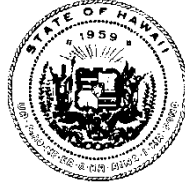


JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



DEAN MINAKAMI
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

Statement of
DEAN MINAKAMI
Hawaii Housing Finance and Development Corporation
Before the

HOUSE COMMITTEE ON FINANCE

February 25, 2025 at 10:00 a.m.
State Capitol, Room 308

In consideration of
H.B. 1318 HD2
RELATING TO AFFORDABLE HOUSING.

Chair Yamashita, Vice Chair Takenouchi, and members of the Committee.

HHFDC **supports** HB 1318 HD2, which removes from the definition of "public lands" for lands set aside by the Governor to the counties for the purpose of affordable housing. It also specifies that lands set aside by the Governor to the counties for affordable housing require legislative approval for the sale or gift of such lands.

This bill would streamline the approval process and facilitate the delivery of affordable housing on lands set aside to the counties.

Thank you for the opportunity to testify on this bill.



**COMMENTS ON HOUSE BILL 1318_HD2
RELATING TO AFFORDABLE HOUSING**

House Committee on Finance
Hawai'i State Capitol

February 24, 2025

10:00 a.m.

Room 308

Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the House Committee on Finance:

The Office of Hawaiian Affairs (OHA) respectfully submits the following COMMENTS on HB1318_HD2.

OHA appreciates the purpose of this bill which: to address the affordable housing crisis facing our state. This is an important goal that OHA shares.

OHA also appreciates that amendments were made in past committees to address OHA's earlier testimony raising concerns with potential alienation of the ceded lands trust base to which Native Hawaiians have never relinquished their claims. Specifically, HB1318 has been amended to specify that lands set aside to the Counties under this chapter are subject to Hawai'i Revised Statutes (HRS) § 171-64.7. (HB 1318_HD2, section 2). The requirement set forth in this section are critical to maintaining the "ceded" lands corpus, and were enacted as a condition precedent to the settlement agreement reached in the OHA v. Housing and Community Development Corporation of Hawai'i lawsuit. The legislative approval requirements in HRS § 171-64.7 ensure a high level of accountability and transparency in any proposed alienation of the state's limited public land base, and OHA appreciates this safeguard being included in this measure.

OHA does request the language found on page 4, lines 8-12 be further amended to clarify that "ceded" lands be limited to existing lease term limits in HRS Chapter 171. The purpose of the term limit is to protect against alienation of ceded lands as a long-term lease of ninety-nine years may create the (mis) expectation of a fee simple interest:

"(17) Lands that are set aside by the governor to the counties for the purpose of affordable housing as defined in section 201H-57; provided that the lands shall be managed by the counties pursuant to the same public trust fiduciary duties and obligations as the board and that lands classed as government or crown lands previous to August 15, 1895, or previously exchanged for such lands, shall be subject to the initial and aggregate lease term limitations found in this chapter."

Mahalo nui for considering this testimony.

KAUA'I COUNTY HOUSING AGENCY

ADAM ROVERSI, DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Adam P. Roversi
Director, Kaua'i County Housing Agency

Before the
House Committee on Finance
Thursday, February 25, 2025, at 10:00 a.m.
Conference Room 411 & Videoconference

In consideration of
House Bill 1318, HD2 Relating to Affordable Housing

Honorable Chair Kyle T. Yamashita, Vice Jenna Tekenouchi, and Members of the Committee:

The Kaua'i County Housing Agency **strongly supports** HB 1318, HD2 relating to Affordable Housing that changes the definition of "public lands," by excluding state lands set aside to the Counties for the purpose of affordable housing.

To be clear, HB 1318 HD2 does nothing to alienate ceded lands. It simply allows a County receiving a set aside of state lands for affordable housing to oversee the use of the land without procedural approvals of every action by the Board of Land and Natural Resources. Notably HRS 171-2 already contains sixteen similar exemptions for land set aside for such uses as schools, roads, University of Hawaii, and many others. Such lands can never be sold.

Kauai County worked with the State Land Division for many years to identify unused scattered state residential parcels in existing residential communities to be developed as affordable housing. By and large the identified parcels were uncared for and overgrown, subject to regular illegal dumping of rubbish, and often the site of homeless encampments.

Beginning in 2020, in a series of executive orders, these cooperatively identified parcels were set aside to the County for the development of affordable housing under the County's existing affordable residential leasehold program. This collection of unused state lands has the capacity to provide at least twenty new affordable homes in existing communities where zoning and infrastructure are already in place.

However, the County has been unable to productively develop these parcels as the current statutory framework, despite the executive order transferring the parcels to County control, requires the County to seek Board of Land and Natural Resources approval for every lease, mortgage, easement, right of entry, or other action relating to these properties. This procedural burden makes the development of these parcels untenable.

Excluding such parcels from the definition of public lands, removes these procedural burdens while at the same time ensuring that valuable state lands may be productively utilized for much needed affordable housing for generations to come.

Thank you for the opportunity to testify in **strong support** and for your consideration.



HB-1318-HD-2

Submitted on: 2/24/2025 7:56:31 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melinda Healani Sonoda-Pale	Ka Lahui Hawai'i	Oppose	In Person

Comments:

Aloha e Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

Ka Lāhui Hawai‘i is a native initiative for self-determination and self-governance formed by and for Kanaka Maoli with over 20,000 citizens. We **stand in strong opposition to HB1318**, which proposes to shift control of “ceded lands” (Hawaiian Kingdom Crown and Government Lands) to the counties under the guise of “affordable housing.” These lands—totaling over 1.8 million acres—were illegally seized from the Hawaiian Kingdom following the 1893 overthrow, without the consent of Kānaka Maoli. To this day, 98% of so-called “state-owned” lands are, in fact, stolen Hawaiian Kingdom lands. Public Law 103-150 (the “Apology Bill”) acknowledges this historic injustice has never been rectified.

Under the Admission Act, these lands were to be held in a public trust for five purposes, including the betterment of native Hawaiians, as defined under the Hawaiian Homes Commission Act. Yet HB1318 grants the Governor vast authority to transfer these lands to county control with little clarity on how the trust will be upheld. This bill also allows for 99-year leases, which effectively grant de facto ownership to developers, severing Kānaka Maoli from our ‘āina for at least three generations and undermining our collective struggle for land back. The term “affordable housing” remains loosely defined, raising serious concerns that it will continue to justify sweetheart deals for private interests rather than genuinely serve those most in need.

Ka Lāhui Hawai‘i has always maintained that the corpus of this Public Lands Trust—comprised mostly of stolen Hawaiian lands—be kept intact until it can be rightfully returned to the Hawaiian Nation and its true title holders. We urge you to protect these lands from further alienation by rejecting HB1318. Mahalo for the opportunity to testify and for considering our mana‘o on this critical issue.

Me ka ‘oia‘i‘o,

Healani Sonoda-Pale

Spokesperson, Ka Lāhui Hawai‘i

TESTIMONY IN OPPOSITION TO HB1318 HD2

Center for Restoring Sovereignty

PO Box 25692 | Honolulu HI 96825

ramsay@restoringsovereignty.org

HOUSE COMMITTEE ON FINANCE

Hawaii State Capitol

February 25, 2025 | 10:00 AM | Virtual

Aloha Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee on Finance,

The Center for Restoring Sovereignty (CRS) remains committed to addressing the urgent housing crisis in Hawai‘i. However, **we strongly oppose HB1318 HD2** because it erodes the public land base instead of seeking alternatives such as utilizing underutilized **private lands** owned by large corporations and offshore entities. **Public lands should not be sacrificed to create affordable housing when other viable options exist.**

I. INTRODUCTION & SUMMARY OF OPPOSITION

HB1318 HD2 seeks to remove certain lands from the public lands inventory by allowing the Governor to designate them for affordable housing. However, this bill raises **serious legal, historical, and jurisdictional concerns** that make it untenable. Not only does it violate the **Public Trust Doctrine**, but it also contradicts **international law** and the **United States’ own admission in Public Law 103-150 (Apology Resolution)** that Hawaii’s annexation was illegal.

Furthermore, this bill sets a **dangerous precedent** that could allow wholesale reclassification of **Crown Lands and so-called Ceded Lands**, including lands currently leased by the U.S. military, under the pretense of addressing economic and housing needs.

For these reasons, **we strongly oppose HB1318 HD2 and urge its rejection.**

II. LEGAL CHALLENGES TO HB1318 HD2

A. Violation of the Public Trust Doctrine

1. The **Public Trust Doctrine** mandates the **State of Hawaii to steward public lands for future generations.**
2. HB1318 HD2 proposes removing certain lands from **public protections** to serve economic needs, violating **fiduciary obligations.**
3. Setting this precedent would **undermine constitutional protections**, accelerating the privatization of public lands.

B. HB1318 HD2 Conflicts with Public Law 103-150 (Apology Resolution)

1. The **United States Congress formally acknowledged in 1993** that the overthrow of the Hawaiian Kingdom was illegal.
2. **Ex injuria jus non oritur** (*No law arises from an injustice*): The **State of Hawaii lacks legitimate authority** to alter or transfer lands unlawfully seized from the Hawaiian Kingdom.
3. **Nemo dat quod non habet** (*One cannot give what one does not own*): The **U.S. and the State of Hawaii** cannot sell, gift, or transfer public lands that were **never legally ceded.**

C. HB1318 HD2 Sets a Dangerous Precedent

1. The bill allows the Governor to **reclassify public lands** without resolving **title and sovereignty issues**.
2. It **expands the loophole** for future reclassification of lands leased by the **U.S. military, large corporations, and offshore developers**.
3. If **economic and housing needs** justify removing lands from public trust, **what prevents further privatization of all public lands?**

III. HISTORICAL CONTEXT & JURISDICTIONAL ISSUES

A. The Hawaiian Kingdom's Legal Standing in International Law

1. The **Hawaiian Kingdom** was a **fully recognized sovereign state** with **bilateral treaties with over 20 nations**, including the **U.S., Britain, and Japan**.
2. The **United Nations Charter (Article 2(4))** prohibits forcible annexation of sovereign states, meaning **Hawaii was never legally annexed**.
3. The **Montevideo Convention (1933)** affirms that **Hawaiian jurisdiction was never lawfully transferred** to the U.S.

B. The United States' Continued Occupation of Hawaii

1. **Alfred de Zayas, U.N. Human Rights Expert**, confirmed that **Hawaii remains under unlawful occupation**.
2. The **Fourth Geneva Convention (1949)** prohibits an occupying power from altering governance, making **the State of Hawaii's claim over public lands invalid**.

3. **ICJ precedent (East Timor Case, 1995) affirms sovereignty is not extinguished by occupation, reinforcing that the Hawaiian Kingdom remains intact.**

IV. SPECIFIC REBUTTALS TO HB1318 HD2 PROVISIONS

A. Redefinition of Public Lands (§171-2 Amendment)

1. The bill seeks to **exclude lands for affordable housing from public trust protections** but **ignores the Public Trust Doctrine** and existing legal obligations.
2. It **introduces a dangerous loophole** that could be exploited for **corporate and military land transfers**.

B. Governor's Power to Set Aside Lands for Counties (§171-64.7 Amendment)

1. Allowing the Governor to **reclassify lands** bypasses **legislative oversight** and **constitutional protections**.
2. This effectively **eliminates public trust protections, opening the door for future privatization**.

C. Legislative Approval for Sales or Gifts of Lands

1. Requiring legislative approval for land sales **does not resolve jurisdictional illegitimacy**.
2. These lands remain **legally tied to the Hawaiian Kingdom**, meaning **neither the State nor U.S. can transfer them**.

V. CONCLUSION & RECOMMENDATIONS

1. **HB1318 HD2 must be rejected** as it violates the **Public Trust Doctrine**, contradicts the **Apology Resolution**, and **lacks jurisdictional legitimacy**.
2. The **State of Hawaii must first address unresolved title issues** before passing legislation reclassifying public lands.
3. **A moratorium should be placed** on all public land transfers **until these legal and historical concerns are resolved**.
4. The **Hawaii State Legislature should focus on utilizing vacant and underutilized private lands** for affordable housing instead of reducing the public land base.

BE IT RESOLVED that the **Hawaii State Legislature rejects HB1318 HD2** to uphold **public trust obligations and sovereignty protections**.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ramsay Taum', with a long horizontal line extending to the right.

Ramsay Taum

Center for Restoring Sovereignty

PO Box 25692 | Honolulu HI 96825

E: ramsay@restoringsovereignty.org

Direct: (808) 228-8148



Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland

MEMORANDUM

Date: 25 February 2018

From: Dr. Alfred M. deZayas
United Nations Independent Expert
Office of the High Commissioner for Human Rights

To: Honorable Gary W. B. Chang, and
Honorable Jeannette H. Castagnetti, and
Members of the Judiciary for the State of Hawaii

Re: The case of Mme Routh Bolomet


As a professor of international law, the former Secretary of the UN Human Rights Committee, co-author of book, *The United Nations Human Rights Committee Case Law 1977-2008*, and currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order, I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).

Based on that understanding, in paragraph 69(n) of my 2013 report (A/68/284) to the United Nations General Assembly I recommended that the people of the Hawaiian Islands — and other peoples and nations in similar situations — be provided access to UN procedures and mechanisms in order to exercise their rights protected under international law. The adjudication of land transactions in the Hawaiian Islands would likewise be a matter of Hawaiian Kingdom law and international law, not domestic U.S. law.

I have reviewed the complaint submitted in 2017 by Mme Routh Bolomet to the United Nations Office of the High Commissioner for Human Rights, pointing out historical and ongoing plundering of the Hawaiians' lands, particularly of those heirs and descendants with land titles that originate from the distributions of lands under the authority of the Hawaiian Kingdom. Pursuant to the U.S. Supreme Court judgment in the *Paquete Habana* Case (1900),

U.S. courts have to take international law and customary international law into account in property disputes. The state of Hawaii courts should not lend themselves to a flagrant violation of the rights of the land title holders and in consequence of pertinent international norms. Therefore, the courts of the State of Hawaii must not enable or collude in the wrongful taking of private lands, bearing in mind that the right to property is recognized not only in U.S. law but also in Article 17 of the Universal Declaration of Human Rights, adopted under the leadership of Eleanor Roosevelt.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Alfred M. deZayas', with a long, sweeping horizontal stroke extending to the right.

Dr. Alfred M. deZayas
United Nations Independent Expert on the promotion of a
democratic and equitable international order
Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland



GENEVA SCHOOL OF DIPLOMACY & INTERNATIONAL RELATIONS

UNIVERSITY INSTITUTE

MEMORANDUM

Date: 14 December 2018

To: United Nations Secretary General, António Guterres
and Member States of the United Nations

From: Dr. Alfred M. de Zayas
Professor of Law, Geneva School of Diplomacy
United Nations Independent Expert on the promotion of a democratic and equitable
international order (May 2012-April 2018)

Re: The application of international law in the context of the Hawaiian Islands

On 25, February 2018, in my capacity as Professor of Law and UN Independent Expert for the promotion of a democratic and equitable international order, I stated in a Memorandum to Honorable Jeanette H. Castagnetti, Honorable Gary W.B. Chang, and members of the U.S. State of Hawaii Judiciary;

"... the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States)."

My memorandum was based on knowledge obtained during decades of work as a lawyer with the Office of the UN High Commissioner for Human Rights, followed by six years as Human Rights Council mandate holder, spanning the study of reports, complaints, interventions and petitions submitted by Hawaiians to various Committees and bodies of the United Nations with regard to the situation of the Hawaiian Islands.

Legal and historical questions raised by Hawaiians at the United Nations regarding the political status of the Hawaiian Islands stretch back over forty years. Admittedly controversial and complex, these issues were relevant to my mandate pursuant to Human Rights Council Resolution 18/6, which emphasizes the necessity to implement the *jus cogens* right of self-determination.

On 17 December 2017 a Petition/Complaint from Madam Routh Bolomet was submitted to the United Nations Office of the High Commissioner for Human Rights, calling for an investigation and correction of GA Resolution 1469 of 12 December 1959. Madam Bolomet maintains that said GA Resolution 1469 in effect, makes the United Nations and its Member States complicit in human rights violations that stem from the wrongful occupation of the Hawaiian Islands by the United States of America. Among the most egregious of abuses being aided and abetted by UN GA Resolution 1469 is the wrongful seizure of private lands from the heirs and descendants who hold original allodial titles (absolute titles in perpetuity) issued by the sovereign King Kamehameha III, under the laws of the Hawaiian Kingdom. Madam Bolomet is one of the rightful heirs to these inalienable lands that were summarily taken by the occupier.

Private Lands in an occupied territory are protected under the Fourth Geneva Convention and Article 42 of the 1907 Hague Regulations (HR) that states a "*...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.*" According to their common Article 2, the Fourth Geneva Convention of 1949 applies to any territory occupied during international hostilities. They also apply in situations where the occupation of state territory meets with no armed resistance. While the entry into force of the Hague and Geneva Conventions are subsequent to the overthrow of the Hawaiian Kingdom by the United States in 1893, the hostile actions perpetrated by the occupiers since 1893 entail continuing violations of fundamental rules of international law and human rights. By analogy, it should be remembered that the colonisation and exploitation of sovereign peoples in Asia and Africa were gradually phased out in the 20th century, and that the international community supported the aspiration of many peoples to exercise their right of self-determination, whereas in Hawaii the occupation and spoliation persists to this day, in gross violation of the human rights of the Hawaiian people.

Every occupation of territory is subject to the UN Charter and is regulated by international law. Once a situation exists which factually amounts to an occupation, the laws of occupation should be applied – whether or not the occupation is considered lawful, what its aim is or whether it is called an “invasion”, “liberation”, “administration” or “occupation.” As the law of occupation is primarily motivated by human rights and humanitarian considerations, it is solely the facts on the ground, that determine its application.

The duties of the occupying power are spelled out in the 1907 Hague Regulations (articles 42-56) and the Fourth Geneva Convention (GC IV, articles 27-34 and 47-78), as well as in certain provisions of Additional Protocol I and customary international humanitarian law.

The occupying power and the local authorities cannot deprive the population of an occupied territory of the protection afforded by international humanitarian law (GC IV, article 47). Under those laws the people of Hawaii are internationally protected persons, and under no circumstance can protected persons be deprived of their rights or coerced into renouncing their rights (GC IV, article 8). Mme Bolomet is, therefore an internationally protected person.

The main rules of the law applicable to Mme Bolomet’s complaint are:

1) The occupying power does not acquire sovereignty over the territory. 2) The occupying power must respect the laws in force in the occupied territory, unless they constitute a threat

to its security or an obstacle to the application of the international law of occupation. 3) Reprisals against protected persons or their property are prohibited. 4) The confiscation of private property by the occupier is prohibited.

Madam Bolomet not only meets the definition of a Civilian Protected Person under Geneva Convention (IV) defined in the 12 August 1949. COMMENTARY OF 1958 [p.45] ARTICLE 4; as a direct descendant of several Hawaiian Kingdom High Ali'i (Royalty), thus also qualifying as a descendant of a Head of State for "International Protected Person" status under the Protection of Diplomats Convention the UNGA adopted 14 December 1973.

A central provision of the convention is the principle of *aut dedere aut judicare* — that a party to the treaty must either (1) prosecute a person who commits an offence against an internationally protected person or (2) send the person to another state that requests his or her extradition for prosecution of the same crime.

All members of the State of Hawaii Judiciary are required to take an oath to uphold the U.S. Constitution. Article VI, Paragraph 2 of the U.S. Constitution, establishes that federal laws made pursuant to it, and treaties (such as the Geneva and Hague conventions) duly ratified, constitute **the supreme law of the land**. This is also the tenor of the US Supreme Court judgment in the *Paquete Habana* case (175 U.S. 677 (1900))
<https://supreme.justia.com/cases/federal/us/175/677/>

Therefore, judges and other officers of the courts of the State of Hawaii are bound by their oaths to respect, honor and apply such international laws to which the United States has subscribed. The judges and justices serving in the U.S. State of Hawaii judicial system are bound by their oaths of office to comply with appropriate international laws when applicable. But numerous complaints submitted to the UN indicate the judges and justices of the U.S. State of Hawaii completely disregard and even display contempt for international laws.

The ongoing plundering of Hawaiian Kingdom Private Lands by the legal systems of the United States and the State of Hawaii calls for an emergency investigation and intervention holding all those who are willful participants to be held accountable to U.S. Federal and international law. It is my understanding that the U.S. Executive Office and the U.S. Department of State have been put on notice of Mme Bolomet's "International Protected Person's Status" as a Hawaiian Kingdom subject as well as an heir of the Head of State; King Kamehameha I. But those U.S. offices have refused to acknowledge Mme Bolomet's status and have not made any effort to provide relief. Therefore, by *aut dedere aut judicare*, all signatories to the Hague and Geneva Conventions have a legitimate interest and an *erga omnes* obligation to hold wrong doers to the highest standard of compliance to the Conventions.

Respectfully,



Dr. Alfred M. deZayas

UN Independent Expert on the promotion of a democratic and equitable international order 2012-2018...

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**EXHIBIT A00021
ADZ MEMORANDUM III**



Date: 11 November 2021

To: Hon. Dean E. Ochiai, Hon. Jeffrey Crabtree and all Members of the Judiciary

From: Dr. Alfred M. de Zayas

Professor of Law, Geneva School of Diplomacy

United Nations Independent Expert on the Promotion of a Democratic and Equitable International Order
(May 2012 – April 2018)

Re: Redressing Historical Inequities and the appropriate application of Constitutional and International Laws in the context of Private Allodial Titles lands made inalienable in the Hawaiian Islands for Mme Routh Bolomet™'s First Circuit Court Case No.: 1CC161000893

Dear Honorable Sirs and Madams of the Judiciary,

Mme Routh Bolomet™ has asked me to answer three questions pertaining to Private Allodial¹ Title Lands and Private Inalienable Allodial Title Lands located in the Hawaiian Islands:

- 1- Can Private Inalienable Allodial Title Lands be confiscated by a new government regime, lawful or not? 2- Does the U.S. Public Law 103-150 Apology Resolution in fact supersede U.S. Public Law 86-3, Admissions Act of 1959?
- 3- Which laws apply to Private Allodial Title Lands and Private Inalienable Allodial Title Lands in the Hawaiian Island?

Question 1: *Can Private Inalienable Allodial Title Lands be confiscated by a new government regime, lawful or not?* The short answer is No.

As a professor of history, I have focused on issues of colonialism and imperialism, peoples and minorities, and published several pertinent books, including *Nemesis at Potsdam* (Routledge 1977), *A Terrible Revenge* (Palgrave/Macmillan 1994).

As a professor of international law at several universities I have developed an expertise on international jurisprudence and human rights and published several books, including *Building a Just World Order* (Clarity Press, Atlanta, 2021). I have also taught international relations at the Geneva School of Diplomacy.

¹ ALLODIUM Bouvier 6th Edition 1856 (The Bouvier dictionary was used by the Hawaiian Kingdom Government as one of its references when building its laws) **Allodium** estates. Signifies an absolute estate of inheritance, in contradistinction to a feud. 3 Kent, Com. 390; Cruise, Prel. Dis. c. 1, 13; 2 Bl. Com. 45. For the etymology of this word, vide 3 Kent Com. 398 note; 2 Bouv. Inst. n. 1692

The case of the Hawaiian Kingdom's usurpation by 13 Businessmen with the assistance of the U.S. Military reveals classical imperialism and colonialist aspects but is also "sui generis" and calls for a holistic analysis with a view to arrive at a just and durable settlement under constitutional and international law, in which the court

should not only apply Hawaiian Kingdom domestic law but incorporate general principles of justice and decide *ex aequo et bono*.

We can all agree that the Kanaka Maoli (Hawaiian people) possess a sophisticated culture, language and religion, which deserve protection in the light of the humanistic principles of President Woodrow Wilson and general principles of law including *ex injuria non oritur jus* – from a breach of law no new law emerges – and *sic utere tuo ut alienum non laedas* – use your own property as not to injure that of others.

Indeed, prior to the illegal usurpation of the Hawaiian Kingdom in 1893, native Hawaiians lived in a highly organized sustainable society with a functioning social system initially based on communal land tenure, which evolved to private allodial title land tenure that assured future lineal Descendants of the original Awardees these same lands awarded by King Kamehameha III and successor Monarchs.

What is at issue presently are the ongoing unlawful confiscation and reassignment of the same private lands made inalienable or not, conveyed as allodial (absolute) title under Hawaiian Kingdom laws before its usurpation.

²*Given the many separate state successions involved in the formation of the United States between Great Britain, France, Spain, the Republic of Texas, and Hawaii, the proposition of public international law is that the municipal law of a country is not changed by a change of sovereignty. Private law rights acquired or 'vesting' under the law of the former sovereign remain valid after state succession and continue to be governed by the law of the former Sovereign applicable at the time when such private law rights originally 'vested' or were acquired ... notwithstanding the fact that the former Sovereign has been de facto replaced. This doctrine is affirmed in the following decision of the United States Supreme Court in **United States v. Percheman, 32 U.S. 7 Pet. 51 51 (1832)** Syllabus states:*

"...Even in cases of conquest, it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country.

The modern usage of nations, which has become law, would be violated; that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled on a change in the sovereignty of the country. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other and their rights of property remain undisturbed...."

Question 2: *Does the U.S. Public Law 103-150 Apology Resolution in fact supersede U.S. Public Law 86-3, Admissions Act of 1959?* The short answer is: The answer is in the details....

The Apology Resolution signed by President Bill Clinton in November 1993 (103d Congress Joint Resolution 19) acknowledged that *"from 1826 until 1893, the United States recognized the independence of the Hawaiian Kingdom, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian Monarchs to govern commerce and navigation in 1826, 1842, 1849,*

² Stephen P. Kerr, B.B.A., J.D., L.L.M., M.A.T. on dynastic law. (Dr. Kerr was a World Court Litigator and Special International Legal Counsel to the House of Habsburg-Lorraine and a Professor of Law at Antioch University School Law in Washington, D.C.) in his article date APRIL 29, 2011. THE ROYAL'S LAWS; DYNASTIC LAWS.

1875 and 1887. Professor Stephen Kinzer's book *Overthrow: America's Century of Regime Change from Hawaii to Iraq* (Times Books, 2006) is relevant to understand facets of the litigation in Mme Routh Bolomet's case.

The 1993 Congressional Declaration "(3) apologizes to Native Hawaiians [Hawaiian Nationals] on behalf of the

people of the United States for the overthrow of the Hawaiian Kingdom on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians [Kanaka Maoli] to self-determination: (4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people [Kanaka Maoli]...."

The more recent U.S. Supreme Court case *OHA Et Al v. STATE Et Al* began as an objection to the STATE OF HAWAII selling a portion of Kamehameha III's private inalienable allodial title lands a.k.a. Crown Lands, but in fact the US Supreme Court did NOT rule on whether the STATE has or does not have perfect title to Kamehameha III's private inalienable allodial title lands, but rather on whether the US Public Law 103-150 Apology Law supersedes US Public Law 86-3; the Admission Act.

While on its face it may be correct to say the US Public Law 103-150 – The Apology Resolution which refers to the unlawful acts that occurred in the 'Hawaiian Islands', are inferior or subordinate to US Public Law 86-3 The 1959 Admissions Act that admitted Hawaii into the United States as its 50th State; But, by its own definition of Hawaii the 50th State, it does not "include" any of the Hawaiian Islands in the Hawaiian Island Archipelago found at 18°54' to 28°15'N 154°40' to 178°25'W. This would mean that in fact the "Admissions Act of 1959" cannot be superior to the Apology Resolution since it does not apply to the same geographical or territorial location.

Regardless of this fact, a new government regime, lawful or not cannot confiscate and reassign or sell private allodial title lands, inalienable or not.

In this spirit the Court is encouraged to do justice to Mme Routh Bolomet™ and the Kanaka Maoli [Hawaiian National] people and consider the relevance of international law in providing a remedy for the harm resulting from the illegal 1893 usurpation and the ongoing wrongful taking and *assignments* of private allodial title lands under U.S. Domestic Laws, which amounts to an Intentional Interference of Inheritance.

Question 3: *Which laws currently apply to Private Allodial Title Lands and Private Inalienable Allodial Title Lands in the Hawaiian Island?*

In addressing international obligations, Ian Brownlie states³ "*A state cannot plead provisions of its own law or deficiencies in that law in answer to a claim against it for an alleged breach of its obligations under international law.*"

The general proposition of public international law is that the municipal law of a country is not changed by a change of sovereignty. Private law rights acquired or 'vesting' under the law of the former sovereign remain valid after state succession and continue to be governed by the law of the former Sovereign applicable at the time when such private law rights originally 'vested' or were acquired ... notwithstanding the fact that the former Sovereign has been de facto replaced.

In support of this proposition see the decisions of The Hague "World Court, the Permanent Court of

³ Public Principles of International Law, Ian Brownlie (Fifth Edition, Oxford University Press)

International Justice in the case of the **German Settlers in Poland**, P.C.I.J., Series B, No. 6, Advisory Opinion No. 8, **Annual Digest**, 1923-1924, Case No. 37.; [95] *It is true that the Treaty of Peace does not in terms formally announce the principle that, in the case of a change of sovereignty, private rights are to be respected; but this principle is clearly recognized by the Treaty.*

More Case Law: confirming private rights are to be respected with sovereignty/government regime changes:

Sopron-Koszeg Local Railway Company Case, Lega of Nations, Official Journal, 1929, p. 1359; American Journal of International Law, Vol. XXIV (1930) pp. 164-174; **Annual Digest**, 1929-1930, Case No. 34; E.

Thalheimer v. Yugoslav State before the Hungarian-Yugoslav Mixed Arbitra Tribunal on 6 Sept 1928, Recueil, VIII, p. 579, **Annual Digest**, 1927-1928, Case no. 60; **State Succession (Notarial Act) Case**, before the Austrian Supreme Court in Civil Matters decided 13 May 1919, **Annual Digest**, 1919-1922, Case No. 40; **Occupation of Crete Case**, the Greek Court of Cassation, **Annual Digest**, 1925-1926, Case No. 69; **Heirs of the Prince Mohammed Selim v. The Government of Palestine**, **Annual Digest** 1935-1937, Case No. 39; **Mihan Singh v. the Sub-Divisional Canal Officer**, **Annual Digest**, 1954, pp. 64-66; Supreme Court of India in **Virendra Singh v., State of Uttar Pardesh**, **Annual Digest**, 1955, p. 131

Given the many separate state successions involved in the formation of the United States between Great Britain, France, Spain, the Republic of Texas, and Hawaii, this doctrine is also affirmed in the following decisions of the United States Supreme Court in **United States v. Percheman**, 7 Pet. 51, 86-87 (1830).

Fremont v. United States 17 How. 542, 58 U. S. 241 (1854); **United States v. Fullard-Leo**, 331 U. S. 256 (1946); **Delassus v. United States**, U.S. Supreme Court 34 U.S. (9 Pet.) 117 at 133; **Soulard v. United States**, 4 Pert. 511 at 512 (1830);

The same doctrine of public international law re complete survival of 'vested' private law rights upon state succession has also been affirmed in the following decision of American State courts in

Miller v. Letzerich, 49 Sw2d 404, 85 A.L.R. 451 (Texas, 1932); *It is elementary that a change of sovereignty does not affect the property rights of the inhabitants of the territory involved.* *Kilpatrick v. Sisneros*, [23 Tex. 113](#), 131; *Musquis v. Blake*, [24 Tex. 461](#), 466; *Airhart v. Massieu*, [98 U.S. 491](#), 496, [25 L.Ed. 213](#); *Jones v. McMasters*, 20 How. 8, 21, 15 L.Ed. 805; *U.S. v. Percheman*, 7 Pet. 87, [8 L.Ed. 604](#).

According to the principle *ubi jus, ibi remedium* – where there is law, there is also recourse and remedy (Permanent Court of International Justice 1928, judgment in the *Chorzow Factory case* concerning a discriminatory confiscation) this Court is invited to follow the ruling of the Supreme Court of the United States in *Paquete Habana* case, which establishes the principle tht treaties and customary international law constitute an accepted part of American law and should be applied by US courts (<https://supreme.justia.com/cases/federal/us/175/677/>).

Indeed, the language of Article VI of the US constitution requires it:

“This constitution, and the Laws of the United States which shall be made in Pursuance thereof: and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land:

and the Judges in every STATE shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

This means that because treaties are also the supreme law of the United States, it is the obligation of the Courts to apply them where relevant. Moreover, Congress should adopt enabling legislation so that US commitments under these treaties are met, including obligations under the UN Charter, Chapter XI, article 73, and under Articles 1, 26, and 27 of the International Covenant on Civil and Political Rights and the overriding principles of non-discrimination.

In *Foster & Elam v. Neilson*, 27 U.S. 253 (1829) ⁴ the U.S. Supreme Court ruled where a political question arises” ...

Analogous to and arising out of the same considerations as

*the **political question doctrine** is the act of state **doctrine** under which United States courts will not examine the validity of the public acts of foreign governments done within their own territory, ...”*

The land at issue in *Mme Routh Bolomet*TM case is a portion of the Kamehameha III’s private inalienable allodial title lands the STATE OF HAWAII claims to have Perfect Title to. To have Title the U.S. and /or the STATE OF HAWAII would have to possess a conveyance for these lands prior to January 3, 1865, when the private lands of Kamehameha III, left to His heirs and successors (while in Office) were made inalienable under Hawaiian Kingdom Act XXXIV section 3.

Hawaiian Kingdom records and history shows the private lands of Kamehameha III were not transfer or conveyed to the U.S. any time prior to January 3, 1865; Therefore, it is safe to conclude the STATE OF HAWAII does not hold Perfect Title and there are not any Hawaiian Kingdom Laws or International laws that would acknowledge a confiscation of private lands or entitlements from its rightful heirs.

In its concluding observations upon examination of the US third periodic report under the ICCPR, “37. The Committee notes with concern that no action has been taken by the State party to address its previous recommendation relating to the extinguishment of aboriginal and indigenous rights....”

Finally, the Committee regrets that it has not received sufficient information on the consequences on the situation of Indigenous Native Hawaiians of Public Law 103-150 apologizing to the Native Hawaiian Peoples for the illegal overthrown [usurpation] of the Kingdom of Hawaii, which resulted in the suppression of the inherent sovereignty of the Hawaiian People. (Articles 1, 26, and 27 in conjunction with Article 2, paragraph 3 of the Covenant).”

The Human Rights Committee concluded that “The State party should review its policy towards indigenous peoples as regards the extinguishment of aboriginal rights... It should take further steps in order to secure the rights of an indigenous peoples under article 1 and 27 of the Covenant to give them greater influence in decisionmaking affecting their natural environment and their means of subsistence as well as their own culture.”

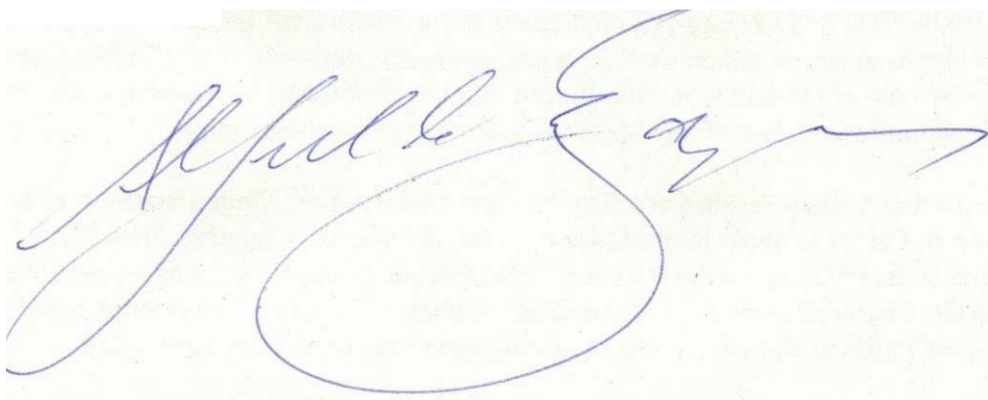
file:///C:/Users/alfre/Documents/CCPR_C_USACO_3_Rev.1-EN.pdf

<http://hrlibrary.umn.edu/usdocs/hruscomments2.html>

⁴ *Foster & Elam v. Neilson*, 27 U.S. 253 (1829) Opinions/Syllabus Page 27 U. S. 254 para 5 “...In the United States, a different principle is established. Our [U.S.] Constitution declares a treaty to be the law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of the legislature whenever it operates of itself, without the aid of any legislative provision. when the terms of the stipulation import a contract, when either of the parties engage to perform a particular act, the treaty addresses itself to the Political, not the Judicial, Department, and the Legislature must execute the contract before it can become a rule for the Court.

This Court has a golden opportunity to redress some of the injustices done by prior generations and to give concrete content to President Clinton's 1993 Apology Resolution, as well as honoring the laws of the Hawaiian Kingdom and its private land allodial titles Constitutionally guaranteed to its heirs and assigns.

Professor Alfred de Zayas, Geneva School of Diplomacy
23 Chemin des Crêts de Pregny, 1218 Grand Saconnex, Geneva, Switzerland
Tel. 0041 22 7882231 alfredesayas@gmail.com

A handwritten signature in blue ink on a light yellow background. The signature is written in a cursive style, with the first part appearing to read 'Alfred' and the last part 'Zayas'. There is a large, sweeping loop at the bottom of the signature.

HB-1318-HD-2

Submitted on: 2/22/2025 11:25:23 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kaiulani	Individual	Support	Written Testimony Only

Comments:

Make good on the promise of fulfilling Prince Jonah Kuhio's legacy by funding DHHL and adhering to HHCA and the States obligations and conditions as set forth in the Hawaii State Constitution.

HB-1318-HD-2

Submitted on: 2/23/2025 1:07:45 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaylene Sheldon	Individual	Oppose	Written Testimony Only

Comments:

To: Finance Committee,

HEWA! HEWA! HEWA!

'A'OLE 'A'OLE AND 'A'OLE LOA

My name is Kaylene Kauwila Sheldon and I strongly oppose HB 1318, it will hurt the first peoples of Hawaii. It will undermine the Hawaiian Kingdom constitution and the intentions of our ali'i Kamehameha III. This constitution stated that the land belonged to its people and the king. The Great Mahele document established allodial property rights which maintained the lands in the hands of Hawaiian subjects to *mālama* (nurture and sustain) and now the language of this bill allows the Governor the power to take away our ancestral lands and re-name and brand these spaces into FAKE affordable housing. This bill plays into the advantages of the goals and intentions set by the Trump administration and erases and displaces Kanaka Maoli 'Ōiwi. Why doesn't the Governor look into transferring military lands into affordable housing? What is considered affordable housing? Why take away the last thing we are holding on to for dear life? Why strip us from our ews? This is not what a blue state looks like, its out of character for a blue state to take away the rights of people's land. This is so disappointing and ignores all working people not only the first peoples of Hawai'i. It also pollutes our island and adds to over crowding. Please kill this dangerous bill.

Mahalo,

Kaylene Kauwila Sheldon

HB-1318-HD-2

Submitted on: 2/23/2025 2:53:06 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Krista Vessell	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE OPPOSE OPPOSE! Coming after CROWN LANDS NOW? You really aren't even hiding anymore, are you, Green? HEWA!!!!

HB-1318-HD-2

Submitted on: 2/23/2025 4:12:33 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brendan	Individual	Oppose	Written Testimony Only

Comments:

Hewa Nui! Makemake kala keia aupuni ino. aole lakou e malama i na kanaka oiwi.

You want to build building no one can afford, Hawaiians and locals are leaving cause you care of only big business and money. A lot you in office should be ashamed of yourselves. I would support this bill if this land went to Kanaka Oiwi and/or to farming. Construction and Tourism isn't stustainable. Farming will always be a need. Do the right thing or DOGE will.

HB-1318-HD-2

Submitted on: 2/23/2025 4:25:53 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bryan Revell	Individual	Oppose	Written Testimony Only

Comments:

We ALL firmly oppose this bill! Stop stealing our land and profiting off an illegal occupation. PERIOD!!!! YOU GOVERNOR GREEN ARE AN ENEMY OF THE PUBLIC YOU SWORE TO SERVE!!! You defy the people's wishes and ignore our voice and you violate our rights at every turn. We know you serve another master and you will be judged.

HB-1318-HD-2

Submitted on: 2/23/2025 4:27:01 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Summer P Noland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, which undermines the public land trust safeguards.

HB-1318-HD-2

Submitted on: 2/23/2025 4:39:40 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Strongly OPPOSE HB1318 HD2

HB-1318-HD-2

Submitted on: 2/23/2025 6:32:59 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Konaneakamahina de la Nux	Individual	Oppose	Written Testimony Only

Comments:

This bill give the government control of Natuve Hawaiian crown lands which would further hurt and displace the original people of this land. Furthermore, disguising it as an "affordable housing" bill is harmful, as hawaiiis government has been extremely unsuccessful in providing affordable housing for its residents. I opposed this bill.

HB-1318-HD-2

Submitted on: 2/23/2025 7:09:56 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dianne Deauna	Individual	Oppose	Written Testimony Only

Comments:

I am submitting testimony in opposition to this bill, that proposes to shift control of "ceded lands" (i.e., stolen Hawaiian Kingdom Crown and government lands) to counties, opening the door to long-term 99 year leases that grant de facto ownership elsewhere. This move undermines public land trust safeguards and undermines the struggle for landback of the Kanaka Maoli.

The illegal overthrow of the Hawaiian Monarchy resulted in 1.8 million acres of land illegally seized by the United States without the consent of the Kanaka Maoli people. This is a historic injustice that has never been rectified and is recognized in U.S. Public Law 103-150 (the Apology Resolution). These stolen lands are now held in Trust by the so-called "State" of Hawai'i. As a condition of "statehood" the U.S. Admission Act required that "ceded lands" serve five trust purposes, including benefiting Native Hawaiians.

HB 1318 will allow for the 99 year leases of these Kanaka Maoli ancestral lands for corporations. This is the equivalent of 3 generations resulting in de facto ownership by developers and the alienation of Hawai'i's indigenous peoples from our land. Kanaka Maoli have a familial relationship to land - they are OF THE AINA. Separating kanaka from their aina has been devastating to their mauli ola.

The bill gives the Governor of Hawai'i vast authority to transfer control of stolen Kanaka Maoli lands to the Counties. The proposed purpose of the transfer is for "Affordable Housing" - a loosely defined term that has been used to justify land theft and sweetheart deals to developers over and over. It is not clear how Counties will be held to uphold strict fiduciary safeguards for managing "Ceded Lands" aka Public Lands.

I stand with Ka Lāhui Hawai'i's position to keep the corpus of the Public Lands Trust (mostly comprised of stolen Hawaiian lands) intact until its eventual return to the Hawaiian Nation and its true title holders. I call on the members of the Finance Committee to vote NO on this measure.

HB-1318-HD-2

Submitted on: 2/23/2025 8:48:48 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheyenne kalama	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill, Hawaiian lands should be for Hawaiians.

HB-1318-HD-2

Submitted on: 2/23/2025 9:05:24 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 1318, the hawaiian land theft bill

Thank you Pahnelopi Mckenzie

HB-1318-HD-2

Submitted on: 2/23/2025 9:36:34 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
shantee brown	Individual	Oppose	Written Testimony Only

Comments:

i oppose HB1318 HD2. shifting hawaiian lands to the counties while so many hawaiians are forced to leave is unethical. the counties are not representative of the hawaiian people. here in hawai'i county, pre-approved affordable housing was never built because of massive fraud and theft. the county absurdly allowed the sale of affordable housing credits. after sitting on lands for years, developers fight to reduce the number of required units even though their permit was granted with affordable housing requirements. i believe shifting these lands to the counties and into 99 year corporate leases would be another failure of the state's administration of the public trust. the state has not been allocating 20% funds to the betterment of hawaiians. the state could make this right by lowering the blood quantum requirement and giving hawaiians their lands back. that is the permanent affordable housing program we need. it would benefit all residents regardless of ethnicity to have hawaiians on hawaiian lands.

HB-1318-HD-2

Submitted on: 2/23/2025 10:30:30 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelei Tancayo	Individual	Oppose	Written Testimony Only

Comments:

Ali'i land should NEVER be used to house NON Hawaiians when you have Hawaiians dying on a waitlist. Ceded lands are our Ali'i lands and therefore the only people who should be living on those lands are Hawaiians!

HB-1318-HD-2

Submitted on: 2/23/2025 10:35:55 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lana Mitsumura	Individual	Oppose	Written Testimony Only

Comments:

‘A‘ole!!

Enough already with the theft of land here in Hawaii.. this is just another way to allow the fake state to continue to steal from our kanaka and ‘āina!!

HB-1318-HD-2

Submitted on: 2/23/2025 11:01:16 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Veronica Pratt	Individual	Oppose	Written Testimony Only

Comments:

This Bill is aka as The Hawaiian Land Theft Bill. Under the guise of "Affordable Housing", this Bill will take the "Ceded Lands" or Stolen Hawaiian Kingdom Crown Lands and allow Counties to give 99 year leases to de facto corporations or developers to build affordable housing which has displaced people of the land.

a term "Keep Hawaiian Lands in Hawaiian hands" should prevail. We are a non-violent people who are not reaping the benefits of this Bill. Most people who reside in the state of Hawai'i will not be able to afford the "affordable housing", so leave the land alone.

I Oppose this Bill

HB-1318-HD-2

Submitted on: 2/23/2025 11:29:05 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charles-Michael victorino	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose Hawaii HB1318 because it overlooks the vital issue of native Hawaiian land rights and undermines the promise of reparations to native Hawaiians. Ceded lands were specifically set aside to benefit native Hawaiians, and until the land trades that should have been made with the Department of Hawaiian Home Lands are completed, and until every native Hawaiian has access to housing as promised, we should not be considering the development of these lands for other purposes. The focus should be on fulfilling these longstanding commitments before any further development takes place. To divert these lands for other uses would be a betrayal of the promise to uplift and support the native Hawaiian community, and would only deepen the historical injustices they have already endured.

HB-1318-HD-2

Submitted on: 2/24/2025 12:29:57 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

Chair Yamashita, Vice-Chair Takenouchi and Committee Members,

I strongly oppose HB1318 HD2.

Kind regards,

Teri Kia Savaiinaea

District 45, Wai'anae resident

HB-1318-HD-2

Submitted on: 2/24/2025 5:42:10 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James Secritario	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill and the continual taking of ceded land. These lands should be continually entrusted to the Hawaiian community.

HB-1318-HD-2

Submitted on: 2/24/2025 5:58:47 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I stand in strong opposition to HB 1318, a bill that threatens to further erode the rights of the Kanaka Maoli (Native Hawaiian) people and perpetuate the historic injustice of the illegal seizure of Hawaiian Kingdom Crown and Government lands. This bill proposes to transfer control of "ceded lands"—lands stolen from the Hawaiian Kingdom after the illegal overthrow of the Hawaiian Monarchy in 1893—to the counties, opening the door to long-term 99-year leases that would effectively grant de facto ownership to corporations and developers. This is a direct attack on the Public Land Trust and undermines the ongoing struggle for Landback and justice for the Kanaka Maoli people.

The 1.8 million acres of land seized by the United States after the illegal overthrow of the Hawaiian Kingdom were taken without the consent of the Kanaka Maoli people. This historic injustice has never been rectified, and the U.S. government itself acknowledged this wrongdoing in U.S. Public Law 103-150, the "Apology Bill," which formally apologized for the role of the U.S. in the illegal overthrow. These lands, now held in trust by the State of Hawai'i, were meant to serve five trust purposes, including the betterment of Native Hawaiians, as a condition of statehood under the U.S. Admission Act.

HB 1318 Undermines the Public Land Trust. HB 1318 grants the Governor sweeping authority to transfer control of these stolen lands to the counties, ostensibly for "affordable housing." However, the term "affordable housing" has been repeatedly used as a justification for land theft and sweetheart deals with developers, often at the expense of Native Hawaiians and the broader community. This bill fails to provide clear mechanisms to ensure that counties will uphold the strict fiduciary safeguards required to manage these lands in trust for the public and Native Hawaiians.

The bill also allows for 99-year leases of Kanaka Maoli ancestral lands to corporations. A 99-year lease is tantamount to de facto ownership, effectively alienating the Kanaka Maoli people from their ancestral lands for three generations. For Kanaka Maoli, the land is not a commodity—it is a part of our identity. We are of the ‘āina (land), and our familial relationship to the land is central to our mauli ola (cultural and spiritual well-being). Separating Kanaka Maoli from our ‘āina has had devastating consequences for our people, and this bill would only deepen that harm.

Ka Lāhui Hawai‘i and many other Native Hawaiian organizations have consistently advocated for the return of the Public Land Trust to the Hawaiian Nation and its true title holders. The corpus of the Public Land Trust, which consists almost entirely of stolen Hawaiian lands, must remain intact until it can be returned to its rightful owners. HB 1318 moves us further away from this goal by facilitating the transfer and privatization of these lands, further entrenching the legacy of colonialism and dispossession.

HB 1318 is not just a threat to Native Hawaiians—it is a threat to all who believe in justice, accountability, and the preservation of Hawai‘i’s unique cultural and natural heritage. I urge you to oppose this bill and to instead focus on policies that uphold the integrity of the Public Land Trust, honor the rights of the Kanaka Maoli people, and move us closer to the goal of Landback.

Mahalo for the opportunity to testify.

Imua,

Jennifer Lum, ‘Ewa Beach

HB-1318-HD-2

Submitted on: 2/24/2025 6:48:50 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cody Ana-Solomon	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Cody Ana-Solomon, and I am writing in strong opposition to HB1318. This bill raises deep concerns regarding the self-determination of the people of Hawai‘i and the protection of our public lands, which are part of the national heritage and identity of Kānaka Maoli.

HB1318 seeks to remove certain lands from the classification of “public lands” when designated for affordable housing by the Governor. However, these lands are not merely government assets; they are part of the larger issue of land dispossession that has affected Native Hawaiians for over a century. The right to self-determination includes the ability of the people—not just the government—to decide how land is managed, developed, and preserved. By shifting control over these lands, this bill diminishes the public’s ability to participate in decisions that have long-term consequences for our communities.

Furthermore, removing lands from the “public lands” definition sets a dangerous precedent. Once lands are reclassified, they become more vulnerable to private interests and eventual sale, despite any legislative oversight requirements. History has shown that when public lands are transferred under the guise of addressing urgent needs, they often do not remain in the hands of the people for whom they were intended.

The housing crisis must be addressed, but not at the expense of land sovereignty and the continued erosion of Native Hawaiian rights to self-determination. Instead of altering land classifications, the state should explore solutions that prioritize leasehold models, community-based land trusts, and policies that ensure true local control over housing development.

For these reasons, I strongly urge the committee to vote NO on HB1318. The people of Hawai'i must retain their right to determine the future of our lands, without the risk of losing them to policies that do not guarantee long-term public benefit.

Mahalo for your time and consideration.

Sincerely,

Cody MJ Ana-Solomon

HB-1318-HD-2

Submitted on: 2/24/2025 7:54:59 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronelle Andrade	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill! This bill does not support Hawaiian people which these ceded lands are in trusts for the Hawaiian people and nation. This bill is an injustice to all Hawaiians.

HB-1318-HD-2

Submitted on: 2/24/2025 7:59:55 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jasmine Tavares Asis	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

HB1318 threatens to undermine the land rights of Native Hawaiians and perpetuate historical injustices.

This bill, cloaked in the guise of streamlining land ownership, could facilitate the transfer of kuleana lands – lands passed down through generations of Hawaiian families – to wealthy developers and corporations.

It weakens the already fragile protections afforded to these ancestral lands, ignoring the unique cultural and historical significance they hold.

Passage of HB1318 would not only further dispossess Native Hawaiians of their rightful inheritance but also erode their ability to maintain their cultural practices and connection to the ‘āina.

Please do not let us lose more land to the wealthy developers while Hawaii is still illegally occupied.

Mahalo!

February 24, 2025

I AM IN STRONG OPPOSITION TO HB1318!!!

To you all that YOU ARE PUBLIC SERVANTS, aka Public Actors, that REPRESENT THE PEOPLE, not your title/status and/or your paychecks. If you do not vote in favor of THE PEOPLE, you are not doing your duty as a representative of THE PEOPLE. Also, I would like to remind you all that you are committing war crimes against THE PEOPLE OF KE AUPUNI HAWAI'I.

On November 23, 1993, PUBLIC LAW 103-150 *declares that the Congress:*

- (1) on the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the **suppression of the inherent sovereignty of the Native Hawaiian people**;*
- (2) commends efforts of **reconciliation initiated by Hawaii and the United Church of Christ with Native Hawaiians**;*
- (3) apologizes for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination;*
- (4) expresses its commitment to acknowledge the ramifications of the overthrow in order to provide a foundation for **reconciliation between the United States and the Native Hawaiian people**;*
- (5) urges the President to acknowledge the ramifications of the overthrow and to support reconciliation efforts.*

*Whereas, in a message to Congress on December 18, 1893, President Gover Cleveland reported fully and accurately on the **illegal acts of the conspirators**, described such acts as an “**act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress**”, and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;*

*Whereas the indigenous Hawaiian people **never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States**, either through their monarchy or through a plebiscite or referendum;*

Whereas the Native Hawaiian people are determined to preserve develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

As a Kanaka Maoli, aka Native Hawaiian, this illegal State of Hawai'i government **does not have my permission** to do anything to the lands that we, the Kanaka Maoli, still have claim to.

I am also putting you all on notice. Notices are included in this testimony.

In complete OPPOSITION TO HB1318,

Tanya K. D. Alana Under duress/protest

To: United States Supreme Court

To: Congressman Byron Donalds

To: Congressman Jim Jordan

To: Congressman Matt Gaetz

To: Congressman Thomas Massie

The People’s Demand for Clarity on Correction and Punishment for Government Actors not Keeping Oath

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, The People, one of the People (as seen in the 50 State Constitutions), have assembled with the People in order to demand that you, as a trustee of government, give us full disclosure on our inherent right to correct and punish government actors for not keeping covenant with the People as sworn by oath in the state and federal constitutions; And

Please take notice that the People have studied and realize that the old way of law (historical tradition, language, and constitutions) has been hidden from the People as evidenced by the recent rulings of the Supreme Court, showing attacks of the ATF and other administrative agencies as unlawful and that no government official was ever given the power to use the same agencies to attack the people (see evidence below);


Maxim: A new adjudication does not make a new law, but declares the old: because adjudication is the utterance of the law, and by the adjudication the law is newly revealed which was for a long time **hidden**. 10 Coke, 42 [Emphasis by Highlight Added]

Please take notice that we the People realize that attorneys and bureaucrats have been employing methods which are not law to attack the People who all government servants are the trustees of. Yet your oath demands that you protect the rights of the People, not adversarial parties, and punishment is due if one should disregard your oath (see evidence below):

Maxim: Punishment is due if the words of an oath be false.

Black’s 5th Definition: Oath. Any form of attestation by which a person signifies that he is bound in conscience to perform and act faithfully and truthfully e.g. President’s oath on entering office, Art. II, Sec. 1, U.S. Const. Vaughn v State, 146 Tex. Cr.R. 586, 177 S. W. 2d 59, 60.

Please take notice that it is my will, that you give clarity in regards to the People’s power to punish government actors for maladministration, malfeasance or attacking the People by use of unconstitutional statutes, agencies, or powers not granted in any constitution. If you believe the People have the power to punish said officials, please declare this openly in any court case or by official public statement as legislative body members. However, if you believe the People don’t have this power, please swear by affidavit under the penalty of perjury, and show constitutional provisions granting to you the power to attack the People or work with adversarial parties to deny the rights of the People.


Autograph

08-21-2024
Date

Notice from the People Regarding Gross Maladministration and Demand of Remedy for Remonstrances-Declaration that Legislation, Statutory Provisions, Executive Orders, Administrative Programs, and other Contractual Agreement Violate the Trust Indenture with the People

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, The People, one of the People (as found in Article I Hawaii Constitution), am writing to bring the following claims and facts, that you and your agents may provide due care and remedy.

As one of the People, I claim that there are statutes, acts, agenda, legislation, emergency proclamations, executive orders, edicts, mandates, democratic policy and the like, designed to control the People, acquire and repurpose property, the water and land for other's benefit and means, are being imposed on We the People, without our consent, following due process, and are unconstitutional; and, I claim further that Public Servants/Trustees carrying out this are in Maladministration, are in criminal trespass on the Constitutional rights/ Trust Agreement with We the People, and not in accordance with its expressed written provisions.

I claim that the loss of property, life, safety and happiness, obstruction of liberty, due to negligence and/or unconstitutional acts have created harm and violated my rights and the Trust Agreement/Hawaii Constitution.

All federal, state, county, its municipal government agencies, departments, organizations, the Executive, Legislative and Judicial Branches, its respective agencies, and its subsidiaries, employees and contractors with foreign interests and agendas are acting as Public Servants and Agents for Administration of Programs created by public servants, in partnership with corporations and private associations, funded by taxes collected by, and property of We the People, and as such are **restricted** by the provisions of the Constitutions of the United States, Hawaii Constitution, and of the other forty-nine (49) States (Declared and Undeclared Rights/Bills of Rights, People have ALL political power). I demand remedy for these remonstrances, [Emphasis by highlight added] See reference below:

HAWAII STATE CONSTITUTION PREAMBLE Text of Preamble:

We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono."

We reserve the right to control our destiny, to nurture the integrity of our People and culture, and to preserve the quality of life that we desire.

We reaffirm our belief in a government of the people, by the people and for the people, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii. [Am Const Con 1978 and election Nov 7, 1978]

POLITICAL POWER

Section 1. All political power of this State is inherent in the People and the responsibility for the exercise thereof rests with the People. All governments are founded on this authority. [Emphasis by highlight added]

The People have the right to alter or reform the same, whenever the public good may require it. [Emphasis by highlight added]

As one of the People, I claim that the actions of all of the above-named Public Servants have far surpassed the danger of Maladministration, which event then requires us, we the People, to alter, reform, or abolish. (Please see authority above)

RIGHTS OF INDIVIDUALS

Section 2. All persons are free by nature and are equal in their inherent and inalienable rights.

Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring

and possessing of These rights cannot endure unless the people recognize their property.

corresponding obligations and responsibilities. [Am Const Con 1978 and election Nov 7, 1978]

It is the Peoples' obligation and responsibility as co-owners of the Trust Agreement to require and ensure that the servants abide by their obligations and responsibilities and to correct things when they are not. This includes when servants take it upon themselves to override these rights under the excuse of emergency or natural disaster.

DUE PROCESS AND EQUAL PROTECTION

Section 5. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry. [Ren and am Const Con 1978 and election Nov 7, 1978]

HABEAS CORPUS AND SUSPENSION OF LAWS

Section 15. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

The power of suspending the privilege of the writ of habeas corpus, and the laws or the execution thereof, shall never be exercised except by the legislature, or by authority derived from it to be exercised in such particular cases only as the legislature shall expressly prescribe. [Ren and am Const Con 1978 and election Nov 7, 1978]

EMINENT DOMAIN

Section 20. Private property shall not be taken or damaged for public use without just compensation. [Am Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

Please take notice, private property shall not be taken by the State for public use, it cannot be taken for private use or for the commercial use of others without just compensation as determined by the property owners and under contractual agreement between both parties. Consent of the property owner is paramount.

LIMITATIONS OF SPECIAL PRIVILEGES

Section 21. The power of the State to act in the general welfare shall never be impaired by the making of any irrevocable grant of special privileges or immunities. [Ren and am Const Con 1978 and election Nov 7, 1978]

The governor does not have the power to, or appoint other elected, unelected servants, contractors or employees to any office or duty under any circumstance, including emergencies, and provide them with immunity from liability where declared rights violations are concerned. The People have all Political power, never gave the governor or any other servant more power than what the People have. Since any one of the People do not have special privileges or immunities from Constitutional Law, neither can those who work for the People. The Supreme Court affirmed in a 9-0 decision that servants do not have immunity when they violate their oaths to protect the provisions in the Trust Agreement/Constitutions with the People, and can be punished. The People intend to use the Common Law, the fundamental law to enforce this, by right.

ARTICLE 7 Section 4. TAXATION AND FINANCE

APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED

Section 4. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 4 of Article I of this constitution. No grant of public money or property shall be made except pursuant to standards provided by law. [Ren Const Con 1968 and election Nov 5, 1968; ren and am Const Con 1978 and election Nov 7, 1978]

Please take notice, in addition to the prohibition of the taxation of commercial property for private use, the People never granted the State, Counties or municipalities the power to tax the private property of the People, only commercial use property. This includes but is not limited to: land, cars, trucks and other property used in the mode of travel, crops not sold in commerce to the public or through Private Membership Agreement, private contract. The administrative programs doing so are in violation of the Trust Agreement, are null and void.

We live in a Constitutional Republic where the People's rights are violated. We do not live in a democracy or a democratic republic. No majority, consensus, entity, organization, corporation, elected or unelected servants, administrative program, foreign entity or private membership agreement (eg. UNITED STATES, Inc., United Nations, World Economic Forum, World Health Organization, International Monetary Fund, Federal Reserve) can violate these rights without consent, due process. This matter has been upheld numerous times by the Supreme Court.

The natural rights to preserve life, liberty, the safety and the property of each man, woman and child are Law. Each one has individual needs and requirements based on their own situation as it dictates. They are not up for debate. Democratic Policy that has infected government since the 19th Century, unlawfully replaced common law in order to bring in Administrative Procedure and Statutory Provision involving private matters of the People, unconditionally, as a circumvention and run around in order to flip the order of political power and rights to property. Yet, there is no provision granted by the people allowing this. There has been gross maladministration and violations attacking these rights. The acts leading up to, during and after the fire incident in Lahaina, Maui, are a clear example. The People demand remedy.

As one of the People, I remind you that the People in all 50 (fifty) states are entitled to the protections and rights listed in their several Constitutions which all contain similar language protecting the Peoples' rights as evidenced below from the United States Bill of Rights;

The Constitution of the United States Bill of Rights-Amendment X

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” [Emphasis by highlight added]

Please take Notice that all statutes, orders, Acts, mandates, administrative programs, treaties, contracted agreements, whether issued by a Presidential edict or Executive Order, gubernatorial proclamation, by State or municipal governments, or their agencies, that do not follow the Trust Agreement and maxims of law, are null and void.

Please take notice that I understand clearly that a statute, as written, is not the common law and was not created to interfere with COMMON LAW or STATUTORY RIGHTS of the People. I understand they are completely different. Statutes, mandates, rules, code, orders, are all government construct and limited to those employed within the government or contracted with government, operating in commerce. Though attorneys have failed to learn or inform the People of the difference, the federal and state legislatures have absolutely no power to create the Common Law, as the People are the source of that law.

Furthermore, all government workers swear, by oath, to protect the common law rights of men, and it is their duty to uphold them. Please see evidence for these statements below:

Common Law, Black's Law 5th Edition:

Common law. As distinguished from law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. The "common law" is all the statutory and case law background of England and the American colonies before the American revolution. People v. Rehman, 253 C.A.2d 119, 61 Cal.Rptr. 65, 85. "Common law" consists of those principles, usage and rules of action to government and security of persons and property which do not rest for their authority applicable upon 334

any express and positive declaration of the will of the legislature. Bishop v. U. S., F.Supp. 415, 418. [This is an excerpt from D.C.Tex., definition and Highlight is for Emphasis]

Please take notice that the Legislature is bound by the common law and cannot block those rights secured by the common law at any time;

Common Right, Black's Law 5th Edition:

Common right. Right derivative from common law. Right peculiar to certain people is not a common right.

Please take notice that there is no one in the Federal Congress(DC) or state Legislatures giving the People rights. What the Federal Congress and state Legislature create as statutory rights, are simply for persons under their statutory scheme. The rights of the People, declared in all state constitutions, are foundational, of highest authority, and all government officials swear by oath to protect them as their primary duty;

Constitutional Right, Black's Law 5th Edition:

Constitutional right. A right guaranteed to the citizens by the Constitution and so guaranteed as to prevent legislative interference therewith. See also Constitutional freedom; Constitutional liberty or freedom; Constitutional protections.

Please take notice that the People do not have a contract with BAR members, your attorneys, who continue to instruct you that you may run over the People’s rights, and then omit important parts of the law, so you may say that you had a good faith belief that all you did was acceptable. As one of the People, I believe it may be wise for you to learn the Constitutions that you swore to protect, and if you have not previously read them, you may wish to begin now. Please understand that it is you that swore and made an obligation to the People. If you should be found in trespass of your oath, your attorneys have absolutely no responsibility or punishment for hiding the law or failing to teach you the law and the Constitution.

All officers of government take Oaths to uphold the Constitutional provisions and thus to safeguard those rights. See reference below:

Oath of Office for Hawaii Elected Servants:

Article 16 Section 4. OATH OF OFFICE

Section 4. All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as ... to best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate. [Ren and am Const Con 1978 and election Nov 7, 1978; am SB 1440 (1992) and election Nov 3, 1992] [Emphasis Highlighted]

Please take Notice that the government officials lack authority, and there is a lack of historical precedent, because the People never granted that authority in any of the 51 Trust Indentures.

THE MATTER OF STATUTES

c. Constitutional-doubt canon

Statutes should be construed so as to avoid placing their constitutionality in doubt. *Crowell v. Benson*, 285 U.S. 22, 62 (1932).

Please take notice, the statute(s) passed and enacted by the legislature in Hawaii, which converted declared rights into conditional privileges by requiring a tax or fee in order to enjoy, engage in, or participate in exercising ANY Article 1 Right, or by instituting exemptions, and subsequently modifying terms or repealing them, for example, requiring the children of the People to be vaccinated in order to attend public or private school, and participate in the Title 42, non-positive law, revenue generating administrative program, should have followed this canon. Current legislative bills and acts amending existing statute and code, in order to require as many of the children of the People and adults likewise, to participate in the administrative program should follow suit as well. They are unconstitutional, they violate the private, declared rights of the People, and their liberty interests in making their own, private health decisions, even while participating in public.

Commerce Clause. The Commerce Clause, which entitles Congress "[t]o regulate Commerce ... among the several States," U.S. Const. art. I, §8, cl. 3, is the only enumerated power that conceivably empowered Congress to enact the Emergency Provision. While courts have broadly construed the Clause's language, two limiting principles prove relevant here. First, this Court "*always has* rejected readings of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power." *United States v. Morrison*, 529 U.S. 598, 618–19 (2000) (quotation omitted). Because Congress has no police power, and because regulating public health and safety is part of the police power, *Jacobson v. Massachusetts*, 197 U.S. 11, 24–25 (1905), the Commerce Clause gives Congress no power to regulate public health and safety. Second, the Commerce Clause does not permit the regulation of private inactivity, such as the decision not to purchase health insurance. *NFIB v. Sebelius*, 567 U.S. 519, 557–58 (2012) (op. of Roberts, C.J.).

Please take further Notice the People never gave the Federal or State Executive branches the authority to create mandates, executive orders, Emergency Temporary Standards or policies that violate declared rights of the People, without consent or following due process, whether they are in private or acting as persons in commerce. This includes those persons who own or work as employees for corporations that partner and work under Federal Contract. The People never gave permission to Trustees to convert a declared or natural right into a conditional privilege. [Emphasis Added by Highlight]

The People never gave permission or authority to subject the People (Who reserve PRIVATE status under Constitutional Authority) to statutory, commerce law, Acts, Statutes, Codes and Orders, which abrogate Constitutional declared rights, which contain provisions such as: exemptions that can set terms, can be amended, abolished or revoked whichever way the "political wind" blows, however a group, consensus, or majority wish to dictate at the time, and convert ANY of the declared rights into a conditional privilege. Likewise, the People were never given authority to waive those rights. The People do not need exemptions or conditional permissions in order to reserve or exercise ANY declared right. The declared rights of the People are PRIVATE.

Texas Constitution Article 1 Section 19: Deprivation of Life, Liberty, Etc.; Due Course of Law

"No citizen of this State shall be deprived of life, liberty, property, privileges or immunities,

or in any manner disfranchised, except by the due course of the law of.”
the land [Emphasis
by Highlight Added]

Kentucky Constitution Bill of Rights Section 2 - Absolute and Arbitrary Power Denied:

“Absolute and arbitrary power over the lives, liberty and property of freemen
exists Highlight]
nowhere in a republic, not even in the largest [Emphasis Added by
majority.” Norton v Shelby

County, 118 US 425 (1886) Supreme Court decision

"An unconstitutional act is not Law it confers no rights; it imposes no duties; affords no protection: it
creates no office. It is, in legal contemplation, as inoperative as though it had never been passed."
[Emphasis Added by Highlight]

Please take notice that government, its institutions, and existence is intended to only exist for the good of the
whole. History has shown this to be the contrary with regards to the Hawaiian People, the natives, the Kanaka,
the Kapuna. Federal, State and local governments have favored the will of corporations, individuals, and
revenue/profit over the life, liberty, safety, property rights, equal access to water, and happiness; violating their
Article 1 Declared Rights, in favor of special interests, and neglecting the whole. These acts are in gross
maladministration and the People demand remedy.

Madison v. Marbury, 5 U.S. 137 (1803)

Chief Justice John Marshall noted, “. . . A law repugnant to the Constitution is void, and that court, as
well as other departments, are bound by that instrument.” [Emphasis Added by
Highlight]

SUPPORTING MAXIMS OF LAW

Reference: MAXIMS OF LAW, by Charles A. Weisman

1. ACCIDENT

1d. Mistakes, neglect, or misconducts are not to be regarded as accidents. *Citizens Nat. Bank v. Cincinnati*, 19
Ohio Ded. 685, 687.

Elected servants cannot regard their mistakes, neglect, or willful misconduct as an accident. [Emphasis Added
by Highlight]

2. ACT, ACTS, ACTIONS

2d. Not what is said, but what is done, is to be regarded. *Co. Litt.* 36; 6 Bingh. 310; *Osborn v. Cook*, 11 Cush.
(Mass.) 536.

2r. Acts indicate the intention. 8 *Coke*, 291; *Broom, Max.* 270; *Troy v. Yelle*, 176 P.2d 459, 463.

Elected servants, your actions on record, and the events that have taken place, are what
show

your intention and what are being regarded in the
matter.

We the People, with all political power, demand remedy by repealing all executive proclamations, orders,
legislative statute, with language attacking, violating, trampling the Peoples Rights. Language must be replaced
with and include: “the People, as found in Article I in the Hawaii Constitution, are exempt .” [Emphasis Added
by Highlight]

11. AUTHORITY, POWER (See also SERVANT, JURISDICTION)

11f. Power can never be delegated which the authority said to delegate never possessed itself. *N.J. Steam Co. v.*
Merch Bank, 6 How. (47 U.S.) 344, 407.

Elected servants did not receive permission from the People to delegate authority to a foreign entity or to carry
out their agenda.(Eg. United Nations) The People have no charter with them. Likewise, you never possessed
authority to trample declared rights of the people or delegate it to others.

11i. Where there is no authority for establishing a rule, there is no necessity of obeying it. *Black’s*, 2d
1181; *Dav. Ir. K.B.* 69. Unless power is for no purpose. *Branch*,
Princ.

18. COMMON LAW (See Also: CUSTOM :- LAW)

- 18a.** Those things which are derogatory to the common law are to be strictly interpreted. *Jenk. Cent.* 29; *Id.* p. 221, case 72.
- 18c.** Things derogatory to the common law are not to be drawn into precedent. Branch, *Princ.*
- 18e.** The custom of all the countries is the common law of the country. *Jenk. Cent.* 119.

51. GOVERNMENT

- 51a.** The government cannot load a citizen with imposition against his will or consent. 2 *Coke*, 61.
- 51b.** The government is to be subject to the law, for the law makes the government. C.L.M.
- 51c.** Obedience makes government, not the name by which it is called. C.L.M. **51e.** No one should hold two offices at the same time. 4 *Inst.* 100.

Police Chief John Pelletier holds two offices. One as Chief of Police and one as Coroner. This is a

conflict of interest, and John Pelletier **should resign**. Governor Josh Green has acted as though he

holds two offices. One as Governor of Hawaii and another as an agent for the United Nations. His actions on record show that the intent to abrogate the Hawaii Constitution in favor of carrying out the agenda of a foreign entity are conflicts of interest. He should resign. [Emphasis Added by Highlight]

- 51i.** Individual liberties are antecedent to all governments. C.L.M.
- 51k.** The law is not to be violated by those in government. *Jenk. Cent.* 7.
- 51m.** Men must turn square corners when they deal with the government. *Rock Island R.R. v. U.S.*, 254 U.S. 141, 143.
- 51o.** All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. American Maxim.
- 51p.** The main object of government is the protection and preservation of personal rights, private property, and public liberties, and upholding the law of God. *American Maxim.*
- 51q.** A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government. *American Maxim.*

It is the Peoples' wish, order and demand that the state and county governments return to its

fundamental principles with a firm adherence to the [Emphasis Added by Highlight]
above.

The premise of Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent specifically means that both principal and agent are deemed to have notice of whatever either has notice of and ought, in good faith exercise care and diligence to communicate to the other, to its departments, branches, agencies, and its employees. [Emphasis Added by Highlight]

51r. As usurpation is the exercise of power, which another has a right to; so tyranny is the exercise of power beyond right, which no body can have a right to. *Locke, Treat.* 2, 18, 199.

Please take note that We the People witnessed federal, state and county agencies, private contractors, FEMA, military and other contractors acting as security and police in Lahaina, Maui, immediately following the fires. They obstructed the Peoples rights for access to their property not only to deliver food and aid to those in need, they erected barrier fences and blockades, preventing access and observation of activity being conducted on the land, with the EPA recommending Soiltec to distribute chemicals onto their land without permission. They usurped an exercise of power they were never granted by the People.

The State has no right to regulate Private rights of the People, period. They were denied access to public docks and roads for emergency provisions after the disaster event. They were denied access to the cultural and religious areas affected by the disaster.

Please take notice that We the People wish, order and demand all federal, state and county agencies, private contractors, commercial buyers, developers and international corporations, cease and desist, and vacate the lands and properties surrounding Punalu'u in Ka'u on the Island of Hawaii; Leilani Estates in Puna on the Island of Hawaii where geothermal blasts are currently compromising the lava fissures, land, water, and marine ecosystem, and affecting the health and well-being of the people. This activity violates Article I of the Trust Agreement, the corporations have been notified, the servants have been notified of these violations, the people have been ignored, and corporations continue to do harm. The People, with all political power, have the power to force the legislature to revoke any license to do business within the State when the officers and agents refuse to take corrective action, after violating the People's Rights.

Please take further notice, that We the People wish, order and demand that all federal, state and county agencies, private contractors, commercial buyers, real estate brokers, developers and international corporations **vacate projects incentivized for development of commercial land expansion** throughout the islands and its

counties of O’ahu, Kaua’i, Moloka’i, Maui, and Hawai’i Island. This includes initiatives such as “Opportunity Zones” for new community development promoting commerce that the People did not authorize. It is unlawful to be brokering land for which no government official, agency, or real estate broker was given the permission to sell by the People.

Please take notice that We the People also wish, order and demand that any entity operating within the islands and compromising our rich soil with toxic contaminants be removed from operation; any person or agency compromising our natural cave ecosystem, disrupting our heiaus or excavating our iwi kupunas, dredging or mining of our ocean floors - the marine ecosystem immediately halt all operations. The People did not authorize or provide permission to conduct activities that directly affect the People’s land and natural resources. The unlawful statutes have allowed federal, state, county, and its unlawful agencies to mismanage the interests of Hawaii, to properly represent and protect the People’s culture. It is also unlawful to allow, authorize and approve foreign interests and buyers to our lands, just the same as it is for domestic interests.

Please provide proof of any constitutional provision that allows an elected servant, official, or its agencies to enforce or delegate any authority against the people.

This is a violation of Hawaii State Constitution, Article XII OFFICE OF HAWAIIAN AFFAIRS, TRADITIONAL AND CUSTOMARY RIGHTS Section 7. “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.”

This is a violation of the Hawaiian Kingdom’s Constitution of 1864, Article 1. “God hath endowed with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.”

54. HOMES, HOUSE, RESIDENCE

54c. There is nothing more sacred, more inviolate, than the house of every citizen. C.L.M.

57. IGNORANCE (See also: KNOWLEDGE ~ ERROR)

57a. Ignorance of those things which one is bound to know excuses not. *Hale*, P.C. 42; *Broom*, *Max*. 267; 4 Bl. *Comm*. 27.

66. JURISDICTION (See also: AUTHORITY ~ JUDGE ~ JUDGMENT)

66d. Statutes are confined to their own territory, and have no extraterritorial effect. *Woodworth v. Spring*, 4 Allen (Mass.) 324.

Likewise, the political agenda of a foreign interest, without charter agreement or permission from

the People has no extraterritorial [Emphasis Added by Highlight] effect.

70. LAND, REAL ESTATE (See also: HOMES ~ PROPERTY ~ INHERITANCE)

70L. Water runs and ought to run as it has used to run. *Bouv*. 118; *Kauffman v. Griesemer*, 26 Penn. St. 407, 413; 3 Kent, *Comm*. 439.

It is past time to restore water rights back to the way they flowed prior to contracts with corporations, which diverted a significant volume of water for their special interests, over the natural rights of the inhabitants, the People. [Emphasis Added by Highlight]

70p. Allodial land is that possessed by a man in his own right, free and absolute, without owing any rent or service to any superior. *Barker v. Dayton*, 28 Wis. 367, 377; 2 Bl. *Comm*. 104; 3 Kent, *Comm*. 495.

Private land ownership is a right of the People. Government is not superior and has no authority to

tax, require registry or license in order to own or possess a private [Emphasis Added by Highlight] right.

Highlight]

70q. The law of God and the law of the land are all one; and both preserve and favor the private rights to the land. *Keilw*. 191.

84. OATHS

84h. In law, none is credited unless he is sworn. All facts must, when established by witnesses, be under oath or affirmation. *Cro. Car*. 64; *Bouv*. 130.

This is why anything an elected servant says publicly or through a written document will not be

credited unless it is through sworn, notarized affidavit. [Emphasis Added by Highlight]

91. PROPERTY RIGHTS & POSSESSION (See also: LAND LEGAL RIGHTS, INHERITANCE) 91ee. No man is compelled to sell his own property, even for a just price. 4 *Inst.* 275.

Please take Final Notice, all servants, employers, businesses, legislative body members, and Administrative Agency actors, that as one of the People, I wish for you to know all of the deception and ignorance of your attempts to remove the liberties of the People, are without excuse. The People are the Masters of government and the time for correction is now. I send this Notice in complete love and peace, and in the hope that these errors will be promptly corrected, so that we shall dwell in liberty, and you may stand honestly in your dealings with those you are hired or elected to serve.

The People, having all political power and hiring servants to carry out their business, never granted authority for those servants to coerce or force the people into contracts, programs or provisions, systems, foreign agendas, state statute or executive orders and proclamations that are falsely presented as law. I, as one of the People, hereby wish, order, and demand the recipients of this Notice show the Constitutional Provisions granting such authority, by sworn, notarized affidavit under penalty of perjury, where you believe you can trample upon the inherent rights of the People enumerated below; and provide the Constitutional authority being used to ignore/defy US and State Constitutional Laws, and Supreme Court precedents. The People shall not be deprived of life, liberty or property, without due process of law. Any other form of communication will be considered invalid as stated in the aforementioned maxim of law. [Emphasis Added by Highlight]

The people demand that you show these items within five (5) days, or you agree, by tacit acquiescence, that you are working in maladministration to attack the People, against your Trust Indenture/Constitution, and are knowingly Trespassing against the rights of the People you swear to protect, committing Trust Fraud. If you fail to meet these demands, you agree to \$10,000,000.00 personally, for ANY and ALL encroachments against the rights of the People. This Notice shall stand as evidence against you that any transgression was with full knowledge and understanding of these issues. [Emphasis Added by Highlight]

To: Supreme Court

To: Jim Jordan, Thomas Massie, Marjorie Taylor Greene

Notice and Demand for Clarity in Regards to People's Remedies

I, The People, one of the People (as seen in the 50 State Constitutions), Sui Juris, by necessity, do present you with the following fundamental principles that you may provide immediate due care:

Please take notice that the People have assembled and taken proper time to study and have come to the realization that the constitutions are trusts and that the government is at all times, in a legal way, amenable to the People (see evidence below):

John Locke Two Treatises of Government

171. Secondly, political power is that power which every man having in the state of Nature has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good and the preservation of their property. (Underlined for emphasis)

New Hampshire Constitution Bill of Rights Text of Article 38: Social Virtues Inculcated

A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government. (Underlined for emphasis)

New Hampshire Constitution Bill of Rights Text of Article 10: Right of Revolution

Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind. (Underline added for emphasis)

Please take notice that the People in assembly and study have realized in the historical context and in the text tradition of America, that the People instituted government for their benefit and needs, and that it is not acceptable for government officials to blatantly attack rights, block forms of redress, or decide not to protect the common rights of the People, which are derivative of the common law (see blacks law 5th edition). There has also been an open and consistent battle from government servants and attorneys, shaking a fist of rebellion upon the People, as though the People don't have the power to hold them accountable according to the law.

Understanding that the people have the right of redress, the People demand, wish and order, for you to provide clarity regarding the People's right, in a historical context of reporting crimes directly to grand juries (without being blocked by bar association members), a right to the use of Arbitration, a right of free access to legislative bodies as they have a duty to give redress freely, without obligation to purchase, denial or delay, as well as other remedies. This demand for point of clarity is made by necessity as the attacks are made on a loving and Christian people, who present the following evidence of attacks attached. If you believe that the People are constitutionally and lawfully allowed to be summarily dismissed and subjected to attacks by attorneys or actors in government, please respond by sworn affidavit within 14 days with constitutional provisions stating the same. However, the People dating back to the Magna Carta and scriptures, whose principles had an integral part in establishing our Republic, had a right to take a matter before the brethren, to arbitrate, and that the People in America have a guaranteed right to protect life, liberty and property, and that all servants are trustees. As such, the People have a right to immediate remedy for breach of trust and can demand remedy for wrongs done. This notice is sent to you in the peace and love of Christ that justice and restoration may be had as the People should not have to suffer wrongs and tyranny, while waiting for

a fictitious process and administrative nonsense. (Please see attached evidence of sufferings of the People).

Black’s Law Dictionary 5th Edition

COMMON RIGHT. A term applied to rights, privileges, and immunities appertaining to and enjoyed by all citizens equally and in common, and which have their foundation in the common law.

X

Autograph

08-21-2024_____
Date

Hello,

It is my wish as one the people to present to you examples of evidence of two New Hampshire state representatives and a group of attorneys from various parts of the country that took to social media to argue their claims of the people being without power to instruct or demand exact due regard to law as seen in the constitutions. These examples are given to you, that, by necessity, you should publicly acknowledge that the People's rights to demand the constitutions be followed as the contracts and trust they are, that the people may return judgement to truth and law. I want to thank you for returning to the One Step method which emphasizes founding generation's understanding of words. When I look in Websters 1828, it shows the word "instruct" to mean "To give Notice; to furnish with orders." As long as the people give Notice containing instructions for Trustees to fall back in line w the terms of the Express Trusts they swore oaths to, we should be expecting a due regard to those terms. We offer Trustees a way to rebut our instructions, but if they do not rebut, then we expect responsiveness and they swore oaths promising responsiveness at all times. Please see the following screenshots as just a very small sampling of how our Trustees are using public platforms, to dissuade other Trustees, from accepting lawful instructions by way of Notice.

1 1 4 519

The Peoples Notice of Recognition of Abused Power and Nullified Actions

Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal

I, The People , one of the People, as seen in the 50 American states (republican in form) Sui Juris, do present this Notice for you and your agents to take immediate due care;

Please take notice that the people have come together and assembled in order to examine the vitally important issues regarding our educational systems and attorneys failure to teach or use fundamental law and how it affects the functions of tribunals (presumed courts) which have not followed the common law as is required, nor fundamental principles (maxims) for decades, while attacking the people; and

Please take notice that we the People began to put the Supreme Court on notice, as well as Jim Jordan and other Congressional members, as is our duty under the constitutionally supported concept of creating an atmosphere wherein the People instruct government in a frequent recurrence to fundamental principles;

Maxim: A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government. American Maxim. and

Please take notice that the People have been writing notices to the Supreme Court ahead of all the decisions reigning in the ATF, OSHA, mandates, forced vaccinations using bureaucrats, attorneys and tribunals acting unlawfully to take children, property and rights from the People, now and forever do declare these acts were void without utilizing proper judges and of no effect;

Maxim of Law 46d: Where the law prescribes a form, the nonobservance of it is fatal to the proceeding, and the whole becomes a nullity. Best, Ev. Introd. s. 59. and

Please take notice that as one of the People, I realize that any actions taken without lawful authority, courts of record, with an independent judge and trial by jury, whether at state or federal level, nullifies all such actions as is supported within Justice Gorsuch's concurring opinion re., LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL.; "All of this served to ensure the same thing: "A fair trial in a fair tribunal." In re Murchi-son, 349 U. S. 133, 136 (1955)" The People are aware that the unlawful taking of children, property, rights or substance, without due process of law while serving as government officials/trustees is a breach of trust and unlawful.

Additionally, Justice Gorsuch's concurring opinion in SEC v JARKESY states;
"More than that, because it was "the peculiar province of the judiciary" to safeguard life, liberty, and property, due process often meant judicial process. 1 St. George Tucker, Blackstone's Commentaries, Editor's App. 358 (1803). That is, if the government sought to interfere with those rights, nothing less than "the process and proceedings of the common law" had to be observed before any such deprivation could take place. 3 J. Story, Commentaries on the Constitution of the United States §1783, p. 661 (1833) (Story)."

Maxim of Law 77f: No freeman shall be deprived of life, liberty or property but by the lawful judgment of his peers, or by the law of the land- that is by the common law. C.L.M.

Please take notice that the people are aware that no government official, from the lowest level to that of President, has immunity for acts that are not covered by an express grant of power. When government servants act outside of the constraints of their delegated authority, those actions are null and void and can be held liable as they are not acting within their official capacity. (See Trump v United States court case decision below)

Held: Under our constitutional structure of separated powers, the nature of Presidential power entitles a former President to absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority. And he is entitled to at least presumptive immunity from prosecution for all his official acts. There is no immunity for unofficial acts. Pp. 5-43 (underlined for emphasis)

It is therefore my wish, demand and order that all local, state and federal officials forthwith, and without delay openly declare to the People that their children, liberty, property, and all else taken by use of statutory or unconstitutional tribunals be returned immediately, and that you make concerted efforts to contact all that have been unlawfully deprived of the aforementioned. If you should fail to correct any attacks on the People that bypassed the constitutionally (federal or state) mandated due process of law, you agree that YOU did so as a private act and are accountable and liable for all said trespasses and that there shall be no immunity for acts that

are executed without proper grant of authority as is upheld in the recent Supreme Court ruling; Trump v United States. Please understand that remedy shall be had by immediately acting in good faith and declaring to the People that they shall have immediate restoration of all that has been unlawfully taken by use of unconstitutional statute, Chevron Doctrine, or any other unconstitutional act. This notice is sent to you in the love and peace of Christ that justice may be had and past transgressions may become restoration.



Autograph

08-21-2024

Date

To: State Legislatures

To: Federal Legislature

To: Federal Supreme Court


Notice and Demand to Acknowledge Justice Gorsuch’s Admission of Unlawful Tribunals used against the People with Lack of Impartial Judges

I, The People , One of the People (as seen in the 50 State Constitutions), do present you with the following notice that you may provide immediate due care:

Please take notice that Bar Association members, bureaucrats and agencies have been using unlawful tribunals (under the guise of being courts) to act as judges in cases where the same hearing officer benefits;

Please take notice that these tribunals failed to allow judges to act as they would in courts of record where they would give constitutional due process. Evidence of what Gorsuch had to say in his dissent on November 7, 2022 (See attached pg. 9 of Gorsuch Opinion) is an admission of the wrongs done to the People in many cases involved in federal programs where States, the Federal and Political Subdivisions are being given financial benefits from the same cases they are all taking part in while disregarding fundamental rights of the People. This notice is given to you that you may look deeper into this occurrence as a Trustee and Servant of the People.

Please take notice that any CPS, Child Support Enforcement, Highway Safety Act, or other agency that held tribunals attacking the rights of the People are unlawful. The People are aware and demand that the Federal Legislature and Supreme Court acknowledge the same above statement. Should there be any further actions or participation in any legislative or executive branch tribunals, it will be understood that you are taking part with full knowledge, malice and understanding, by the People.



Autograph

08-21-2024

Date

Attached Instrument: Page 9
1 Cite as: 598 U. S. ____ (2022)

SUPREME COURT OF THE UNITED STATES

THOMAS H. BUFFINGTON *v.* DENIS R. McDONOUGH,
SECRETARY OF VETERAN AFFAIRS
ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
No. 21–972. Decided November 7, 2022

.....the APA and our longstanding and never-overruled precedent. It also turns out to pose a serious threat to some of our most fundamental commitments as judges and courts.

In this country, we like to boast that persons who come to court are entitled to have independent judges, not politically motivated actors, resolve their rights and duties under law. Here, we promise, individuals may appeal to neutral magistrates to resolve their disputes about “what the law is.” *Marbury v. Madison*, 1 Cranch 137, 177 (1803). Everyone, we say, is entitled to a judicial decision “without respect to persons,” 28 U. S. C. §453, and a “fair trial in a fair tribunal,” *In re Murchison*, 349 U. S. 133, 136 (1955).

Under a broad reading of *Chevron*, however, courts often fail to deliver on all these promises. Rather than provide individuals with the best understanding of their rights and duties under law a neutral magistrate can muster, we outsource our interpretive responsibilities. Rather than say what the law is, we tell those who come before us to go ask a bureaucrat. In the process, we introduce into judicial proceedings a “systematic bias toward one of the parties.” P. Hamburger, *Chevron Bias*, 84 Geo. Wash. L. Rev. 1187, 1212

(2016). Nor do we exhibit bias in favor of just any party. We place a finger on the scales of justice in favor of the most powerful of litigants, the federal government, and against everyone else. In these ways, a maximalist account of *Chevron* risks turning *Marbury* on its head.

Overreading *Chevron* introduces still other incongruities into our law. Often we insist that it is a basic requirement of due process that “no man can be a judge in his own case.” *Williams v. Pennsylvania*, 579 U. S. 1, 8–9 (2016). As far back as *Calder v. Bull*, 3 Dall. 386 (1798), this Court recognized that it would be “against all reason” to “entrust a Legislature” with the power to “mak[e] a man a Judge in his own cause,” and therefore “it cannot be presumed that[the people] have done it,” *id.*, at 388 (opinion of Chase, J.)

To: The Supreme Court Justices

To: Thomas Massie, Jim Jordan, Marjorie Taylor Greene, Lauren Boebert

The People’s Notice and Demand to Prosecute, Impeach and Punish Private Acts and Unconstitutional Deprivations

Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal

I, The People , one of the People, as seen in the 50 American states (republican in form) Sui Juris, do present this Notice for you and your agents to take immediate due care;

Please take notice that we the People have assembled, learned and become aware of our authority regarding the regulation of our government servants, and

Please take notice that since it’s clear that all government officials acting without constitutional authority are not acting in an official capacity and are therefore without immunity, we the People demand that Jack Smith, who has been placed in a position which is not in line with constitutional authority, and has deprived one of the People, and a past servant, of his right to be left in peace, that he be investigated immediately, be removed from office (or pretended position), and that he be held liable by being tried before a jury of his peers as the People now realize that any person doing acts not granted in the constitutions are simply doing private acts with no immunity (See Trump vs United States Below):

Held: Under our constitutional structure of separated powers, the nature of Presidential power entitles a former President to absolute immunity from criminal prosecution for actions within his conclusive and preclusive constitutional authority. And he is entitled to at least presumptive immunity from prosecution for all his official acts. There is no immunity for unofficial acts. Pp. 543.

Please take notice that the People realize that Jack Smith did not have authority to carry out the acts against President Trump and has therefore infringed upon the rights of one of the People without lawful authority; and

Please take notice that the People realize that no actor in government can hire another person or agent to do what they are not able to do themselves and government is not that which is in name, but that which is in obedience to the People and the Constitution that creates their seats (see evidence below);

Maxim: Obedience makes government not the name by which it is called. **Common Law Maxim**

Maxim of Law: 11f. Power can never be delegated which the authority said to delegate never possessed itself. **N.J. Steam Co. v. Merch Bank, 6 How. (47 U.S.) 344, 407**

It is therefore my wish, order and demand that all government actors take immediate action in providing justice to the People by means of the legislature conducting an immediate investigation, removing or defunding any office that will use power not granted to attack the People or that hire actors as agents to do the same, and that the Supreme Court using its power declare and make a statement of the unlawfulness of actors interfering with the lives, liberty and property of the People under the guise of lawful power and authority. Furthermore, I demand that the Supreme Court share by statement the Power of the People to use grand juries to prosecute any actor infringing on the rights of the People and declare the unlawfulness of actors using the idea of sovereign immunity to block the People from seeking justice. This notice is sent in the love and peace of Christ that you and your agents, by necessity, may provide due care.

Maxim: “Judicial notice is a form of evidence.”
Mann v Mann, 172 P. 2d 369, 375, 76 Cal. App. 2d 32.

X

Autograph

08-21-2024

Date

To: US Supreme Court (All Justices)

To: Jim Jordan, Marjorie Taylor Greene, Thomas Massie (Please submit to all Congress members)

The People’s Notice of Encroachment and Intent To Abolish

Notice to Principal Is Notice to Agent and Notice to Agent is Notice to Principal

Please take notice that I, _____The People._____, one of the People (As seen in the 50 American State Constitutions) Sui Juris, do present you with this notice that you may provide immediate due care; And

Please take notice that the People have assembled and realize that the only purpose of our forefathers creating constitutions and political bodies, is to protect the People’s rights and property (See Evidence from John Locke’s Two Treatises of Government below)

John Locke Two Treatises of Government Chapter XV of Paternal, Political and Despotical Power, Considered Together. Section 171.

171. Secondly, political power is that power which every man having in the state of Nature has given up into the hands of the society, and therein to the governors whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good and the preservation of their property. Now this power, which every man has in the state of Nature, and which he parts with to the society in all such cases where the society can secure him, is to use such means for the preserving of his own property as he thinks good and Nature allows him; and to punish the breach of the law of Nature in others so as (according to the best of his reason) may most conduce to the preservation of himself and the rest of mankind; so that the end and measure of this power, when in every man’s hands, in the state of Nature, being the preservation of all of his society—that is, all mankind in general—it can have no other end or measure, when in the hands of the magistrate, but to preserve the members of that society in their lives, liberties, and possessions, and so cannot be an absolute, arbitrary power over their lives and fortunes, which are as much as possible to be preserved; but a power to make laws, and annex such penalties to them as may tend to the preservation of the whole, by cutting off those parts, and those only, which are so corrupt that they threaten the sound and healthy, without which no severity is lawful. And this power has its original only from compact and agreement and the mutual consent of those who make up the community.

**Virginia Constitution Article 1 Text of Section 3:
Government Instituted for Common Benefit**

“That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.”

Please take notice that as one of the People, we declare that you have become inadequate and are encroaching upon our rights by allowing FEMA and other actors to interfere with the People’s right to self-preservation and the misappropriation of funds. As such, we demand that you immediately stop funding the actions of FEMA and they should immediately cease and desist from interfering with the People’s rescue efforts. Furthermore, it is the intent of the People to reform, alter and abolish all constitutions, as seen necessary to end the inadequacy of all government actors failing to handle the People’s business with proper due service and care.

✕

Autograph

_____ 11-17-2024 _____

Date

HB-1318-HD-2

Submitted on: 2/24/2025 9:10:53 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Donnie	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-1318-HD-2

Submitted on: 2/24/2025 9:48:58 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra M Javar	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB1318

Mahalo

Debra M Javar

Kona Hawai'i

Aloha mai kākou,

I am opposed to this bill. It is acknowledged by DLNR that 98% of the Public Lands Trust are classified "ceded lands" better referred to as seized lands as they were never legally ceded. I am a proponent of truly affordable solutions for affordable housing, but the corporate apparatus of the United States, known as the State of Hawai'i has demonstrated its inability to produce such time and time again. As a young person, who would like to support a family, and live off the land, what are the options available when we see the outcomes of projects like Kuilei. Hawai'i cannot serve as a sandbox, where our limited lands are developed with solutions that generational families are unable to live in.

I further add and remind the legislature that these lands are illegally occupied. Better solutions are beyond the confines of the United States. If you truly care about Hawai'i's future, it is time to stand on truth and justice, we are better off governing ourselves as the legal nation of the Hawaiian Kingdom than following the current far-right trajectory of the United States.

Mahalo,

Bronson Azama

HB-1318-HD-2

Submitted on: 2/24/2025 10:03:09 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronnie N Inagaki	Individual	Oppose	Written Testimony Only

Comments:

DATE: Monday, February 24, 2025

TO: Rep. Kyle T. Yamashita, Chair, and, Rep. Jenna Takenouchi, Vice Chair and Members of the House Committee on Finance

FROM:Ronnie Inagaki

HEARING DATE:

DATE: Tuesday, February 25, 2025

TIME: 10:00 a.m

VIA VIDEOCONFERENCE

Conference Room 308

PLACE:

State Capitol

415 South Beretania Street

Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

Thank you for the opportunity to provide testimony in **opposition to HB1318 HD2**, a bill that amends the definition of "public lands" to exclude lands set aside by the Governor to counties for affordable housing and requires legislative approval for the sale or gift of those lands. While the intent of the bill to address Hawaii's affordable housing crisis is commendable, there are significant concerns regarding its implementation, oversight, and unintended consequences.

CONCERNS WITH HB1318 HD2

1. **Unrealistic Placeholder Effective Date:**
The bill's effective date is set as **July 1, 3000**, which is clearly a placeholder. Such an indefinite date creates uncertainty about when the bill would take effect, potentially delaying much-needed affordable housing solutions.
 2. **Challenges with Legislative Approval Requirements:**
The requirement for legislative approval for the sale or gifting of lands set aside for affordable housing could create unnecessary delays in addressing urgent housing needs. Legislative processes often take time, and this could hinder counties' ability to act swiftly in managing and utilizing these lands for affordable housing projects.
 3. **Lack of Enforcement Mechanisms for Public Trust Obligations:**
While the bill requires counties to manage these lands under the same **public trust fiduciary duties** as the Board of Land and Natural Resources (BLNR), it does not provide clear mechanisms for enforcement or penalties for non-compliance. This could result in mismanagement or the misuse of lands intended for affordable housing.
 4. **Ambiguity in Land Reversion:**
The bill does not specify what happens if counties fail to use the lands for affordable housing or if the lands are no longer needed for this purpose. This lack of clarity could lead to disputes or inefficiencies in land management, leaving lands underutilized or misused.
 5. **Potential Conflict with Native Hawaiian Interests:**
The bill does not address how these changes may impact **Native Hawaiian claims** or interests in public lands. Excluding certain lands from the definition of "public lands" could lead to legal or cultural conflicts, further complicating the implementation of affordable housing initiatives.
 6. **Risk of Mismanagement at the County Level:**
By removing these lands from the definition of "public lands," counties are granted greater control, but there is no assurance that they have the resources, expertise, or oversight mechanisms to effectively manage these lands. Mismanagement could undermine the bill's intent to address affordable housing.
-

RECOMMENDATIONS

1. **Set a Realistic and Immediate Effective Date:**
Replace the placeholder effective date with a realistic one, such as **July 1, 2025**, to ensure the legislation can be implemented promptly and meaningfully address the affordable housing crisis.
2. **Streamline Legislative Approval Processes:**
Instead of requiring legislative approval for all sales or gifts of these lands, consider defining specific thresholds or creating a streamlined approval process. For example, the Legislature could grant approval authority for smaller-scale transactions to a designated agency while retaining oversight for larger or more critical dispositions.
3. **Clarify and Enforce Public Trust Obligations:**
Include provisions for regular audits, reporting requirements, and penalties to ensure

counties uphold their public trust fiduciary duties when managing these lands. Clear consequences for non-compliance will promote accountability and transparency.

4. **Address Land Reversion:**

Specify that if lands are not used for affordable housing or are no longer needed for this purpose, they should revert to the state or another appropriate entity. This ensures that the lands remain dedicated to public benefit and are not left idle or misused.

5. **Engage Native Hawaiian Stakeholders:**

Include language in the bill to require consultation with **Native Hawaiian organizations** and stakeholders. This will help address potential conflicts and ensure that the bill aligns with cultural and historical considerations.

6. **Provide Counties with Support:**

Offer counties the **technical and financial support** needed to effectively manage these lands and develop affordable housing projects. This could include training, additional staffing resources, or funding for planning and development efforts.

7. **Monitor and Evaluate Impact:**

Establish a mechanism for monitoring and evaluating the outcomes of the bill's implementation. For example, require periodic reports to the Legislature on the status of affordable housing projects developed on these lands, as well as any challenges encountered in their management.

CONCLUSION

While **HB1318 HD2** demonstrates a commitment to addressing Hawaii's affordable housing challenges, the bill raises significant concerns that cannot be overlooked. Without clear enforcement mechanisms, realistic timelines, and safeguards to prevent mismanagement, this bill risks creating more challenges than it resolves. By incorporating the recommendations outlined above, the Legislature can ensure that this initiative achieves its intended purpose while protecting public trust obligations, respecting Native Hawaiian interests, and maintaining accountability. For these reasons, I respectfully urge the Committee to **oppose HB1318 HD2 in its current form** and consider amending it to address these concerns. Thank you for the opportunity to testify.

Sincerely,

Ronnie Inagaki

HB-1318-HD-2

Submitted on: 2/24/2025 10:27:40 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stacey Alapai	Individual	Oppose	Written Testimony Only

Comments:

Please oppose HB 1318. Shifting control of ceded lands is messy business. This would undermine the safeguards in place for our public lands and undermine landback initiatives.

HB-1318-HD-2

Submitted on: 2/24/2025 10:58:55 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

oppose

HB-1318-HD-2

Submitted on: 2/24/2025 11:00:32 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lana Rose Olson	Individual	Oppose	Written Testimony Only

Comments:

Yes we need affordable housing but we need accountability in government if we can accomplish that. History has shown that these landleases end up being misused and the original intent and purposes corrupted..

I stand with Kanaka Maoli in restricting the use of these ceded lands until such time as they can be returned the rightful heirs.

Thank you for considering these comments.

HB-1318-HD-2

Submitted on: 2/24/2025 11:11:00 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy	Individual	Oppose	Written Testimony Only

Comments:

This proposed bill is in opposition of the Kanaka Maoli lands. Under the guise of affordable housing, it gives the govenor to much power to control our aina.

His campaign was funded mostly by mainland developers, I do not see how he should be in charge. So I oppose this proposed bill. Keep Hawaiian lands in Hawaiian hands.

HB-1318-HD-2

Submitted on: 2/24/2025 11:20:45 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
malina hoopii-foley	Individual	Oppose	Written Testimony Only

Comments:

I'm in opposition of this Bill, HB1318. As a native Hawaiian, I believe this bill is being put forth as a way to control our lands, not with the intention to actually benefit the people of Hawai'i.

HB-1318-HD-2

Submitted on: 2/24/2025 11:48:01 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaylee TORres	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo. Imua.

HB-1318-HD-2

Submitted on: 2/24/2025 11:54:07 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Stuppelbeen	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill in its current form.

HB-1318-HD-2

Submitted on: 2/24/2025 12:24:19 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Travis Kea	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

HB 1318 does not address the atrocities of stolen lands, cultural rights, cultural genocide, and far more to name. It disproportionately benefits non-Kanaka Maoli. I'm disgusted with how quickly this came out, with high legalese and without the public grasping a full understanding of what's to come from this. It reverts to numerous House Bills, nearly all only pending introduction or passed its initial reading. This proposal further undermines the burden Kanaka Maoli have been carrying for generations. Crown Lands were NEVER public lands. Today, you CANNOT confiscate property without just-compensation. The introduction of HB 1318 is an absolute injustice, as the Crown Lands between 1865-1893 were only leased, and belonged to King Kamehameha III. After the Overthrow, the "government" steals 25% of Hawaii (aka these Crown Lands), but was never paid for in compensation to it's original owner nor Queen Liliuokalani.

To see the introductions of this bill from Representatives Evslin, Miyake, and Morikawa disturbs me. I'm over 70% Kanaka Maoli, and I would gamble they're not remotely close to me. This is absolutely beyond criminal. Revenue from affordable housing to anyone? Unreal and should be appropriated correctly towards Kanaka Maoli, revitalization . . . we did have universal health care. The streets homeless, health, poverty, articles noting "Native Hawaiians Leaving Hawaii," et al is a constant reminder that Kanaka Maoli are at the very bottom of society today in current affairs Hawaii. It also tells me these Representatives do not have a solid understanding of Hawaiian History.

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral 'āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka

Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo Nunui,

Travis Kea

HB-1318-HD-2

Submitted on: 2/24/2025 12:35:18 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

Aloha, my name is Keala Fung and I strongly OPPOSE HB1318. Hawaii's crown lands have already suffered enough land theft. The proposal to shift control of "ceded lands" to counties just opens the door to long-term leases by outside entities. These lands should go back to kānaka maoli, the Native Hawaiians. Not foreign entities like the military or for telescopes or things like that.

The excuse of the proposal, for "Affordable Housing", is such a vague and shady term, and has historically been used to justify shady deals to land developers over and over again.

This entire bill is vague and shady. These lands should serve Kānaka Maoli people and be stewarded by them.

NO on HB 1318.

Mahalo for your time,

Keala Fung, Honolulu HI

HB-1318-HD-2

Submitted on: 2/24/2025 12:39:39 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Takemoto	Individual	Oppose	Written Testimony Only

Comments:

Why is it so hard to just give land back to the Hawaiian people.

HB-1318-HD-2

Submitted on: 2/24/2025 12:43:34 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Yamashita, Vice Chair Takenouchi, and committee members,

My name is Kaleiheana Stormcrow, a Kanaka ‘Ōiwi, and I am writing to **strongly oppose HB1318**, which removes from the definition of "public lands" lands set aside by the Governor to the counties for the purpose of affordable housing, allowing for the sale or gift of such lands.

This bill would, in essence, allow counties to sell "ceded lands", or "public lands", which were stolen by the U.S. government with the illegal overthrow of the Hawaiian Kingdom in the guise of building affordable housing. This bill would also allow the counties to provide 99 year leases—of Kānaka ‘Ōiwi ancestral lands—to corporations, which alienates Hawaiians from our own lands to which we have ancestral and genealogical connections—with disastrous results for our collective wellbeing as a people.

Further, this bill undermines the public land trust safeguards and undermines our struggle for landback and sovereignty as a people.

While there is certainly a strong need for affordable housing, especially for Kānaka who have overwhelming been harmed by the housing crisis and affects of settler colonialism and overtourism, this bill would harm us more than help us.

Mahalo for your time and the opportunity to comment.

Kaleiheana Stormcrow, Kapu‘euhi ("Mountain View")

HB-1318-HD-2

Submitted on: 2/24/2025 12:54:31 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexandra Balgos	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I write in strong opposition to HB1318. This bill seeks to remove Kanaka Maoli rights to land that has been seized illegally under the guise of affordable housing. Affordable housing is necessary but not at the expense of Kanaka Maoli. Land back! Mahalo.

HB-1318-HD-2

Submitted on: 2/24/2025 1:18:45 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michelle Morin	Individual	Oppose	Written Testimony Only

Comments:

I am a Kanaka Maoli born and raised on Hawaii Island. I strongly OPPOSE HB 1318 because it shifts the control of our "ceded-stolen" lands from a public trust to the counties & our Governor. After the illegal overthrow of the Hawaiian Monarchy 1.8 million acres of lands were illegally seized by the US without consent from the Kanaka Moali people. This is a historic injustice that has never been rectified and is recognized by the US Public Law 103-150 "The Apology Bill." These lands are now held in a trust by the State of Hawaii as a condition of statehood and the Admission Act requiring that ceded lands serve five trust purposes including benefiting Native Hawaiians/ Kanaka Maoli. I dont see that HB 1318 will open up any "real" opportunity for housing for Native Hawaiians/ Kanaka Maoli, only small portions of these lands benefit the people they are supposed to and as we are witnessing opens the Kanaka Maoli ancestral lands to corporations. This is wrong and has proven to not benefit the Kanaka Maoli the lands are held in trust to serve. Our governments disrespect for the Kanaka Maoli and what is lawfully ours is the root of our dis-ease and decline. We have a familial relationship to our land- We are of 'Aina & being displaced from our 'Aina has had devastating effects on the health of our people. This Bill is not clear on how counties will safeguard these lands and as we have seen in the past "affordable" housing is not "affordable" to many Kanaka Maoli & still is not the solution to our housing crisis. Our people need land to grow food not cubicles and apartments. It is not clear how Counties will be held accountable to uphold these important safeguards and the term "affordable housing" is loosely defined & has been used in the past to justify land theft and sweetheart deals to developers and tech-billionaires. HB1318 should not be passed, our Kanaka Maoli lands should not be controled by the counties and or our Governor!

HB-1318-HD-2

Submitted on: 2/24/2025 2:17:54 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joy Nuuhiwa	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB1318, which threatens Kānaka ‘Ōiwi rights and perpetuates historic injustice against us, including the illegal seizure of Hawaiian Crown lands. This bill wrongfully transfers control of so-called "ceded lands" to counties, enabling 99-year leases that can grant de facto ownership to corporations. This undermines the Public Land Trust, Native Hawaiian rights, and the Land Back movement, which promotes the rightful return of land sovereignty and decision-making power to those it was first stolen from. The US has admitted its role in the illegal overthrow through the Apology Bill all the way back in 1993.

There is no reason these 1.8 million acres, meant to benefit Native Hawaiians, should remain contested and up for grabs by money-hungry corporations. HB1318 grants the Governor authority to transfer lands for "Affordable housing", a vague term that often allows for sweetheart developer deals, with prices skyrocketing regardless of the "affordable housing" title attached to it. This risks further alienation of Kānaka ‘Ōiwi from our ancestral lands, of which our ancestors are buried in. The connection between land and kānaka is central to our cultural, emotional, and mental well-being.

99-year leases often equate to wrongful and unjust ownership. Privatizing stolen lands is not the answer to rectifying historic wrongs---it perpetuates the problem and further severs the relationship between kānaka and the ‘āina, as well as the deep, complex, relationship between kānaka and the government. This bill threatens justice, accountability, and the Hawaiian people returning to their ancestral lands. I strongly oppose, and offer my support to other policies honoring our rights and true justice instead.

ke aloha ‘āina,

Joy Nu‘uhiwa

HB-1318-HD-2

Submitted on: 2/24/2025 2:20:04 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chase Keliipaakaua	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members,

I stand in strong opposition to HB 1318, which is nothing more than an attempt to further perpetuate the genocide against the indigenous peoples of Hawaii. By transferring control of the ceded lands to the various counties and allowing 99-year leases to corporations, approval of this bill would further exacerbate our ability to continue to live in this place that we belong.

To use these ceded lands as a means to increase "affordable housing" is a joke, especially when most Kanaka 'Oiwi struggle to make ends meet while working two or three jobs. We do not have a housing crisis in Hawaii, we have a colonization crisis that reaches as far back as the overthrow of our kingdom in 1893.

HB 1318 would create an environment where the people of these lands would be faced with another Sanford B. Dole, Mark Zuckerberg or Larry Ellison. Men who have historically abused loopholes within a system created by other non-indigenous people in order to steal land that still belongs to what was once one of the most advanced nations of the world.

Approve this bill if you love the continued genocide of Hawaiians.

HB-1318-HD-2

Submitted on: 2/24/2025 3:03:49 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alfred Medeiros	Malama Ka 'Aina	Oppose	In Person

Comments:

Aloha mai kākou 'O Alfred Keaka Hiona Medeiros kou inoa no Wai'anae mai au...mahalo chair and representatives for the time to give testimony on this very concerning matter and bill HB1318 which I'm in complete opposition against, as the swapping of lands that are rightfully the people of Hawaii's aka the Kānaka Maoli ceded land under the guise of "affordable housing" and opening the doors to more 99yr leases, which have made our home of Hawai'i unaffordable by giving leases to the U.S. Military and outside foreign entities. In 1993 The United States of America and at the time President Bill Clinton presented U.S. Public Law 103-150 aka "The Apology Bill" which presented facts that Hawai'i has been illegally occupied since 1893 by The United States of America with no treaty of annexation. This gives every reason why the lands should be returned to the rightful heirs of the land and the true caretakers of Hawai'i, we the Kānaka Maoli and HB1318 wouldn't only go against that, but also open the door to numerous problems that will come up with these land swaps of lands that shouldn't be swapped or sold. Please do what is right, do no pass HB1318 and listen to the stewards of this land, when we say it's wrong and will not help with affordable housing. Mahalo for your time and consideration.

HB-1318-HD-2

Submitted on: 2/24/2025 3:29:16 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Willie	Individual	Oppose	In Person

Comments:

Aloha no

I am writing to express my strong opposition to House Bill 1318, as its implications could severely hinder the ability of Native Hawaiians to maintain their properties and, ultimately, their connection to our land.

Hawaiians have historically faced challenges in retaining and managing their lands, a struggle that is compounded by the rising cost of living in our islands. House Bill 1318 introduces regulations that may create additional obstacles for Hawaiians who wish to preserve their properties. The complexities and potential financial burdens associated with compliance could deter many from maintaining their ancestral lands.

With the current economic climate, where housing prices soar and everyday essentials become increasingly unaffordable, the possibility of added costs and bureaucratic hurdles could push many Hawaiians to the brink. Our community already grapples with the reality of leaving their homes due to financial constraints; House Bill 1318 risks exacerbating this issue by imposing measures that could make property maintenance unsustainable for many families.

Furthermore, the emotional and cultural significance of land cannot be overstated. It is not merely a physical space; it is a source of identity, history, and connection to our ancestors. If House Bill 1318 is enacted, the challenges it presents could lead to further disconnection from our heritage, as more Hawaiians may be forced to relinquish their properties and move away from their roots.

I urge you to reconsider the potential consequences of House Bill 1318. Instead of introducing legislation that complicates property maintenance for Hawaiians, we should focus on solutions that empower our community to thrive and preserve our connection to the land.

Thank you for your attention to this critical issue.

Sincerely,

Willie Keola Robello

HB-1318-HD-2

Submitted on: 2/24/2025 3:43:26 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alicia Kea	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1318. Ceded lands should be held in trust by the State of Hawaii, which the State has a duty to fulfill when it was transferred from a territory to what we have now become today. Transfer the land to the Department of Hawaiian Homelands-DHHL and let them be the conduit to build affordable housing, for all people. Do not pass this HEWA bill- HB1318.

HB-1318-HD-2

Submitted on: 2/24/2025 3:51:18 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leo Nahe Smith	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Many advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Leo Nahe

HB-1318-HD-2

Submitted on: 2/24/2025 3:53:18 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marlee Kamakaala-Miller	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose.

HB-1318-HD-2

Submitted on: 2/24/2025 4:33:26 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Isis Usborne	Individual	Oppose	Written Testimony Only

Comments:

Aloha e,

I oppose this dangerous and likely unconstitutional bill - ceded lands must be kept in trust for the benefit of the people, not housing developers and people in the right income brackets only.

Mahalo,

Isis Usborne (96815)

HB-1318-HD-2

Submitted on: 2/24/2025 5:03:33 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawehi Mahi-Roberts	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Kawehi Mahi-Roberts

HB-1318-HD-2

Submitted on: 2/24/2025 5:05:52 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mavis Oliveira-Medeiros	Individual	Oppose	Written Testimony Only

Comments:

HB1318 aihue aina bill

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Mavis Oliveira-Medeiros

(808)866-7409

HB-1318-HD-2

Submitted on: 2/24/2025 5:15:18 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shana Laririt	Individual	Oppose	Written Testimony Only

Comments:

Keep the corpus of the public lands trust intact until these ancestral homelands are returned to the Hawaiian Nation.

HB-1318-HD-2

Submitted on: 2/24/2025 5:23:01 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sally Chew	Individual	Oppose	Written Testimony Only

Comments:

aloha chair, vice chair, and members of the committee,

The governor should NOT have that kind of power over land designation. That should be up to the people in their counties to determine they would like their ceded lands to be used.

mahalo for your time.

HB-1318-HD-2

Submitted on: 2/24/2025 5:26:05 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keanu Alop	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

HB-1318-HD-2

Submitted on: 2/24/2025 5:28:51 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kailana Moa-eli	Individual	Oppose	Written Testimony Only

Comments:

"I am Kailana Mia-Eli, a Native Hawaiian from Waianae. I strongly oppose HB1318, which proposes to transfer control of ceded lands - also known as stolen Hawaiian Kingdom Crown and Government Lands - to counties. This shift would pave the way for long-term, 99-year leases that effectively grant ownership elsewhere.

The historical context of these lands cannot be ignored. Following the illegal overthrow of the Hawaiian monarchy in 1893, approximately 1.8 million acres of land were seized by the United States without the consent of the Kanaka Maoli people. Today, a staggering 98% of state lands are comprised of these stolen Hawaiian Kingdom lands.

As a Native Hawaiian, I urge our leaders to acknowledge the injustices of the past and work towards a more equitable future. We must prioritize the preservation of our cultural heritage, traditional practices, and ancestral lands."

HB-1318-HD-2

Submitted on: 2/24/2025 5:44:19 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Grandinetti	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

HB-1318-HD-2

Submitted on: 2/24/2025 6:13:00 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonah Cummings (Hilina'i)	The Queens Court	Oppose	Written Testimony Only

Comments:

Aloha My name is Jonah Cummings (Hilina'i) and I oppose HB1318.

HB-1318-HD-2

Submitted on: 2/24/2025 6:22:03 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jesse	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of

"ceded lands"-stolen after the 1893 overthrow-to counties, enabling 99-year leases that grant de facto

ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral 'āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawaii and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawaii's heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback. Mahalo

HB-1318-HD-2

Submitted on: 2/24/2025 6:26:20 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea June	The Queen's Court	Oppose	Written Testimony Only

Comments:

"I am Andrea June a Native Hawaiian. I strongly oppose HB1318, which proposes to transfer control of ceded lands - also known as stolen Hawaiian Kingdom Crown and Government Lands - to counties. This shift would pave the way for long-term, 99-year leases that effectively grant ownership elsewhere.

The historical context of these lands cannot be ignored. Following the illegal overthrow of the Hawaiian monarchy in 1893, approximately 1.8 million acres of land were seized by the United States without the consent of the Kanaka Maoli people. Today, a staggering 98% of state lands are comprised of these stolen Hawaiian Kingdom lands.

As a Native Hawaiian, I urge our leaders to acknowledge the injustices of the past and work towards a more equitable future. We must prioritize the preservation of our cultural heritage, traditional practices, and ancestral lands."

HB-1318-HD-2

Submitted on: 2/24/2025 6:27:05 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maile	Individual	Oppose	Written Testimony Only

Comments:

Welina,

My name is Maile Rogers and I oppose Bill HB 1318. As it will be detrimental to us and our future generations.

Mahalo pīha,

Maile Rogers

HB-1318-HD-2

Submitted on: 2/24/2025 6:29:46 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Maile Pokipala Resurrection	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose bill1318. This bill undermines public land trust safeguards and undermines the struggle for Kamala Maoli. Please listen to you constituents.

Mahalo,

Joanna M P Resurrection

HB-1318-HD-2

Submitted on: 2/24/2025 6:51:39 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Diaz	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I write in **strong opposition** to HB 1318, a bill that continues the long and painful history of land dispossession in Hawai‘i. This legislation is yet another attempt to take what was never rightfully given—Hawaiian lands, stolen after the illegal overthrow of the Hawaiian Kingdom in 1893. These lands were meant to serve and uplift Kanaka Maoli, yet HB 1318 paves the way for counties to take control and grant 99-year leases—leases that, in effect, hand over ownership to corporations and developers, severing Kanaka Maoli from their ancestral ‘āina for generations.

Let’s be clear: **these lands were stolen**. The United States itself admitted wrongdoing in the 1993 Apology Resolution, acknowledging its role in the illegal overthrow. And yet, here we are, 30+ years later, watching as history repeats itself—watching as the same lands are poised to be privatized and sold off under the guise of “affordable housing.” But we know how that story ends. Time and time again, “affordable housing” has been used as a smokescreen to push forward deals that prioritize profit over people, leaving Native Hawaiians displaced while developers and corporations thrive.

This is not just about land; it’s about identity, sovereignty, and justice. The land is more than soil—it is genealogy, it is culture, it is spirit. You think the earth is just a dead thing you can claim. To take it away, to lease it away for nearly a century, is to erase a people from their own homeland. That is why Kanaka Maoli, Ka Lāhui Hawai‘i, and countless others are fighting to reclaim what was stolen—not to see it locked away under century-long leases that benefit outsiders over the rightful stewards of this ‘āina.

HB 1318 is not a solution—it is an injustice. It deepens colonial wounds instead of healing them. It betrays the very people who have fought for generations to protect Hawai‘i’s land and legacy.

Ask yourselves what is Hawaii without Hawaiians?

I urge you to stand on the right side of history. Reject HB 1318. Support true justice. Return the land to its people.

Mahalo. Ea.

HB-1318-HD-2

Submitted on: 2/24/2025 7:00:13 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Karlee Kuhaulua	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of

"ceded lands" —stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral 'āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawaii and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawaii's heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo. Imua.

HB-1318-HD-2

Submitted on: 2/24/2025 7:15:42 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Claresa Asuncion	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I stand in strong opposition to HB 1318, a bill that represents a further erosion of Kānaka Maoli rights and a perpetuation of the historical injustices stemming from the illegal overthrow of the Hawaiian Kingdom. This legislation proposes the transfer of "ceded lands" – lands that were illegally seized following the 1893 overthrow – to the counties, effectively paving the way for 99-year leases. This amounts to a virtual giveaway of these lands to corporations and developers, directly undermining the principles of the Public Land Trust and the vital Land Back movement.

The United States government has formally acknowledged the illegality of the overthrow through the 1993 Apology Bill. Despite this acknowledgment, these 1.8 million acres, which were intended to be held in trust for the benefit of Native Hawaiians, remain a point of contention and a crucial element of the ongoing struggle for justice. HB 1318 grants the Governor broad authority to transfer these lands for the purpose of "affordable housing." This term, unfortunately, has too often been used as a pretext for lucrative deals that benefit developers at the expense of the Kānaka Maoli, further disconnecting them from their ancestral ‘āina, which holds deep cultural and spiritual significance.

The proposed 99-year leases are, in effect, tantamount to permanent alienation. They sever the ties of Kānaka Maoli to their land for generations to come. Organizations like Ka Lāhui Hawai‘i and countless individuals have consistently advocated for the return of these lands to the Hawaiian Hawaiians, a just and necessary step towards healing the wounds of the past. HB 1318 does the exact opposite. It solidifies the legacy of colonialism by facilitating the privatization of stolen lands instead of working towards the rectification of historical wrongs.

This bill is a direct threat to justice, accountability, and the very fabric of Hawai‘i's heritage. I implore you to oppose HB 1318 and instead champion policies that genuinely honor Kānaka Maoli rights and actively support the Land Back movement.

Mahalo nui.

Claresa Lynn Makalapua Asuncion

HB-1318-HD-2

Submitted on: 2/24/2025 7:24:57 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marisa Pangilinan	Individual	Oppose	Written Testimony Only

Comments:

Keep Hawaii Hawaiian!

HB-1318-HD-2

Submitted on: 2/24/2025 7:58:20 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Oppose	Written Testimony Only

Comments:

Aloha Kākou,

Please stand with us in OPPOSITION of HB1318. It makes NO sense that "āina swaps" are allowed and the rightful heirs to this land remain houseless in their OWN 'āina. This bill is against HELPING our people. Do the right thing and OPPOSE HB1318. Mahalo

HB-1318-HD-2

Submitted on: 2/24/2025 8:45:59 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Edwards	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

im writing this testimony on behalf of myself Ryan Kalani Edwards and my Ohana. I oppose this bill because it will take away ancestral lands that rightfully belong and was entrusted to the Kanaka Maoli (Hawaiian People). I'm of Kanaka Maoli Descent and my Ohana is also as well and we have ties to these ancestral and Royal Patents/Kuleana Lands. Please don't take away something that rightfully doesn't belong to you and do what is right. Return these lands back to the people. That is written in the Hawaiian Constitution and is Kingdom Law. Mahalo Nui for your time and patience. Have a blessed day.

Ryan Edwards

HB-1318-HD-2

Submitted on: 2/24/2025 8:52:55 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawehionalani Souza	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose this bill, return the land to the rightful heirs Mahalo

HB-1318-HD-2

Submitted on: 2/24/2025 9:20:12 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaimi Kaleleiki	Individual	Oppose	Written Testimony Only

Comments:

Opposing HB1318

Feb 24 2025

Aloha My name is Ka’imi. I was born and raised on Maui. I am in opposition to this bill because I believe the use of “public lands,” which are really just stolen kingdom lands, should be managed and controlled by a group of people all representing the best interests of Hawaiians and our local communities. That power should not remain with the governor. There needs to be checks and balances. when the governor gets to decide what is done it leaves too much room for error and unjust use of the lands. “Affordable housing” is too loose a term and has historically been used to grab the attention and support of the majority with little to no follow through on what was promised. The only people who truly gain from these projects are the developers. Enough already. Take care of what we already have. Give the people the power to decide what is done with these lands.

HB-1318-HD-2

Submitted on: 2/24/2025 9:33:52 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Preston Naparan	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Preston Naparan

(808)462-1048

Kanaka Maoli

HB-1318-HD-2

Submitted on: 2/24/2025 9:37:03 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cardenas Pintor	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill.

Mahalo nui,

Cardenas (Cards) Pintor

HB-1318-HD-2

Submitted on: 2/24/2025 10:06:31 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Courtney Pasco	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

HB-1318-HD-2

Submitted on: 2/24/2025 10:48:10 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aubrey Rhee	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Aubrey Rhee

HB-1318-HD-2

Submitted on: 2/24/2025 11:19:31 PM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mariana Monasi	Individual	Oppose	Written Testimony Only

Comments: Esteemed members of this committee, I urge you to oppose this bill with every ounce of your being. There is no justification to shift control of crown lands to individual counties because we know that 99 year leases have become a de facto means of permanence for businesses and organizations that do not have the best interest of Hawaiians or residents of Hawaii. The misuse of Land by military and private developers has only exacerbated the wealth gap in Hawaii, leaving too many people to be homeless while luxury 3rd homes sit empty for wealthy out of state visitors. We are sitting at the peak of proof for why this should never happen again, while places like Pohakuloa are dusted in white phosphorus, unexploded ordinances continue to litter in inhospitable Kahoolawe, water is undrinkable thanks to the lack of accounting by the Navy in Red Hill, the newly elected mayor is all of a sudden pushing for TMT to be built on Mauna Kea, Israeli companies are tapping into geothermal possibilities in Puna, and hotels and developers are continuing to take water out of Lahaina after the fires. There are plenty of opportunities for housing developments that would help residents, without further stealing so called ceded lands during the illegal overthrow of the Hawaiian kingdom. This bill will have awful and long lasting effects throughout the islands. Please protect this land, do not sell it out now. Mahalo, Mariana Monasi

HB-1318-HD-2

Submitted on: 2/25/2025 3:37:09 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Kitamura	Individual	Oppose	Written Testimony Only

Comments:

I oppose the transfer of Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, to the counties.

HB-1318-HD-2

Submitted on: 2/25/2025 6:01:53 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hilary	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 1318 which threatens KANAKA MAOLI rights, perpetuates the historic injustice of illgal land seizure of Hawaiian Kingdom lands. Stolen in 1893, transferring control enabling 99-year leases that grant de facto ownership to corporations undermining public land trust and landback movement. 1.8 million acres are not to be sold as they are illegally stolen, which has been admitted from the 1993 apology bill. Thank you for reading this. Please do the right thing, which is not always the easiest. But nonetheless, it is the right thing.

HB-1318-HD-2

Submitted on: 2/25/2025 7:39:19 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellison Montgomery	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"—stolen after the 1893 overthrow—to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral ‘āina (land), central to their cultural and spiritual well-being.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations. Ka Lāhui Hawai‘i and others advocate for the return of these lands to the Hawaiian Nation. HB 1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawai‘i’s heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo,

Ellison Montgomery

HB-1318-HD-2

Submitted on: 2/25/2025 7:47:48 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessie Pa'ahana	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1318 because redefining "Public Lands" to remove lands set aside by the Governor to the counties for the purpose of affordable housing undermines public land trust safeguards for Native Hawaiians. Public Lands are to be held in trust by the State as a condition of Statehood. I have doubts of the Counties' ability to manage such lands in the interests of and to benefit Native Hawaiians. I have doubts that "affordable housing" will be affordable for the vast majority of Native Hawaiians or that the sale of which would benefit Native Hawaiians.

HB-1318-HD-2

Submitted on: 2/25/2025 8:10:36 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
clara loprinzi	Na Iwi Kupuna	Oppose	Remotely Via Zoom

Comments:

testimony revolves around these statements

Defending Kanaka maoli Ancestral Lands

connection to lands impact ancestral knowledge, health and well being of Native Indigenous Peoples, laws already in place should protect the lands, Act 50 and the Constitutional laws.

HB-1318-HD-2

Submitted on: 2/25/2025 8:19:08 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
James OSullivan	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to House Bill 1318, as its implications could severely hinder the ability of Native Hawaiians to maintain their properties and, ultimately, their connection to our land.

Hawaiians have historically faced challenges in retaining and managing their lands, a struggle that is compounded by the rising cost of living in our islands. House Bill 1318 introduces regulations that may create additional obstacles for Hawaiians who wish to preserve their properties. The complexities and potential financial burdens associated with compliance could deter many from maintaining their ancestral lands.

With the current economic climate, where housing prices soar and everyday essentials become increasingly unaffordable, the possibility of added costs and bureaucratic hurdles could push many Hawaiians to the brink. Our community already grapples with the reality of leaving their homes due to financial constraints; House Bill 1318 risks exacerbating this issue by imposing measures that could make property maintenance unsustainable for many families.

Furthermore, the emotional and cultural significance of land cannot be overstated. It is not merely a physical space; it is a source of identity, history, and connection to our ancestors. If House Bill 1318 is enacted, the challenges it presents could lead to further disconnection from our heritage, as more Hawaiians may be forced to relinquish their properties and move away from their roots.

I urge you to reconsider the potential consequences of House Bill 1318. Instead of introducing legislation that complicates property maintenance for Hawaiians, we should focus on solutions that empower our community to thrive and preserve our connection to the land.

Thank you for your attention to this critical issue.

HB-1318-HD-2

Submitted on: 2/25/2025 8:40:29 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leilani Makuakane	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I strongly oppose HB 1318, which threatens Kanaka Maoli rights and perpetuates the historic injustice of the illegal seizure of Hawaiian Kingdom lands. This bill transfers control of "ceded lands"-stolen after the 1893 overthrow-to counties, enabling 99-year leases that grant de facto ownership to corporations, undermining the Public Land Trust and the Landback movement.

The U.S. admitted its role in the illegal overthrow through the 1993 Apology Bill, yet these 1.8 million acres, meant to benefit Native Hawaiians, remain contested. HB 1318 grants the Governor authority to transfer lands for "affordable housing," a term often exploited for developer deals, risking further alienation of Kanaka Maoli from their ancestral 'āina (land), central to their cultural and spiritual wellbeing.

99-year leases equate to ownership, severing Kanaka Maoli ties to their land for generations.

Ka Lahui Hawai i and others advocate for the return of these lands to the Hawaiian Nation. HB1318 entrenches colonialism, privatizing stolen lands instead of rectifying historic wrongs.

This bill threatens justice, accountability, and Hawaii's heritage. I urge opposition and support for policies honoring Kanaka Maoli rights and advancing Landback.

Mahalo. Imua.

February 25, 2025

HB 1318

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in OPPOSITION of HB 1318

Number], which seeks to remove lands set aside by the Governor to the counties for affordable housing from the definition of "public lands" and require legislative approval for the sale or gift of such lands.

While affordable housing is a critical issue in Hawai'i, this measure presents significant risks to **Native Hawaiian land rights, the integrity of the public trust, and the state's fiduciary duty to its beneficiaries**. Removing these lands from the definition of public lands would **weaken critical protections** and create the possibility of land dispossession, further exacerbating the historical injustices faced by Native Hawaiians.

Legal and Historical Foundations Supporting Opposition

1. Violation of Public Land Trust Obligations (Hawai'i Admission Act, Section 5(f))

Upon statehood in 1959, Hawai'i accepted the responsibility of holding **ceded lands in trust** for specific public purposes, including **the betterment of Native Hawaiians** as defined in the Hawaiian Homes Commission Act (HHCA). By removing these lands from public trust protections, this measure **circumvents the state's obligation** to ensure that they remain available for Native Hawaiian use and benefit.

2. Hawai'i Supreme Court Rulings on Public Trust Lands

- *OHA v. HCDCH (2008)* affirmed that **public trust lands cannot be sold or transferred without proper oversight** due to outstanding Native Hawaiian claims. The Hawai'i Legislature responded by passing **Act 176 (2009)**, requiring legislative approval for the sale of **ceded lands**. This bill attempts to **bypass that intent** by reclassifying lands, potentially opening the door for inappropriate sales.
- *Pele Defense Fund v. Paty (1992)* ruled that **public lands must be managed in accordance with trust obligations**, emphasizing that **land transfers without clear trust protections violate fiduciary responsibilities**.

3. The State's Fiduciary Duty to Native Hawaiians (*Ahuna v. Department of Hawaiian Home Lands*, 1982)

The Hawai'i Supreme Court ruled that the state has a **legal duty to manage Hawaiian Home Lands and public trust lands for the benefit of Native Hawaiians**. If these lands are removed from the public trust definition, the state's direct responsibility could be **diminished, leading to mismanagement or eventual privatization**, contrary to its fiduciary obligations.

4. Potential for Cultural and Historical Displacement (*Ka Pa'akai o ka 'Āina v. Land Use Commission*, 2000)

This case established a legal framework for protecting **Native Hawaiian cultural and traditional practices** in land use decisions. If these lands are no longer subject to public land protections, counties may not be required to follow the same **strict cultural and environmental safeguards**, risking the erasure of Native Hawaiian connections to these lands.

Conclusion

This measure represents a **serious threat to Native Hawaiian land rights** by removing critical public trust protections and increasing the risk of land loss through mismanagement or eventual sale. The **solution to affordable housing should not come at the expense of Native Hawaiian land claims** or public land integrity.

Instead of weakening the definition of public lands, the state should:

1. **Strengthen protections** for Native Hawaiian access and stewardship over lands set aside for housing.
2. **Develop policies** that prioritize the use of existing Hawaiian Homestead lands for affordable housing.
3. **Ensure proper funding and oversight** to expedite affordable housing projects while maintaining public trust responsibilities.

For these reasons, I strongly urge this committee to **defer or reject this measure** and seek alternative solutions that uphold Native Hawaiian rights while addressing Hawai'i's housing crisis.

Mahalo,

Cindy Freitas

HB-1318-HD-2

Submitted on: 2/25/2025 8:48:51 AM

Testimony for FIN on 2/25/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ekini Lindsey	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee,

I strongly oppose House Bill 1318, as it disregards the crucial issue of Kanaka land rights and compromises the commitment to provide reparations to thousands of Kanaka. In lieu of ancestral lands and crown lands, ceded lands were specifically designated for Kanaka, and until the requisite land transactions with the Department of Hawaiian Homes Land access to housing, as promised, lands should not be developed for alternative purposes. These longstanding obligations need to be fulfilled; how can you consider future development?

Allocating these lands for alternative uses would constitute a breach of the promise to support and the Kanaka community, thereby worsening the historical injustices we have endured.

I implore your commitment to the historical injustices to the first peoples of this land and look forward to your support in standing with is regarding this measure.