government that Government is not responsible for their wrong-doing. It was purely a private matter for discipline between the United States Government and its own officers. There is, I submit, no precedent in international law for the theory that such action of the American troops has conferred upon the United States authority over the internal affairs of this Government. Should it be true, as you have suggested, that the American Government made itself responsible to the Queen, who, it is alleged lost her throne through such action, that is not a matter for me to discuss, except to submit that if such be the case, it is a matter for the American Government and her to settle between them. This Government, a recognized sovereign power, equal in authority with the United States Government and enjoying diplomatic relations with it, can not be destroyed by it for the sake of discharging its obligations to the ex-Queen.

Upon these grounds, Mr. Minister, in behalf of my Government I respectfully protest against the usurpation of its authority as suggested by the language of your communication. It is difficult for a stranger like yourself, and much more for the President of the United States, with his pressing responsibilities, his crowding cares and his want of familiarity with the condition and history of this country and the inner life of its people, to obtain a clear insight into the real state of affairs and to understand the social currents, the race feelings and the customs and traditions which all contribute to the political outlook. We, who have grown up here or who have adopted this country as our home, are conscious of the difficulty of maintaining a stable government here. A community which is made up of five races, of which the larger part but dimly appreciate the significance and value of representative institutions, offers political problems which may well tax the wisdom of the most experienced statesman.

For long years a large and influential part of this community, including many foreigners and native Hawaiians, have observed with deep regret the retrogressive tendencies of the Hawaiian monarchy, and have honorably striven against them, and have sought through legislative work, the newspapers, and by personal appeal and individual influence to support and emphasize the representative features of the monarchy and to create a public sentiment favorable thereto, and thereby to avert the catastrophe that seemed inevitable if such tendencies were not restrained.

These efforts have been met by the last two sovereigns in a spirit of aggressive hostility. The struggle became at length a well-defined issue between royal prerogative and the right of

representative government, and most bitterly and unscrupulously has it been carried on in the interests of the former. The King's privilege of importing goods for his own use without paying the duties thereon was abused to the extent of admitting large quantities of liquors, with which to debauch the electorate. He promoted the election of Government officers, both executive and judicial, to the legislative assembly, and freely appointed to office elected members thereof.

In the legislature of 1886, of which I was a member, the party supporting the Government was largely in the majority, and nearly every member of such majority held some appointment from the Government, and some of them as many as two or three, thereby effectually placing the legislative branch of the Government under the personal and absolute control of the King. The constitutional encroachments, lawless extravagance, and scandalous and open sales of patronage and privilege to the highest bidder by Kalakaua brought in at length the revolution of 1887, which had the full sympathy and moral support of all the diplomatic representatives in Honolulu, including Minister Merrill, who was at that time President Cleveland's minister here.

This revolution was not an annexation movement in any sense, but tended toward an independent republic, but, when it had the monarchy in its power, conservative counsels prevailed, and a new lease of life was allowed that institution on the condition of royal fidelity to the new constitution, which was then promulgated and which greatly curtailed the powers of the sovereign. Kalakaua was not faithful to this compact, and sought as far as possible to evade its stipulations. The insurrection of 1889 was connived at by him, and the household guards under his control were not allowed to take part in suppressing it. The Princess Liliuokalani was in full sympathy with this movement, being a party to it, and furnished her suburban residence to the insurgents for their meetings. The arrangements were there made, and the insurgents marched thence for their attack upon the Government. The affair was suppressed in a few hours of fighting, with some loss of life to the insurgents, by the party which carried through the revolution of 1887.

The ex-Queen's rule was even more reckless and retrogressive than her brother's. Less politic than he, and with less knowledge of affairs, she had more determination and was equally unreliable and deficient in moral principle. She, to all appearance, unhesitatingly took the oath of office to govern according to the constitution, and evidently regarding it merely as a formal ceremony began, according to her own testimony to Mr. Blount, to lay her plans to destroy the constitution and replace it with one of her own creation. With a like disregard of its sanctions, she made the most determined efforts to control all of the appointments to office, both executive and judicial. The session of the legislature of 1892 was the longest that had ever occurred in our history, and was characterized by a most obstinate struggle for personal control of the Government and the legislature on the part of the Queen. This was strenuously resisted by the opposition.

During this contest four ministerial cabinets were appointed and unseated, and the lottery-franchise bill, which had been withdrawn early in the session for want of sufficient support, was at the last moment, when the opposition was weakened by the absence of several of its members, again brought forward and passed through the exercise of improper and illegitimate influences upon the legislators, among which were personal appeals on the part of the Queen to them. The cabinet which represented the opposition and the majority of the legislature which the Queen had been compelled to appoint was unseated by similar means, and with a new cabinet of her own choice the legislature was prorogued. This lottery franchise was of a character corresponding with similar institutions which have been driven out of every State of the American Union by an indignant public sentiment. If it had been established here it would in a brief period have obtained full control of the Government patronage and corrupted the social and political life of the people.

Although the situation at the close of the session was deeply discouraging to the community, it was accepted without any intention of meeting it by other than legal means. The attempted coup d'etat of the Queen followed, and her ministers, threatened with violence, fled to the citizens for assistance and protection; then it was that the uprising against the Queen took place, and, gathering force from day to day, resulted in the proclamation of the Provisional Government and the abrogation of the monarchy on the third day thereafter.

No man can correctly say that the Queen owed her downfall to the interference of American forces. The revolution was carried through by the representatives, now largely reinforced, of the same public sentiment which forced the monarchy to its knees in 1887, which suppressed the insurrection of 1889, and which for twenty years has been battling for representative government in this country. If the American forces had been absent the revolution would have taken place, for the sufficient causes for it had nothing to do with their presence.

I, therefore, in all friendship of the Government of the United States, which you represent, and desiring to cherish the good will of the great American people, submit the answer of my Government to your proposition, and ask that you will transmit the same to the President of the United States for his consideration.

Though the Provisional Government is far from being "a great power" and could not long resist the forces of the United States in a hostile attack, we deem our position to be impregnable under all legal precedents, under the principles of diplomatic intercourse, and in the forum of conscience. We have done your Government no wrong; no charge of discourtesy is or can be brought against us. Our only issue with your people has been that, because we revered its institutions of civil liberty, we have desired to have them extended to our own distracted country, and because we honor its flag and deeming that its beneficent and authoritative presence would be for the best interests of all of our people, we have stood ready to add our country, a new star, to its glory, and to consummate a union which we believed would be as much for the benefit of your country as ours. If this is an offense, we plead guilty to it.

I am instructed to inform you, Mr. Minister, that the Provisional Government of the Hawaiian Islands respectfully and unhesitatingly declines to entertain the proposition of the President of the United States that it should surrender its authority to the ex-Queen.

This answer is made not only upon the grounds hereinbefore set forth, but upon our sense of duty and loyalty to the brave men whose commissions we hold, who have faithfully stood by us in the hour of trial, and whose will is the only earthly authority we recognize. We can not betray the sacred trust they have placed in our hands, a trust which represents the cause of Christian civilization in the interests of the whole people of these islands.

With assurances of the highest consideration, I have, etc., Sanford B. Dole,
Minister of Foreign Affairs.

TESTIMONY IN OPPOSITION TO HCR 107

Please see below a concise history of the Hawaiian Revolution, and Grover Cleveland's various responses to it. In no way was Liliuokalani's surrender (tendered to the Provisional Government of the Kingdom of Hawaii), any sort of agreement with Grover Cleveland, **ESPECIALLY SINCE HE WASN'T EVEN PRESIDENT AT THE TIME!!!** He had yet to take office, and could not possibly have accepted Liliuokalani's surrender, or agreed to any terms.

The Rest of The Rest of The Story

Paul Harvey once did a piece on the overthrow of 1893, The Rest of The Story. His rhetoric and conclusions are based entirely upon the assertions of the 1993 Apology Resolution, President Cleveland's December 12, 1893 message to Congress, and Blount's July 17, 1893 report.

Thanks to the volunteers who have digitized the Morgan Report of February 26, 1894, in the same spirit, we present to the world The Rest of The Rest of The Story:

The Story So Far

January 17, 1893 - Overthrow

On January 17, 1893, the Queen Liliuokalani was overthrown, and replaced by a Provisional Government. This Provisional Government concluded an annexation treaty with the United States, that was submitted to the Senate on February 15, 1893 by President Benjamin Harrison. Cleveland was inaugurated on March 4, 1893. Five days later, on March 9, 1893, President Cleveland withdrew the treaty from the Senate.

March 11, 1893 - Cleveland Sends Blount

Cleveland was a friend of Liliuokalani's, and upon taking office, worked diligently to restore her to the throne. On March 11, 1893, Cleveland called upon Blount to

undertake a secret investigation into the overthrow. This investigation by Blount lasted from his arrival in Hawaii on March 29, 1893 until the submission of his final report on July 17, 1893.

This report was blistering in its disdain for the actions of Minister Stevens and the landing of U.S. troops during the revolution. The firm contention was that it was only through the direct action of the U.S. that the Queen was overthrown. From page 594 of the Blount Report:

The leaders of the revolutionary movement would not have undertaken it but for Mr. Stevens's promise to protect them against any danger from the Government. But for this their mass meeting would not have been held. But for this no request to land the troops would have been made. Had the troops not been landed no measures for the organization of a new Government would have been taken

December 18, 1893 - The Demand for Reinstatement

Acting upon this report, Cleveland instructed U.S. Minister Willis in Hawai'i to negotiate the reinstatement of Liliuokalani in return for amnesty to those involved in the overthrow. The Queen refused to back down on her demands for retribution against the Provisional Government until December 18, 1893, at which point Minister Willis presented Cleveland's demand for reinstatement to President Sanford Dole, who flatly refused.

December 18, 1893 - Referral to Congress

Unbeknownst to Willis at the time, Cleveland had referred the matter to Congress on December 18, 1893, convinced that further "executive action" was not going to bring the matter to conclusion:

*...Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action of the problem presented, render it proper, and expedient, **that the matter should be referred to the broader authority and discretion of Congress**[emphasis added], with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action...*

...I therefore submit this communication with its accompanying exhibits,

embracing Mr. Blount's report, the evidence and statements taken by him at Honolulu, the instructions given to both Mr. Blount and Minister Willis, and correspondence connected with the affair in hand.

In commending this subject to the extended powers and wide discretion of the Congress [emphasis added], *I desire to add the assurance that I shall be much gratified to cooperate in any legislative plan which may be devised for the solution of the problem before us which is consistent with American honor, integrity and morality.*

GROVER CLEVELAND

Excecutive Mansion,

Washington, December 18, 1893

Cleveland's letter to Congress was filled with disdain for the legitimacy of the Provisional Government, and support for the reinstatement of the Queen. There could have been no stronger enemy of the Provisional Government, nor no stauncher friend of the Queen. For example, on page 451 of the Blount Report:

This military demonstration upon the soil of Honolulu was of itself an act of war...

page 454 of the Blount Report:

I believe that a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the United States.

Cleveland's Reversal (The Rest of The Rest of The Story)

How is it, then that on July 24, 1894, the Cleveland administration supported the recognition of the Provisional Government? On page 1342 of the Blount Report, Minister Willis clearly stated that despite the Queen's protests, the Provisional Government had been recognized by the United States, and "this was the final decision of the Senate". On page 1343 of the Blount Report, the Republic of Hawaii, that was created by the Provisional Government, was recognized by the Cleveland administration. On January 9, 1895, on page 1375 of the Blount Report, the Cleveland administration made it clear that the Republic of Hawaii was the legitimate successor to the treaties formerly held by the Kingdom of

Hawaii, and that plans for a British undersea cable must be negotiated as per the reciprocity treaty with the U.S.

What could possibly have happened between December 18, 1893, and July 24, 1894 that would have turned Cleveland against the Queen?

As Paul Harvey says, and now for the rest of the story...

December 27, 1893 - February 26, 1894 - The Morgan Report

The Congress responded to Cleveland's referral of December 18, 1893 with a further investigation of the topics covered in the Blount Report. They held hearings from December 27, 1893 to February 7, 1894, and submitted their final report on February 26, 1894.

This investigation discovered that despite Blount's and Cleveland's assertions that the overthrow was instigated and aided by the U.S., that in fact the U.S. troops had remained completely neutral, and that there was no reason to believe that the overthrow was a result of U.S. actions. From pages 367-368 of the Morgan Report:

In landing the troops from the Boston there was no demonstration of actual hostilities, and their conduct was as quiet and as respectful as it had been on many previous occasions when they were landed for the purpose of drill and practice. In passing the palace on their way to the point at which they were halted, the Queen appeared upon the balcony and the troops respectfully saluted her by presenting arms and dipping the flag, and made no demonstration of any hostile intent. Her attitude at that time was that of helplessness, because she found no active or courageous support in her isolated position, which was self-imposed and was regretted by few of her former subjects. In this condition of Hawaii the laws for the protection of life and property were, in fact, suspended so far as the executive power was concerned, and the citizens of the United States in Honolulu and all the islands, and their property rights, were virtually outlawed. The citizens of Honolulu were not held amenable to the civil authorities, but were treated by the Queen, as well as by the people, as if the country was in a state of war. A policeman was shot down on the streets by a person who was conducting

a wagon loaded with arms to the place of rendezvous where the people had assembled, and no action was taken for the purpose of arresting or putting on trial the man who did the shooting.

In a country where there is no power of the law to protect the citizens of the United States there can be no law of nations nor any rule of comity that can rightfully prevent our flag from giving shelter to them under the protection of our arms, and this without reference to any distress it may give to the Queen who generated the confusion, or any advantage it might give to the people who are disputing her right to resume or to hold her regal powers. In every country where there is no effective chief executive authority, whether it is a newly-discovered island where only savage government prevails, or one where the government is paralyzed by internal feuds, it is the right, claimed and exercised by all civilized nations, to enter such a country with sovereign authority to assert and protect the rights of its citizens and their property, and to remain there without the invitation of anybody until civil government shall have been established that is adequate, in a satisfactory sense, for their protection.

The committee agree that such was the condition of the Hawaiian Government at the time that the troops were landed in Honolulu from the steam warship Boston; that there was then an interregnum in Hawaii as respects the executive office; that there was no executive power to enforce the laws of Hawaii, and that it was the right of the United States to land troops upon those islands at any place where it was necessary in the opinion of our minister to protect our citizens.

May 31, 1894 - Senate Resolution closes the door

The final conclusion of the Congress was implemented in a Senate resolution, May 31, 1894:

In the Senate of the United States, May 31, 1894.

Resolved, That of right-it-belongs wholly to the people of the Hawaiian Islands to establish and maintain their own form of Government and domestic policy; that the United States ought in no wise to interfere therewith, and that any intervention in the political affairs of these islands by any other Government will be regarded as an act unfriendly to the United States.

Although quoted by sovereignty websites, this resolution was actually the final admonition against interference with the lawful Provisional Government of Hawaii.

It was received by Minister Willis in Hawaii on June 16, 1894 and was protested by Liliuokalani on June 21, 1894.

Cleveland accepted the verdict of the Congress on the facts of the matter, abandoned all efforts to reinstate the Queen, and treated both the Provisional Government and the Republic of Hawaii as the internationally recognized lawful successors of the Kingdom of Hawaii. Despite his strong words of December 18, 1893, after the thorough investigation conducted by the Morgan Committee, and the Senate resolution of May 31, 1894, he never again questioned the legitimacy of the overthrow, or the respectful conduct of the U.S. troops during that time.

So those who wish to base their case for Hawaiian sovereignty on the letter written by Cleveland on December 18, 1893 should look carefully at the reply that Cleveland got on February 26, 1894, and his actions after receiving that reply. If they are to take his words of December 18, 1893 as sincere and honest, they must also accept his actions after February 26, 1894 in the same light - a light that is not flattering to the cause of sovereignty activists.

The President of the United States, Grover Cleveland, accepted that the Provisional Government of Hawaii was legitimate, and that the U.S. had nothing to do with the overthrow. But only if you read the rest of the rest of the story.

December 3, 1894 - Cleveland's Second Annual Message

In his second annual message, Cleveland announced the official recognition of the Republic of Hawaii, which replaced the Provisional Government of Hawaii:

Since communicating the voluminous correspondence in regard to Hawaii and the action taken by the Senate and House of Representatives on certain questions submitted to the judgment and wider discretion of Congress the organization of a government in place of the provisional arrangement which followed the deposition of the Queen has been announced, with evidence of its effective operation. The recognition usual in such cases has been accorded the new Government.

Rewriting History

In a stunning show of how a joke can get out of hand, a Joke Proclamation alleged to have been written in the New York Sun, February 26, 1894 (examination of microfilm of that edition of the New York Sun reveals no such proclamation at all) has gone from fanciful myth to the realm of "fact". In 2006, a group of sovereignty activists arranged a day of prayer on April 30th, to celebrate the Joke Proclamation, according to this AP article by Chris Newmarker.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 5:58 PM
To: HAWtestimony
Cc: garrypsmith@juno.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Garry P. Smith
Organization: Individual
Address:
Phone:
E-mail: garrypsmith@juno.com
Submitted on: 3/20/2011

Comments:

This event happened over 125 years ago. There is nothing that could be done regardless of the results of the investigation. What possible positive outcome can come from this? Move forward, IMUA with a postivie outlook. Aloha.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 8:03 AM
To: HAWtestimony
Cc: info@schha.org
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Michae; Kahikina
Organization: Sovereign councils of the Hawaiian Homelands Assembly
Address:
Phone:
E-mail: info@schha.org
Submitted on: 3/21/2011

Comments:
Please contact SCHHHA Executive Assistant, Annie Au Hoon, at %529-1627 for any follow up information.

clee2 - Matt

From: Hardy Spoehr [HSpoehr@papaolalokahi.org]
Sent: Monday, March 21, 2011 8:04 AM
To: HAWtestimony
Subject: Testimony: HCR 107

TESTIMONY: HCR 107, establishing a joint legislative investigating committee

Wednesday, March 23, 2011
8:30am
Conference Room 329
State Capitol

Papa Ola Lokahi, the Native Hawaiian Health Board, supports this legislation. All of Hawai'i's people are not familiar with this era in Hawai'i's history. There are many important aspects to this which need to become part of the public record. This will enable many to move on from 1893 to the present day.

Thank you

Hardy Spoehr, Executive Director
Papa Ola Lokahi
894 Queen Street
Honolulu, HI 96813
808-597-6550

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 10:26 AM
To: HAWtestimony
Cc: Kealii8@hotmail.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Kealii Makekau
Organization: Individual
Address:
Phone:
E-mail: Kealii8@hotmail.com
Submitted on: 3/21/2011

Comments:

Executive agreements are not treaties. Treaties must be ratified by the U.S. Senate under the U.S. Constitution. Those can be "express" or "implied" when several treaties are attached to each other like rider legislation on a Bill, so to speak. The Uruguay Round Trade Agreement is a good example of multiple treaties being attached to and ratified under an umbrella treaty.

The Belmont and Pink cases arose out of the progressivist (communist) F.D. Roosevelt regime that was operating under a constant state of declared emergency (rule of necessity) and was directly involved in unprecedented power grabs while everyone else was held under economic duress or in a declared state of war and their attentions were necessarily diverted. The Belmont executive agreement was with Communist Russia at that time. I would have to go back and check but I believe that Pink arose over an executive agreement with Communist Russia too

One would have to review the actual executive agreements. They were obviously not binding after that particular executive office tenure even though they were entered into in good faith and with just cause. If those executive agreements had been binding upon succeeding administrations, like perfected treaty contracts, Hawai'i would not be in the subjugated and occupied condition that it is in today.

Maybe the legislative proponents can find some more radical judges to go along with the premise or use those executive agreements to influence the State legislature. The objective of HCR107, however, is intended to do a study and final report regarding the Supremacy Clause (separation of powers doctrine).

clee2 - Matt

From: Davelyn Aniu [davelynaniu@yahoo.com]
Sent: Monday, March 21, 2011 2:11 PM
To: HAWtestimony
Subject: Testimony- Resolution 107

I am in support of Representative Mele Carroll's Concurrent Resolution #107, and I encourage the Hawaiian Affairs Committee to hold a hearing on the resolution as soon as possible. Mahalo."

clee2 - Matt

From: Judie Lundborg Hoepner [judie@aloha.net]
Sent: Monday, March 21, 2011 2:37 PM
To: HAWtestimony
Subject: House Resolution 107 Testimony

Legislators, Aloha!

I write to you to urge passage of House Res 107 - it's never too late to right a wrong!

Thanks for your consideration.

Judie Lundborg Hoepner
639-0212

clee2 - Matt

From: Kathy Corcoran [glorybe@hawaiiantel.net]
Sent: Monday, March 21, 2011 3:18 PM
To: HAWtestimony
Subject: I support HCR 107

Aloha kakou,

Please vote YES on HCR 107, to establish a joint investigative committee to investigate the status of the Executive Agreements between Queen Liliuokalani and President Cleveland. It's about this was addressed! Thank you for considering such a significant bill.

Mahalo,
Kathy Corcoran
P.O. Box 13127
Lahaina, Hawaii 96761

clee2 - Matt

From: Keao NeSmith [kumukeao@gmail.com]
Sent: Monday, March 21, 2011 3:20 PM
To: HAWtestimony
Subject: House Resolution 107, Committee of Hawaiian Affairs

Aloha,

I am writing to support House Resolution 107 before the Committee of Hawaiian Affairs. I urge the committee members to advance this motion before the Hawaii State Legislature. I feel that it is the most important motion that the Hawaii State Legislature could ever support as the very existence of the alleged 'State of Hawaii' hinges on the Cleveland-Liliuokalani Agreement of 1893.

Me ka mahalo,
Keao NeSmith
Kekaha, Kauai

From: delaina thomas [kauhikoa@hawaii.rr.com]
Sent: Monday, March 21, 2011 3:27 PM
To: HAWtestimony
Subject: HCR 107

Testimony in Support of HCR 107

Aloha my name is _Puhi Gibson_____,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to

the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature.”

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: “If they can get you asking the wrong questions, they don't have to worry about the answers.” Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

clee2 - Matt

From: TERESA NAKAMA [teresamlee.51@gmail.com]
Sent: Monday, March 21, 2011 4:40 PM
To: HAWtestimony
Cc: teresamlee.51@gmail.com; kgumapac@aol.com; Jeremy (Kama) Hopkins; Robert Lindsey
Subject: IN SUPPORT OF HOUSE RESOLUTION 107 BEFORE THE COMMITTEE OF HAWAIIAN AFFAIRS.

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha my name is TERESA L. NAKAMA,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to

the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

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In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

clee2 - Matt

From: Sydney Lehua Iaukea [siaukea@hawaii.edu]
Sent: Monday, March 21, 2011 4:45 PM
To: HAWtestimony
Subject: HCR 107

Dear Representatives,

This testimony is in strong support of HCR 107 which establishes a Legislative Committee to investigate Executive Agreements between the United States and the Hawaiian Kingdom in 1893. As an academic, I believe the Executive Agreements of 1893 need to be thoroughly studied in order to ascertain our contemporary state of affairs in the state of Hawai'i. The work put forth by Queen Lili'uokalani to ensure the continuity of the Hawaiian Kingdom state status should be honored and recognized for its significance. A committee set forth by the Legislature to investigate these agreements can only illuminate these important agreements and will serve to educate the general public in Hawai'i and elsewhere. I believe the time is NOW to have educated discussions on these matters and HCR 107 will aid in this important discussion.

Mahalo nui,

Sydney L. Iaukea, Ph.D.
Department of Education, Hawai'i
Hawaiian Studies Program Manager and Specialist

Committee on Hawaiian Affairs
Honorable Faye Hanohano, Chair

Regarding HR 107

Greetings:

I could not attend today's hearing but wanted to add my voice in support of this resolution. Such an investigation will help illuminate³ the unresolved question of the relationship between the United States and the Kingdom of Hawaii and its successor governments, as well as the current governmental status of Hawai'i.

This is particularly important in light of the fact that public examination of our history has been stultified by the assumption that the Akaka Bill would become the law of the land. The deepest thought that political leaders have conjured in recent time is, "I'm for the Akaka Bill," or "I'm for the Akaka Bill, but with qualifications." Now we are in a new and uncharted period. Let us use it to push forward into a deeper understanding of who we are and where we are.

Public discussion of the Kingdom has centered primarily on the Overthrow and on portrayals of Queen Lili'uokalani. The more startling revelations lie in examining the subsequent events leading to July 6, 1898. A public examination of the communication between the Queen and President Grover Cleveland will go to the heart of this largely unexplored history. If we are to navigate a way forward, we must come to understand what happened in these hidden five years.

Tom Coffman
Researcher and Writer,
Author and Filmmaker, *Nation Within*

5/23/2011

From: Christopher D Nakahashi [cdn@hawaii.edu]
Sent: Monday, March 21, 2011 5:59 PM
To: HAWtestimony
Subject: Testimony in Support of HCR 107

Testimony in Support of HCR 107

Aloha my name is Christopher Ikaika Duane Nakahashi,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

Christopher Ikaika D. Nakahashi
PhD Candidate, Department of Botany
University of Hawai`i at Manoa
3190 Maile Way
Honolulu, HI 96822

clee2 - Matt

From: Ty Preston Tengan [ttengan@hawaii.edu]
Sent: Monday, March 21, 2011 7:32 PM
To: HAWtestimony
Subject: Support of HCR 107, Wednesday, March 23, 8:30 am, Rm 329

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

My name is Ty Tengan and I am an associate professor of ethnic studies and anthropology at the University of Hawaii. As a member of a joint legislative investigating committee to investigate the status of two executive agreements between the U.S. and culture, I appreciate the seriousness of such an undertaking. Many (perhaps most) people see the claims for Hawaii as "we can't do anything about" today. However, if the executive agreements stand on solid legal ground, we have an opportunity to help us to reimagine our present and future. I have read the scholarship that supports this HCR and I find it to be a reasonable measure.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 8:01 PM
To: HAWtestimony
Cc: Ken_Conklin@yahoo.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth R. Conklin, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: Ken_Conklin@yahoo.com
Submitted on: 3/21/2011

Comments:

HCR107 is very bad. It deserves not only defeat, but also ridicule.

My testimony is lengthy. In case your computer truncates it to some predetermined maximum, you can find this testimony on my website at this address:
<http://tinyurl.com/4t5pecj>
where I will also publish full text of the resolution, and the list of who votes yea or nay, and the committee report. I want you to be publicly embarrassed if you vote in favor of it.

First, a procedural issue. If it passes, HCR107 will clearly cost money to implement, because clerks and other personnel will have to be paid to attend the numerous hearings called for in the resolution and to compile and print testimony and reports. But HCR107 fails to include the \$ symbol and fails to include a referral to the Finance Committee. Since Mele Carroll is the sole introducer and sponsor of this resolution, blame for the failure to refer it to the Finance committee falls on her. And since there is no "to indicate it was (merely) at the request of a constituent, all blame for the ridiculousness of its content falls on her. Other committee members can save their reputations by voting against it.

It's hard to oppose a resolution calling for an investigation and gathering of information. What's the harm? A few of the harms will be explained below.

But in general, consider the motive for "establishing a joint legislative investigating committee to investigate the status of two executive agreements entered into in 1893 between United States President Grover Cleveland and Queen Liliuokalani ..." to restore her to the throne in return for her sparing the lives and property of the people who overthrew her. The purpose of such an investigation is not merely to do academic research on an obscure historical question from 118 years ago. The purposes are to claim that the U.S. had an obligation to restore Liliuokalani to the throne; and to claim that the obligation of the President of the United States continues to this day to restore the Kingdom of Hawaii to its former status as an independent nation.

Aside from academic curiosity about history, and aside from the legal issues (which are now moot): it's a political question. Is that what the members of this legislature really would like to accomplish? Suppose there really was such an executive agreement (false), and

suppose that dredging it up at this late date could actually force the U.S. Supreme Court or the World Court to issue a writ of mandamus for the U.S. to disgorge Hawaii (extremely unlikely). Would you really like to do that, even without consulting (all!) the people of Hawaii? Do you really want to encourage the radicals who want to do that? Are you going to spend tax dollars to provide such a forum? Kekuni Blaisdell already convened Ka Ho'okolokolonui Kanaka Maoli: The Peoples' International Tribunal, in 1993, with a huge report published by the highly esteemed (*cough, sputter) tribunal judge Ward Churchill. What did that accomplish? At least it was not funded with tax dollars. Did you read that report? Can you find a copy of it? No? That should tell you what will happen to the results of the hearings demanded by HCR107. Circular file.

Throughout my nineteen years in Hawaii I have seen the legislature repeatedly pass bills and resolutions encouraging some sort of race-based Hawaiian political entity, or sovereign independence. Year after year: Let's pay for an election of delegates to a Native Hawaiian convention, and years of their travel expenses for meetings, so they can choose the tribal concept or write a constitution for an independent nation; let's pass a resolution in 2002 asking the United Nations to investigate the legitimacy of Hawaii's admission to statehood in 1959; let's support the Akaka bill in Congress; let's proclaim April 30 of every year a permanent holiday called "Hawaiian Restoration Day"; let's create a state-recognized tribe with a state-only version of the Akaka bill; let's transfer \$200 Million in land or money to OHA; etc. etc. ad nauseum. Why? All you've accomplished is to stir up racial animosity, feelings of entitlement, etc. You raise hopes for some people who want land and money from the rest of us, and then those hopes come crashing down. Over and over again. Remember the Aloha Airlines plane that had a huge hole ripped out of its side in mid-flight, due to metal fatigue caused by too many takeoffs and landings? That's what you're doing to all Hawaii's people, and to ethnic Hawaiians in particular. STOP IT.

Three of the many harms that would result by passing HCR107 are described in more detail later. Here they are briefly identified.

1. A resolution such as HCR107 brings ridicule and disrespect upon those who support it, and upon the legislature as a whole -- as shown by recalling what happened in connection with another Hawaiian sovereignty resolution passed in 2007. Many current members of the legislature, including members of this committee, participated in that debacle. I'm going to remind you what happened in hopes you won't do it again.
2. Such a resolution as HCR107 provides a platform whereby certain perpetrators of historical malpractice bring fame and fortune to themselves while spreading false information far and wide, using the legislature as an accomplice. I will remind you about two scams perpetrated during the last 15 years by the same person who is now revving up his new scam and wants you to pass this resolution to help him.
3. HCR107 has many false statements. Some falsehoods are complex, so testimony against them must wait for the hearings called for if the resolution passes. But a few falsehoods in this resolution are simple enough to be exposed in this brief testimony.

1. AN EXAMPLE OF A RESOLUTION PASSED IN 2007 WHICH HAS BROUGHT RIDICULE TO BOTH THIS COMMITTEE AND THIS LEGISLATURE; BROUGHT FAME AND FORTUNE TO A HOAXER; AND SENT FALSEHOODS ABOUT HAWAII HISTORY FAR AND WIDE.

This Hawaiian Affairs committee has previously misled the legislature to pass resolutions on Hawaiian sovereignty topics despite testimony clearly proving that the legislation contained egregious falsehoods and that the pushers of the legislation were indeed aware of those falsehoods at the time. Later the legislation was held up for public ridicule both in Hawaii and outside Hawaii, bringing scorn upon this committee and the entire legislature. Con artists use such resolutions to enrich themselves; hold fundraisers and travel widely while

soliciting and receiving donations partly based on gullible people being presented with the resolution as proof that the matter is taken seriously by our government.

Perhaps the most flagrant example of malfeasance and historical malpractice by this committee and the legislature happened in 2007 when a permanent annual Hawaiian Restoration Day holiday was established for April 30. Here's what happened. Reverend Kaleo Patterson knowingly used a fake Grover Cleveland proclamation from 1894, cited it as fact, and used it as the basis for a media blitz in 2006 in Hawaii and on the mainland calling for a national day of prayer for restoration of Native Hawaiians and repentance for the overthrow of the monarchy. He repeated his local and mainland propaganda campaign in 2007 and pushed a resolution HCR82 through the Hawaii legislature citing the joke proclamation as real and "proclaiming April 30 of every year as Hawaiian Restoration Day."

Perhaps as a result of that resolution, the Honolulu Star-Bulletin on Wednesday April 23 2008 page 2, published a story describing the Cleveland proclamation as a fact. The newspaper refused to publish a correction despite nine of its editors and officers immediately being given proof of falsehood. Because the newspaper published a falsehood and refused to correct it the newspaper was given The Goebbels Award For Outstanding Use of Media for Propaganda Disguised As Fact:
<http://tinyurl.com/44ls4j>

In 2010 Patterson repeated a trip to Caldwell N.J. in furtherance of his hoax, where the town council honored him and gave him a check for \$2920 to defray his expenses.

For a detailed analysis of the fake Grover Cleveland proclamation; proof that it was a joke and not true; how it came to be accepted as true by Hawaiian sovereignty activists who should have known it was false; how the lie was widely disseminated; how it became the core of a terrible legislative resolution which passed overwhelmingly; proof that Kaleo Patterson was aware of the lie upon which his resolution was based; text of the 2007 legislative resolution and committee report and list of the representatives who disgraced themselves by voting "aye"; text and citation of the New Jersey newspaper article reporting Patterson's 2010 trip and \$2920 grant; see <http://tinyurl.com/k38tm>

On April Fools Day 2008 a 4-page flyer was published, poking fun at the Hawaii Legislature for passing the resolution in 2007 which assumed that an April Fools joke from 1894 was actually true. The joke was actually an editorial poking sarcastic fun at Grover Cleveland. It was published in a New York newspaper the day after the U.S. Senate Committee on Foreign Affairs published its 808-page "Morgan Report" of the facts about the Hawaiian revolution of 1893. All 808 pages of the Morgan Report, and numerous summaries and essays about it (including a well documented essay describing how the Morgan Report caused President Cleveland to change his mind about the Hawaiian Revolution) can be found at <http://morganreport.org>

The newspaper sarcastic editorial joke in 1894 portrayed President Cleveland as issuing a proclamation calling for a national day of fasting, humiliation, and prayer in repentance for the U.S. role in overthrowing Liliuokalani. On the same page was another sarcastic editorial joke portraying President Cleveland issuing a proclamation for the Senate to be abolished and its power to be given to him, because of the Senate's bad judgment in publishing the Morgan Report.

But in 2007 the joke was on this Hawaiian Affairs committee and this state legislature for being fooled by Kaleo Patterson into thinking the "Cleveland Proclamation" was real. The 4-page flyer includes photos of the two sarcastic editorials against Grover Cleveland, taken from the newspaper's archives. See <http://tinyurl.com/2tj5jl>

Will this committee now set in motion another ridiculous resolution, once again making the legislature a laughing-stock? It's now 4 years after 2007. Hurry up; the fraudsters are waiting for you to bless their adventures!

2. KEANU SAI, THE MAN CURRENTLY PUSHING THE CONCEPT OF AN "EXECUTIVE AGREEMENT" BETWEEN PRESIDENT CLEVELAND AND EX-QUEEN LILIUOKALANI, HAS TWICE PREVIOUSLY LAUNCHED HIGH-PROFILE SCAMS BRINGING HIM FAME AND FORTUNE.

Will this committee, and this legislature, now pass a resolution providing a platform for Keanu Sai's third major scam?

Here are the two previous ones.

The "Perfect Title" scam.

In the mid to late 1990s Keanu Sai launched a series of lectures on cable television, and workshops throughout the islands where he distributed literature. He claimed the overthrow of the monarchy in 1893 was "illegal", and therefore all transfers of land title since then were also illegal since the officials of the Bureau of Conveyances who place their seal of approval on land transfers were agents of illegal successor governments. Mr. Sai also laid a paper trail at the Bureau of Conveyances which he claimed followed procedures established under Kingdom law which made himself Regent Pro-Tem of the Hawaiian Kingdom in the absence of the monarch, the cabinet officers, and the Kingdom legislature. As Regent Pro-Tem he claimed the authority to condone, or certify, land title transfers of the past and present, and thereby to "perfect" (to repair or make perfect) the titles held or desired by his clients. During the course of several years he and his company collected several hundred thousand dollars in fees from several hundred clients for doing "title searches" and filing new warranty deeds at the Bureau of Conveyances. He not only enriched himself, but he caused huge problems for hundreds of his clients who relied on his documents, and hundreds (perhaps thousands) of innocent people whose genuine property deeds were "clouded" because of the bogus new deeds he filed and who were therefore unable to get mortgages or sell their houses.

In one particular situation, Keanu Sai was finally put on trial for a felony charge of attempted grand theft (of a house). Mr. Sai demanded and received a jury trial. The multiracial jury on December 1, 1999 unanimously found Mr. Sai guilty beyond a reasonable doubt of attempted theft of title to a house (value approximately \$300,000) for his role as an accessory to a man and woman who had broken into and reoccupied a house they had formerly owned but had lost through foreclosure. Not even one member of the jury had any reasonable belief that Mr. Sai's fanciful theories could possibly be correct because, as Mr. Sai had argued during the trial, if his theories are correct then there would not have been any theft because the rightful owners of a house cannot steal it. The ordinary people of the multiracial jury gave their unanimous verdict beyond a reasonable doubt based on commonsense. If the verdict had been appealed, then judges and legal scholars would also be able to sustain the verdict by concluding that Sai's theories are false. At first Mr. Sai said he would appeal the verdict as a way of proving his theories. If he truly believes his theories, that's what he should have done. But in view of his slap-on-the-wrist penalty, Mr. Sai apparently decided not to appeal for fear his theories would be discredited and perhaps for fear he would go to prison if the sentence was also appealed by the government.

The maximum sentence for Keanu Sai's crime was 10 years in prison and a fine of \$25,000. But Judge Sandra Simms sentenced Keanu Sai to 5 years probation and a \$200 fine. There was no restitution ordered for the innocent victims of Mr. Sai's scam, and not even "community service." Judge Simms was known as a bleeding-heart liberal who gave light sentences even to hooligans who beat up tourists while robbing them, and perhaps for that reason the Judicial Selection Commission denied her reappointment to the bench when her first term ended

At sentencing on March 7, 2000 I, Ken Conklin, was present in court. Perhaps a hundred Hawaiian sovereignty activists also packed the courtroom, including Bumpy Kanahele and Kekuni Blaisdell, while more people stood in the hallway unable to fit inside. When Judge Simms entered the courtroom and the bailiff loudly proclaimed the customary "All rise!" the sovereignty activists defiantly remained seated to show their contempt for a court they consider invalid. Judge Simms, playing to the crowd, said from the bench she admired Mr. Sai for his commitment to his cause, but that even the noblest protesters and seekers of social justice must be subject to the laws as they now exist. She then gave her absurdly light sentence, and apparently in response to a presentencing motion she also granted him permission to travel out of Hawaii and out of the United States for his anticipated hearing at the "World Court." So much for the rigors of probation! After the sentencing, the crowd spilled out into the hallway in a jovial and congratulatory mood.

Fortunately the Honolulu newspapers -- especially the Star-Bulletin -- published a lengthy trail of news reports about Perfect Title and the trials and sentences of the criminals who were involved. A lengthy, detailed webpage compiles many of the news reports and commentaries. See <http://tinyurl.com/nq5vs3>

If the legislature passes HCR107 you will be aiding and abetting Mr. Sai in his pursuit of fame and wealth for his new history scam in which he already has a book or two in progress and has already been giving lectures on various islands, reminiscent of his publicity campaign in the Perfect Title scam.

The "World Court" Scam

Two friends agree that the Hawaiian Kingdom was illegally overthrown, and the annexation of Hawaii to the U.S. was done illegally. They agree that the laws of the Kingdom of Hawaii still are the rightful laws of Hawaii today. One of these friends, Lance Larsen, repeatedly gets arrested for driving a car in Hawaii while failing to have a license plate and drivers' license issued by the State of Hawaii. Larsen refuses to pay the fines, and continues to defy State law. He gets thrown in jail for 30 days. He claims the State of Hawaii is not the rightful government and has no jurisdiction over him. Meanwhile, his friend Keanu Sai claims to be the Regent Pro-Tem of the Kingdom of Hawaii, having followed the laws of the Kingdom to establish himself in that office. The two of them cook up a scheme whereby Lance will sue Keanu, as acting head of state, for failing to protect Lance, a subject of the Kingdom, against the illegal actions of an illegal State of Hawaii. And just to make it complete, Lance also sues the United States and all the other nations that had treaty relationships with the Kingdom, claiming that they also had a duty under their treaties to protect Lance against harrassment from an illegal government.

But the first action taken once the lawsuit has been filed is for Lance and Keanu to dismiss the lawsuit by agreeing to have the matter arbitrated. Lance and Keanu take their dismissal documents and their agreement to submit to arbitration, to a retired federal court judge who still handles occasional matters, and who is himself ethnic Hawaiian and a supporter of Hawaiian sovereignty. Instead of laughing and dismissing the case outright as frivolous, the judge signs the order of dismissal, happy that the case is no longer on his court docket because the parties have agreed to arbitration. Lance and Keanu announce that a U.S. judge has recognized the continued existence of the Kingdom of Hawaii by signing a document in which the Kingdom's representative and a Kingdom subject have agreed to dismiss their case from court and submit it to arbitration.

Since the case has the appearance of involving international law, Lance and Keanu are able to persuade the Permanent Court of Arbitration at the Hague (Netherlands) to provide a venue where hand-picked arbitrators can hear the case. Lance and Keanu each hire one arbitrator (fee \$10,000 each), and those two arbitrators agree upon a third arbitrator, thus comprising a three-man arbitral panel to hear the case at the Hague under the rules of international law governing commercial relationships (not the rules governing international political disputes)

The arbitral panel does hear the case, and issues a ruling that Lance and Keanu have no real dispute between them because they agree on everything. The panel says that if there is any real dispute capable of being arbitrated under international law it would be between Lance/Keanu vs. the United States over the issue of the alleged illegal occupation of Hawaii by the U.S. But the arbitral panel rules that it is unable to consider such an issue because the U.S. is not a party to these proceedings (in other words, people are saying bad things about the U.S. and the U.S. was not present to defend itself since Lance and Keanu had dismissed the U.S. right from the start!). Case dismissed. In less polite terms: Where's the beef? Get outta here! In the language of international law, the notice of dismissal is called an "Award." Thus, Lance and Keanu now have an "Award" from "the International Court at the Hague."

Gullible people see an opera and mistake it for real life. This staged performance had the backdrop of a building used for the genuine International Court at the Hague, where disputes between nations are resolved and where international war crimes trials are held. Naturally, Keanu and Lance refer to their arbitral panel as "The International Court at the Hague," which creates a false impression of grandeur.

As befits an opera or other public entertainment, a vast amount of publicity and "hoopla" surrounded this entire process for a period of about two years, right up until the result was announced.

Large fundraisers were held, including a six-hour extravaganza of speeches and music on the grounds of 'Iolani Palace, televised in Hawaii as a live paid commercial, and simultaneously webcast over the internet. Numerous speeches and panel discussions were held over a period of many months. Allegedly hundreds of supporters traveled to the Hague for the hearings dressed in Hawaiian-style clothing and bestowing beautiful, fragrant leis upon "court" personnel and spectators -- the Hawaii Tourism Authority would have been proud! A good time was had by one and all. The whole purpose of the arbitration was to allow the participants and their fanatic supporters to proclaim their propaganda far and wide

For more information about Mr. Sai's "World Court" scam see:
<http://tinyurl.com/4q95avn>

If the legislature passes HCR107 you will be aiding and abetting Mr. Sai in his pursuit of fame and wealth for his new history scam in which he already has a book or two in progress and has already been giving lectures on various islands, reminiscent of his publicity campaign in the Perfect Title and World Court scams.

3. A FEW FALSE OR MISLEADING STATEMENTS IN HCR107 (There are too many to include most of them here, and some are quite complex).

The resolution has many false statements; some are complex and testimony against them must wait for the hearings called for if the resolution passes. But a few falsehoods in this resolution are simple enough to be exposed in this brief testimony.

To see the line numbers on each page of the proposed resolution it's necessary to view the resolution in pdf format; but the pdf version must be separately downloaded and cannot be displayed below. Click here to download the pdf version if you want to see the line numbers referred to in the testimony:

http://www.capitol.hawaii.gov/session2011/Bills/HCR107_.pdf

Whereas #2 and #3, page 1, lines 8-120: Although the apology resolution of 1993 says that Minister Stevens conspired with the revolutionaries, the facts are otherwise. The U.S. peacekeepers turned out not to be needed: they remained in barracks, never pointed their guns at anyone, did not patrol the streets, did not take over any buildings, and did not give food or assistance to anyone. See the sworn testimony in the Morgan Report.

Whereas #5, page 1 line 26 to page 2 line 2: When the revolution had succeeded without any assistance from U.S. peacekeepers, Minister Stevens then granted de facto recognition to the Provisional Government. This is normal procedure in revolutions throughout the world. For example, during the recent insurgency in Libya, France first granted diplomatic recognition to the rebels (rather prematurely) and then France led air strikes against Gaddafi's forces. In the Hawaiian revolution the Provisional Government had already taken control of the government buildings before the U.S. recognized them, unlike the situation in Libya. And the U.S. never fired a shot in the Hawaiian revolution, unlike France's massive use of military force in Libya, which the United Nations approved.

Whereas #7 and #8, page 2 lines 37 to page 3 line 2: Liliuokalani was indeed vested with executive power during the time when she was Queen, which ended on January 17, 1893. Thereafter she did not have any executive authority, any more than the deposed Batista had executive authority after Castro's Cuban revolution or the deposed Russian Tsar had authority after the Russian revolution. By January 19 every nation having a local consul in Honolulu, including the U.S., gave de facto recognition to the Provisional Government in letters they delivered to President Sanford B. Dole. As noted in Whereas #2, Minister Stevens was minister plenipotentiary, meaning that he spoke with the authority of the U.S. President. From that time forward, the U.S. officially recognized President Dole as having the executive authority of the nation of Hawaii, and not ex-queen Liliuokalani. Therefore, it was impossible for there to be any executive agreement between Grover Cleveland and Liliuokalani, since Cleveland did not take office until March.

Whereas #9 and #10 and #11, page 3 line 4 to page 4 line 10: Grover Cleveland's henchman James Blount came to Hawaii without Senate confirmation, under secret orders from Grover Cleveland to destabilize the Provisional Government and restore Liliuokalani. At Cleveland's request he wrote a propaganda document based on secret interviews with royalists. The Morgan Report includes testimony under oath from several witnesses who reported that Blount had lied in Blount's report about what the witnesses had said to Blount in Honolulu. Blount's successor Albert Willis continued efforts to destabilize the Provisional Government, and conducted secret negotiations with Liliuokalani offering a deal to put her back on the throne if she would promise to pardon the revolutionaries and not punish them or seize their property. On two occasions she refused the deal, saying she would execute (behead) them. By the time she accepted the deal late in December it was too late, because Grover Cleveland was referring the matter to Congress to launch the hearings that produced the Morgan Report. In any case, the deal offered by Willis, which Liliuokalani finally (but too late) accepted, was a deal Willis had no right or authority to offer. The U.S. was interfering in Hawaii's internal affairs, negotiating in secret with a deposed monarch even while the U.S. had already recognized President Dole as having the executive authority. Regardless whether Liliuokalani accepted the deal, the U.S. had no power to implement it without approval from President Dole. Just before Christmas Willis wrote a letter to Dole demanding that Dole step down and restore Liliuokalani. Dole wrote a blistering reply refusing. Neither the letter from Willis nor the reply from Dole mentioned any deal with Liliuokalani. See: "Letter of December 19, 1893 from United States Minister Willis to Hawaii President Dole, Demanding That Liliuokalani Be Restored to the Throne," at <http://tinyurl.com/6z1ct> See "Letter of December 23, 1893 from Hawaii President Sanford B. Dole to U.S. Minister Willis, Refusing United States Demand to Restore Ex-Queen Liliuokalani to the Throne" at <http://tinyurl.com/8y6jo>

To sum it up: There was no executive agreement between President Cleveland and ex-queen Liliuokalani for at least three reasons: Liliuokalani no longer had any executive authority after January 17; the U.S. gave official recognition de facto to President Dole as the one who had executive authority for Hawaii; the U.S. had no right or power to dictate terms of a "settlement" between Liliuokalani and Dole which Dole did not know about and whose demands upon him to resign he flatly refused to comply with when he was informed of them.

Whereas #17, page 5 lines 2-7: The alleged quotation of the U.S. Constitution "supremacy clause" leaves out very important elements. This quotation is actually a falsehood, typical of Hawaiian sovereignty falsehoods propagated as deliberate attempts to deceive.

Here's Article VI, Section 2 in its entirety. This entire section is one single sentence, and must be taken as a whole.

“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 all the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

The entire sentence makes clear that its purpose is to establish the principle that federal law is superior to any state law that might contradict it. If a federal law and a state law are in conflict, the federal law wins.

Now let's take the entire first part of Article VI, Section 2, not leaving anything out, to see that there are three things that are the supreme law of the land, not only treaties. “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 ...”

Note that the first thing mentioned is the Constitution, because it is more important than the other two (indeed, it's the Constitution which grants power to the other two!). Then the next thing mentioned is the laws passed by Congress, because that is more important than the third item. Then, finally, the third item is treaties. Treaties are the least important among the three items which, taken all together, are the supreme law of the land, taking precedence over any state Constitution or law.

Whereas #18, page 5 lines 9-14 quotes the U.S. Supreme Court out of context to assert "that executive agreements arising out of the President's sole authority over foreign relations does not require ratification by the Senate or the approval of Congress, and has the force and effect of a treaty"

Well, that's just wonderful. Because if that is true, then Hawaii President Dole's offer of a treaty of annexation to President Harrison in January 1893, and President Harrison's acceptance of that offer, constitute an executive agreement with the force of a treaty, which remains standing until this day, certainly binding on Harrison's successor President Cleveland and thus nullifying Cleveland's subsequent withdrawal of that treaty and the alleged executive agreement between Cleveland and Liliuokalani.

Keanu Sai filed a lawsuit in the U.S. District Court in Washington D.C. currently known as David Keanu Sai v. Hillary Clinton, et al.. At one time President Obama was named as a defendant but then removed. More recently a motion was filed to re-add President Obama as a defendant along with the Honolulu consuls of 35 nations. Naming, deleting, and adding defendants was a tactic also used by Mr. Sai in his "World Court" case. On March 9 2011, U.S. District Judge Colleen Kollar-Kotelly issued summary judgment dismissing this convoluted lawsuit. Of course Mr. Sai is appealing. He provides a webpage tracking his lawsuit, and offering explanations for his behavior, at <http://hawaiiankingdom.org/sai-obama.shtml>

HCR107 is Mr. Sai's attempt to get more publicity for his adventure, with the help of Rep. Mele Carroll.

I'm sick of writing this testimony and will stop FOR NOW. Aren't you sick of reading this detailed, boring testimony? Just think how sick you'll be if you are sitting on the panel

that must convene under the terms of HCR107. What a waste of time and resources! Could we please just cut the nonsense? Vote NO on this ridiculous HCR107 and pass a resolution of censure against Mele Carroll for even introducing it. Was she merely naive and didn't comprehend the logical consequences? I don't think so; she's quite intelligent. The only alternative explanation for her behavior is that she places her loyalty to a racial group higher than her (dis)loyalty to the State of Hawaii and the United States of America. I am sickened by that attitude, which is all too common these days in Hawaii and is further encouraged when serious consideration is given to disreputable resolutions such as HCR107. Evidence of that attitude is found in the slogan appearing immediately below the name of the Hawaiian Affairs committee on every hearing notice it is sending out: "He lā hou, e ho'oulu lāhui: A new day, building a nation" We don't need a new nation. We need to support the one we already have.

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 8:25 PM
To: HAWtestimony
Cc: inunyabus@gmail.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: e.dunbar
Organization: Individual
Address:
Phone:
E-mail: inunyabus@gmail.com
Submitted on: 3/21/2011

Comments:

Please pursue this measure to continue with an investigating committee. It is sorely needed and an extraordinary opportunity to uncover more truths about Hawaii's disputed history.

From: Brandon Kalilikane [bags442000@yahoo.com]
Sent: Monday, March 21, 2011 9:09 PM
To: HAWtestimony
Subject: Testimony

Testimony in Support of HCR 107

Aloha my name is Kamuela Kalilikane _____,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong

questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

Iesu Pu
Kamuela Kalilikane
Nanakuli, Oahu; Via Tacoma, WA

clee2 - Matt

From: Christopher/Joaquin Kunkel/Gamiao [cjvolcanoboyz@gmail.com]
Sent: Monday, March 21, 2011 9:48 PM
To: HAWtestimony
Subject: In Support of HCR 107

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011
TIME: 8:30 a.m.
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

Testimony in Support of HCR 107

Aloha!

Our names are Joaquin Keawepoo Gamiao and Christopher Tavita Kunkel.

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

It is time to stop the games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

Let's start asking the right questions to find the truth; finally correcting the wrongs done to the Hawaiian people I am in support of HCR 107 introduced by Representative Mele Carroll.

--

E Malama Pono o'oe!
Christopher & Joaquin

clee2 - Matt

From: T. Noelani Perreira [drtnoe@gmail.com]
Sent: Tuesday, March 22, 2011 12:17 AM
To: HAWtestimony
Subject: HCR 107

Hawaiian Affairs Committee

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha my name is Tammie Noelani Perreira,

I am in strong support of House Concurrent Resolution 107 to establish a legislative committee to investigate "Executive Agreements" between the United States and the Hawaiian Kingdom in 1893. Currently, I reside and work in Waimanalo on the island of Oahu. I grew up on Hawaii island. I have been formally educated in Hawaii Public School systems. I have a doctorate degree in clinical psychology. I am multi-ethnic. I am Hawaiian. Mahalo for your attention to this important matter.

As a mother of a 3 year old child, a Licensed Clinical Psychologist, and concerned human being, I know it

is essential that people have hope, confidence and a grounded sense of place in order to be productive members of society. Hawaii history as it had been taught to me (as well as my parents and grandparents) has more often left me confused and frankly annoyed and angry. Not hopeful, confident and grounded. Fortunately that is not the case today.

In 2004 at UH-Manoa I was first introduced to contemporary research about Hawaii history. In particular, the research of Dr. Keanu Sai. It provided me with another lens to examine Hawaii's legal and political history. It was unlike any Hawaii history I had been exposed to. It made logical sense to me in multiple contexts as well as broad and specific ways. It resonated clarity in my na'au--at a gut level. Executive agreements between the Hawaiian Kingdom and the United States in 1893 were among the myriad facts presented in Dr. Sai's research.

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives

of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

I appreciate the attention the Hawaiian Affairs Committee is paying to the research AND the follow-through of putting it to the test in "real life" by providing opportunity for further visibility and scrutiny in a truly public forum.

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions.

I am in support of HCR 107 introduced by Representative Mele Carroll.

Respectfully,

Tammie Noelani Perreira, Psy.D.

PO BOX 810

Waimanalo, HI 96795

808.542.5624

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2011 1:05 AM
To: HAWtestimony
Cc: riki@tiki.net
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Frederick Torres-Pestana
Organization: Individual
Address:
Phone:
E-mail: riki@tiki.net
Submitted on: 3/22/2011

Comments:

Teach the truth about Hawaiian history. The american goverment and military must stop it's belligerent occupation of Hawaii, a crime against international law .

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2011 8:18 AM
To: HAWtestimony
Cc: info@schha.org
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Michael Kahikina
Organization: Sovereign Councils of the Hawaiian Homelands Assembly
Address:
Phone:
E-mail: info@schha.org
Submitted on: 3/22/2011

Comments:
Contact Annie Au Hoon, SCHHA Executive Assistant, for any questions or comments at 529-1627.

From: Elvin & Pamela Kamoku [kamoku@hawaii.rr.com]
Sent: Tuesday, March 22, 2011 8:22 AM
To: HAWtestimony
Subject: Support HCR 107

Testimony in Support of HCR 107

Aloha my name is Elvin Kekaulike Kamoku,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., Sai v. Clinton, et al., has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the Supremacy Clause of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel Gravity's Rainbow, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. **I am in support of HCR 107 introduced by Representative Mele Carroll.**

clee2 - Matt

From: keli ioane [keli_ioane@yahoo.com]
Sent: Tuesday, March 22, 2011 7:59 AM
To: HAWtestimony
Cc: andy dre; civic club

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha my name is _____,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school, doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C. and the international community. This warrants the creation of an investigative committee who would ask the hard questions of governance, who would have to testify under oath. Since no one knew about these executive agreements, very few testified why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to an opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people with the Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent F

support and defend not only the Constitution of the State of Hawai‘i, but also the Constitution of the United States, r
Supremacy Clause of the United States Constitution. As Majority Whip for the House of Representatives of the Stat
of the Hawai‘i State Legislature and that the joint investigating committee have the powers necessary to receive all i

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: “If they can get you asking the wrong questions, th
questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

Aloha my name is Momilani Glushenko,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., Sai v. Clinton, et al., has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the Supremacy Clause of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel Gravity's Rainbow, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions.

I am in support of HCR 107 introduced by Representative Mele Carroll.

Sincerely,

Momilani Glushenko

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

TESTIMONY IN SUPPORT OF HCR 107


Aloha my name is Keanu Sai and I have a Ph.D. in political science specializing in international relations and public law, with particular emphasis on the legal and political history of Hawai'i since Kamehameha I to the present. My doctoral dissertation and various law journal articles brought to light these executive agreements between Queen Lili'uokalani and President Grover Cleveland and its profound effect today. I'm also a member of doctoral committees for Ph.D. students who address the executive agreements in their research and studies.

These executive agreements were kept from the public for over 113 years, but it is now being taught as Hawai'i's history at the high school and collegiate levels. I also have a Federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, which also brought these agreements to the attention of the entire United States and the international community. In fact, U.S. District Court Judge Colleen Koller-Kotelly admitted to the existence of the executive agreements in her Order, but stated there is still a political question that needs to be addressed, which I responded to in a Motion to Reconsider filed last week with the Court. Judge Koller-Kotelly will be responding to my motion, which means the case is very much alive before going on appeal from either side. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified

opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.


Digitally signed by Keanu Sai
DN: cn=Keanu Sai, o, ou,
email=keanu.sai@gmail.com,
c=US
Date: 2011.03.22 09:36:24
+10'00'

Keanu Sai, Ph.D.

clee2 - Matt

From: rohan kalyan [rohan.kalyan@gmail.com]
Sent: Tuesday, March 22, 2011 10:36 AM
To: HAWtestimony
Subject: testing

To whom it may concern:

Aloha, my name is Rohan Kalyan and I am a Doctoral Candidate in the Department of Political Science at the University of Hawaii at Manoa, where I am conducting research on economic development and its effects in India.

Besides my own research on India, I have been very much interested in the legal arguments put forward by Dr. Keanu Sai, whom I know from UHM. I fully support HCR 107 introduced by Representative Carole Mele which looks into two executive agreements entered into in 1893 between the US President Glover Cleveland and Queen Liliuokalani of the Hawaiian Kingdom in 1893.

I am also in the process of making a documentary film about Dr. Sai's legal argument and his experience presenting it at the national, state and international levels. We are interested in bringing wider scholarly attention to the facts that Dr. Sai presents.

Thanks for your time and consideration.

Sincerely,

Rohan K. Kalyan

--

Rohan Kalyan
Ph.D. Candidate, Department of Political Science
Coordinator, Center for South Asian Studies
University of Hawai'i at Manoa
808 294 2607
rohan.kalyan@gmail.com



Kānaka Council Moku ō Keawe

HC2 Box 9607
KEA'AU, HI 96749
(808) – 982 – 9020
KANAKACOUNCIL@GMAIL.COM

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329
State Capitol
415 South Beretania Street

IN SUPPORT OF HCR 107

My name is Kale Gumapac, Alaka'i for Aha Kanaka Moku O Keawe. Aha Kanaka Moku O Keawe fully supports the passage of House Concurrent Resolution 107. Previously unknown in contemporary legal understandings of Hawai'i's history are two executive agreements that settled the overthrow of the Hawaiian government and continue to remain binding upon the current United States President, Barack Obama, as successor of President Grover Cleveland, under both international law and U.S. Federal law. The first agreement is a temporary and conditional assignment of executive power by Queen Lili'uokalani to the U.S. President on January 17th 1893 calling for an investigation of the participation of U.S. troops and actions of its diplomat in the overthrow of the Hawaiian government, and after the investigation to restore to the Queen her constitutional authority. Pursuant to Article 31 of the Hawaiian constitution, the Queen's authority was that she was constitutionally vested with the executive power and it was her duty to ensure that certain insurgents be apprehended by the police for

committing the crime of treason, being a violation of Chapter VI of the Penal Code. But for the presence of U.S. troops who were ordered by the U.S. diplomat to protect the insurgents, the police force, headed by Marshall Wilson, would have been able to apprehend the insurgents. President Cleveland accepted this temporary and conditional assignment on March 9th 1893, and initiated the investigation by appointing James Blount as Special Commissioner to report his findings to Secretary of State Walter Gresham. This first executive agreement is called the *Lili'uokalani assignment*, which also temporarily transferred and assigned to the President the administration of Hawaiian Kingdom law. The investigation was initiated on April 1 and completed on October 18, 1893.

The investigation concluded that the U.S. diplomat, John Stevens, and naval commander, Captain Wiltse, violated international law and were responsible for the overthrow of the Hawaiian government. On October 18th, Secretary of State Walter Gresham directed the new U.S. diplomat assigned to Hawai'i, Albert Willis, to begin negotiations for settlement and restoration of the Hawaiian government as it stood before the landing of U.S. troops on January 16, 1893, with the condition that after restoration and reassignment of the executive power, the Queen would grant amnesty to the insurgents. At this first meeting between the Queen and U.S. Minister Willis on November 13th 1893 at the U.S. legation (embassy) in Honolulu, Willis, on behalf of the President, sincerely apologized for the reprehensible conduct of its diplomat and naval commander and that the President determined that the Hawaiian government must be restored, but only after a guarantee that full amnesty could be granted to the insurgents by the Queen. At this first meeting the Queen refused to grant amnesty, but after three more meetings with the U.S. diplomat she agreed and a declaration was signed by her on December 18th and dispatched to the U.S. State Department on the 20th. This is the second executive agreement

known as the *Agreement of restoration*, whereby the Queen would grant amnesty “after” the government was restored and the executive power returned.

The Hawaiian Kingdom’s status was that of a recognized sovereign and independent State under international law. Contrary to the language in Public Law 103-150 native Hawaiians are not indigenous peoples within the United States, but are nationals of a recognized sovereign and independent State. One might object, arguing, how can a State that has not had a government for 118 years still have citizens? Hawaiian nationality persists through time even without a government, because nationality arises as an incident of the continuity of State sovereignty and not the continuity or discontinuity of the governmental apparatus. One can be born the “national” of a State even if the State is “occupied” by a foreign government for a long period. Current examples would be Latvia, Lithuania and Estonia, which were occupied by the Soviet Union for more than fifty years. This would also be true of any child born in Iraq to Iraqi nationals since the beginning of the US occupation since 2003 to 2004.

Thus State sovereignty exists until properly extinguished, and this sovereignty is separate and distinct from another sovereign authority that may be effectively operating in its boundaries. This situation—two sovereigns in one country—is referred to by international law as *occupation*. Both the 1893 *Lili`uokalani assignment* and the international laws of occupation mandate that the occupying State administer the laws, both civil and penal, of the occupied State, being the Hawaiian Kingdom. This is not discretionary on the part of the occupant. It is a *mandate* caused by the fact that the occupied State’s sovereignty did not merge with the occupier’s sovereignty, and therefore the occupier is barred from administering the occupier’s national laws within the boundaries of an independent and sovereign State. American law was not applied in occupied

Japan after World War II, Japanese law was. American law was not applied in Iraq, after the overthrow of the Iraqi government. Iraqi law was.

Since the United States is a Federal government, States within the Federal Union are subject to the supremacy of Federal laws and treaties, in particular, executive agreements. Article VI, clause 2, of the U.S. constitution, provides: "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." In *U.S. v. Belmont*, 301 U.S. 324 (1937), *U.S. v. Pink*, 315 U.S. 203 (1942), and *American Insurance Association, et al. v. Garamendi*, 539 U.S. 396 (2003), the U.S. Supreme Court affirmed that executive agreements entered under the sole authority of the President in foreign relations with foreign states does not require ratification from the U.S. Senate to have the force and effect of a treaty; and that executive agreements bind successor Presidents for their faithful execution. In particular, the Court stated in *Garamendi*, "Specifically, the President has authority to make 'executive agreements' with other countries, requiring no ratification by the Senate or approval by Congress." And in *Belmont*, the Court stated: "We held that although [an executive agreement] might not be a treaty requiring ratification by the Senate, it was a compact negotiated and proclaimed under the authority of the President, and as such was a 'treaty.'"

For the past 118 years, President Cleveland, and his successors in office have violated the *Lili'uokalani assignment*, being an executive agreement, which mandated the President and his successors in office to administer Hawaiian Kingdom law. As a result of the President's failure to administer Hawaiian law all acts performed by the provisional government and the Republic

of Hawai`i on behalf of or concerning the Hawaiian Islands cannot be considered lawful because these individuals were insurgents and were not granted amnesty from the Queen because the Hawaiian Kingdom government wasn't restored and the executive power returned.

Aha Kanaka Moku O Keawe calls upon the State of Hawaii to adhere to and conform to the *Supremacy clause* of the United States Constitution, whereby executive agreements are the supreme law of the land and anything in the constitution or laws of the State of Hawai`i to the contrary notwithstanding. Therefore, in closing, I suggest that this committee passes this resolution out of committee in light of the executive agreements and the mandate of the Supremacy Clause of the United States Constitution. The executive agreements exist and the Kingdom of Hawaii Constitution is the law of the land.

To: Committee on Hawaiian Affairs
From: Willy Daniel Kaipo Kauai, PhD Candidate (ABD)

Re: Testimony in Support of HCR 107

Aloha my name is Willy Kauai,

I am a PhD candidate at the University of Hawaii, Political Science Department specializing in Public Law and International Relations. My dissertation provides a historical legal analysis of Hawaii citizenship law spanning from the end of the 18th century till today's present condition. The Executive Agreements entered into between Heads of State, Queen Lili'uokalani and President Grover Cleveland on December 18, 1893 has profound legal consequences regarding citizenship in Hawaii today. For this reason I fully support HCR 107, which would establish an investigative committee to further look into this significant yet unusual matter.

Along side my PhD research I am also an instructor in the Political Science Department. This semester I was assigned to teach Political Science 301—Hawaii Politics, which an entire unit of the curriculum was dedicated to exploring the details of the Executive Agreement while also considering its profound ramifications to the political landscape of Hawaii. Along with the Political Science Department, several other departments across the University of Hawaii system have been engaging the 1893 Executive Agreements, including the Richardson School of Law, UH Manoa Geography Department, UH Manoa History Department, UH Manoa Hawaiian Studies Department, Maui College Hawaiian Studies Program, Windward Community College Hawaiian Studies Program, and Kapiolani Community College Hawaiian Studies Program. The establishment of an investigative committee would afford the Hawaii State Legislature and all branches of government, as well as the general public, an opportunity to become educated regarding the legal and political significance of the Executive Agreement.

It is for these reasons that I am in support of HCR 107 introduced by Representative Mele Carroll. Mahalo for your serious consideration.

clee2 - Matt

From: Raylene Kawaiaea [haahula50@msn.com]
Sent: Tuesday, March 22, 2011 12:14 PM
To: HAWtestimony
Subject: testimony in Support of HCR 107

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair
Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha, my name is Raylene Ha`alelea Kawaiae`a,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the

United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

clee2 - Matt

From: Mary Kalikolani Correa [kalikolani@gmail.com]
Sent: Tuesday, March 22, 2011 12:16 PM
To: HAWtestimony
Subject: Testimony in Support of HCR 107

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha my name is Mary-Lindsey Correa,

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., Sai v. Clinton, et al., has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the Supremacy Clause of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel Gravity's Rainbow, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

Aloha Aina,
Mary-Lindsey Correa M.A.
Cultural Researcher
Cultural Surveys Hawaii
mcorrea@culturalsurveyshawaii

clee2 - Matt

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2011 12:25 PM
To: HAWtestimony
Cc: wpellegrino808@gmail.com
Subject: Testimony for HCR107 on 3/23/2011 8:30:00 AM

Testimony for HAW 3/23/2011 8:30:00 AM HCR107

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Walette Garcia Pellegrino
Organization: Individual
Address:
Phone:
E-mail: wpellegrino808@gmail.com
Submitted on: 3/22/2011

Comments:

Aloha, my name is Walette Garcia Pellegrino,

For the past 113 years these executive agreements were never brought to light. It was never taught as a significant part of Hawai'i's history, and only after Dr. Keanu Sai did his doctoral research and brought it to the public's attention do we now know about it. His federal lawsuit in Washington, D.C., Sai v. Clinton, et al., has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee which will ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on them, which is why this investigative committee would have subpoena powers.

I had the privilege, along with other Maui kupuna, to sit in Dr. Keanu Sai's recent class on Hawaiian land tenure at the University of Hawai'i Maui College. For many of us, this was the first time we were hearing this significant information. The young students were enthralled and inspired to want to learn and do more for our people. We mahalo Keanu for his leadership.

This is an opportunity to see the issue in a clear light. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the Supremacy Clause of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

The time to ask the right questions in order to get the right answers is now. I support HCR 107 introduced by Representative Mele Carroll and ask that you do too in order to begin the process.

Mahalo a nui loa.
Walette Garcia Pellegrino
Retired Associate Professor
Maui Community College (UH Maui College)

From: Kui [kgapero@aol.com]
Sent: Tuesday, March 22, 2011 2:50 PM
To: HAWtestimony
Subject: Testimony in Support of HCR 107

Testimony in Support of HCR 107

Aloha my name is Kuiokalani L. Gapero.

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

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In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Chris Lee, Vice Chair

DATE: Wednesday, March 23, 2011

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Testimony in Support of HCR 107

Aloha my name is Charlene Kama

For the past 113 years these executive agreements were never brought to light. It was never taught in any school as part of Hawai'i's history, and only after Dr. Keanu Sai has done his doctoral research and brought it out to the public do we now know about it. His federal lawsuit in Washington, D.C., *Sai v. Clinton, et al.*, has also brought it to the attention of the entire nation and the international community. This warrants the creation of an investigative committee who would ask the hard questions from experts and professionals in the fields of law, history and governance, who would have to testify under oath. Since no one knew about these executive agreements, very few today can have a qualified opinion on these executive agreements, which is why this investigative committee would have subpoena powers.

Enough games have been played throughout our history that have diverted and/or twisted Hawai'i's history to suit political agendas. This joint investigative committee not only has the opportunity, but the responsibility and duty to inquire into these executive agreements for all of Hawai'i's people who call these Islands their home. Because the members of the House Committee on Hawaiian Affairs have taken an oath to support not just the State of Hawai'i Constitution, but also the Constitution of the United States, it would be your duty to pass this resolution out of your committee, because as Representative Mele Carroll stated, the purpose of House Concurrent Resolution 107 is to "ensure that we, as Legislators, who took an oath to support and defend not only the Constitution of the State of Hawai'i, but also the Constitution of the United States, must be mindful of our fiduciary duty and obligation to conform to the *Supremacy Clause* of the United States Constitution. As Majority Whip for the House of Representatives of the State of Hawai'i, it is my duty to bring the executive agreements to the attention of the Hawai'i State Legislature and that the joint investigating committee have the powers necessary to receive all information for its final report to the Legislature."

In his novel *Gravity's Rainbow*, Thomas Pynchon wrote: "If they can get you asking the wrong questions, they don't have to worry about the answers." Let's start asking the right questions. I am in support of HCR 107 introduced by Representative Mele Carroll.

Aloha mai kākou.

My name is Lorenz Gonschor. I am a Ph. D. student in Political Science at the University of Hawai'i at Mānoa, and I would like to testify in favor of House Resolution 107 that was introduced by Representative Mele Carroll.

I have studied the political history of Hawai'i in great detail, and from this research I am aware of the critical importance of the 1893 executive agreements between Queen Liliuokalani and President Grover Cleveland. Given the significance of these executive agreements for the political status of the Hawaiian Islands, I have been astonished that they are rarely ever mentioned in contemporary Hawai'i, neither in the curriculum of the public education system nor in political debates. The establishment of a joint legislative investigating committee to examine the status of the two executive agreements would be an excellent choice in order to clarify these important issues. I therefore would like to give my full-hearted support to House Resolution 107.

Mahalo for your attention.