

PSLU Committee

From: Jimmy Kuroiwa <kuroiwaj@earthlink.net>
Sent: Saturday, June 01, 2019 11:24 AM
To: PSLU Committee
Subject: Testimony: Additional information for Committee
Attachments: PSLU Committee Testimony Maui.docx

Tamara Pactin, Chairperson
Planning and Sustainable Land Use Committee Maui County, State of Hawaii <Tamara.Pactin@mauicounty.us>

Testimony attached.

Mahalo, James Kuroiwa

June 2, 2019
James I. Kuroiwa, Jr.
P.O. Box 30783
Honolulu, HI 96820
kuroiwaj@earthlink.net

To: Planning and Sustainable Land Use Committee
PSLU.Committee@mauicounty.us

Hawaii is the 50th State of the United States of America

Dr. David Keanu Sai's presentation at the May 15th meeting of the Maui County Council Planning and Sustainable Land Use Committee, is based on his belief that the overthrow of the Kingdom of Hawaii on January 17, 1893 was committed by the United States. Dr. Sai believes that the overthrow was illegal, and the occupation continues today under International law, when the United States landing 162 marines and sailors on January 16, 1893 to protect the American Consulate, property and citizens.

Dr. Sai's belief is wrong and places him on an opposite path from gaining greatness for the State of Hawaii.

The legal documents of Hawaiian history related to the overthrow of the Kingdom of Hawaii has been confirmed that the United States was not complicit in the overthrow. Also, the legal documents fail to show any occupation by the United States, and shows the continuous transition from the Kingdom, to the Provisional Government, to the Republic, to the Territory, and to the 50th State of the Union.

We will attempt to fill in the voids left open by Dr. Sai (a historical revisionist) with the legal history of Hawaii beginning with the United States Supreme Court decisions on Rice vs Cayetano in 2000 and Hawaii vs OHA in 2009. The Court accepted and applied as historical legal references the; 1894 United States Senate Committee on Foreign Relations Report No. 227, the 1898 Republic of Hawaii Joint Resolution of Annexation, the 1900 Organic Act, and the 1959 Admissions Act.

Also, on December 2, 2015, the United States Supreme Court granted a preliminary injunction in Akina et al. vs. Hawaii et al. ending voting under the 2011 State Act 195 on Hawaiian sovereignty.

The witnesses of the 1893 overthrow presented sworn testimony and notarized statements to the United States Senate Committee on Foreign Relations (Morgan Report of February 26, 1894). The Officers, Enlisted men, and civilians, who were involved and witnessed the days before, during, and following the overthrow presented testimony and all confirmed that the United States was not involved in the removal of the Queen.

The Queen signed her letter of surrender to the United States on January 17, 1893, for she did not recognize the Provisional Government.

Witness testimony confirmed that the Committee of Safety, composed of Kingdom citizens, removed the Queen, her Cabinet, and Marshal from their responsibilities in the Kingdom government.

The Committee of Safety left in force the 1887 Kingdom Constitution and functions of government with the Provisional Government of the Islands of Hawaii. The Provisional legislature deliberated on business approving on March 15, 1894, Act 69, calling for a Constitutional Convention. The Convention was called to order on May 30, 1894 with 35 Delegates and they completed its work with the presentation and approval of the Republic of Hawaii's Constitution on July 4, 1894.

The Republic Constitution under article 91 Constitution Supreme Law, - "shall thereupon become the Supreme Law of the Republic, and the Constitution promulgated on the 7th day of July, 1887, and all other Constitutions at any time the Supreme Law in the Hawaiian Islands and also all Laws and parts of laws inconsistent herewith, are hereby expressly abrogated and are declared to be null and void." Also, under article 17 Citizenship - "All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic are citizens thereof."

Following the adoption of the Republic of Hawaii's Constitution, some 20 independent Nations requested recognition and established diplomatic relationship with the Republic through the end of 1894, all requests addressed to President Sanford S. Dole.

Dr. Sai is correct in saying, "no such treaty of annexation between the United States and the Hawaiian Kingdom exists". The legal historical truth is, the approved 1898 treaty of annexation is between the United States and the Republic of Hawaii, and not the Hawaiian Kingdom.

The Republic of Hawaii presented its Senate adopted Treaty of Annexation to the President of the United States, where the request was approved on September 9, 1897. A joint resolution, including the language of the approved Republic Treaty of Annexation, was approved by the United States Congress on January 7, 1898. The United States presented the Organic Act of April 30, 1900, annexing the Republic of Hawaii as the Territory of Hawaii.

A special note, the State of Texas was accepted on December 29, 1845 as the 28th State of the United States by a Congressional Joint Resolution. The Joint Resolution approved the request for annexation from the Republic of Texas is similar with that of the Republic of Hawaii in 1897. (Note: Kuwait was an armed invasion by Iraq.)

On the issue of ceded lands. Kamehameha III established the "Great Mahele" in 1845 and divided the lands of Hawaii, logging the property and ownership in the "the Mahele Book". Today, the ceded lands continue to be managed by the Land Division of the State Department of Land and Natural Resources.

Dr. Sai knows it is settled law, that the ceded lands (Crown and Government) in Hawaii is: "lands the United States held in absolute fee and granted to the State upon its admission to the

Union.” The ceded land ownership by the State of Hawaii was decided on March 31, 2009 by the United States Supreme Court in the case of Hawaii vs. OHA.

In 1865, a major change occurred impacting the Crown Lands when Kamehameha V transferred full control of the Crown Lands to the Land Commission in conformance to the legislative Act of January 3, 1865, signed by the King. The action allowed the Land Commission to float bonds required to pay off the huge mortgage debts accumulated by the King.

The transaction was completed on July 6, 1866, resulting in the combining of the Crown and Government Lands and controlled by the Land Commission. This Crown and Government Lands were ceded to the United States under the Treaty of Annexation and Organic Act of April 30, 1900 and returned to the State of Hawaii under the 1959 Admissions Act.

The first Kingdom Constitution was established by Kamehameha III in 1840, that has been amended by the Hawaiian Kings in 1852, 1864, and 1887. The 1887 Kingdom Constitution was replaced with the Republic of Hawaii’s Constitution on July 4, 1894. The 1900 Organic Act followed the 1898 Joint Resolution adopting the Republic Treaty of Annexation and in 1959 Hawaii became a State under the Admissions Act.

In summary, the United States Congress, Administration, and Supreme Court in total, accepts the historical facts of the 1894 Senate Committee on Foreign Relations Report No. 227, the 1894 Constitution of the Republic of Hawaii, the 1898 Joint Resolution of Annexation, the 1900 Organic Act, the 1910 Liliuokalani vs The United States 45 Court Claims decision, the 1959 Admissions Act, the 2000 Rice vs Cayetano decision, the 2002 Arakaki vs Hawaii decision, and the 2009 Hawaii vs OHA decision. International Law and/or International Law of Occupation has absolutely no standing with the State of Hawaii, as the fiftieth State of the United States of America.

<Tamara.Pactin@mauicounty.us>

Councilwoman Tamara Pactin
Kalana O Maui Building
200 South High St.
Eight Floor
Wailuku, Maui, HI 96793

<Kelly.King@mauicounty.us>

Council Chair Kelly King
Kalana O Maui Building
200 South High St.
Eight Floor
Wailuku, Maui, HI 96793