

# **COMMENTARY ON THE HAWAII CEDED LANDS CASE AT THE U.S. SUPREME COURT**

By Leon Siu

October 1, 2008

The US Supreme Court announced today that they have accepted the *writ of certiorari* filed by the State of Hawaii seeking to reverse the Hawaii State Supreme Court's decision of January 31, 2008, that curtails the State's ability to sell or otherwise dispense, what is commonly referred to as "the Ceded Lands." The acceptance of the "cert" means that the US Supreme Court will review the submitted arguments and render its decision.

The State of Hawaii is counting on a favorable ruling from the U.S. Supreme Court. At stake is the very survival of the 50<sup>th</sup> State of the union.

The land in question is the 1.8 million acres (nearly half the total land area of the Hawaiian Archipelago) that was hijacked from the government and the crown heads of the Hawaiian Kingdom in 1894 by the illegal, self-declared, rebel government, the Republic of Hawaii. A few years later, in 1898, the Republic of Hawaii "annexed" itself to the United States, and in the process, passed off ("ceded") the stolen lands to the U.S. The puppet government, the State of Hawaii, is now holding the bag of stolen property deceptively called the "Ceded Lands."

The salient point is, the Republic of Hawaii did not have lawful title (or rights) to these lands when they were handed over ("ceded") to the U.S. Thus, no lands lawfully transferred. Although this act of "cession" was clearly unlawful, any objections were summarily ignored, overruled or dispatched by the bully power of the U.S. In 1959, the U.S. magnanimously passed on the stolen property (the "Ceded Lands") as the land base for the newly created puppet government called the State of Hawaii.

## **The Apology Law**

The January 31, 2008 Hawaii State Supreme Court's decision surprised everyone. It was the first time that a state court acknowledged that United States Public Law 103-150 (commonly called "The Apology Law," passed by the U.S. Congress and signed by President Clinton in 1993) carries the force of law. Until this decision in January, all previous efforts by Hawaiian Kingdom nationals to invoke USPL 103-150 in state and federal courts in Hawaii had been summarily rejected by those courts.

In essence, the State Supreme Court's decision says that the State's ownership of the "ceded lands" is questionable because the Apology Law

clearly indicates that these lands were improperly acquired. The court thus concluded that until the State of Hawaii settles this ownership question with the "native Hawaiians" the State cannot sell or otherwise transfer any portion of those "ceded lands." In its ruling, the court parrots the prevailing assumption that "native Hawaiians" are the default claimants to the lands.

### **The Rightful Claimants**

While it is true the State of Hawaii does not own the "ceded lands" neither do the so-called "native Hawaiians."

By citing "native Hawaiians" as the default claimants to the "ceded lands" the State Supreme Court perpetuates a critical error, ignoring the historical and lawful fact that the lands in question belong to the *Hawaiian Kingdom*, not the "native Hawaiians."

This mis-direction is employed to avoid addressing the actual crime — the theft of the national autonomy and the national lands of the Hawaiian Kingdom. It also avoids the rightful remedy — the return of the national autonomy and national lands to the Hawaiian Kingdom.

The rightful owners of the land are the parties from whom they were stolen: the crown (ruling monarch) and the government of the Hawaiian Kingdom. The monarch and the national government hold these lands in trust to benefit the people of Hawaii.

### **Misdirection**

By projecting the "native Hawaiian" as the injured party, the State Supreme Court follows the lead of the Apology Law and deliberately misdirects the issue, framing it as a mere domestic problem rather than a significant international violation.

When the United States landed armed troops to support the 1893 seizure of the Hawaiian Kingdom by insurrectionists, the U.S. brazenly violated the sovereignty of the Hawaiian Kingdom, a peaceful nation with close, friendly, treaty-guaranteed relations to the U.S. There were no complaints, no disputes and certainly no hostilities to justify the invasive action by the U.S.

Aside from acknowledging the unlawfulness of the violation, the U.S. did nothing to rectify the situation. Instead, in 1898, the initial violation of Hawaii's sovereignty was shockingly amplified when the U.S. commenced its hostile occupation with the fraudulent "annexation." Today, the State of Hawaii perpetuates the fraud in order to cover up its inherent illegitimacy as a puppet government installed under the illegal occupation of the U.S.

This "ceded lands" case represents a desperate effort by the State of Hawaii and the U.S. to overcome the problem caused by the illegal "annexation" and the lack of clear title to the so-called "ceded lands" — officially implicated in the Apology Law as lands having been stolen from the Hawaiian Kingdom.

### **What's at stake for the State?**

The State of Hawaii is counting on the U.S. Supreme Court to: 1) ignore the fact that the lands claimed by the State is actually stolen property and 2) somehow remove the cloud over the State's claim to these lands.

The State's primary obstacle is the Apology Law. Thus, to overcome this obstacle, the State of Hawaii is seeking to have the U.S. Supreme Court dismiss or otherwise invalidate the Apology Law; to render it as a noble sentiment, but having no force of law.

Failure to convince the U.S. Supreme Court to nullify the Apology Law would destroy the very basis of the existence of the State of Hawaii. If the Hawaii Supreme Court ruling is upheld, it implies the State of Hawaii has no land! No land, no State.

Furthermore, the Apology Law's implication that the State of Hawaii has no land, also indicates that the State of Hawaii has no lawful standing as a political entity. This is because the same set of events, circumstances and illegal actions that produced the "ceded lands" fraud, also implicates the various puppet governments from the Republic of Hawaii to the State of Hawaii as frauds. Since they all stemmed from the same illegal acts, they are all unlawful frauds.

Therefore, the default owner and the default governing authority is the one that was in place before the unlawful actions started, January 16, 1893. The lawful default government is the Hawaiian Kingdom.

### **Other ramifications**

Not only is the very existence of the State of Hawaii at stake, this landmark case portends dire ramifications for any lands "acquired" from Native Americans all across the U.S. Seeing the potential danger, twenty-nine other states have filed friend-of-the-court briefs supporting the State of Hawaii in its effort to strike down the Apology Law.

These states rightfully fear that if the Apology Law is not overturned, much of their lands would be placed in serious jeopardy, especially those gained from the Native American through broken treaties, deception and theft.

Either way it goes, the outcome of this case will generate tremendous repercussions throughout the United States.

Perhaps this would be a good opportunity for the U.S. State Department to begin negotiating with officials of the Hawaiian Kingdom for a peaceful transitional process to restore Hawaii as an independent nation.

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