

Aupuni O' Hawaii

Patrick L. Kahawaiola'a

260 King Avenue
Hawaiian Home Lands
Hilo, Hawaii 97620

Uhane-Hemolele

Harold Uhane Jim

January 6, 2000

Mr. John Berry
Assistant Secretary
U.S. Department of the Interior
1849 "C" Street, N.W., Mailstop-7229
Washington, D.C. 20240

Mr. Mark Van Norman
Director, Office of Tribal Justice
U.S. Department of Justice
Washington, D.C. 20530

Aloha Mr. Berry and Mr. Van Norman,

On December 7, 1999, on the Big Island of Hawaii, Patrick L. Kahawaiola'a and Harold Uhane Jim, gave "testimony" representing Native Hawaiian advocacy organizations called Aupuni O' Hawaii and Uhane Hemolele (who have been well documented in Han v. U.S. Dept. of Justice, 45 F.3d 333 (9th Cir. 1995)).

Federal officials announced reconciliation efforts of the "Apology Resolution". Mr. Berry and Mr. Van Norman, your 'eyes and ears' were here to observe programs, established to benefit native Hawaiians. Patrick and Harold, beneficiaries of The Hawaiian Homes Commission Act ("The Act"), as amended July 9, 1921, gave testimony regarding State officials, violating the benefits established for the beneficiaries of The Act.

We hereby DEMAND you institute an investigation of The Trust established, pursuant to 48 USC, prec Sec. 4, "Compact with the U.S. "Statutes-at-Large", Chap. 42, 42 Stat. 108 - USC 691, American Federalism. The United States ("U.S.") is the party vested with the authority to investigate programs to benefit Native Hawaiians (which is the subject matter) and sue for "breach of trust" or prosecute for criminal acts of State officials, on behalf of the beneficiaries of The Trust, pursuant to the above authority, 5 USC Sec. 702-706 and The Admissions Act at §5(f).

Violations of The Admissions Act has been well documented. The 1983 State Task Force created pursuant to Price v. Dept of Justice, C.A. No. 80-2794 (D.D.C. 1980) and Han v. Dept of Justice, 45 F.3d 333 (9th Cir. 1995).

The Bearers of this letter, Patrick and Harold, and members of Aupuni O' Hawai'i, who are victims of the State's selective enforcement of a criminal law, which is

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unconstitutional, based on the State's "genocidal" acts upon Hawaiian Home Lands. We'll provide information and documentation to you or your representatives which will substantiate the continuing violations.

For example: The 67th Congress amended the Territory Governor's power over Hawaiian Home Lands on July 9, 1921, [Chap. 42, Public No. 34 (S. 1881)], powers restricted, pursuant to Title 48 USC §700 (The Act §206) and established a Hawaiian Homes Commission, granting certain powers to the Board of Harbor Commissioners of the Territory of Hawai'i, and for other purposes ... The Commissioners and its provisions are protected by All acts or part of acts, either of The U.S. Congress or The State of Hawai'i ... "REPEAL" of inconsistent legislation, "savings clause" of July 9, 1921, c. 42, §401, §402, 42 Stat. 121. Also see HRS Vol. 15, at page 339.

The Governor, in 1963, built upon illegal grounds, starting with Act 207, overthrew The Commissioners powers, established by The 67th Congress Law. The State established a new encumbrance clause for The State and its people (Trustees); now elevated The State to a full-fledged beneficiary of The Act and gave State officials power over Hawaiian Home Lands by Act 207, approved in 1963.

Those Acts or part of Acts by The State of Hawaii are inconsistent with the provisions of §204, "the Commission powers over Hawaiian Home Lands" and §206, "Governor and State officials upon Hawaiian Home Lands are restricted" under The Act; Act 207 is hereby repealed.

The native Hawaiians are protesting against *ambiguities and conflicts* of the State officials "Contracts" over The Act. Example, Hilbert Kahale Smith was The President of Aupuni O' Hawai'i, who protested against the State regarding their *illegal* contract with him and he protested by burning the State's house and himself because of the State's genocide acts, violating his rights and benefits of The U.S. 67th and 86th Congress.

In fact, Kumu B. Vasconcellos, Deputy Attorney-General, threatened Richard Kela, and stated, "so be it" in reference of Richard Kela protesting against The State like Kahale Smith, burning himself.

It is clear to that extent, members of Aupuni O' Hawai'i and Uhane Hemolele who protest against the State officials "fraudulent" contracts are mere puppets, victims of the State

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officials game of hypocrisy, in a society where the State's words and creed counts for nothing, if it interferes with entrenched State interests as beneficiaries, of The Act.

The State officials are like the proverbial ostrich, "sticking its head in the sand and ignoring what's going on around it". Beware the thieves who judge themselves!

We are the victims, requesting that you conduct an investigation of the allegations contained herein. During the pendency of your investigation, we request that the U.S. Attorney file for a restraining order to prevent further "Killings", of members of Aupuni O' Hawaii and Uhane Hemolele, Native Hawaiians, for The State's "fraudulent" contracts.

Further, we are requesting a restraining order to prevent further diversion of the income and proceeds by use of Hawaiian Home Lands; and also, past and present use by the County for Water without compensation. We are victims of the County of Hawaii laws, "government operations" to the contrary, notwithstanding, The Act, Sec. 206. We will intervene in the request for a restraining order, in order to assist you in establishing the ongoing violations.

We have exhausted all available remedies for redress of the violations with appropriate state and federal elected officials. Your agency and the office of the U.S. Attorney are the appropriate ones to investigate and stop the continuing violations on this subject.

As speaking to you, "your eyes have shown great concerns" of the violations of the U.S. Congress' programs. We hope to hear from you within 20 days for the above violations. Looking forward to working with you, Mahalo nui loa in advance for your immediate attention to this urgent request.

May the Great Ke Akua(God) Bless You.

Aupuni O' Hawai'i

Patrick L. Kahawaiola'a

Uhane Hemolele

Harold Uhane Jim

Senate President
Speaker of the House
Members of Congress
Hawaii's Congressional Delegates
Dianne Roberts, U.S. Commission on Civil Rights
Ben Cayetano, Governor, State of Hawaii
Earl Anzai, Attorney-General, State of Hawaii
Norman Mizoguchi, State Senate President
Calvin Say, State House Speaker
Raynard Soon, Director DHHL
Steve Yamashiro, Mayor, County of Hawaii
Richard Wurdeman, Corporation Counsel, County of Hawaii
James Arakaki, Chairman, Hawaii County Council
Milton Pavao, Manager, County of Hawaii, Water Department
Gary Kiyota, Manager, Hawaii County Real Property Tax Office
Robert Yanabu, Director, Hawaii County Public Works
John Ray, Chairman, Hawaii County Charter Commission
Hawaii County Police Commission
Wayne Carvalho, Hawaii County Police Chief