

SB

1203

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: anne.e.lopez@hawaii.gov
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 2:43:28 PM
Attachments: [SB1203_ATG_02-18-15_WAL_HSH.pdf](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSH on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Lopez	Department of Attorney General	Comments Only	Yes

Comments: Deputy Attorney General, Lori Tanigawa, will be present at the hearing on SB1203 to testify.

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**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 1203, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT
AUTHORITY.

BEFORE THE:

SENATE COMMITTEES ON WATER AND LAND AND ON
HUMAN SERVICES AND HOUSING

DATE: Wednesday, February 18, 2015 **TIME:** 2:50 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chairs Thielen and Chun Oakland and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to designate and preserve certain parcels of land in the Kakaako community development district as parkland.

In section 1, on page 2, lines 2-11, the bill provides:

Furthermore, public notice on the Hawaii community development authority's procurement actions and leases should be followed, and long-term leases, which were previously authorized, be rescinded as not in the best interest of the fragile makai shoreline conditions.

We believe the above wording lacks clarity as to which "public notice" and "long-term leases" the bill is referring to, and what constitutes "long-term."

It is also unclear as to whether the bill requires the Hawaii Community Development Authority ("HCDA") to rescind long-term leases that were previously authorized. If such action is required, we have serious concerns that the bill violates the Contract Clause of the United States Constitution. The Contract Clause provides that, "No State shall . . . pass any . . . Law impairing the Obligation of Contracts." U.S. CONST. art. I, § 10. HCDA's rescission of its long-term leases would substantially impair its contractual relationships with its lessees. Before such impairment can occur, however, the State must identify a significant and legitimate public purpose justifying the impairment (i.e., the remedying of a broad and general social or economic problem) and the impairment must be reasonably calculated to achieve the public purpose. See

HRPT Props. Trust v. Lingle, 715 F. Supp. 2d 1115, 1135-36 (D. Haw. 2010). Although the bill states that "the preservation and maintenance of the shoreline and parkland are critical," the bill does not address how the existence of HCDA's long-term leases prevents the State from preserving the shoreline and parkland, and why rescission is necessary to achieve the bill's purpose. Further, because the bill contains a broad reference to HCDA's long-term leases, the bill may be deemed as not reasonably tailored to achieve its purpose because it could require the rescission of all long-term leases despite the fact that some leases may be wholly unrelated to the preservation or maintenance of the shoreline and parkland.

Further, we are concerned that the bill may constitute an improper taking of property under the Takings Clause of the United States Constitution, which prohibits the State from taking private property for public use without just compensation. Although HCDA, as lessor, is the fee simple owner of the property, the unexpired leasehold interest held by HCDA's lessees constitutes private property, the taking of which may be compensable under the Takings Clause. See Alamo Land & Cattle Co., Inc. v. Arizona, 424 U.S. 295, 303, 96 S. Ct. 910, 916 (1976). Whether this regulatory taking requires just compensation depends on the consideration of several factors, the primary factor being the extent to which the regulation interferes with distinct investment-backed expectations. See, e.g., Penn Cent. Transp. Co. v. New York, 438 U.S. 104 (1978). Absent details regarding each lease, we are unable to determine whether a regulatory taking would require compensation. It should be noted, however, that if compensation is required, then the Legislature should be prepared to appropriate funds for such compensation.

In section 2, on page 2, lines 15-21, and page 3, lines 1-17, the bill amends chapter 206E, Hawaii Revised Statutes, by adding a new section that provides:

§206E- __ Protection of urban shoreline in Kaka'ako makai; parkland; shoreline; commercial development; public cultural and education facilities.

(a) The authority shall set aside the following parcels identified by tax map key along the shoreline for the benefit of Hawaii's people as parkland and future park expansion: 1-2-1-058:048; 1-2-1-058:131; 1-2-1-059:024; 1-2-1-059:025; 1-2-1-059:026; 1-2-1-060:007; 1-2-1-060:008; 1-2-1-060:023; 1-2-1-060:027; 1-2-1-060:028; 1-2-1-060:029; and 1-2-1-060:030.

(b) The authority shall allow for easements and setbacks on portions of the following parcels as identified by tax map key for future expansion of the public shoreline promenade for the benefit of Hawaii's people: 1-2-1-015:045; 1-2-1-015:051; 1-2-1-058:048; 1-2-1-058:129; 1-2-1-058:130; 1-2-1-058:131; 1-2-1-060:027; 1-2-1-060:028; 1-2-1-058:061; and 1-2-1-058:127.

(c) The authority shall allow for commercial development in a park setting on portions of the following parcels as identified by tax map key: 1-2-1-058:043; 1-2-1-058:061; 1-2-1-058:127; 1-2-1-058:129; 1-2-1-058:130; 1-2-1-058:131; and 1-2-1-060:006.

(d) The authority shall allow for public cultural and educational facilities in a park setting on portions of the following parcels as identified by tax map key: 1-2-1-058:130; 1-2-1-060:008; 1-2-1-060:017; 1-2-1-060:025; and 1-2-1-060:026.

We have various concerns regarding the above section. First, we were unable to confirm the existence of Tax Map Key ("TMK") Nos. 1-2-1-060: 023, 1-2-1-060: 017; 1-2-1-060:025, and 1-2-1-060: 026. To the extent that those TMK parcels do not exist, then we recommend that the bill be amended to delete any references to those parcels.

Second, TMK No. 1-2-1-015: 045 is submerged land. Given that the objective of the bill is to preserve and maintain the shoreline, we presume that the bill did not intend to allow for this TMK parcel to be part of a public shoreline promenade as indicated in subsection (b) of the new section. If this TMK parcel was inadvertently referenced, then we recommend that the bill be amended to delete any reference to this TMK parcel.

Third, it is unclear as to whether this section is intended to affect HCDA in its capacity as the redevelopment authority as opposed to its capacity as a fee simple owner. If it is the latter, we are concerned that the bill may violate the Contract Clause to the extent it substantially impairs HCDA's leases or other agreements with private parties and may constitute an improper taking for the reasons discussed above. We also note that the Office of Hawaiian Affairs ("OHA"), not HCDA, is the fee simple owner of the following TMK Nos.: 1-2-1-058: 048, 1-2-1-060: 027, 1-2-1-060: 028, 1-2-1-015: 051; 1-2-1-058: 129; and 1-2-1-058: 130 (collectively, "OHA parcels"). Thus, to the extent that the bill presumes that HCDA will be acting in its capacity as a fee simple owner, HCDA cannot implement the bill as intended for the OHA parcels.

If it is the former, we note that, pursuant to eighth undesignated paragraph of section 2 of Act 15, Session Laws of Hawaii 2012 ("Act 15"), HCDA may only acquire by condemnation easements and other rights of access affecting OHA parcels provided just compensation is paid to OHA. Accordingly, to the extent that this bill requires HCDA to condemn portions of the OHA parcels, then we recommend that the bill be amended to appropriate funds to pay just compensation to OHA.

Fourth, we believe the terms "parkland," "commercial development," and "park setting" are subject to multiple interpretations and as such, are ambiguous, which may lead to the inability to implement or implement as the legislature intends. We therefore recommend that these terms be defined.

Fifth, it is unclear what the bill means when it provides that HCDA shall "set aside" the designated TMK parcels as parkland or park expansion, as set forth in subsection (a) of the new section. One interpretation is that HCDA, in its capacity as a fee simple owner, is required to reserve such parcels for future park use when they are no longer encumbered by leases or other dispositions of land. Another interpretation is that HCDA, in its capacity as the redevelopment authority, is required to amend its master plan for the KCDD and promulgate administrative rules that restrict the use of the designated TMK parcels to parkland. We, therefore, recommend that the bill be amended to clarify or define what the term "set aside" means.

Sixth, the bill provides that HCDA "shall allow for" easements, setbacks, commercial development, and public and educational facilities, as set forth in subsections (b), (c), and (d) of the new section. We recommend that the bill be amended to substitute the phrase "shall allow for" with "shall consider" so as to preserve HCDA's discretion to reject proposals that are not desirable.

Lastly, it is unclear where the public shoreline promenade referenced in subsection (b) of the new section is to be located and what its dimensions are. Absent a location and dimensions, HCDA will be unable to identify the easements and setbacks that are necessary for the public shoreline promenade. We also note that TMK No. 1-2-1-058: 048 does not have a shoreline boundary and instead, fronts Ahui Street. Accordingly, to the extent that the public shoreline promenade will not extend to the boundaries of TMK No. 1-2-1-058: 048, then we recommend that the bill be amended to delete reference to this TMK parcel.

We respectfully ask the Committee to consider our comments and recommended amendments in determining whether to amend or hold this bill.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: publicpolicy@oha.org
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 12:26:03 PM
Attachments: [SB1203 LEI OF GREEN TESTIMONY WTL HSH 021815 FINAL.pdf](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Office of Hawaiian Affairs	Individual	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB1203

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Senate Committee on Water and Land

Senate Committee on Human Services and Housing

February 18, 2015

2:50 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB1203, which attempts to restrict OHA's ability to generate revenue on a substantial portion of its property in Kaka'ako Makai. If passed, the bill would require the HCDA to "set aside" OHA's parcels for parkland, a public promenade, and park setting development to create a "lei of green," which would adversely impact funding for programs and services targeted and improving the lives of Native Hawaiians.

In 2012, the Legislature enacted Act 15, which conveyed in fee simple approximately 30 acres of land in Kaka'ako Makai to settle OHA's claims for its share of past-due revenues of the public land trust. This historic settlement, based on OHA's constitutional rights to pro rata share of the public land trust, occurred after over two decades of negotiation, disagreement, and litigation with the state. While OHA insisted on a cash payment of \$200 million, then-Governor Abercrombie's offer was limited to land. Per Act 15, the state's conveyance was intended, in large part, to provide OHA with a revenue-generating resource in furtherance of the state's constitutional obligations to Native Hawaiians. An imposition of additional restrictions on OHA's property, as proposed by this measure, would leave practically no economically beneficial or productive use of the land, defeating the fundamental purpose of Act 15.

The irony of SB1203, as currently drafted, is that after waiting decades, negotiating with four administrations, and spending millions of dollars to get a fair share of the public land trust, **SB1203 attempts to require OHA, and ultimately its beneficiaries, to bear the burden of providing park space and open space on a substantial portion of its lands for the benefit of current and future Honolulu residents, including residents of the ultra luxury condos currently being built.** These restrictions and requirements are not being placed upon other landowners and developers. Particularly ironic is that these same lands, the lands of Kaka'ako Makai, were a densely populated community of over 700 squatters in the early 20th century, concentrated in the settlements of Ka'akaukui and Kukuluaeo, where many Native Hawaiians resided. These residents had access to the ocean for fishing, recreation, and day labor, until their communities were evicted in the 1920s to make way for industrial plants.

Finally, SB1203 is limiting and does not take into consideration the maoli-based vision that OHA has started to lay out for these lands. OHA recently started the process of developing a Conceptual Master Plan to further refine its strategic priorities into land use recommendations that ensure that the future development of Kaka‘ako Makai allows OHA to kūlia (strive) for the apex of both culture and commerce. The master plan will be based largely on OHA’s desire to ensure that cultural and stewardship values drive the design and land use decisions in Kaka‘ako, and balance near-term with long term financial and strategic goals. OHA is hopeful that it will be able to capitalize on the potential to generate millions to help fund community-based programs, while also supporting native intellectual capital and innovation. **OHA’s plans will ultimately assist in reserecting the presence of Native Hawaiians in Honolulu, and Kaka‘ako specifically, by creating a Hawaiian sense of place—a kīpuka, where Native Hawaiian national identity and culture can flourish, in perpetuity.**

Accordingly, OHA respectfully urges the Committees to **HOLD** this measure, or to amend SB1203 to remove reference to OHA’s parcels, including the following:

- 206E_(a) Parkland and future expansion: 1-2-1-058:048, 1-2-1-060:027, 1-2-1-060:028
- 206E_(b) Public Shoreline Promenade: 1-2-1-015:051, 1-2-1-058:048, 1-2-1-058:129, 1-2-1-058:130, 1-2-1-060:027, 1-2-1-060:028
- 206E_(c) Commercial Development in a park setting: 1-2-1-058:129, 1-2-1-058:130
- 206E_(d) Public Cultural and Education Facilities in a park setting: 1-2-1-058:130, 1-2-1-060:026

Mahalo for the opportunity to testify on this important measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lindsey.doi@hcdaweb.org
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 2:14:38 PM
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SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSH on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsey Leaverton	HCDA	Comments Only	Yes

Comments: See written testimony

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HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

David Y. Ige
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER AND LAND
AND
SENATE COMMITTEE ON HUMAN SERVICES AND HOUSING

ON

WEDNESDAY, FEBRUARY 18, 2015

2:50 P.M.

State Capitol, Conference Room 224

in consideration of

**S. B. 1203 – RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: To require the Hawaii Community Development Authority to set aside certain parcels of land in Kakaako Makai for shoreline protection and parkland development.

Position: In October/November 2005, the HCDA promulgated the Makai Area Plan and Rules. In April 4, 2007, the HCDA adopted §15-210 HAR – Rules, Regulations, Charges, and Fees for Public Parks. In April 2011, the Authority adopted the Kakaako Makai Conceptual Master Plan. The Conceptual Plan was "intended to depict a general framework of access and circulation, land uses with respective intensities, open space networks, and areas designated for future improvements." The plan represents the desires and recommendations of Kakaako Makai Community Planning Advisory Council (CPAC) and other interested stakeholders. I provide comments with respect to the positions already adopted by the Authority within the documents noted above.

The Rule of Law for Makai Area Development and Park Use Has Already Been Established. Since the adoption of the aforementioned 2005 Makai Area Plan and Rules and 2007 Park Rules, the Authority has been steadfast in its adherence to the rule of law that governs development and park management and administration in the Makai Area. The Makai Area rules (§15-23 HAR) establish zoning rules governing allowable development within the Makai Area. The rules for areas designated as for PARK use “govern the use and protection of all parks under the jurisdiction, management, and operation of the authority, providing passive and active, cultural, educational and commercial activities for the well-being of all who visit the area.” (§15-210-1 HAR)

Proposed Uses and Functions Described are Already Captured in Kakaako Makai Conceptual Master Plan. The Authority has already adopted for guidance a community based plan for the area that seeks to promote the same uses, functions and public benefits. The Conceptual Master Plan is the basis for all Makai Area development and public benefit projects.

Section 1 Findings Contain Statements Suggesting Actions Not Otherwise Discussed in the Proposal. Section 1 lines 7 through 11 contain directives regarding public notice and rescinding previously authorized long term leases for which there are no other details offered. This section of the proposal also seems to relate real estate development that are outside of the procurement process as being subject to these regulations.

Parcels designated for the protection of urban shoreline; parkland; shoreline; commercial development; public cultural and education facilities. The proposal identifies 12 parcels to be set aside for the benefit of Hawaii’s people as parkland and future park expansion. Included within these 12 parcels are three parcels owned by the Office of Hawaiian Affairs (OHA) that are zoned Waterfront Commercial and are encumbered with facilities and uses that are clearly not parklands, given their ownership is not necessarily amenable to park expansion.

The uses on these parcels are also vested under the current rules as for waterfront commercial activities with a 1.5 FAR (floor area ratio/density) and 65-foot height already specified. The other parcels specified include: Waterfront and Gateway Park parcels; the Kewalo Basin Harbor; Kewalo parking; roadway and parking parcels; and an unknown TMK designation.

Parcels designated for easements and setbacks on portions of parcels for future expansion of the public shoreline promenade. The proposal identifies 10 parcels for which portions might be set aside for expansion of the shoreline promenade. These parcels include 6 locations which are owned by the OHA. By virtue of their ownership, it is unknown whether they would grant in the future yet to be specified easements and setbacks. One of the parcels is submerged lands that lie outside of the Kakaako Community Development District. The remaining lands lie within the Kewalo Basin Harbor and adjacent lands where existing and future lessee rights are involved.

Parcels where commercial development in a park setting would be allowed. The proposal identifies 6 parcels for the above stated purpose. All of the parcels are currently designated as waterfront commercial with density and height already specified. Two of the parcels are owned by the OHA and questions regarding what restriction(s) if any would be created by this designation would need to be addressed. The remaining four parcels are within the HCDA inventory and include the Kewalo Basin Harbor and the former site of the National Ocean Atmospheric Administration (NOAA) activities that are currently zoned waterfront commercial. Questions include but are not limited to: what exactly is a park setting? What limitation upon development, if any, are indicated? Are there any implications for the rights of the existing harbor lessee?

Parcels for public cultural and educational facilities in a park setting. The proposal identifies 5 parcels for the above stated purpose. Three of the parcels might be discontinued as they do not currently exist. One of the parcels owned by the OHA is encumbered by a long term lease and is currently zoned waterfront

commercial. The remaining parcel corresponds to a portion of the Kakaako Waterfront Park. There are questions relating to this designation regarding how they differ from the existing legally established rules and zoning designation.

While shoreline protection, park, cultural, educational uses, and shoreline promenades are individually facilities and uses that the HCDA seeks to promote, there are more questions raised than answered with this proposal. Chief amongst those questions are how will this proposal enhance or improve the current situation without introducing uncertainty for the OHA and existing lessees of the affected parcels.

Thank you for the opportunity to provide comments on this proposal.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: sharonmi@hawaii.edu
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 12:25:47 AM
Attachments: [TEST-SB 1203.doc.docx](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Moriwaki	Kaka'ako United	Support	Yes

Comments:

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Testimony of Sharon Y. Moriwaki

Before the

Senate Committees on Water & Land and on Human Services & Housing
Wednesday, February 18, 2015 at 2:50 p.m. in Conference Room 224

**In Strong Support of SB 1203, Relating to the
Hawaii Community Development Authority**

Chair Thielen, Chair Chun Oakland and Members:

My name is Sharon Moriwaki. I am a resident of Kaka'ako and president of Kaka'ako United, a voluntary community organization of citizens concerned about the future of Kaka'ako's – mauka and makai.

SB 1203 amends chapter 206E, HRS, relating to the Hawaii Community Development Authority (HCDA), to ensure that we preserve and enhance the last urban shoreline -- Kaka'ako Makai -- by designating certain parcels along the shoreline to be set aside as protected lands and parkland for public use and enjoyment now and in future generations.

The state wisely adopted the Makai Area Plan, which has undergone many changes over the years. What has endured is the emphasis on preserving the natural environment and a people-oriented gathering place for the community. The most recent, the Makai Conceptual Master Plan, developed by the community and adopted by the governor in 2011 ("Makai Plan"), laid out the vision and guiding principles for the area. It specifically stated that it should "...preserve and protect the precious shoreline and parkland in Kaka'ako Makai... and preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations." It also sought to expanding the shoreline parks as significant open spaces joining the "lei of green" parks from Diamond Head (Lē'ahi) to Aloha Tower."

Unfortunately, during the past couple years, the community has had to constantly monitor and oppose those who have sought to build residential high rise condos and other buildings that impact adversely on the natural resources and beauty of our shoreline.

We therefore come to you to support SB 1203 to protect for future generations what the leaders of the past envisioned: open shoreline and parkland maintained and preserved for our long-term sustainable future. It is imperative that the state preserve these land as identified in SB1203.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mail@outdoorcircle.org
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 9:32:54 PM
Attachments: [TOC support SB1203 Kakaako Makai Parks.pdf](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Martha Townsend	The Outdoor Circle	Support	No

Comments:

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**TESTIMONY OF MARTHA TOWNSEND
EXECUTIVE DIRECTOR**

**in Support of
SB1203, relating to the Hawaii Community Development Authority**

**before the
Senate Joint Hearing of Committee on Water and Land, and
Committee on Human Services and Housing**

**on
February 18, 2015 at 2:50 pm in room 224**

Dear Chairwoman Thielen, members of the Water and Land Committee, and Chairwoman Chun-Oakland and members of the Human Services and Housing Committee,

The Outdoor Circle supports the intent of SB1203. Parkland should be set aside in the Kaka’ako Makai district. The Outdoor Circle has worked to keep Hawai’i “clean, green and beautiful” for all of our residents and visitors since 1912.

The Kaka’ako Makai conceptual master plan should directly inform decision making about this area, as it was developed with broad community support, according to sound planning principles, and approved by the Hawaii Community Development Authority. This plan calls for a park-like corridor along the shoreline from Ala Moana Park to the ewa edge of the University of Hawaii’s Medical School.

We support the on-going effort to enhance current parks in Kaka’ako and expand new park spaces in this vital community at the core of Honolulu’s urban district. Especially for those lands in Kaka’ako Makai that are directly controlled by the State of Hawaii, parks should be the primary land use undertaken.

Thank you for the opportunity to testify in support of this measure.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: T12AquaMan@gmail.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 4:01:55 PM

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Iwai Jr.	Friends of Kewalos	Support	Yes

Comments:

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February 17, 2015

Written Testimony Re: SB1203 Relating to the Hawaii Community Development Authority (HCDA) "Lei of Green" bill

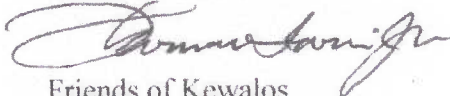
Testimony in Support

Friends of Kewalos supports the intent of SB1203 which is designed to preserve, maintain, and protect valuable shoreline and parkland for public use for current residents and future generations. After nearly 5 years of planning and meetings with community stakeholders, the State, OHA, etc. and expenditure of over \$600,000 of State funds, the Kaka'ako Makai Conceptual Master Plan was adopted by HCDA in 2011. This plan created a "Lei of Green" shoreline promenade connection between Ala Moana Park, Kewalo Basin Park, and Kaka'ako Park. This bill is designed to designate shoreline parcels and/or portions of parcels for the eventual development of this "Lei of Green."

Furthermore, with the projected increase of 30,000 new residents in Kaka'ako Mauka, more and not less parkland is needed. For example, the conversion of current parkland for commercial development by HCDA in the Kewalo Basin area sets a bad precedent. HCDA's claim of lost revenue with the exchange of State lands to OHA should not be an excuse to irresponsibly develop high density commercial activities on the waterfront. Current HCDA development plans proposes a night club, restaurant, multi-use facility (aka: church chapel), retail stores, etc., that encroaches over current parkland. In contrast, past commercial businesses such as the McWayne Marine Supply, net mending shed, South Sea Aquatics, and small eatery supported the Kewalo Basin commercial fishing-boating activities and park users. The traffic congestion such high density commercial activities will create will also make it harder for park users to enter and leave Kewalo Basin Park.

Approval of this "Lei of Green" bill will help to protect and preserve one of the last pieces of shoreline on the south shore for public access in perpetuity. As our Friends of Kewalos mission statement says, let us "Protect, Preserve, and Malama" our ocean and ocean parks.

Thomas Iwai Jr.



Friends of Kewalos

To Protect, Preserve, and Malama Kewalo Basin Park and the surrounding shoreline and ocean to ensure that the recreational user will continue to have access and the ability to enjoy the area for future generations to come.

www.kewalo.org

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ewabond@gmail.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Sunday, February 15, 2015 5:30:32 PM

SB1203

Submitted on: 2/15/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John Bond	Kanehili Cultural Hui	Support	No

Comments: Re: SB1203 I fully support SB1203 to create the Kaka'ako Makai Shoreline Protection, Parkland "Lei of Green." The bill is consistent with the Kaka'ako Makai Master Plan and the Vision and Guiding Principles approved by HCDA in 2011. It focuses on preserving Shoreline Park space for the long-standing "Lei of Green" planning policy. Please pass this bill. John Bond

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To: [WTLTestimony](#)
Cc: anakama@wik.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 5:08:05 PM
Attachments: [SB 1203.pdf](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Allison	The Howard Hughes Corporation	Oppose	Yes

Comments:

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The Howard Hughes Corporation
1240 Ala Moana Boulevard
Suite 200
Honolulu, Hawaii 96814

February 18, 2015

The Honorable Laura Thielen, Chair
The Honorable Brickwood Galuteria, Vice Chair
Senate Committee on Water and Land

The Honorable Suzanne Chun Oakland, Chair
The Honorable Josh Green, Vice Chair
Senate Committee on Human Services and Housing

RE: **SB 1203 - Relating to the Hawaii Community Development Authority – In Opposition**
Hawaii State Capitol Room 224, 2:50 PM

Aloha Chairs Thielen and Chun Oakland, Vice Chairs Galuteria and Green and members of the Committees:

While we agree with the bill's intent to preserve parkland in Kaka'ako Makai, we are opposed to the provision in this bill that long-term leases previously authorized be rescinded. An affiliate of The Howard Hughes Corporation ("HHC") has a 30-year, long-term ground lease with the Hawaii Community Development Authority for the majority of Kewalo Harbor and surrounding lands (TMK 1-2-1-058:131). Based on this lease, HHC has committed to investing several million dollars to improve the harbor for the people of Hawaii.

This bill, if passed, would rescind our lease and negate our ability to fund improvements at Kewalo Harbor, along with any potential master planning of Kewalo as a community gathering place. HHC has held community meetings on November 10, 2014 and January 30, 2015 to discuss the planning for Kewalo Harbor at the Net Shed (Kupu Training Facility). Approximately 100 community stakeholders and officials attended the first meeting, including the HCDA, harbor tenants and fishermen, Office of Hawaiian Affairs, Kamehameha Schools, environmentalists, Friends of Kewalos, surfers, University of Hawaii and others attended the talk-story session to discuss what Kewalo was, what Kewalo is and what Kewalo should be. The information gathered will help shape the future of Kewalo Harbor. Nearly 100 attended the second meeting, which focused on what Kewalo should be. A short presentation was given, outlining concepts for the master plan that were derived from feedback received from the first meeting. Information on the community meetings, the master plan's vision, and community meeting photos are posted on <http://kewalois.com>.

If the committee moves this bill forward, we ask that you consider exempting Kewalo Harbor and its surrounding lands (TMK 1-2-1-058:131). Thank you.

David Striph
Senior Vice President - Hawaii

Howard Hughes

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: aprilhawaii@hawaii.rr.com
Subject: *Submitted testimony for SB1203 on Feb 18, 2015 14:50PM*
Date: Tuesday, February 17, 2015 9:54:19 PM

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: akamaimom@gmail.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Monday, February 16, 2015 8:42:19 PM

SB1203

Submitted on: 2/16/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Support	No

Comments: Oahu deserves their green spaces also.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kenzen808@gmail.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Monday, February 16, 2015 11:07:13 AM

SB1203

Submitted on: 2/16/2015

Testimony for WTL/HSH on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Sentner	Individual	Support	No

Comments: Strongly support SB1203 to help insure that the Lei of Green continues despite furious efforts to build on Kaka`ako Makai.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lucialyou@gmail.com
Subject: *Submitted testimony for SB1203 on Feb 18, 2015 14:50PM*
Date: Friday, February 13, 2015 11:54:14 PM

SB1203

Submitted on: 2/13/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

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Cc: merway@hawaii.rr.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Saturday, February 14, 2015 8:17:26 PM

SB1203

Submitted on: 2/14/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
marjorie erway	Individual	Support	No

Comments: this is obvious -- trust you will support it!

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bondma@cs.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Saturday, February 14, 2015 10:25:04 AM

SB1203

Submitted on: 2/14/2015

Testimony for WTL/HSH on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Bond	Individual	Support	No

Comments: Please be sure to pass SB 1203.It's time Hawaii started protecting the little bit of our islands we have left.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: MSMatson@hawaii.rr.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Tuesday, February 17, 2015 12:01:06 PM
Attachments: [SB 1203 Testimony for 2-18-15 WTL Hearing at 2 50 PM.pdf](#)

SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	Yes

Comments: Strong Support with Comments, attached.

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**Senate Committee on Water and Land
Wednesday, February 18, 2015
Senate Conference Room 224
2:50 PM**

**SENATE BILL 1203
Relating to the Hawaii Community Development Authority**

Strong Support with Comments
Testimony from Michelle S. Matson, CPAC

Aloha Chair Thielen and Committee Members:

The HCDA board's new policy adopted at their meeting of February 11, 2015, is that their testimony on legislative measures should be "consistent with HCDA statutory policies and objectives as set forth in HRS Chapter 206E and HCDA's previously adopted policies and plans."

Senate Bill 1203 serves to accomplish this objective. This measure ensures that the Kaka'ako Makai Master Plan and its defining Vision and Guiding Principles, both adopted by the HCDA in May 2011, are defined in terms of the tax map keys presently attached to the parcels in the Master Plan, and the uses associated with these parcels as defined in the Guiding Principles for the planning and development of Kaka'ako Makai. They are as follows, with factual corrections as indicated:

- (a) Existing parkland and future park expansion along the shoreline for the benefit of Hawaii's people:

1-2-1-~~060~~-059:023; 1-2-1-059:024, 2-1-059:025; 1-2-1-059:026; 1-2-1-060:007
Kaka'ako Gateway Park parcels

1-2-1-060:008; 1-2-1-060:030
Kaka'ako Waterfront Park

1-2-1-058:048; 1-2-1-060:027; 1-2-1-060:028; 1-2-1-060:029
Kaka'ako Waterfront Park expansion aligned with Olomehani Street and Point
Panic per the Master Plan*

1-2-1-058:131
Kewalo Basin Park and isthmus connection to Ala Moana Park

- (b) Portions of the following parcels for future expansion of the public Shoreline Promenade easements and setbacks for the benefit of Hawaii's people:

1-2-1-015:045; 1-2-1-015:051; 1-2-1-060:027; 1-2-1-060:028
Shoreline Promenade easement from Kaka'ako Waterfront Park and Kewalo Basin Channel to the point at Honolulu Harbor

1-2-1-058:048 (radio tower parcel)
Promenade easement at Kewalo Basin Cove behind Kewalo Keiki Fishing Conservancy

1-2-1-058:130; 1-2-1-058:129; 1-2-1-058:131; 1-2-1-058:061; 1-2-1-058:127
Promenade easement around the Kewalo Basin Harbor perimeter

- (c) Portions of the following parcels for commercial development in a park landscaped waterfront setting:

1-2-1-058:131; 1-2-1-058:061; 1-2-1-058:127
Kewalo Basin Harbor fast lands including NOAA and harbormaster parcels (HHC lease)

1-2-1-058:043
Boat Charter building

1-2-1-060-058:006; 1-2-1-058:129; 1-2-1-058:130
AAFES parcel, Fisherman's Wharf area, Honolulu Marine dry-dock and Kewalo Basin Cove to Kewalo Keiki Fishing Conservancy (OHA);

- (d) Public cultural and educational facilities in a park setting, between Olomehani Street and Ilalo Street per the Master Plan*:

1-2-1-058:130
Kewalo Keiki Fishing Conservancy portion at Kewalo Basin Cove

1-2-1-060:017; 1-2-1-060:025
Children's Discovery Center

1-2-1-060:026
"Piano Lot" (OHA)

~~1-2-1-060:008~~ (see "a" above)

*Attached: Kaka'ako Makai Master Plan illustration adopted by the HCDA in May, 2011.
Provided at the Hearing: Kaka'ako Makai Master Plan Vision and Guiding Principles

Further to the Master Plan and Vision and Guiding Principles for Kaka'ako Makai adopted by the HCDA, and Senate Bill 1203: For more than four years, all Kaka'ako Makai stakeholders and the larger community developed the Vision for Kaka'ako Makai; researched, reviewed and fully vetted the Guiding Principles for the Kaka'ako Makai Master Plan; and collaborated on the Master Plan for Kaka'ako Makai. Notably, OHA and Kamehameha Schools were formally represented and actively participated in this process in concurrence with the shoreline, waterfront and community stakeholder groups.

Yet, this agency has been fraught with spot-zoning tactics, fast-tracked permit approvals and illicit "exclusive negotiations" both during and following this Master Plan process. However with a recent flicker of some enlightened board oversight, during his February 11, 2015, presentation to the HCDA board, the HCDA executive director showcased the Master Plan for Kaka'ako Makai adopted by the HCDA in 2011.

Clearly, with its clarification by tax map key as commonly utilized in land use legislation, Senate Bill 1203 is the next step in moving the adopted Kaka'ako Makai Vision, Guiding Principles and Master Plan forward to mutually benefit all Kaka'ako Makai stakeholders, the larger community and the greater public interest for Hawaii's people.



From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: miles@aloha.net
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Friday, February 13, 2015 7:36:22 PM

SB1203

Submitted on: 2/13/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Miles Mulcahy	Individual	Support	No

Comments: I support this issue

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To: [WTLTestimony](#)
Cc: paulakomarajr@yahoo.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Friday, February 13, 2015 10:31:47 PM
Attachments: [write_quo_warranto.pdf](#)

SB1203

Submitted on: 2/13/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Support	No

Comments: I support this bill...NO SELLING OF HAWAIIAN KINGDOM LANDS...You are commanded to read the Quo Warranto.

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Unified United States Common Law Grand Jury:

P.O. Box 59; Valhalla, New York, 10595; Fax - (888) 891-8977

WRIT OF QUO WARRANTO

5 SERVED VIA UNITED STATES POSTAL SERVICE TO: United States Supreme Court
Judges and all Federal District Judges:

10 FILED VIA UNITED STATES POSTAL SERVICE IN: US Supreme Court & All United
States District Courts

*"Silence can only be equated with fraud where there is a legal or moral duty to speak,
or where an inquiry left unanswered would be intentionally misleading..."¹*

15

- Official proceeding 18 USC §1512 • Clerk is to file. 18 USC §2076 • Felony to conceal or remove 18 USC §2071

20 Bar controlled federal and state court judges, by their presumed authority, contrary to their oath
and duty fraudulently claim the Constitution for the United States and its cap-stone Bill of Rights
abolished by traitorous bar controlled legislators, acts of conspiracy, treason and war against the
United States.

25 We the People Decree by Quo Warranto all said unconstitutional legislation null and void and
declare all such subversives enemies of the Peoples of the United States of America and order all
United States Marshals, Bailiffs, County Sheriffs and Deputies to arrest all such federal and state
judges for conspiracy, treason and breach of the peace when witnessing the violation of Peoples'
unalienable rights from the bench, in violation of Article III Section 3 for levying war against the
people, adhering to the enemy, giving aid and comfort.²

30 18 U.S. Code §2385 WHOEVER ORGANIZES OR HELPS OR ATTEMPTS TO ORGANIZE ANY SOCIETY, GROUP,
OR ASSEMBLY OF PERSONS WHO TEACH, ADVOCATE, OR ENCOURAGE THE OVERTHROW OR DESTRUCTION
OF ANY SUCH GOVERNMENT³ BY FORCE OR VIOLENCE; OR BECOMES OR IS A MEMBER OF, OR AFFILIATES
WITH, ANY SUCH SOCIETY, GROUP, OR ASSEMBLY OF PERSONS [BAR], KNOWING THE PURPOSES THEREOF -
SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TWENTY YEARS, OR BOTH...

¹ U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932

² Article III Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

³ Preamble We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Article I Section 8 To make rules for the government and regulation of the land and naval forces;

WRIT QUO WARRANTO⁴

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."

5 [Downs v. Bidwell, 182 U.S. 244 (1901)]

COMES NOW THE CONSTITUTED⁵ UNIFIED⁶ COMMON LAW⁷ GRAND JURIES⁸ of the fifty united States of America, this evil day;

10 WE COMMAND all County, State, Federal and US Supreme Court judges and clerks to perform their duty guaranteeing to every state in this union a republican form of government⁹ and protect each of them against invasion¹⁰, or vacate your office now.

15 WHEREAS; We the People in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, did ordain and establish the Constitution for the United States of America that all Judges and all members of the Government both state and Federal are lawfully bound to obey¹¹, DECREE THAT:

20 We the People have been providentially provided legal recourse to address the criminal conduct of persons, themselves entrusted to dispense justice. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside thus, the People have the unbridled right by law and in law to empanel their own grand juries and present "True Bills" of information, indictment and presentment

⁴ **QUO WARRANTO.** In old English practice. A writ, in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show by what warrant he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

⁵ **CONSTITUTED** - The People of each county have come together to agreed and declared a return to Common Law Juries.

⁶ **UNIFIED** - Every county in the state has constituted the Common Law Juries.

⁷ **COMMON LAW** - Article VI - 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.

⁸ **COMMON LAW GRAND JURY** - Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...; The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS, Jr. 112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352

⁹ **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

¹⁰ **INVASION.** (Blacks 4th) An encroachment upon the rights of another; the incursion of an army for conquest or plunder. Webster. See /Etna Ins. Co. v. Boon, 95 U.S. 129, 24 L.Ed. 395. CONSTITUTIONAL LIBERTY OR FREEDOM. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. People v. Hurlbut, 24 Mich. 106, 9 Am.Rep. 103.

¹¹ **Article VI.** 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.

to a court of record, which is then required to commence a criminal proceeding. Our Founding Fathers with foresight grafted into the common law Fifth Amendment a "buffer" the People may rely upon for justice, when public officials, including judges go rogue, act in bad behavior and criminally violate the law.¹²

5

THE PRIME DIRECTIVE

The prime directive¹³ ordained by the American People purposed their government to (1) form a more perfect union,¹⁴ (2) establish justice, (3) insure domestic tranquility, (4) provide for the common defense, (5) promote the general welfare, and (6) secure the blessings of liberty to ourselves and our posterity.

10 The subsequent violent felony acts of war by our servants against the aforesaid prime directive (1) debilitates the union of the American People, (2) establishes injustice, (3) undermines domestic tranquility, (4) renders the People vulnerable to foreign and domestic enemies, (5) destabilizes the general welfare, and (6) annihilates the blessings of liberty to ourselves and our posterity.¹⁵

15 Common-sense can only conclude that there are forces within our servant government conspiring war and subterfuge against the American People by denying the very republican form of government¹⁶ that they took an oath¹⁷ to protect and defend against all enemies foreign and domestic. Thereby it is the duty of all oath-takers to take a stand now, obey and defend the Constitution, and assist the People in arresting and terminating the following unconstitutional acts, by simply obeying the law of the land and acknowledging the unalienable right of the People to self-govern. Therefore judges everywhere are commanded "AGAIN" to obey the law of the land and sign the attached mandamus. The excuse "we are only following orders" did not stand in Nuremberg and it most certainly "will not stand here." To prove our conclusion, let facts be
20 submitted to a candid world:

- ❖ Our servants have refused Assent to Laws, the most wholesome and necessary for the public good;
- ❖ Our servants have trodden upon the rights of the People;
- ❖ Our servants have passed legislation destructive to the Constitution, forbidden by the same;
- 25 ❖ Our servants have exposed We the People to all the dangers of invasion from without, and subversion from within;
- ❖ Our servants have obstructed the laws for illegal-aliens who are flooding our nation with foreign insurgents some hostile destroying our economy and putting at risk the security of our States;

¹² **UNITED STATES v. WILLIAMS**, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352; No. 90-1972. Argued Jan. 22, 1992. Decided May 4, 1992.

¹³ **Preamble to the Constitution for the United States of America** - We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

¹⁴ A perfect union of states but a "more perfect union" among the People, anti-federalist papers, Bruno.

¹⁵ **Declaration of Independence** - We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

¹⁶ **Article IV Section 4**. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

¹⁷ **Article VI** The Senators and Representatives before mentioned, and the 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;

- ❖ Our servants have obstructed the Administration of Justice, by refusing acquiescence to laws established for Judiciary powers;
- ❖ Our servants have transformed judges into chancellors dependent upon the will of the BAR Guild alone, a society of mercenary economic corporate hit men-Esquires¹⁸, resolute on destroying common law, the foundation of America;
- ❖ Our servants have erected a multitude of 4th Branch administrative agencies unaccountable to the Constitution, and sent hither swarms of corporate administrative, disobedient to the Constitution, revenue and code enforcement officers to harass our people, and eat out their substance;
- ❖ Our servants have kept among us, in times of peace, Standing Armies and excessively militarized local police forces without the Consent of the People;
- ❖ Our servants have joined with foreign bankers to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving assent to their acts of pretended legislation;
- ❖ Our servants are secretly accommodating large bodies of armed foreign troops among us;
- ❖ Our servants have imposed a multiple of property-robbing taxes, direct taxes, fees and fines on us without our Consent;
- ❖ Our servants have deprived us of the benefits of honest Trial by Jury;
- ❖ Our servants have deprived us of the benefits of unrigged Grand Juries;
- ❖ Our servants have transported us into chancery courts to be tried for pretended offences;
- ❖ Our servants have enlarged its boundaries under the guise of District of Columbia (10 mile square federal city) so as to render it at once an example and fit instrument for introducing absolute rule into these States;
- ❖ Our servants have arrogantly disregarded our Bill of Rights, abolishing our most valuable laws, altering fundamentally the Peoples form of government, without consent;
- ❖ Our servants have declared power to legislate through executive order, without consent;
- ❖ Our servants have waged War against us;
- ❖ Our servants have plundered our manufacturing base, ravaged our small businesses and destroyed the lives of our people;
- ❖ Our servants have excited domestic insurrections amongst us;
- ❖ Our servants have engaged in human trafficking of our children and elderly through courts;
- ❖ Our servants have engaged in Racketeering and extortion through our courts;
- ❖ Our servants have held mock trials in courts not of record and thereby unlawfully incarcerating and financially fleecing millions of People, denying due process;
- ❖ Our servants have empanelled bogus puppet grand and petit juries in order to perform BAR will and profiteering;
- ❖ Our servants have stolen our homes in rem and fraud assisting bankers in double-dipping;
- ❖ Our servants have kidnaped our children and destroyed our families in family courts;
- ❖ Our servants have robbed our parents, turned their twilight years into nightmares and destroyed our families in probate court;
- ❖ Our servants have turned our common law courts into chancery courts of injustice;
- ❖ Our servants have put People in debtors prison;

¹⁸ **ESQUIRE.** In English law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see *Christian v. Ashley County*, 24 Ark. 151; *Corn. v. Vance*, 15 Serg. & R., Pa., 37.

❖ Our servants have transformed our unalienable rights into crimes violating at every stage our Bill of Prohibitions, serving the BAR and not the People:

- Against Amendment I our servants have prohibited the free exercise of Judeo-Christian religion, our servants have denied free speech, our servants have commandeered the press, our servants have denied our right to petition the government for a redress of grievances;
- Against Amendment II our servants have dismantled the Militia and closed our armories, our servants have denied the right of the people to keep and bear arms;
- Against Amendment IV our servants have violated our privacy using bogus warrants, spying on the people, eavesdropping on our conversations and unlawfully maintaining files on the People to be used during the planned unlawful martial law to target dissenters and enslave the People;
- Against Amendment V our servants have accused People in courts not of law incarcerating millions with corrupt Grand Juries and forcing People to witness against themselves, our servants have deprived millions of life, liberty, or property, without due process of law, our servants have seized private property under rem and caprice;
- Against Amendment VI our servants have denied millions of People trials by an impartial jury, our servants have denied assistance of counsel unless they were BAR co-conspirators of the court to stealthily deprive People of their unalienable rights;
- Against Amendment VII our servants have denied suits at common law, our servants have denied trial by jury, our servants have denied the Peoples heritage, common law;
- Against Amendment VIII our servants have imposed excessive bails, fines, cruel and unusual punishments for behaviors that are not crimes;
- Against Amendment IX our servants have denied scores of other unalienable rights retained by the people;
- Against Amendment X our servants have corrupted government at every level and have turned sovereignty of the People into a crime.

At every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. Servants whose character is thus marked by every act which may define a Tyrant, is unfit to be the stewards of a free People; we therefore command you to repent and obey the law of the land or face the wrath of We the People.

WAR AGAINST THE CONSTITUTION/PEOPLE BY CONGRESS

Secret construction of a statutory prison

The following is by no means an exhaustive list of usurpations by congress and acts of treason against We the People of the united States of America and our decree of 1789 [Constitution for the United States of America]. To list all would take volumes but the foregoing is an accurate representation of a government that has become destructive.

- 1) Suspension of habeas corpus (Reconstruction Act, 1871) **in violation of Article I Section 9 (paragraph 2)**¹⁹;

¹⁹ **Article I Section 9 paragraph 2** The privilege of the writ of habeas corpus shall not be suspended,

- 2) Reconstituted the United States as a corporate controlled democracy (Reconstruction Act, 1871) **in violation of Article IV Section 4**²⁰;
- 3) Creation of the Federal Reserve which provides for foreign bankers to unlawfully control the United States monetary system (Federal Reserve Act, 1913) and eventually unlawfully disbanded the United States Treasury **in violation of Article I Section 8**;
- 4) Granted the President broad sweeping investigative and prosecutorial powers against anyone, including the American people, found by the President to be an enemy thereby giving the President essentially dictatorial powers. (Trading with the Enemy Act, 1917); **in violation of Article IV Section 4**²¹;
- 5) Disbandment of the United States Treasury (1920) **in violation of Article I Section 8**;
- 6) Registration requirements of the People in order to use the People as chattel (collateral) for the federal notes (Townshend Act, 1925) **in violation of Article III Section 3**²²;
- 7) War against the People of the United States (Trading With the Enemy Act amended, 1933 and Alien Registration Act of 1940) **in violation of Article III Section 3**²³;
- 8) Numerical Identification System to track and control the Peoples' financial business and to apply an unlawful direct tax (Social Security Act, 1935) **in violation of Article I Section 9**²⁴;
- 9) Common law was abrogated (Erie Railroad v Tompkins, 1938) **in violation of Article III Section 2, Article VI, Amendment VII and Amendment V**²⁵;
- 10) Immunity to Judges for their crimes (International Organizations Immunities Act, 1945) **in violation of Article II Section 4**²⁶;
- 11) Corrupted our Grand Juries through government controls (1946) **in violation of Amendment V**;
- 12) Government spying on the People, empowers the government to deploy unwarranted "dragnets" for massive amounts of information on private citizens; (Patriot Act, 2001) **in violation of Amendment IV**²⁷;
- 13) Authorization for government to indefinitely detain American citizens/nationals without probable cause, without warrant, without charges and without due process in law, (National Defense Authorization Act, 2014) **in violation of Amendment V**²⁸;

²⁰ Article IV Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

²¹ **Article IV Section 4** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

²² **Article III Section 3** Treason against the United States shall consist in adhering to their enemies, giving them aid and comfort.

²³ **Article III Section 3** Treason against the United States shall consist in levying war against them.

²⁴ **Article 1 Section 9** No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

²⁵ **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States..., Article III Section 2 The trial of all crimes shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; **Article VI** 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. **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law. **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

²⁶ **Article II Section 4** The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

²⁷ **Amendment IV** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

²⁸ **Amendment V** No person shall be deprived of life, liberty, or property, without due process of law;

- 14) Socialism/communist indoctrination taught in our schools (Common Core) in violation of the will of the People and Article IV Section 4.²⁹
- 15) 100% control of Peoples movements, food, water, energy and control over the minds of our children (Agenda 21, United Nations passed in 1992 and supported by President George Bush) in violation of the Constitution for the United States of America, Bill of Rights, Magna Carta and the Holy Bible;

• ~~WE THE PEOPLE~~ HEREIN ~~DE~~CEREE ALL UNCONSTITUTIONAL LEGISLATION NULL AND VOID •

~~WAR~~ AGAINST THE ~~PEOPLE~~ BY ~~ADMINISTRATIONS~~

Preparation for war by executive legislation

“Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves”. - William Pitt

- 15 Most executive orders end with the phrase “these executive orders don’t define what specifically constitutes a national emergency.” The following executive orders are just a few of 1000’s of executive orders, without authority, that are preparing to take full control over the lives of every man, woman and child in America, under the guise of necessity, these provide for:
- 1) Martial law (executive order #100, aka Lieber Code,1863);
 - 20 2) Formation of the FBI (executive order, 1908);
 - 3) Presidential closing of all the banks in the country (executive order, 1933);
 - 4) Presidential confiscation of gold (executive order, 1933);
 - 5) Presidential removed property rights (executive order, 1933);
 - 6) federal seizure of all communications media in the US (executive order #10995);
 - 25 7) federal seizure of all electric power, fuels and minerals both public & private (executive order #10997);
 - 8) federal seizure of all food supplies and resources, both public and private and all farms and equipment, including what people are storing for emergencies in their homes (executive order #10998);
 - 30 9) federal seizure of all means of transportation, including cars, trucks, or vehicles of any kind and total control over all highways, seaports and water ways (executive order #10999);
 - 10) federal seizure of American people for work forces under federal supervision, including the splitting up of families if the government so desires (this happened before in Europe during the Nazi regime) (executive order #11000);
 - 35 11) federal seizure of all health, education and welfare facilities, both public and private (executive order #11001);

²⁹ **Preamble** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. **Article IV Section 4.** The United States shall guarantee to every state in this union a republican form of government

- 12) the powers the Postmaster General to register every single person in the US (executive order #11002);
- 13) federal seizure of all airports and aircraft (executive order #11003);
- 14) federal seizure of all housing and finances and authority to establish forced relocation, authority to designate areas to be abandoned as "unsafe," establish new locations for populations, relocate communities, build new housing with public funds (executive order #11004);
- 15) federal seizure of all railroads, inland waterways and storage facilities, both public and private (executive order #11005);
- 16) FEMA's complete authorization to put above said orders into effect in times of increased international tension of economic or financial crisis in case of any declared "National Emergency" (executive order #11051);

• WE THE PEOPLE HEREIN DECREE ALL EXECUTIVE ORDERS NULL AND VOID •

WAR AGAINST THE PEOPLE BY JUDICIARY

RICO. 18 USC § 1962 - Prohibited activities (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in **the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.**

The Judiciary denies constitutionally constrained courts of Law and operates under the name of equity when in fact People are hijacked unawares into chancery courts,³⁰ to settle unlawful corporate monetary issues, ruled by Chancellors³¹ a/k/a Judges that have been banned in the United States since 1789.³² The People ordained Law and Equity both of which must adhere to the Law of the Land (common Law) Article VI.³³ The 7th Amendment provides for suits at common law.³⁴ The Fifth Amendment provides for all criminal charges to be by indictment or presentment by a common law grand jury.³⁵ See United States v Williams.

• WE THE PEOPLE HEREIN DECREE CHANCERY COURTS NULL AND VOID •

³⁰ **COURT OF CHANCERY.** A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to a court possessing general equity powers, distinct from the courts of common law. *Parmeter v. Bourne*, 8 Wash. 45, 35 P. 586; *Bull v. International Power Co.*, 84 N.J.Eq. 209, 93 A. 86, 88. The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. *Wagner v. Armstrong*, 93 Ohio St. 443, 113 N.E. 397, 401.

³¹ **CHANCELLOR.** (Blacks 4th) In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery; The Lord high In England, the highest judicial functionary in the kingdom; He exercises many functions and powers over and above the jurisdiction which he exercises in his judicial capacity in the supreme court of judicature, of which he is the head. *Wharton*.

³² **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States ...

³³ **Article VI** 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.

³⁴ **Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

³⁵ **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury

TAKE JUDICIAL COGNIZANCE³⁶ OF THE ONLY CONSTITUTIONAL POWERS

The “ONLY” lawful powers (21) We the People gave to our legislators are found in Article 1 Section 8.

Whereas Congress shall have power to:

- 1) Tax; *[as defined]*
- 5 2) borrow money;
- 3) regulate *[to make regular]* commerce with foreign nations, and among the several states;
- 4) establish a uniform rule of naturalization;
- 5) uniform bankruptcies laws;
- 6) coin money and fix the standard of weights and measures;
- 10 7) provide for the punishment of counterfeiting;
- 8) establish post offices;
- 9) post roads;
- 10) promote sciences and useful arts;
- 11) constitute tribunals inferior to the Supreme Court;
- 15 12) punish piracies and felonies committed on the high seas;
- 13) declare war;
- 14) grant letters of marque (*A license to a private citizen to seize property of another nation*) and reprisal;
- 15) make rules concerning captures on land and water;
- 16) raise and support armies, and fund no longer term than two years;
- 20 17) provide and maintain a navy;
- 18) make rules for the government and regulation of the land and naval forces;
- 19) provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
- 20) provide for organizing, arming, and disciplining, the militia;
- 25 21) exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) the seat of the government of the United States and like authority over forts, magazines, arsenals, dockyards, and other needful buildings;
- 22) make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any
- 30 department or officer thereof.

President(s) was given no powers to legislate by executive order, the “ONLY” lawful powers (9) We the People gave to the President are found in Article II Section 2, whereas the President shall have power to:

- 1) be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States;
- 35 2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;

³⁶ **JUDICIAL COGNIZANCE.** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.] Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. [Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526;]

- 3) by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;
- 4) nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;
- 5) fill all vacancies that may happen during the recess of the Senate;
- 6) shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient;
- 7) on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them;
- 8) shall receive ambassadors and other public ministers;
- 9) shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The only lawful jurisdiction given to the courts are under law and equity and both jurisdictions are governed by **Article VI** which decrees:

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.

The “ONLY” lawful powers we the People gave to the Judiciary are found in **Article III Section 1&2** whereas the Court’s powers are as follows:

- 1) The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish [*federal district courts*];
- 2) The judges, both of the supreme and inferior courts, shall hold their offices during good behavior;
- 3) The judicial power shall extend to all cases, in law and equity arising under:
 - a. this Constitution;
 - b. the laws of the United States;
 - c. treaties made, or which shall be made, under their authority;
 - d. all cases affecting ambassadors, other public ministers and consuls;
 - e. all cases of admiralty and maritime jurisdiction;
 - f. controversies to which the United States shall be a party;
 - g. controversies between two or more states;
 - h. between a state and citizens of another state;
 - i. between citizens of different states;
 - j. between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens there of, and foreign states, citizens or subjects;
 - k. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party.
- 4) The Supreme Court shall have original jurisdiction in all the other cases before mentioned;
- 5) The Supreme Court shall have appellate jurisdiction, both as to law and fact;

- 6) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

5 **TAKE JUDICIAL COGNIZANCE³⁷ OF ~~THE~~ BILL OF PROHIBITIONS**

The constitution includes the “Bill of Rights” which is actually a “Bill of Prohibitions” (21+) and therefore places restraints upon governments rule making. These restrictions are congress shall make:

- 1) no law respecting religion, or prohibiting the free exercise thereof;
- 2) no law abridging the freedom of speech;
- 10 3) no law abridging the press;
- 4) no law abridging assemble of the People;
- 5) no law abridging petitions for a redress of grievances;
- 6) no law abridging a regulated Militia, being necessary to the security of a free State;
- 7) no law abridging the People to keep and bear Arms;
- 15 8) no law abridging People to be secure in their persons, houses, papers, and effects;
- 9) warrants shall issue only upon probable cause, supported by Oath and particularly describing the place to be searched, and the persons or things to be seized;
- 10) no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury;
- 20 11) no person shall be subject for the same offence to be twice put in jeopardy of life or limb;
- 12) no person shall be compelled in any criminal case to be a witness against himself;
- 13) no person shall be deprived of life, liberty, or property, without due process of law;
- 14) no private property shall be taken for public use, without just compensation;
- 25 15) in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury;
- 16) Assistance of counsel shall not be denied (take note the American BAR was founded in NY August 21, 1878, almost 100 years later);
- 17) in common law where the value in controversy shall exceed twenty dollars the right of trial by jury shall be preserved;
- 30 18) no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law;
- 19) excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;
- 20) the People have more unalienable rights, their behavior shall not be legislated;
- 35 21) powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states or to the people;

³⁷ **JUDICIAL COGNIZANCE.** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.] Jurisdiction is the authority by which courts and judicial officers take ognizance of and decide cases. [Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526;]

Government servants have been entrusted with the Peoples business and some have abused their power to enslave or sell the American People as cattle. The BAR has beguiled you with power, compartmentalized many, others have turned a blind eye for filthy lucre and some are just useful idiots.

5 Therefore it is conclusive that there are 21 powers given to our legislatures, 9 powers given to the President, 21+ prohibitions and all courts are to act only under common law. Among these powers nowhere can it be found authority from the People to perform any of the aforementioned unconstitutional acts or to create statutes controlling the behavior of the People, private corporation administrative acts and rules, a/k/a corporate charters are ~~HEREIN~~ **DECREED NULL AND VOID**.

10 Judges rest upon fraudulent appellate court rulings and statutes that are repugnant to the Constitution while they convince themselves that by following such statutes they are immune from penalties should the People become aware of their fraud. Take notice we are aware of the fraud and your feeble response is misguided and subject to serious legal consequences should you choose to remain silent and fail to act.

15 Because rights are unalienable, legislators cannot legislate (abolish) them away no matter what the BAR has instructed you. Rights come from God and not man; therefore not even the People can give them up for themselves or others. Once we the People ordained common law the law of the land no man can abrogate it; to claim to do so is an act of war against the People and their God.

20 Unconstitutional acts are not law³⁸ and no one is bound to obey them.³⁹ Judges are expected to maintain a high standard of judicial performance⁴⁰ and when they violate the Constitution they cease to represent the government,⁴¹ become liable for damages⁴² and lose any immunity they may think they have.⁴³ *"State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights."*⁴⁴ *"Decency, security and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen;"*⁴⁵ *"Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."*⁴⁶ *"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."*⁴⁷

³⁸ "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." **Norton vs Shelby County 118 US 425 p. 442**

³⁹ "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16th American Jurisprudence 2d, Section 177 late 2nd, Section 256**

⁴⁰ "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." **28 USCA 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).**

⁴¹ "...an...officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)**

⁴² "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..." **70 AmJur2nd Sec. 50, VII Civil Liability.**

⁴³ "Government immunity violates the common law maxim that everyone shall have a remedy for an injury done to his person or property." **Firemens Ins. Co. of Newark, N.J. v. Washburn County, 2 Wisc 2d 214 (1957)**

⁴⁴ **Gross v. State of Illinois, 312 F 2d 257; (1963)**

⁴⁵ "Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law...it invites every man to become a law unto himself...and against that pernicious doctrine, this court should resolutely set its face." **Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.**

⁴⁶ **Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200**

⁴⁷ **Ableman v. Booth, 21 Howard 506 (1859)**

Therefore all servants acting in concert under color of law, statute, regulations, and custom that are willfully or ignorantly depriving the People of our unalienable rights and immunities secured and protected by the Constitution for the United States of America are hereby ordered to stand down, correct this matter by signing the attached Mandamus and by such actions we will accept that you are attempting to take responsibility for past abuses and making a good faith effort to amend bad behaviors beginning now and we the People will move forward without looking behind.

Let us remind you that governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right [and duty] of the People to alter it.

10

WHEREFORE, WE THE PEOPLE BY OUR OWN PREROGATIVE UNDER SEAL COMMAND the accounting of your Stewardship by Obeying and Answering the following under penalty of perjury:

Answers through counsel are insulting, placing salt upon open wounds and will be determined as non-answers and thereby have been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon all conspirators, clerks, lawyers and judiciary alike.

Answers by the sending of repugnant forms or the returning of quo warranto have also been predetermined by the People to be in non-compliance and will result in the issuance of a true bill presentment upon both clerk and conspiring judiciary.

All federal judges are COMMANDED to comply and obey the common law as defined under the Article VI paragraph 2 of the common law United States Constitution and its common law capstone Bill of Prohibition [Rights]. You have a duty to speak and act; therefore silence can only be interpreted as complicity with the conspiracy to over throw the Peoples' government of the United States of America.

- i. Failure to preserve, protect and defend the Constitution for the United States Article II Section 1 is to war against the People;
- ii. Failure to secure the blessings of liberty Preamble is to war against the People;
- iii. Failure to repel and protect each state against invasions from within to destroy the Peoples' Republican form of government Article IV Section 4 and Article I Section 8 paragraph 15 is to war against the People.

Every day you resist the will of the People, U.S. Constitution, places Liberty in greater jeopardy and in so doing We the People will hold you responsible and will require compliance to the utmost weight of the highest law, for the domestic enemy of our Republic cannot endure without your support because you alone are holding in the balance Peace or War.

YOU ARE HEREBY ORDERED:

- 1) To order all clerks to obey the law by filing and processing all True Bills from common law grand juries as required by law under 18 USC §2076 & §2071;
- 2) All judges are ordered to command all state and federal judges to obey the law of the land as commanded, United States Constitution Article VI paragraph 2;
- 3) All judges are ordered to sign and mail [*to address above*] the attached Mandamus which commands all servants in all courts to cease from obstruction and interference of the Peoples business and access to their courts under 18 USC §1512b;
- 4) All judges are to confirm with the court clerks that this Quo Warranto has been filed as required by 18 USC §2076 & §2071 and a time stamped copy has been mailed to the address above;
- 5) All judges are to produce a certified copy of your constitutional oath of office, as required by Article VI, Paragraph 3 of the Constitution and 5 USC § 3331;
- 6) All judges are to produce affidavits declaring that you did not pay for or otherwise make or promise consideration to secure your office as per 5 USC § 3332;
- 7) All judges are to produce their personal surety bond; and documentation that establishes your complete line of chain of command delegated authority, including all intermediaries, beginning with the President of the United States, or the Governor of the State you claim authority from;
- 8) These documents should all be filed as public records pursuant to 5 USC §2906 for requirements concerning filing oaths. In the event you do not have a personal surety bond, you may provide a copy of your financial statement, which you are required to file annually. Your financial statement will be construed as a private treaty surety bond in the event that you exceed lawful authority.

YOU ARE COMMANDED, UNDER SEAL to obey items 1 and 2 and provide within seven (7) calendar days from receipt of this demand by mail; items 3 through 8 to the address above **OR** resign your office immediately. Failure to comply with all the demands of this Writ of Quo Warranto will be an admission of your intentional and willful engagement in RICO and HIGH-TREASON against the People and will be subject to presentments or indictments for immediate removal from office and criminal prosecution for the committing of illicit and on-going crimes in a wheel and chain of conspiracy.

Signed and so ORDERED by the People under SEAL, November 10, 2014:

Grand Jury Foreman

**IN THE UNITED STATES DISTRICT COURT
FOR _____**

WRIT OF MANDAMUS

The United States District Court for _____ district of _____ State orders all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs to obey the Law of the Land;

Article VI Clause 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.

The United States Constitution guarantees to every state in this union and the People thereof, a constitutional republican form of government that the judiciary and all oath takers must obey.

Therefore all State, County, City, Town, and Villages Judges; Court Clerks; County Clerks; County Sheriffs and United States Marshals are so ordered as follows:

- i. All State, County, City, Town, and Village Judges and clerks are to obey the law of the land specifically defined in Article VI Clause 2
- ii. All State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §2071, law of the land, are not to conceal, remove, mutilate or misfile any record, proceeding, paper, document, or other thing filed by the Common Law Grand Juries with the court clerk or county clerk.
- iii. All Federal, State, County, City, Town, and Villages Judges and clerks are to obey under penalty of 18 USC §1512, law of the land, are not to alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding; or intimidate, threaten, or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding; or obstructs, influences, or impedes any official proceeding.

- iv. All clerks under penalty of 18 USC §2076, law of the land, are to file and are not to refuse or neglect to make or forward any report, certificate, statement, or document from the common law grand jury and all judges are to act upon them as required by law.
- v. Sheriffs took an oath to support and defend the United States Constitution, consequently as per Article VI clause 2 the Laws of the United States are to be obeyed. Therefore upon command under seal of the 5th Amendments Common Law Grand Jury concerning violations, by judges, clerks, prosecutors or any other elected or appointed official of 18 USC § 2071, 18 USC §1512, 18 USC § 2071, 18 USC § 2076 or any other law of the fifty United states of America are to arrest the same for said offences.
- vi. Should the Sheriff fail to perform his duties, upon command under seal of the 5th Amendments Common Law Grand Jury concerning said violations the United States Marshal shall arrest the Sheriff and the Under Sheriff shall perform said duties in the Sheriff's stead.
- vii. Finally, the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, no "supervisory" judicial authority exists. It is a constitutional fixture in its own right belonging to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. The grand jury operates in the courthouse and under judicial auspices, operating at arm's length from the judicial branch". The Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge, unfettered by technical rules. Therefore judges and clerks have no authority to prevent, obstruct or interfere with the peoples' necessary compensation and access into the courts, 18 USC §1512b, in order to operate in the courthouse for the administration of the Common Law Juries.

SO ORDERED AND ADJUDGED

ENTER.

DATED: _____

~ Seal ~

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB1203 on Feb 18, 2015 14:50PM
Date: Friday, February 13, 2015 6:39:24 PM

SB1203

Submitted on: 2/13/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Strongly support.

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SB1203

Submitted on: 2/17/2015

Testimony for WTL/HSB on Feb 18, 2015 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual	Support	No

Comments: Need to do this for more areas. Mahalo

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