

# Kingdom of Hawai'i



## Interim Provisional Government Council Privy Council



### Letter of Protest Cease & Desist

WHEREAS, the de jure [Kingdom of Hawai'i](#), through the Privy Council of the Interim Provisional Government Council, and Advocate General hereby gives this LETTER OF PROTEST to the *Na`i Aupuni, Akamai Foundation, Election-America, and Office of Hawaiian Affairs*;

WHEREAS, both *Na`i Aupuni* and *Akamai Foundation* were asked several questions herein attached, on July 15, 2015 their so-called attorney William Meheula for *Na`i Aupuni* and most likely assisted *Akamai Foundation's* inadequate response or could not answer the questions at all, mainly the question on lawful authorities, Derek Kauanoe of *Governance Team* for *Office of Hawaiian Affairs* also failed to answer similar questions on April 1, 2015;

WHEREAS, the *Kingdom of Hawai'i, Hawaiian Government, Government of the Sandwich Islands*, or other names it used throughout history, from unification in 1810 till 1839 is was an *Absolute Monarchy*, and 1840 became a mixed government with a written Constitution known as a *Constitutional Monarchy* 1840—1893 fulfilling the *Law of Nations* (Vattel) requirements to become a Nation, as did the Founding Fathers used the *Law of Nations* to create the United States of America;

**WHEREAS**, that the *Kingdom of Hawai`i*, received formal recognition as an independent Nation by the Great Britain and the French government on November 28, 1843. The Study also fails to state and recognized the fact that on July 6, 1846, U.S. Secretary of State, John C. Calhoun, on behalf of President Tyler, afforded independent Nation status and recognition of the *Kingdom of Hawai`i* under the reign of Kamehameha III. The *Kingdom of Hawai`i* was the first non-European member of the ***Family of Nations***;

**WHEREAS**, at the *Na`i Aupuni* presentation the *Native Hawaiian Bar Association* on July 28, 2015, J. Kūhiō Asam, *President* stated that *Na`i Aupuni* process and its delegates was reorganizing the *Kingdom of Hawai`i*, then **contradicted** by William Meheula stating there is no connection at all to the *Kingdom of Hawai`i*;

**WHEREAS**, *Na`i Aupuni* through its attorney William Meheula failed to produce any United State Constitutional authority, Statues or any other Laws that gave *Na`i Aupuni* or the so-called delegates any right or authority to created governmental entity;

**WHEREAS**, *Na`i Aupuni* through its attorney William Meheula failed to produce any State of Hawaii Constitutional authority, Revised Statues or any other Laws that gave *Na`i Aupuni* or the so-called delegates any right or authority to created governmental entity;

**WHEREAS**, *Na`i Aupuni* through its attorney William Meheula failed to produce any authority or any other Laws even at the County level that gave *Na`i Aupuni* or the so-called delegates any right or authority to created governmental entity;

**WHEREAS**, *Na`i Aupuni* on its web site [www.naiaupuni.org](http://www.naiaupuni.org) states *Act 195* and *HRS § 10H-1* as some kind of importance, but;

**WHEREAS**, that *Na`i Aupuni* fails to comprehend along with most academics, lawyers, historians, and never question, challenge, or correct, where a foreign government (United States) can determines and classifies who are the people of another country as in the case of the *Kingdom of Hawai`i*. It caused bad law as used in the so-called *Apology Resolution*, *Act 195*, and many United States and State of Hawaii legislation, shown as follows;

1. An individual who is a descendant of the aboriginal peoples who prior to 1778, occupied and exercised sovereignty in the Hawaiian islands, the area that now constitutes the state of Hawaii; or...
2. The Apology Resolution acknowledges that the illegal overthrow of the Hawaiian Kingdom occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United states their claims to their inherent sovereignty as a people over their national lands, either through a Treaty of Annexation or through a plebiscite or referendum.

**WHEREAS**, that *Na`i Aupuni* fails to comprehend or ignores that *Kingdom of Hawai`i*, had its own laws regarding *Citizen / Subjects* and *Natives and Naturalization* (see attached). A foreigner that was *Naturalized* was considered a *Native*, then so were their descendants, therefore **Native Hawaiian** has nothing to with a race or blood making the term **indigenous** irrelevant and has no effect. The *Privy Council* states term **indigenous** or **indigenous people** does not apply to *Native Hawaiians* or *Hawaiian* at all, that cites used by *Na`i Aupuni* usurp the *Laws of the Hawaiian Nation*;

*Letter of Protest*

**WHEREAS**, that *Na`i Aupuni*, especially William Meheula & Derek Kauanoe of *Governance* for *Office of Hawaiian Affairs* fails to comprehend or ignores that the *overthrow* was actually a *coup d'état* by a small group of subjects and foreigners and the Minister of the United States acting outside of his authority and sanction of the United States of America on January 17, 1893, on that same day Queen Lili'uokalani formally Protested, her protest was according to ***The Law Of Nations Or The Principles Of The Natural Law***, Emer De Vattel, Book I, Chapter XVI, § 199. President [Grover Cleveland's address](#) to Congress, December 18, 1893 which he states: "The [law of nations](#) is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations." Understanding this part of history the United States of America did not overthrow the *Kingdom of Hawai'i*. That *Na`i Aupuni* and attorney William Meheula lack the understanding and training in the [Law of Nations](#) or [Peremptory Norms](#), since William Meheula stated they are not aware of any violations of the [Law of Nations](#) or [Peremptory Norms](#);

Similarly, if a State were to change its form of government, for instance, from a monarchy to a republic, in a, constitutional manner and without anything in the nature of a *coup d'état*, it is unlikely now that other States would withhold their recognition of the new Government. *International Law* [L. Oppenheim] – Vol I – §75a, page 128.

§75b. When, however, the new Head or Government, be it a monarch succeeding another monarch, a President of a republic succeeding another President, a monarch succeeding a President of a republic, or a President of a republic a monarch, comes into power not in a constitutional manner but after a coup d'état, a revolution (which need not involve bloodshed), or any other event involving a break in legal continuity, the determination by other States of the attitude to be adopted towards the new Head or Government is often difficult...When coupled with assistance given to the rebellious party it undoubtedly constitutes an illegal act of intervention. *International Law* [L. Oppenheim] – Vol I – §75b, page 129.

**WHEREAS**, that *Na`i Aupuni* fails to comprehend or ignores that the *Law of Nations* is an integral part of the Constitution of the *Kingdom of Hawai'i* and the *United States of America*;

Article I, Section 8, Clause 10, to wit:

"Congress shall have Power....To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations..."

**Constitution for the Kingdom of Hawai'i (as amended 1887)**.

"Article 29. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislature. The King appoints Public Ministers, who shall be commissioned, accredited, and **instructed agreeably to the usage and law of nations.**"

**WHEREAS**, that *Na`i Aupuni* uses *self-determination* and to exercise self-determination you must be classification as *Indigenous peoples*, and is not **regarded as general principles of law** as stated by:

Aureliu Cristescu the writer of the report for the United Nations titled THE RIGHT TO SELF-DETERMINATION — Historical And Current Development On The Basis Of United Nations Instruments (1981) states in a disclaimer: “The opinions expressed in the present study are those of the Special Rapporteur”

And in THE RIGHT TO SELF-DETERMINATION — Historical And Current Development On The Basis Of United Nations Instruments (1981) Chapter III, B, 3 §153 states as follows: “No United Nations instrument places equal rights and self-determination of peoples among the general principles of law referred to in the Statute of the International Court of Justice. The nature of general principles of law and their place in the hierarchy of legal rules are somewhat debatable. However, if we accept the view adopted in judicial practice that these principles are of a subsidiary character and apply only in the absence of conventional or customary rules, we may conclude that equal rights and self-determination of peoples **cannot be regarded as general principles of law.**” (Emphases added)

See: The Right To Self Determination – Historical And Current Development On The Basis Of United Nations Instruments, Chapter II, pg. 5

“The opinion was expressed that the right to self-determination should not be confused with the rights of minorities, since the authors of the Charter had not intended to give that right to minorities. The right to self-determination should not be exercised to destroy the unity of a nation or to impede the creation of that unity, in violation of national sovereignty. With regard to the nature of the right, it was held to be a true right possessing political, economic and legal elements. The right of peoples to self-determination had two aspects: from the domestic point of view it signified the people's right to self-government and from the external point of view their independence. It was pointed out that the application of the principle of self-determination was a condition of international peace and security and of fruitful international co-operation.”

**WHEREAS**, that *Na`i Aupuni* fails to comprehend, or ignores and is unaware of *Recognition Doctrine* and the *Kingdom of Hawai`i* has the *right, liberty, authority, and power* to **Reinstate** its lawful *de jure* Government without the United States permission or anyone's permission, furthermore *Kingdom of Hawai`i* can seek *recognition* from any full sovereign country before any recognition of the United States according to *Recognition Doctrine*;

**WHEREAS**, that *Na`i Aupuni* process has no lawful authority, and as William Meheula stated there is no rules, no procedures, or the like. The forty (40) delegates will have one (1) week training on government and constitutions. The *Privy Council* states that the delegates could not even learn simple *Robert's Rules of Order* in one week; we have already seen that before;

**WHEREAS**, that *Na`i Aupuni* process is already being challenged in a suit for violation of the Constitution of United States and its laws in *Akina, et al., vs State of Hawaii*, CV: 15-00322. *Na`i Aupuni* scheme and process maybe also challenged from the *Constitution of the Kingdom of Hawai`i, Law of Nations, Peremptory Norms, International Laws*, and all deemed necessary to stop *Na`i Aupuni* from usurping the *Reinstatement Process* with *Recognition Doctrine*

**WHEREAS**, that *Na`i Aupuni* process is contradictory and violates *Recognition Doctrine* and the *Perfect Right* of a truly independent *Nation of Hawai`i* that Hawaiians decedents both born and naturalized only have one of two choices, 1) be a citizens of the *Nation of Hawai`i* or 2) be a foreigner in the *Nation of Hawai`i* (no matter what your blood is). The *Perfect Right* and *Perfect Obligation* of a truly independent *Nation of Hawai`i* is not for debate or discussion the [Law of Nations](#) and [Peremptory Norms](#) has addressed and settled that issue;

**WHEREAS**, that *Na`i Aupuni* is aware of its lawful defects and remove from its website under page “Key Documents” *Rice v. Cayetano*, 528 US 495 (2000) which was on the website when was created, and removed due to the fact that *Rice v. Cayetano* does not allow voting discrimination;

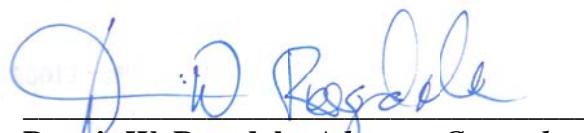
**THEREFORE**, We hereby give this *Letter of Protest* to *Na`i Aupuni, Akamai Foundation, Election-America, and Office of Hawaiian Affairs* since there is no Constitutional authority from the usurper United States or *Kingdom of Hawai`i* or any lawful authority from usurper *de fact State of Hawaii* and its sub-divisions;

That *Na`i Aupuni, Akamai Foundation, Election-America, and Office of Hawaiian Affairs* CEASE & DESIST from this scheme that creates a type of Civic Club and Tribal entity without any lawful authority of a *Nation or State*;

The *Kingdom of Hawai`i* as a **Nation**, in the *Family of Nations*, was very unique. The way in which it was usurped and taken control over was unique and never done before in history, even though it was un-constitutional. The *Reinstatement of the Nation* will also be unique and **Lawful**;

The **Kingdom of Hawai`i** through the **Privy Council** of the **Interim Provisional Government** through the *Advocate General* and by the authority of *Constitution* and *Laws* of the **Kingdom of Hawai`i** present this “*Letter of Protest*”.

**DONE** this 26<sup>th</sup> day of August 2015 Anno Domini.



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

**Privy Council:**

**Dennis W. Ragsdale, Advocate General**  
**Sterling D. Ing, Acting Minister of Finance**  
**Henry K. J. Tripp, Acting Minister of the Interior**  
**Russell Stewart, Acting Minister of Foreign Affairs**

And: John B. Nelson, *General Advocate Liaison*

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**Na`i Aupuni Response**  
**From William Meheula (in red)**  
July 15, 2015

Aloha,

I received your attached letter today. Most of the information you have requested can be found at [naiaupuni.org](http://naiaupuni.org). My responses are below in caps. Mahalo, Bill

*Na `i Aupuni* please provide as follows:

1) Full and complete copy of Articles of Incorporation (See attached).

2) Complete copy of Charter and Mission Statement.

**NONE BUT BYLAWS ARE ATTACHED**

3) Internal Revenue Service - 501c3 Determination Letter.

**NA IS NOT A 501C(3)**

4) State of Hawaii and Federal Registration as Lobbyist.

**NONE**

5) Amount of funding provided for Lobbying.

**SEE WEBSITE FOR FUNDING AGREEMENT BUT NA IS NOT ENGAGED IN LOBBYING**

6) Will your process violate the Law of Nation? If not state so.

**NOT THAT I AM AWARE OF**

7) Will your process violate Peremptory Norms? If not state so.

**NOT THAT I AM AWARE OF**

8) What Federal legal authorities do you have? Please list in detailed.

a) Constitution?

b) Federal Statutes?

c) Administrative?

**I DON'T UNDERSTAND THIS QUESTION**

9) What State legal authorities do you have? Please list in detailed.

a) Constitution?

b) Federal Statutes?

c) Administrative?

**I DON'T UNDERSTAND THIS QUESTION**

10) What City legal authorities do you have? Please list in detailed.

a) Constitution?

b) Federal Statutes?

c) Administrative?

**I DON'T UNDERSTAND THIS QUESTION**

11) List of Names of experts in Law of Nations, Constitution, Government, Elections that are advising you in this process.

**ELECTION-AMERICA IS ADVISING NA ON ELECTION MATTERS AND ITS CONTRACT IS ON THE WEBSITE. I AM ADVISING NA ON THE PROCESS OF THE ELECTION OF DELEGATES, `AHA AND RATIFICATION VOTE BUT NOT ON THE SUBSTANCE OF GOVERNMENT RELATED ISSUES THAT MAY BE DISCUSSED AMONG THE DELEGATES AT THE `AHA – THAT IS FOR THE DELEGATES TO DISCUSS AND DECIDE BUT NOT NA.**

**Na`i Aupuni Response**  
**From William Meheula (in red)**  
July 15, 2015

12) Critia and education to be a so-called delegate in your process.

**NA IS NOW ATTEMPTING TO ARRANGE TO OFFER DELEGATES PRE-`AHA TRAINING ON VARIOUS FORMS OF GOVERNMENT ORGANIZATION IN THE EVENT DELEGATES DESIRE SUCH TRAINING BUT DETAILS ARE NOT YET AVAILABLE.**

13) Copy of your detailed plan for your process.

**NA'S PLANS ARE DESCRIBED IN THE WEBSITE MATERIALS AND STATEMENTS.**

14) Copies of all contracts, agreements and obligations with *Office of Hawaiian Affairs*.

**SEE WEBSITE.**

15) List of all vendors, contractors, consultants, entities, persons, etc. doing business with.

**SEE WEBSITE.**

16) Are any of funds given by *Office of Hawaiian Affairs* going to *Akamai Capital*?

**SEE WEBSITE**

17) If your process violates and Rights of the Kingdom of Hawai'i and its lawful descendants of citizens of the Kingdom of Hawai'i. Are you prepared to make changes or withstand legal challenges?

**I DO NOT BELIEVE NA IS IN VIOLATION OF ANY LAWS.**

**Akamai Foundation Response**  
**From Louis F. Perez III (in red)**  
July 27, 2015

Aloha Dennis,

Answers to the questions in your letter dated 7/13/15 are below in capital letters, and documents requested for Questions #1 and #3 are attached.

Mahalo, Louis

*Na 'i Aupuni* please provide as follows:

- 1) Full and complete copy of Articles of Incorporation (**ATTACHED**).
- 2) Complete copy of Charter and Mission Statement.  
**NONE**
- 3) Internal Revenue Service - 501c3 Determination Letter.  
**ATTACHED**
- 4) State of Hawaii and Federal Registration as Lobbyist.  
**NONE – AF IS NOT ENGAGED IN LOBBYING**
- 5) Amount of funding provided for Lobbying.  
**NONE – AF IS NOT ENGAGED IN LOBBYING**
- 6) Will your process violate the Law of Nation? If not state so.  
**NOT THAT I AM AWARE OF**
- 7) Will your process violate Peremptory Norms? If not state so.  
**NOT THAT I AM AWARE OF**
- 8) What Federal legal authorities do you have? Please list in detailed.
  - a) Constitution?
  - b) Federal Statutes?
  - c) Administrative?**NONE**
- 9) What State legal authorities do you have? Please list in detailed.
  - a) Constitution?
  - b) Federal Statutes?
  - c) Administrative?**NONE**
- 10) What City legal authorities do you have? Please list in detailed.
  - a) Constitution?
  - b) Federal Statutes?
  - c) Administrative?**NONE**
- 11) List of Names of experts in Law of Nations, Constitution, Government, Elections that are advising you in this process.  
**ELECTION-AMERICA IS ADVISING NA ON ELECTION MATTERS AND ITS CONTRACT IS ON THE WEBSITE. AS FISCAL AGENT, AF IS RESPONSIBLE FOR ADMINISTERING THE GRANT FROM OHA TO NA.**

Akamai Foundation Response  
From Louis F. Perez III (in red)  
July 27, 2015

- 12) Copies of all contracts, agreements and obligations with *Office of Hawaiian Affairs..*  
**PLEASE SEE THE "KEY DOCUMENTS" SECTION OF THE NA'I AUPUNI WEBSITE <http://naiaupuni.org/news.html>.**
- 13) Are any of funds given by *Office of Hawaiian Affairs* going to *Akamai Capital*?  
**NO, NONE.**
- 14) Criteria and education to be a so-called delegate in your process.  
**NA IS NOW ATTEMPTING TO ARRANGE TO OFFER DELEGATES PRE-AHA TRAINING ON VARIOUS FORMS OF GOVERNMENT ORGANIZATION IN THE EVENT DELEGATES DESIRE SUCH TRAINING BUT DETAILS ARE NOT YET AVAILABLE.**
- 15) Copy of your detailed plan for your process.  
**NA'S PLANS ARE DESCRIBED IN THE WEBSITE MATERIALS AND STATEMENTS.**
- 16) If your process violates and Rights of the Kingdom of Hawai'i and its lawful descendants of citizens of the Kingdom of Hawai'i. Are you prepared to make changes or withstand legal challenges?  
**I DO NOT BELIEVE NF IS IN VIOLATION OF ANY LAWS.**

## LAW OF NATIONS - PEREMPTORY NORM.

“*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.

# LAW OF NATIONS - PEREMPTORY NORM.

[http://en.wikipedia.org/wiki/Peremptory\\_norm](http://en.wikipedia.org/wiki/Peremptory_norm)

## Peremptory norm

A **peremptory norm** (also called *jus cogens* or *ius cogens*, /dʒəs ˈkoudʒenz/ or /jʊs/:[1] Latin for "compelling law") is a fundamental principle of [international law](#) that is accepted by the international community of [states](#) as a [norm](#) from which no [derogation](#) is permitted.

There is no clear agreement regarding precisely which norms are *jus cogens* nor how a norm reaches that status, but it is generally accepted that *jus cogens* includes the prohibition of genocide, maritime piracy, slaving in general (to include slavery as well as the slave trade), torture, and wars of aggression and territorial aggrandizement.[2] Recent scholarship has also proposed the idea of a regional *jus cogens*.[3]

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## Status of peremptory norms under international law[edit]

Unlike ordinary customary law, which has traditionally required consent and allows the alteration of its obligations between states through treaties, peremptory norms cannot be violated by any state "through international treaties or local or special customs or even general customary rules not endowed with the same normative force".[4]

Discussions of the necessity of such norms could be traced as far as 1758 (Emmerich de Vattel, *Droit des gens*) and 1764 (Christian Wolff, *Jus Gentium*), clearly rooting from principles of natural law.[5]

But it was the judgments of the Permanent Court of International Justice that show the earliest application of peremptory norms as non-derogable. The earliest case was in its judgment of the matters between the United Kingdom v. Germany in 1923, stating that sovereignty cannot be an excuse to derogate from peremptory norms.[6]

Under Article 53 of the Vienna Convention on the Law of Treaties, any treaty that conflicts with a peremptory norm is void.[7] The treaty allows for the emergence of new peremptory norms,[8] but does not specify any peremptory norms. It does mention the prohibition on the threat of use of force and on the use of coercion to conclude an agreement:

"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." [9]

The number of peremptory norms is considered limited but not exclusively catalogued. They are not listed or defined by any authoritative body, but arise out of case law and changing social and political attitudes. Generally included are prohibitions on waging aggressive war, crimes against humanity, war crimes, maritime piracy, genocide, apartheid, slavery, torture. As an example, international tribunals have held that it is impermissible for a state to acquire territory through war.[10][11]

Despite the seemingly clear weight of condemnation of such practices, some critics disagree with the division of international legal norms into a hierarchy. There is also disagreement over how such norms are recognized or established. The relatively new concept of peremptory norms seems to be at odds with the traditionally consensual nature of international law considered necessary to state sovereignty.

Some peremptory norms define criminal offences considered to be enforceable against not only states but also individuals. That has been increasingly accepted since the Nuremberg Trials (the first enforcement in world history of international norms upon individuals) and now might be considered uncontroversial. However, the language of peremptory norms was not used in connection with these trials, rather the basis of criminalisation and punishment of Nazi atrocities, was that civilisation could not tolerate their being ignored because it could not survive their being repeated.

There are often disagreements over whether a particular case violates a peremptory norm. As in other areas of law, states generally reserve the right to interpret the concept for themselves.

One positive right considered to be a peremptory norm is the right to use self-defense. Though qualified, this right is shared by states and individuals.

Many large states have accepted this concept. Some of them have ratified the Vienna Convention, while others have stated in their official statements that they accept the Vienna Convention as "codificatory". Some have applied the concept in their dealings with international organizations and other States.

FEDERALIST No. 64  
The Powers of the Senate  
From the *New York Packet*.  
Friday, March 7, 1788.  
JAY

To the People of the State of New York:

It is a just and not a new observation, that enemies to particular persons, and opponents to particular measures, seldom confine their censures to such things only in either as are worthy of blame. Unless on this principle, it is difficult to explain the motives of their conduct, who condemn the proposed Constitution in the aggregate, and treat with severity some of the most unexceptionable articles in it.

The second section gives power to the President, "*by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur.*"

The power of making treaties is an important one, especially as it relates to war, peace, and commerce; and it should not be delegated but in such a mode, and with such precautions, as will afford the highest security that it will be exercised by men the best qualified for the purpose, and in the manner most conducive to the public good. The convention appears to have been attentive to both these points: they have directed the President to be chosen by select bodies of electors, to be deputed by the people for that express purpose; and they have committed the appointment of senators to the State legislatures. This mode has, in such cases, vastly the advantage of elections by the people in their collective capacity, where the activity of party zeal, taking the advantage of the supineness, the ignorance, and the hopes and fears of the unwary and interested, often places men in office by the votes of a small proportion of the electors. As the select assemblies for choosing the President, as well as the State legislatures who appoint the senators, will in general be composed of the most enlightened and respectable citizens, there is reason to presume that their attention and their votes will be directed to those men only who have become the most distinguished by their abilities and virtue, and in whom the people perceive just grounds for confidence.

The Constitution manifests very particular attention to this object. By excluding men under thirty-five from the first office, and those under thirty from the second, it confines the electors to men of whom the people have had time to form a judgment, and with respect to whom they will not be liable to be deceived by those brilliant appearances of genius and patriotism, which, like transient meteors, sometimes mislead as well as dazzle. If the observation be well founded, that wise kings will always be served by able ministers, it is fair to argue, that as an assembly of select electors possess, in a greater degree than kings, the means of extensive and accurate information relative to men and characters, so will their appointments bear at least equal marks of discretion and discernment.

The inference which naturally results from these considerations is this, that the President and senators so chosen will always be of the number of those who best understand our national interests, whether considered in relation to the several States or to foreign nations, who are best able to promote those interests, and whose reputation for integrity inspires and merits confidence. With such men the power of making treaties may be safely lodged.

Although the absolute necessity of system, in the conduct of any business, is universally known and acknowledged, yet the high importance of it in national affairs has not yet become sufficiently impressed on the public mind. They who wish to commit the power under consideration to a popular assembly, composed of members constantly coming and going in quick succession, seem not to recollect that such a body must necessarily be inadequate to the attainment of those great objects, which require to be steadily contemplated in all their relations and circumstances, and which can only be approached and achieved by measures which not only talents, but also exact information, and often much time, are necessary to concert and to execute. It was wise, therefore, in the convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed is such as will give them an opportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country. Nor has the convention discovered less prudence in providing for the frequent elections of senators in such a way as to obviate the inconvenience of periodically transferring those great affairs entirely to new men; for by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information will be preserved.

There are a few who will not admit that the affairs of trade and navigation should be regulated by a system cautiously formed and steadily pursued; and that both our treaties and our laws should correspond with and be made to promote it. It is of much consequence that this correspondence and conformity be carefully maintained; and they who assent to the truth of this position will see and confess that it is well provided for by making concurrence of the Senate necessary both to treaties and to laws.

It seldom happens in the negotiation of treaties, of whatever nature, but that perfect *secrecy* and immediate *despatch* are sometimes requisite. These are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives; and there doubtless are many of both descriptions, who would rely on the secrecy of the President, but who would not confide in that of the Senate, and still less in that of a large popular Assembly. The convention have done well, therefore, in so disposing of the power of making treaties, that although the President must, in forming them, act by the advice and consent of the Senate, yet he will be able to manage the business of intelligence in such a manner as prudence may suggest.

They who have turned their attention to the affairs of men, must have perceived that there are tides in them; tides very irregular in their duration, strength, and direction, and seldom found to run twice exactly in the same manner or measure. To discern and to profit by these tides in national affairs is the business of those who preside over them; and they who have had much experience on this head inform us, that there frequently are occasions when days, nay, even when hours, are precious. The loss of a battle, the death of a prince, the removal of a minister, or other circumstances intervening to change the present posture and aspect of affairs, may turn the most favorable tide into a course opposite to our wishes. As in the field, so in the cabinet, there are moments to be seized as they pass, and they who preside in either should be left in capacity to improve them. So often and so essentially have we heretofore suffered from the want of secrecy and despatch, that the Constitution would have been inexcusably defective, if no attention had been paid to those objects. Those matters which in negotiations usually require the most secrecy

and the most despatch, are those preparatory and auxiliary measures which are not otherwise important in a national view, than as they tend to facilitate the attainment of the objects of the negotiation. For these, the President will find no difficulty to provide; and should any circumstance occur which requires the advice and consent of the Senate, he may at any time convene them. Thus we see that the Constitution provides that our negotiations for treaties shall have every advantage which can be derived from talents, information, integrity, and deliberate investigations, on the one hand, and from secrecy and despatch on the other.

But to this plan, as to most others that have ever appeared, objections are contrived and urged.

Some are displeased with it, not on account of any errors or defects in it, but because, as the treaties, when made, are to have the force of laws, they should be made only by men invested with legislative authority. These gentlemen seem not to consider that the judgments of our courts, and the commissions constitutionally given by our governor, are as valid and as binding on all persons whom they concern, as the laws passed by our legislature. All constitutional acts of power, whether in the executive or in the judicial department, have as much legal validity and obligation as if they proceeded from the legislature; and therefore, whatever name be given to the power of making treaties, or however obligatory they may be when made, certain it is, that the people may, with much propriety, commit the power to a distinct body from the legislature, the executive, or the judicial. It surely does not follow, that because they have given the power of making laws to the legislature, that therefore they should likewise give them the power to do every other act of sovereignty by which the citizens are to be bound and affected.

Others, though content that treaties should be made in the mode proposed, are averse to their being the *supreme laws of the land*. They insist, and profess to believe, that treaties like acts of assembly, should be repealable at pleasure. This idea seems to be new and peculiar to this country, but new errors, as well as new truths, often appear. These gentlemen would do well to reflect that a treaty is only another name for a bargain, and that it would be impossible to find a nation who would make any bargain with us, which should be binding on them *absolutely*, but on us only so long and so far as we may think proper to be bound by it. They who make laws may, without doubt, amend or repeal them; and it will not be disputed that they who make treaties may alter or cancel them; but still let us not forget that treaties are made, not by only one of the contracting parties, but by both; and consequently, that as the consent of both was essential to their formation at first, so must it ever afterwards be to alter or cancel them. The proposed Constitution, therefore, has not in the least extended the obligation of treaties. They are just as binding, and just as far beyond the lawful reach of legislative acts now, as they will be at any future period, or under any form of government.

However useful jealousy may be in republics, yet when like bile in the natural, it abounds too much in the body politic, the eyes of both become very liable to be deceived by the delusive appearances which that malady casts on surrounding objects. From this cause, probably, proceed the fears and apprehensions of some, that the President and Senate may make treaties without an equal eye to the interests of all the States. Others suspect that two thirds will oppress the remaining third, and ask whether those gentlemen are made sufficiently responsible for their conduct; whether, if they act corruptly, they can be punished; and if they make disadvantageous treaties, how are we to get rid of those treaties?

As all the States are equally represented in the Senate, and by men the most able and the most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance. In proportion as the United States assume a national form and a national character, so will the good of the whole be more and more an object of attention, and the government must be a weak one indeed, if it should forget that the good of the whole can only be promoted by advancing the good of each of the parts or members which compose the whole. It will not be in the power of the President and Senate to make any treaties by which they and their families and estates will not be equally bound and affected with the rest of the community; and, having no private interests distinct from that of the nation, they will be under no temptations to neglect the latter.

As to corruption, the case is not supposable. He must either have been very unfortunate in his intercourse with the world, or possess a heart very susceptible of such impressions, who can think it probable that the President and two thirds of the Senate will ever be capable of such unworthy conduct. The idea is too gross and too invidious to be entertained. But in such a case, if it should ever happen, the treaty so obtained from us would, like all other fraudulent contracts, be null and void by the law of nations.

With respect to their responsibility, it is difficult to conceive how it could be increased. Every consideration that can influence the human mind, such as honor, oaths, reputations, conscience, the love of country, and family affections and attachments, afford security for their fidelity. In short, as the Constitution has taken the utmost care that they shall be men of talents and integrity, we have reason to be persuaded that the treaties they make will be as advantageous as, all circumstances considered, could be made; and so far as the fear of punishment and disgrace can operate, that motive to good behavior is amply afforded by the article on the subject of impeachments.

*Publius.*

## **Native & Naturalized Hawaiians**

Since the early days prior to the writing of 103-150 (107 Stat. 1510) known as the “Apology Bill” and all Federal, State, and Local legislation have been knowingly or unknowingly using defective historical and legal terms for “Native Hawaiians”, “Hawaiian People”, and so on.

In 103-150 (107 Stat. 1510) Sec. 2 Definitions it states:

As used in this Joint Resolution, the term “Native Hawaiian” means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

The definition above is only partially accurate, however, it is misleading and deceptive, causing the disenfranchising of the rights of the Naturalized citizens and their decedents of the Kingdom of Hawai`i. Those naturalized citizens swore an oath to a full Sovereign Nation that exercised their full Sovereign rights, duties, and obligations until the *coup d'état* in 1893. Furthermore, the Kingdom of Hawai`i formally recognized as an independent nation in 1843 becoming a member of the “*Family of Nations*”. Therefore, all legislation after 1993 that used the aforementioned definition of “Native Hawaiian” is historically and factually defective. Continued use of this defective definition will result in the perpetuation of the loss of integrity and truthfulness in the history of Hawai`i.

The Kingdom of Hawai`i being a full Sovereign Nation had the right to determine who its subjects, and or citizens were. They provided a process for any foreigner that wished to become a citizen of the Kingdom as shown below:

Kingdom of Hawai`i had the following Laws:

### SUPPLEMENT TO THE STATUTE LAWS 1848

#### AN ACT TO ALTER AND AMEND CERTAIN PARTS OF "THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS," RELATING TO THE NATURALIZATION OF FOREIGNERS.

*Whereas*, It appears both desirable and proper that foreigners of good character, coming to reside in this Kingdom, should be allowed the privilege of becoming subjects of His Majesty, after a shorter residence than two years,

*And whereas*, The present law relative to Naturalization is inconvenient in practice;

*Therefore*, Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled, that Section 10 of Article 1, of Chapter 5, of Part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," shall be, and the same is hereby altered and amended, to read as follows :

SECTION X. Any alien foreigner may, at any time, apply to the Minister of the Interior for permission to become a naturalized subject of His Majesty, and said Minister shall have power, either in person or through his Chief Clerk, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer, belonging thereto.

*And be it further enacted*, That that part of Section 11 of the same article, which follows the form of the oath of allegiance, shall be, and the same is hereby altered and amended, to read as follows:

Which oath shall always be subscribed by the foreigner so naturalized, be sworn to on the Holy Evangelists, and the *jurat* thereof subscribed by the Minister of the Interior, or his Chief Clerk ; for which services such foreigner shall pay the fees prescribed in the third part of this Act.

*And be it further enacted*, That this Act shall take effect and become a law of the land, on the day of its publication in the “Polynesian” newspaper.

Done and passed at the Council House, Honolulu, this 2d day of June, A. D., 1848.

KAMEHAMEHA.

KEONI ANA.

## Native & Naturalized Hawaiians

In the *Constitution of 1852* for the Kingdom of Hawai`i, it states:

**ART. 78.** Every male subject of His Majesty, whether native or naturalized, and every denizen of the Kingdom who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative, or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time have been convicted of any infamous crime, within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon been restored to all the rights of a subject, shall be allowed to vote.

The Kingdom of Hawai`i – *Civil Code of 1858-59* also in *Compiled Laws of 1884* it states:

### ARTICLE VIII.-NATURALIZATION OF FOREIGNERS.

**SECTION (§) 432.** Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of a Hawaiian subject.

The usage of the Native Hawaiian or Hawaiian as defined in 103-150 (107 Stat. 1510) used in Federal, State and other legislation is historically and lawfully incorrect and defective, attend amount to discrimination to all those descendants of lawfully naturalized subjects of the Kingdom of Hawai`i.

Registry of Naturalized Subjects in the Hawaiian Kingdom 1840–1893 shows all the foreigners that became native subjects of the Kingdom and a Hawaiian National, and their descendants born in the Hawaiian Archipelago are Native Hawaiian.

With all the facts and evidence in the historical records of the Kingdom of Hawai`i, Hawaiian Kingdom, Government of the Sandwich Islands, as so-forth, both natural born or naturalized persons were native Hawaiian according to law.

All future legislation or issues should correct and reflect this longtime common error.

We also question the use of the words “occupied” and “sovereignty” in the clause below:

In 103-150 (107 Stat. 1510) Sec. 2 Definitions it states:

As used in this Joint Resolution, the term “Native Hawaiian” means any individual who is a descendent of the aboriginal people who, prior to 1778, **occupied** and exercised **sovereignty** in the area that now constitutes the State of Hawaii.

Nevertheless, that is another discussion.

## SUPPLEMENT TO THE STATUTE LAWS.

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### AN ACT TO PROVIDE FOR THE HOLDING OF THE CIRCUIT COURT IN THE SECOND JUDICIAL DISTRICT.

*Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:—*

That from and after the passage of this act, there shall be held in the Second Judicial District, composed of the Islands of Maui, Molokai, and Lanai, whose seat of Justice is at Lahaina, in the Island of Maui, semi-annual terms of the Circuit Court. The first commencing on the second Monday of May, and the second on the second Monday of November.

Done and passed at the Council House in Honolulu, this first day of May, A. D. 1848.

KAMEHAMEHA.

KEONI ANA.

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### AN ACT TO ALTER AND AMEND CERTAIN PARTS OF "THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS," RELATING TO THE NATURALIZATION OF FOREIGNERS.

*Whereas,* It appears both desirable and proper that foreigners of good character, coming to reside in this Kingdom, should be allowed the privilege of becoming subjects of His Majesty, after a shorter residence than two years,

*And whereas,* The present law relative to Naturalization is inconvenient in practice;

*Therefore,* Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled, that Section

10 of Article 1, of Chapter 5, of Part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," shall be, and the same is hereby altered and amended, to read as follows :

**SECTION X.** Any alien foreigner may, at any time, apply to the Minister of the Interior for permission to become a naturalized subject of His Majesty, and said Minister shall have power, either in person or through his Chief Clerk, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer, belonging thereto.

*And be it further enacted,* That that part of Section 11 of the same article, which follows the form of the oath of allegiance, shall be, and the same is hereby altered and amended, to read as follows :

Which oath shall always be subscribed by the foreigner so naturalized, be sworn to on the Holy Evangelists, and the *jurat* thereof subscribed by the Minister of the Interior, or his Chief Clerk ; for which services such foreigner shall pay the fees prescribed in the third part of this Act.

*And be it further enacted,* That this Act shall take effect and become a law of the land, on the day of its publication in the "Polynesian" newspaper.

Done and passed at the Council House, Honolulu, this 2d day of June, A. D., 1848. KAMEHAMEHA.

KEONI ANA.

#### AN ACT TO REGULATE THE COSTS IN THE JUDICIARY DEPARTMENT.

*Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—*

That the costs in the several Courts created by the "Act to organize the Judiciary" shall be as follows :

**SECTION I. In the District Justices' Courts**—For every oral or written summons, warrant, attachment, execution, or other process, issued by any District Justice, one dollar.

For every subpoena, fifty cents.

For administering any oath, twelve and a half cents.

For filing every paper required to be filed with him by either party, twenty-five cents.

THE  
CIVIL CODE  
OF THE  
HAWAIIAN ISLANDS,

PASSED IN THE YEAR OF OUR LORD

1859:

TO WHICH IS ADDED

AN APPENDIX,

CONTAINING

LAWS NOT EXPRESSLY REPEALED BY THE CIVIL  
CODE; THE SESSION LAWS OF 1858-9; AND  
TREATIES WITH FOREIGN NATIONS.

PUBLISHED BY AUTHORITY.

HONOLULU:  
PRINTED FOR THE GOVERNMENT.  
1859.

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for each stamp: provided, however, that the Collector-General of Customs, and other public officers required to use stamps in the execution of their duties, shall be entitled to receive them without such payment, they giving receipts therefor, and being bound to account for the use and proceeds of the same, to the proper department, in their returns, as required by law.

SECTION 426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

SECTION 427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

#### ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.

SECTION 428. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

SECTION 429. The said minister shall have the power, either in person, or through his chief clerk, upon the application of any alien foreigner, stating his intention to become a permanent resident of the kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer..

SECTION 430. The oath of allegiance to be administered as aforesaid, shall be as follows :

The undersigned, a native of \_\_\_\_\_, lately residing in \_\_\_\_\_, being duly sworn, upon his oath, declares that he will support the Constitution and Laws of the Hawaiian Islands, and bear true allegiance to His Majesty, \_\_\_\_\_, the King.

Subscribed and sworn to this \_\_\_\_\_, day of \_\_\_\_\_ A. D. 18\_\_\_\_\_, before me,

SECTION 431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior, or his chief clerk.

SECTION 432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.

SECTION 433. It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

SECTION 434. The fee for administering the oath of allegiance, subscribing the jurat, and granting certificate of the same, shall be five dollars.

SECTION 435. The following TARIFF OF CHARGES, for the Department of the Interior, not elsewhere provided for, is hereby established :

For every Royal Patent, lease, or other grant of land, inclusive of stamp, \$5.

For every charter, \$10.

For every patent for any invention, \$10.

For every copy of any patent, charter, or other document, 50 cents per hundred words.

For all other acts and duties, the fees for which are not otherwise provided for, such charges as the Minister of the Interior may, from time to time, prescribe.

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# COMPILED LAWS.

OF THE

# HAWAIIAN KINGDOM.

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PUBLISHED BY AUTHORITY.

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HONOLULU:

PRINTED AT THE HAWAIIAN GAZETTE OFFICE,

1884

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§426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said Minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

§427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO  
SELL OR LEASE THE GOVERNMENT PRESS.

*Act*

Approved Feb-  
ruary 14, 1869.

SECTION 1. The Minister of the Interior is hereby authorized to sell or lease the Government Press and all the appurtenances belonging to the same, whenever, in his discretion, he shall deem it best for the public interests.

SECTION 2. The Minister of the Interior is hereby authorized to contract for Government printing, and for the publication of all laws, orders, proclamations, reports, decisions, circulars and notices, that may be required by either of the departments of Government, with any person or persons, upon such terms, and for such a length of time as he may deem best for the interests of the Government.

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**ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.**

§428. The Minister of the Interior, with the approval of the King, shall have the superintendence and direction of the naturalization of foreigners.

§429. The said Minister, with the approval of the King, shall

have the power in person upon the application of any alien foreigner who shall have resided within the Kingdom five years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner owns without encumbrance taxable real estate within the Kingdom, and is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer.

<sup>As amended  
1882,  
Chap. XVIII.</sup>

**§430.** The oath of allegiance to be administered as aforesaid, shall be as follows:

The undersigned, a native of ——, lately residing in ——, being duly sworn, upon his oath, declares that he will support the Constitution and laws of the Hawaiian Islands, and bear true allegiance to His Majesty ——, the King.

Subscribed and sworn to this — day of —, A. D. 18—, before me,

**§431.** The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk).\*

**§432.** Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. **And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.**

<sup>See Sections  
428 and 429,  
as amended in  
1882.</sup>

**§433.** It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without

\*See Sections 428 and 429 as amended in 1882, Chapter XVIII.

abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

~~As amended  
1868.~~

**§434.** The fee for administering the oath of allegiance, subscribing the jurat and granting certificate of the same, shall be Five Dollars; *provided, however,* that the Minister of the Interior may, in his discretion, remit part or the whole of said fee, when the aforesaid oath shall be administered to immigrants introduced here through the agency of the Board of Immigration.

**Act  
1874.  
Chapter XLII]** **TO PROVIDE FOR THE TAKING THE OATH OF ALLEGIANCE BY PERSONS IN THE EMPLOY OF THE HAWAIIAN GOVERNMENT.**

*Whereas,* it is expedient that all persons who may be appointed to places of profit or emolument under the Hawaiian Government should take the oath of allegiance.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.*

~~As amended  
1876,  
Chapter VIII.~~

**SECTION 1.** From and after the passage of this Act every person of foreign birth who may be appointed to any office of profit or emolument under the Government of this Kingdom shall, before entering upon the duties of his office, take and subscribe the oath of allegiance, in manner and form prescribed by Sections 430 and 481 of the Civil Code.

**SECTION 2.** Every person now holding any office of profit or emolument under the Government of this Kingdom, who shall not already have taken such oath as aforesaid, and who shall neglect or refuse to take such oath within three months from the passage of this Act, shall be deemed to have resigned his office, which shall become vacant at the expiration of such period.

(SECTION 3. The said oath may be taken and subscribed by

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LAW<sup>S</sup>  
OF  
HIS MAJESTY KALAKAUA I.

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

LEGISLATIVE ASSEMBLY,

AT ITS SPECIAL SESSION,

1887.

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PRINTED BY ORDER OF THE GOVERNMENT.

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GOVERNMENT PRINTING OFFICE

HONOLULU, H. I.  
HAWAIIAN GAZETTE PRINT.

1887.

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## CHAPTER X.

### AN ACT

#### To AMEND THE LAW RELATING TO THE NATURALIZATION OF FOREIGNERS.

*Be it enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. Sections 428, 429, 431 and 433, under Article VIII. of Chapter VII. of the Civil Code are hereby amended so that the same shall read as follows:

“SECTION 428. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

“SECTION 429. The Minister of the Interior shall upon the application of any alien foreigner who shall, have resided within the Kingdom two years or more next preceding such application stating his intention to become a permanent resident of the Kingdom, administer or cause to be administered, the oath of allegiance to such foreigner, and cause such foreigner to subscribe thereto, provided that such foreigner is not a pauper nor a refugee from the justice of some other country.

“If such applicant shall be a resident of any Island other than Oahu, he may, after the Minister of Interior shall have approved of his application, take the oath of allegiance before any Judge of a Court of Record, which Judges are hereby authorized to administer such oaths.

“SECTION 431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to

in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk) or in case the applicant is a resident of another Island by a Judge of a Court of Record.

“SECTION 433. It shall be competent for His Majesty, by and with the advice and consent of the Cabinet, to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien without abjuration of allegiance, all the rights, privileges, and immunities of a native, said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.”

SECTION 2. Any Judge of a Court of Record shall immediately upon administering the oath of allegiance to any foreigner in accordance with the foregoing section, send to the Minister of the Interior, the original of such oath, retaining a copy thereof.

SECTION 3. Chapter XVIII. of the Session Laws of 1882, and all other laws and parts of laws inconsistent herewith, are hereby repealed.

Approved this 25th day of November, 1887.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

S.B. NO. 1520  
S.D. 2  
H.D. 3  
C.D. 1

1 organization of a convention of qualified Native Hawaiians,  
2 established for the purpose of organizing themselves.

3       **S -6 Dissolution of the Native Hawaiian roll commission.**

4 The governor shall dissolve the Native Hawaiian roll commission  
5 upon being informed by the Native Hawaiian roll commission that  
6 it has published notice of any updated roll of qualified Native  
7 Hawaiians, as provided in section -4, and thereby completed  
8 its work.

9       **S -7 No diminishment of rights or privileges.** Nothing  
10 contained in this chapter shall diminish, alter, or amend any  
11 existing rights or privileges enjoyed by the Native Hawaiian  
12 people that are not inconsistent with this chapter.

13       **S -8 Reaffirmation of delegation of federal authority;**  
14 **governmental authority and power; negotiations.** (a) The  
15 delegation by the United States of authority to the State of  
16 Hawaii to address the conditions of the indigenous, native  
17 people of Hawaii contained in the Act entitled "An Act to  
18 Provide for the Admission of the State of Hawaii into the  
19 Union", approved March 18, 1959 (Public Law 86-3), is  
20 reaffirmed.

21       (b) Consistent with the policies of the State of Hawaii,  
22 the members of the qualified Native Hawaiian roll, and their



1 descendants, shall be acknowledged by the State of Hawaii as the  
2 indigenous, aboriginal, maoli population of Hawaii.

3       **S -9 Disclaimer.** Nothing in this chapter is intended to  
4 serve as a settlement of any claims against the State of Hawaii,  
5 or affect the rights of the Native Hawaiian people under state,  
6 federal, or international law."

7       SECTION 3. The Hawaiian Homes Commission Act, 1920, shall  
8 be amended, subject to approval by the United States Congress,  
9 if necessary, to accomplish the purposes set forth in this Act  
10 in a manner that is expeditious, timely, and consistent with the  
11 current needs and requirements of the Native Hawaiian people and  
12 the current beneficiaries of the Hawaiian Homes Commission Act,  
13 1920.

14       SECTION 4. Funding for the Native Hawaiian roll commission  
15 shall be provided by the office of Hawaiian affairs.

16       SECTION 5. The Native Hawaiian roll commission, in  
17 cooperation with the office of Hawaiian affairs, shall report to  
18 the governor and the legislature no later than twenty days prior  
19 to the convening of the regular session of 2012, on the status  
20 of the preparation of a roll of qualified Native Hawaiians,  
21 expenditures related to the responsibilities of the Native

