

House of Representatives
The Twenty-Sixth Legislature
Regular Session of 2011

House Finance Committee
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

Hearing date : April 5, 2011
Hearing Time: 3:30 pm
Hearing Place: Conference Room 308

RE: Testimony in Strong Opposition to SB1 (SD2, HD2) and SB1520 (SD2, HD2)

Mr. Chair, Vice-Chair and Committee Members:

Aloha, My name is Dr. Solomon D.K. Nalua'I, M.D., Ph.D. a retired Hawaiian Physician. I testify on behalf of my extended Nalua'I 'Ohana in strong opposition to SB1 (SD2, HD2) and SB1520 (SD2, HD2).

NEITHER THE HAWAII STATE LEGISLATURE NOR THE U.S. CONGRESS HAS THE RIGHT TO USURP, INTERVENE OR ENCROACH UPON THE AUTHORITY OF THE EXECUTIVE BRANCH OF THE UNITED STATES PRESIDENT.

Two specific EXECUTIVE AGREEMENTS were concluded in 1893 between U.S. President Grover Cleveland arising out of the Presidents sole authority in foreign affairs under the U.S. Constitution and Queen Lili'uokalani under Article 31 of the Hawaiian Kingdom Constitution, two sovereign heads of state from two different distinct and separate sovereign independent nations, as follows;

1. LIL'UOKALANI ASSIGNMENT, March 9, 1893

Whereby President Grover Cleveland accepted the obligation to administer Hawaiian Kingdom Law during the temporary and conditional period of unlawful invasion and illegal occupation by the Armed U.S. Military Forces upon the territories of the Sovereign Independent Hawaiian Kingdom.

2. AGREEMENT OF RESTORATION, December 18, 1893

Whereby our Queen was to grant amnesty to the insurgent traitors responsible for the illegal overthrow of the Hawaiian Kingdom, only after the return of her Executive Powers and Restoration of the Hawaiian Kingdom Government.

These 1893 EXECUTIVE AGREEMENTS were never legally terminated nor was it ever bilaterally extinguished by the two heads of state and remain in full legal force and effect to this day.

EXECUTIVE AGREEMENTS are considered TREATIES and are therefore the SUPREME LAW OF THE LAND. The Supremacy Clause of the U.S. Constitution in Article VI, Clause 2 and Clause 3 states;

2. 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**.

3. The **Senators and Representatives** before mentioned, and members of the several **State legislatures**, and all **executive and judicial officers**, both of the United States and of the several States, shall be **bound by Oath** or affirmation, **to support this Constitution**; but no religious test shall ever be required as a qualification to any office of public trust under the United States.

Because of these enforceable EXECUTIVE AGREEMENTS (TREATIES) under the United States Constitution, this Hawaii State Legislative body does not have the authority nor discretionary power reserved for the U.S. President under the Federal Government, and therefore, cannot consider SB1 (SD2, HD2) and SB 1520 (SD2, HD2) legislation.

CONCLUSION:

Pursuant to Article VI, Clause 3 of the U.S. Constitution, all elected officers of public trust, includes this Hawaii State Legislature, are bound by Oath to support this U.S. Constitution, and therefore, each of you have the moral obligation, legal responsibility and patriotic duty to honor these EXECUTIVE AGREEMENTS (TREATIES), and therefore are obligated to demand the Return and Full Restoration of the Hawaiian Kingdom Government thereunder.

To do anything less would be completely irresponsible and an Un-American and Un-Patriotic act in direct conflict and wanton violation of your individual Oaths of Office of Public Trust under U.S. Constitutional Law and further constitutes a criminal act of omission which individually and collectively may subject you to Federal Felony Charges! Ignorance is no excuse! These are documented genuine issues of historic material facts.

Therefore, we strongly demand this Hawaii State Legislative body withdraw, reject, omit and drop this and any other related unauthorized legislation.

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