

## **- Executive Summary Report -**

On January 16, 1994, the Proclamation Restoring the Independence of the Sovereign Nation State of Hawai'i was issued in accordance with well recognized procedures of customary international law. Through this Proclamation, the 'Aha Kupuna (Council of Hawaiian Elders) was empowered by the Hawaiian people as the Provisional Government to provide necessary measures for the development of the Independent and Sovereign Nation State of Hawai'i.

Hawai'i is now entering a transition process to restore its independent political status among the community of nations in the world. This political transition will have a profound effect on the economic reality in Hawai'i, the United States, and around the world. It is the clear intention of the Nation State of Hawai'i to move through this transition with a spirit of forgiveness, cooperation, and reconciliation for all parties involved, for the benefit of all of the inhabitants of Hawai'i and beyond.

Based on US Public Law 103-150, in addition to numerous other international and United States domestic laws, Bankamerica and other banking institutions are presently operating in Hawai'i illegally. These illegal institutions are now being served with a Constructive Notice, First and Final Option to Disengage from Further Perpetration of Complicity and Criminal Activity.

The first essential step for an amicable resolution of the current unlawful situation is the negotiation of a Treaty of Friendship, Commerce and Navigation with the United States Federal Government through the Committee on Foreign Relations. To continue operations in the Independent and Sovereign Nation State of Hawai'i, United States banking institutions must follow the proper procedures in accordance with the Treaty to be negotiated, and with the laws and policies of the Independent and Sovereign Nation State of Hawai'i.

## Conclusions and Recommendations to the Office of Thrift Supervision

### Concurrence with the Findings of the Hawai'i Fair Lending Coalition

The Independent and Sovereign Nation State of Hawai'i concurs with the evidence presented by the Hawai'i Fair Lending Coalition, regarding discriminatory practices against Na Kanaka Maoli, and supports the position that Bankamerica Corporation has violated United States domestic laws under which it was chartered and with which it is required to comply, regarding fair lending, community reinvestment, anti-trust, and related issues.

In this concurrence and support, in no way does the Independent and Sovereign Nation State of Hawai'i consent to waive any other right of lawful and legal remedies accorded to Na Kanaka Maoli under international law.

### Conclusions

Kanaka Maoli, being the original inhabitants of these Islands, have a special legal, historical and moral claim to their lands and natural resources. To appreciate the strength of these claims, it is necessary to understand the background of the United States' role in the illegal transfer and annexation of our inherent Sovereignty and Territory.

Behind this record lies the tragedy of a people unlawfully disinherited and alienated from our lands in the ongoing disregard for our rights as a people. The Kanaka Maoli have inhabited, cared for, and sustained ourselves from these lands since time immemorial. Such a tragedy has been the root cause of our economic situation constituting genocide of a culture and people.

For these reasons we, the Kanaka Maoli and the citizens of the Independent and Sovereign Nation of Hawai'i, are of the belief and knowledge that the banking institutions, having been granted invalidly the privilege of operating their business in Hawai'i, have been but one aspect of our continued exploitation. By securing title to our lands and resources fraudulently, including through lending practices such as mortgages, under color of law, the banking institutions have engaged in illegal activities which have deprived the Kanaka Maoli of their rights of self-determination and independence.

A complete admission of these facts is found in the findings of the United States Congress in its recent enactment of U.S. Public Law 103-150, also known as the "Apology Bill," signed into law by President Clinton on November 23, 1993. It is essential to take into consideration the legal issues involved, and the process of reconciliation to remedy those injustices, through appropriate means of restitution as a lawful remedy, and the obligation to assist in terminating the wrongful conduct upon due notification thereof. The international ramifications of such violations can only be

resolved through diplomatic relationships and the reinstatement of a legitimate Treaty, to which all Foreign Nations arbitrate to resolve issues related to Friendship, Peace, Commerce, and Reciprocity.

Following the overthrow by force of arms of the lawful government of the Kingdom of Hawai'i in 1893, then President Grover Cleveland stated in a message to the Congress that: "It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals... A substantial wrong has thus been done which due regard for our national character as well as the rights of the injured people requires we should endeavor to repair."

### Recommendations

We wish to leave for the record formal notification of the Recommendations of the Independent and Sovereign Nation State of Hawai'i to the Office of Thrift Supervision, along with Constructive Notice and Annexes for your knowledge and examination. These Recommendations are for immediate reconciliation on the part of the United States government, and its political subdivisions and/or agencies, with regards to the legal issues involved in making their determination of the future status of Bank of America or any other institution currently operating in Hawai'i without the consent of the Kanaka Maoli people and our legitimate Government.

It is hereby recommended that the Office of Thrift Supervision:

1. review and examine all of the facts and material evidence herein presented for the record;
2. communicate with relevant agencies and committees in the United States Federal Government, including the Congressional Banking Committee and the Committee on Foreign Relations, regarding the contents of this report, and the necessity to seek measures of resolving amicably the legal claims presented herein, through diplomatic relations and friendship, in respect of our right to inherent permanent sovereignty over our Territory, Lands and Natural Resources; and
3. establish and maintain open communications with the office of the Head of State regarding the sustainable economic development of the Independent and Sovereign Nation of Hawai'i.

Head of State,  
Pu'uhonua Kanahele  
Deputy Head of State,  
Keli'ikui Brown  
Secretary,  
Lehuanani Santos  
Chief Clerk,  
Kawehi Lono



Ke 'Aupuni Kuikawa O Ka Moku 'aina Lahui O  
**HAWAII**

**Bankamerica Corporation  
and the United States Office of Thrift Supervision  
are herein served**

## **Constructive Notice**

### **First and Final Option to Disengage from Further Perpetration of Complicity and Criminal Activity**

As a matter of course from the political events transpiring over the last 216 years,  
from the

- first arrival of westerners in 1778 from the foreign occupying powers that have illegally invaded our lands;
- the illegal overthrow of the lawful and sovereign Kingdom of Hawai'i in 1983;
- the illegal annexation of our lands in 1898;
- the illegal proclamation of the so-called "state of Hawai'i" in 1959;
- and throughout this past deprivation and the current conspiracy to deny the Kanaka Maoli, the original inhabitants of the Archipelago of Hawai'i, our rights to self-determination and Independence;

**Constructive Notice is herein served upon you.**

You are hereby notified that the Kanaka Maoli people have initiated the necessary measures under international law to restore the independence of the Sovereign Nation State of Hawai'i.

We, the Kanaka Maoli and citizens of the Independent and Sovereign Nation State of Hawai'i, by and through our duly appointed representative, the Head of State of the Independent and Sovereign Nation State of Hawai'i, hereby inform you that by your presence and through your activities in the Archipelago of Hawai'i, you are in violation of well recognized principles of domestic, international, and customary law, and are interfering with the economic development of a sovereign nation.

We, the Kanaka Maoli, hereby demand that you immediately cease and desist from further criminal actions against our people and Nation.

We, the Kanaka Maoli, and citizens of the Independent and Sovereign Nation State of Hawai'i, herein recognize the competent jurisdiction of the 'Aha Kupuna, under the practice of its customary law and traditions, in resolving any dispute and controversies.

Any valid complaints against our people should be filed with the Office of the Head of State, under the lawful government of the Independent and Sovereign Nation State of Hawai'i.

We herein appraise you that should you persist in your criminal actions, you will further the perpetration of complicity and crimes against the Kanaka Maoli and all citizens of the Independent and Sovereign Nation State of Hawai'i, under domestic, international, and customary law.

Upon your review of the relevant issues and references of facts and law, annexed herein, there should be no denial beyond any reasonable doubt as to the subject matter. Any individual and responsible person, whether or not they are acting under the assumption of colorable authority and law, has the duty and obligation to be informed of the truths, to which ignorance of such truths based upon law is no defense, and cannot further be denied.

This Constructive Notice, First and Final Option to Disengage from Further Perpetration of Complicity and Criminal Activity, is herein served upon you. This allows you the opportunity to be informed of such complicity and criminal activities, as justified by facts and law. This Notice is served to allow you to pre-determine your actions, and to review and justify such actions, continuing any complicity and criminal activities. This Notice is served to prevent further injury, damage and abuse, caused by ignoring the truths and facts herein and the fundamental and inherent rights of the citizens of the Independent and Sovereign Nation State of Hawai'i. We appraise you to give ample consideration of your actions, seek any necessary options, and seek advice on the legal consequences that may arise now and in the future, before we begin claims against you and others who wish to further the perpetration of complicity and crimes against the citizens of the Independent and Sovereign Nation State of Hawai'i, in a court of competent jurisdiction.

We herein annex legal and lawful references to appraise you of your obligations, be it moral or otherwise, of such conduct within the Law, and appraise you of the facts, before you decide to take any action that may cause you to commit further complicity and crimes.

This Notice shall serve as prima facie evidence for all intents and purposes, be it explicit, implied or otherwise, served in good faith, and in accordance with well

recognized principles of domestic, constitutional and international laws, to prevent further damage and injury, by continued "denial of justice", and infringement and interference upon the peaceful restoration of the Nation State of Hawai'i, and its desire to restore friendly relationships among the nations of the international community as a whole.

We herein incorporate, for your knowledge and review, education, and for purposes of maintaining justice, peace and order, the following references:

1. United Nations Charter (Article 1[2])
2. International Covenant on Economic, Social and Cultural Rights  
(Common Article 1)
3. International Covenant on Civil and Political Rights (Common Article 1)
4. Universal Declaration of Human Rights
5. Jus Cogens, A Fundamental Doctrine of International Law, References on the Law of Human Rights
6. US Public Law 103-150, 107 Stat. 1510
7. Legal Testimony of International Law Professor Francis Anthony Boyle
8. Proclamation Restoring the Independence of the Sovereign Nation State of Hawai'i, January 16, 1994
9. US Public Law 100-606, the Proxmire Act, Genocide Convention

These are Public Recorded documents, should you choose to review, uphold and abide in accordance with the Law.

Should you desire to respond, please do not hesitate to contact the Office of the Head of State, within 10 days from the receipt of this Constructive Notice, in writing, stating your position to the best of your knowledge and belief, as to your reasons why the facts stated herein should not be applicable to you. Please keep your stipulations within the understanding of both the Facts and Law, stated herein. Your actions and desire in good faith to amicably resolve these issues of importance will be well taken. Should you decide not to respond, tacit acceptance and recognition of the facts herein stated in this Notice, and its annexed references, in its entirety, is construed to be true and correct.

Let it be known that those who have been fully informed of such truths, based on fact and law, and who choose to disregard this notice and its contents and continue to commit illegal activities, do so intentionally, willfully, and knowingly, with criminal intent to destroy in whole or in part the rights and lives of Kanaka Maoli people and the citizens of the Sovereign and Independent Nation State of Hawai'i, causing serious economic injury for your unjust enrichment.

This Notice shall be filed with the Clerk of the Office of the Head of State, under the Authority of the 'Aha Kupuna, the Provisional Government of the Independent and

Sovereign Nation State of Hawai'i, should future claims and actions become essential and necessary, as required by law.

Na Kanaka Maoli, and citizens of the Independent and Sovereign Nation State of Hawai'i, desire to protect and defend from further exploitation, erosion and destruction, our Political, Economical, Social and Cultural Rights, to our Natural Resources and Lands, within our Territorial jurisdiction. We are determined to resist all illegal or unlawful actions and conduct, through peaceful and non-violent assertion, and free expression of fundamental inalienable rights, free from further complicity and interference. We seek to restore by law our Permanent Sovereignty, that which has been illegally annexed, in violation of international and well recognized principles of law.

May the Spirit of Truth and Aloha Bless you,

Done on this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Pu'u honua Kanahela, Head of State  
Independent and Sovereign Nation State of Hawai'i

Kawehi Lono, Chief Clerk

cc: Chief Executive and President Bill Clinton, United States  
Lloyd Benson, Secretary of the Treasury  
Warren Christopher, Secretary of State  
Donald Riegle, Chair, Senate Banking Committee  
Henry Gonzales, Chair, House Banking Committee  
Daniel K. Akaka, United States Senator  
United States Congressional Committee on Foreign Relations  
Secretary General of the United Nations Boutros-Boutros Ghali  
Inter-American Commission on Human Rights  
Inter-American Court, Organization of American States  
Professor Francis Anthony Boyle, Legal Counsel