

# Kingdom of Hawai'i



## Interim Provisional Government Council Privy Council




### Notice & Protest


**K**now all men and nations, the *Privy Council of the Interim Provisional Government Council* for the *Kingdom of Hawai'i* hereby gives you, Francis Anthony Boyle, notice and protests that on November 2, 2014, at the time of the Kāmau a Ea V symposium, you made public statements regarding the descendant citizens and exiled body politic of the Nation of Hawai'i that are in error or that were otherwise wrongfully assumed. After you made those public statements you walked out in protest and did not participate in the scheduled question and answer session. *Privy Council of the Interim Provisional Government Council* for the *Kingdom of Hawai'i* protests the errors and assumptions made by you as follows.


**W**hereas several members of the *Privy Council* were present during your oral presentation at the Kāmau a Ea V Symposium. During your presentation you repeatedly referred to or designated the descendant people of the Nation of Hawai'i as “kanaka-maoli.”


- Kanaka Maoli – The term “*kanaka maoli*” according to His Majesty King Kalakaua in his book “*The Legends and Myths of Hawaii*” “*The Fables and Folk-Lore of a Strange People*” [1888] in the Appendix on page 527 it states: *Kanaka-maoli*, **an actual slave**. (See attached)

 The *Privy Council of the Interim Provisional Government Council for the Kingdom of Hawai`i* objects to and protests the use the term “*kanaka-maoli*.” Slavery was not allowed under the Constitution for the Kingdom of Hawai`i. Pursuant to the Constitution of the Kingdom of Hawai`i, of 1887, Article 11, any slave entering the Hawaiian territory was to be set free. Slavery was and is a violation of peremptory norms.

Actual slaves have no liberty and right to contract, own or inherit property, ordain and establish a Constitution, vote, hold public office, or do any other thing without the express permission or command of their master. Since the citizens, both born or naturalized, in the Kingdom of Hawai`i were free and not slaves, their descendants are not *kanaka-maoli*. It is therefore improper, derogatory, demeaning and inflammatory to call the descendant peoples of the recognized Hawaiian Nation “*kanaka-maoli*” and assign to them the status of slaves.

 The *Privy Council of the Interim Provisional Government Council for the Kingdom of Hawai`i* also considers the *Law of Nations* as Paramount Law that is incorporated into the Constitutions and Session Laws of the Kingdom of Hawai`i. (See attached). The body politic of the Kingdom of Hawai`i was well aware that the *Law of Nations* was fundamental to its existence and functions and was superior to bilateral and multilateral treaties and executive agreements. The *Kingdom of Hawai`i* exercised its sovereign rights, obligations, and relations accordingly.

he *Privy Council* of the *Interim Provisional Government Council* for the *Kingdom of Hawai`i* knows and asserts that the *Nation of Hawai`i*, as an unlawfully overthrown and wrongfully exiled member in the Family of Nations, has a reinstatement process that is in pursuance of the *Law of Nations* and was incorporated into the *Constitution* and *Laws* of the *Kingdom of Hawai`i*. It is only by following those mandates and historic prescriptions that the descendant people of the *Kingdom of Hawai`i* can properly reclaim, acquire and exercise *de jure* status. (See: *International Law – Vol. I – Peace*, Oppenheim [1937] §75*f* pages 135-136: (...regard *de facto* recognition as revocable and *de jure* recognition once given as definitive and irrevocable.)) No faction, organization, trust, or other entity has those political liberties and rights, nor can anyone abolish, abrogate, or usurp those political liberties and rights.

he *Privy Council* of the *Interim Provisional Government Council* for the *Kingdom of Hawai`i* is well aware of the *Law of Nations* and Peremptory Norms that governed the *Kingdom of Hawai`i* and that prohibited the rogue and unlawful overthrow and annexation of our peaceful and recognized Nation. As such *Privy Council* asserts that:

“*Law of Nations*” not only prescribes the necessary and indispensable perfect rights and perfect obligations of a recognizable nation, it provides the fundamental and superior law regarding “*peremptory norms*” that is also known as “*jus cogens*” or “compelling law.” No derogation of a peremptory norm is permitted.

As recently concluded in the 2010 New York University Law Review study entitled “A Civilized Nation: The Early American Constitution, The Law Of Nations, And The Pursuit Of National Recognition”, 85 NYULR 101, the United States of America would not be recognized as a valid and virtuous body politic and nation without conformity to the fundamental principles and norms of “*Law of Nations*.” The internal and external obligations of a recognizable Nation were so important that “*Law of Nations*” was specifically included in the Constitution for the United States of America, Article I, Section 8. It was reasonable for the authors of the Law Review to conclude that the “*Law of Nations*” was self-executing in the United States after the ratification of the original and amended Constitution.


In addition to external or foreign affairs between civilized Nations, Law of Nations includes the necessary internal rights and obligations of a recognizable body politic and Nation. A body politic and Nation must be able to virtuously and faithfully perform the perfect rights and perfect obligations of a Nation and to prohibit and restrain the violation of peremptory norms.

The Kingdom of Hawai`i also included the “Law of Nations” in its Constitution. All public officials had to be agreeably instructed in Law of Nations. The Kingdom of Hawai`i would not have been recognized as a sovereign Nation without the virtuous and faithful performance of those same standards.

As publicly admitted in the Apology Bill, Public Law 103-150, the United States directly participated in the wrongful overthrow of the recognized body politic of the Kingdom of Hawai`i by force of arms and without a declaration of war. The pretext of that act of unlawful and unjust aggression against a peaceful Nation arose out of the Spanish – American War and under the false pretext of the “national security” of the United States. *See: Limits Of National Security, Georgetown Public Law And Legal Theory Research Paper No. 12-118 (2011), 48 Am. Crim. L. Rev. 1573-1756, at pg. 1619; see also Law of Nations, Vattel Book III, Chapter III, §§ 30, 31; Chapter XI, Of The Sovereign Who Wages An Unjust War.*

That act of rogue and unjust aggression waged against the recognized and peaceful nation of Hawai`i was in clear violation of Law of Nations and in derogation of peremptory norms. There was no formal declaration of war or any just cause for engaging in such armed aggression against the de jure government of Hawai`i and against a peaceful Nation. Subsequent acts of enriching the unlawful aggressor and of extending territorial frontiers under the false pretext of “national security” of the United States also violate numerous peremptory norms.

Reconciliation and repairing the damages done can only be accomplished “nation-to-nation.” The reinstated de jure government of the Hawaiian Islands must be reinstated with its own Constitution of government. Thereafter, the reinstated government and Nation of the Hawaiian Islands must be recognized by other Nations as being bound to virtuously, justly and faithfully perfect itself, and be able to perform its many perfect rights and perfect obligations, both domestically and abroad. Only then will the resurrected and de jure Nation of the Hawaiian Islands be seen as being capable of resuming normalized relations and intercourse with other Nations. The first requirement is perfecting and completing the reinstatement process.

 The *Privy Council* of the *Interim Provisional Government Council* for the *Kingdom of Hawai`i* do not support or agree with those who purport the Occupation Theory under Laws of War. Historical facts show that War was never declared against the Kingdom of Hawai`i or by the Kingdom of Hawai`i against any other nations. Official records show that:

- The use of the armed Marine forces from the USS *Boston* under the orders of United States Minister, John L. Stevens, was without the express approval and official declaration of the duly elected Congress of the United States of America.
- The unlawful use of force and military occupation lasted from January 17, 1893 until April 1, 1893, when James Blount ordered the marines back to the USS *Boston* and Minister John L. Stevens was officially relieved from duty. At that same time the American flag was removed and the flag of the Kingdom of Hawai`i was again raised over the Palace.
- Since April 1, 1893 actual military occupation was over. Although the United States Department of State and insurgent naval forces supported the domestic insurrection and rebellion, the United States did not take control of or exercise the powers of the government in the Kingdom of Hawai`i. Occupation under Laws of War never occurred and is not applicable. See:

SECTION III  
MILITARY AUTHORITY OVER THE TERRITORY  
OF THE HOSTILE STATE

**Art. 42.**


Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

**Laws of War: Laws and Customs of War on Land (Hague IV); October 18, 1907**

- The unlawful *coup d'état* that took place in January 1893 was done in part by several born and naturalized subjects of the Kingdom of Hawai`i and several foreigners living within the Kingdom of Hawai`i. They created a Provisional Government, that according to President Grover Cleveland, was “neither *de facto* nor *de jure*.” Having conspired to violate Law of Nations and peremptory norms, the Provisional Government and its successors are usurpers without any rights. (See: *President Grover Cleveland’s Message to Congress*, December 18, 1893).
- The above legal and factual requirements for “occupation” are also applicable to the Spanish—American War of 1898. Neither Spain nor the United States declared war against the Kingdom of Hawai`i, or against the usurper Provisional Government, or against the usurping Republic of Hawai`i. Neither the domestic governments, *de jure*, *de facto*, nor usurping successors were occupied under *Laws of War* as expressed in the latter *Hague Convention of 1907*.


- Having prior designs and motives, and after directly engaging in the violation of Law of Nations and peremptory norms to achieve those designs, the United States Congress accepted the cession of the usurping Republic of Hawaii and annexed the Hawaiian Islands by the “Joint Resolution To Provide For Annexing The Hawaiian Islands To The United States” (1898). It is well settled that “occupation”, if any, legally ceases when cession and/or annexation occurs. Having directly participated in the unlawful and wrongful overthrow of the Kingdom of Hawai`i, the United States made the Hawaiian Islands a subjugated territory of the United States.


 The *Privy Council* of the *Interim Provisional Government Council* for the *Kingdom of Hawai`i* and the descendant people of the *Kingdom of Hawai`i* do not need the permission of the United Nations, the United States, the State of Hawaii, or the Office of Hawaiian Affairs (OHA) to reinstate the lawful government of the Nation of Hawai`i. *Privy Council* understands and agrees that permission is not required and that only the descendant citizens of the Kingdom of Hawai`i have lawful authority and standing to reinstate their own Nation.

*Privy Council* is also aware of the external influences and many of the defects that have been proposed by foreign political entities, their agencies and instrumentalities as aforementioned. Such as:

- The State of Hawaii, Act 195 is defective on its face. In the first instant, the State of Hawaii derives its pretext of authority from the violation of *Law of Nations* and *peremptory norms*. Act 195 provides for a flawed process that ignores relevant historical facts and evades the reinstatement process prescribed by the wrongfully overthrown and abrogated *Constitution* and *Laws* of the *Kingdom of Hawai`i*. As but one of several examples, the Native Hawaiian Roll Commission is designed and intended to unlawfully discriminate against and wholly disenfranchise the descendants of naturalized citizens of the *Kingdom of Hawai`i*. By unlawfully abrogating and abolishing the political rights of those descendants of naturalized citizens, the usurping State of Hawaii and its agency can plausibly pursue its preferred dependent (tribal) status for the Nation of Hawai`i.
- Council also takes note of the State of Hawaii’s Act 195, § –9 Disclaimer - “Nothing in this chapter is intended to serve as a settlement of any claims against the State of Hawaii, or affect the rights of the Native Hawaiian people under state, federal, or **international law**.” Under Law of Nations, a rogue aggressor is justly responsible for all of the damages that accrue from its wrongful act. See: *Law of Nations, Vattel, Book III, Of War, Chapter XI, Of the Sovereign Who Wages An Unjust War*. Those damages may and probably will extend beyond those of “Native Hawaiian people.”

- The United Nations processes do not apply to the Nation of Hawai`i being that the *Kingdom of Hawai`i* was a widely recognized sovereign Nation and Member of the Family of Nations well before the ratification and establishment of the United Nations. The Nation of Hawai`i is not currently a signatory member in any international organization and has not and cannot yield any rights or make any concessions to such organizations at this time. The in-temporal rule applies along with other necessary requirements for recognition standing and the ability to faithfully perform treaty obligations.
- Ongoing efforts by departments of the United States and the State of Hawaii to create a Hawaiian Tribe or other form of dependency is in contravention of the Constitution for the United States of America and contrary to the *Law of Nations*. (See: *U.S. Constitution, Article I, Section 8, Clause 10.*) The Constitution for the Kingdom of Hawai`i provides the lawful process for reinstating the de jure government of the Nation of Hawai`i. Any unnecessary or innovative changes to that lawful process or attempts to change the independent status of the Nation of Hawai`i before that lawful process is completed is unauthorized.
- There is no requirement or functional need for all of the 135,000 descendants of the *Kingdom of Hawai`i* to appear at the plebiscite Convention to vote for reinstatement of the Nation of Hawai`i. Besides being cost prohibitive, the contentions and confusion would be disorderly and detrimental. OHA has already attempted such a consensus process without fixed rules of order or any other meaningful procedure to resolve issues and differences of opinion that were repeatedly presented by the meeting participants. OHA's attempt at mass participation failed to achieve anything meaningful or productive. It was a waste of time and limited resources and became yet another act of attrition employed by the usurper. The qualified electorate will have the opportunity to vote for representatives and for or against the Constitution of the government of the Nation of Hawai`i after the Convention completes its necessary and fundamental task.

he *Privy Council of the Interim Provisional Government Council* for the *Kingdom of Hawai`i* stated the proper reinstatement process in its *Position Papers* (see [www.kingdom-hawaii.org](http://www.kingdom-hawaii.org)) the *Kingdom of Hawai`i* reinstatement process. The *Privy Council* is tasked with the duty to educate qualified men to reinstate the *Kingdom of Hawai`i* (also known as *Hawaiian Kingdom* and *Government of the Hawaiian Islands*) pursuant to Laws provided by the *Law of Nations* and the Constitution and Laws within the *Kingdom of Hawai`i*. *Privy Council* is also tasked with supporting those who choose to participate in the reinstatement process provided they agreeably comply with *Law of Nations* and reasonably follow the procedures required by the Constitution and Laws of the *Kingdom of Hawai`i*.

he *Privy Council of the Interim Provisional Government Council* for the *Kingdom of Hawai`i* requests your immediate consideration of the matters set forth herein and your continued assistance in supporting and achieving our mutual and admirable objectives of reinstating the Nation of Hawai`i to its just and rightful place amongst the Nations of the Earth.



Please send your responses to:

Kingdom of Hawai`i [reestablished April 15, 1994]

- 1777 Ala Moana Blvd, #142-102
- Honolulu, Hawai`i 96815-1603
- (808)-235-2425
- [www.kingdom-hawaii.org](http://www.kingdom-hawaii.org)
- [kingdom@kingdom-hawaii.org](mailto:kingdom@kingdom-hawaii.org)

Your cooperation will be greatly appreciated. If you have any questions please feel free to contact us.

Mahalo (Thank you)

Done this 14<sup>th</sup> day of February 2015 Anno Domini.

Signed

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**Sterling Ing, Acting Minister of Finance,**  
*Sui Juris, Jure Soli,*  
*Jure Sanguinis, Jure Coronea*

Signed

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**Dennis W. Ragsdale, Advocate General,**  
*Sui Juris, Jure Soli,*  
*Jure Sanguinis, Jure Coronea*

Signed

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**Henry K. J. Tripp, Acting Minister of the Interior,**  
*Sui Juris, Jure Soli,*  
*Jure Sanguinis, Jure Coronea*

Signed

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**Russell Stewart, Acting Minister of Foreign Affairs,**  
*Sui Juris, Jure Soli,*  
*Jure Sanguinis, Jure Coronea*