

JUSTICE HAWAII

The incarceration of Edward Halealoha Ayau

Author's Note: Any reasonably intelligent, fair minded person who reads the "Apology Bill" (USPL 103-150) cannot deny that Hawaiians have been and continue to be treated unfairly and unjustly by the United State government. When asked to explain our plight, I simply direct the inquiry to the "Bill". Then if further inquiry requires more explanation, my opinion is interjected for what it is worth.

In my journey through life I have met people of all nations and "races". I have many close friends that I respect tremendously who are not Hawaiian; who however, love these islands as I do, and wish only good things for us in our quest for justice and independence. I am not a racist; however, I do have strong feelings with respect to our rights under domestic and international law. I do not advocate violence as a means to that end. I sincerely believe that we will eventually overcome the yoke of injustice and prejudice that we face as Hawaiians in our own land. Our quest for sovereignty is inclusive of all peoples who share our love for our Hawaii, its plants, animals, children, elderly, ocean, land and sky. We are all related as and must live together on this space ship earth on a journey that will end as it began, in obscurity. We are not alone, we are not descended from a supreme being. We inhabit an obscure and unimportant planet in an obscure and unimportant part of a galaxy of an unimportant and obscure part of a universe that has and will continue on, no matter what we do to each other.

Some points need clarification.

Alo-ha: is a greeting between Hawaiians "to exchange the breath of life". We were worriors (ask James Cook) and a proud people, not tourist attractions at a foreign owned hotel or at a shopping mall. The "aloha spirit" used today by those who would belittle us and attempt to shame us into being "ho'olei" Hawaiians is a completely false and racist notion. To those people, "aloha means good bye".

Repatriation and Compensation for lost rents and revenues on the "ceded" lands, Kamehameha trust lands, and those lands stolen by traitors, liars and thieve (ie. the Dole plantation, State forest reserves, American military bases and other private lands): under Hawaiian law a penalty for treason is confiscation of land. Just compensation for Hawaiian descendants and beneficiaries of any land illegally obtained by foreigners must be paid by the U.S. government as part of a compensation package under any sovereignty agreement.

Blood Quantum: is a notion devised by bigoted foreigners (haole) to divide Hawaiians and divert our attention away from the real issues we must face together as a people. Many Hawaiians like myself are the product of early contact between haole (usually men) in the early 1800's and Hawaiian women (many times of Ali'i class) in large part for the acquisition of land from the reigning chiefs. Over the years our "blood" quantum has been reduced. Even though we have more haole blood today, we are proud to proclaim our "Hawaiian" ancestry and call ourselves Hawaiians where ever we go.

The case for DNA: There are some who claim to be Hawaiian and are in fact a mix of other Polynesian and

asian or caucasian gene pools. Only mDNA and “Y” chromosome analysis can provide the “proof” required to make a determination, especially when “lineal” descendants are attempting to obtain rights to “iwi” or artifacts. It is a well established fact that women of all socioeconomic and geophysical environments have over the centuries, as a defense mechanism, been unfaithful to their “spouse” which resulted in their offspring being unrelated to their “spouse” approximately 20-25% of the time. **Based upon this fact, it is impossible to determine genealogical descendants on the basis of hearsay or witness testimony alone, thus the need for scientific proof, in other words mDNA and “Y” chromosome analysis.** Hawaiian historian Kamakau put it simply “Kamehameha was "po'olu"-born of two fathers. Kamehameha's paternal lineage is claimed by Big Island Chief Keouakalani, stepson of the Big Island Chief Alapa'inui; and also the Mau'i Chief, Kahekili (by blood) [Mele Inoa No Kamehameha, Kumu Hula nani Lim Yap, 1995]”. Granted, under the “hanai” system, once hanai the “adopted” person became a member of the Ohana as if born into it. For the purpose of determining “lineal” descent and other “rights” at issue between “Hawaiians” as in the Forbes “repatriation” case, if you are hanai by a non Hawaiian, then you are still not Hawaiian. Again, the case for DNA.

Non violent resistance against the occupying force: is our right under Treaty and international law. The findings of fact, conclusions of law and admissions against interest by the United States contained in the “Apology Bill” (USPL 103-150) finally established a “legal” basis under domestic law, for what has been our right as an illegally occupied land since 1893. A state of war has existed since then, no peace treaty has been signed. Any laws passed by the occupying government (ie. NAGPRA) lack the requisite requirements for enforcement, legal standing. Only the force of arms and the threat of mass destruction by the occupier’s agents bring compliance. All State of Hawaii and Federal Courts lack competent jurisdiction. Intelligent, honest, good people do not need laws to prevent us from stealing, murder, domestic abuse, or invasion of any kind. We therefore do not commit these criminal acts simply because we do not do those things to one another. On the other hand, our lawful right to resist and regain our independence is well rooted in history, “Pharaoh, let our people go”.

The case of Eddie Ayau

Edward Halealoha Ayau: Over the years I have watched Eddie Ayau evolve. When Eddie, a lawyer, helped Dan Inouye draft the Native American Graves Protection Act (NAGPRA) naming **Hui Malama** as a cultural entity with the precedent claims equal to lineal descendants, Eddie was just being a good uncle Tom Hawaiian working for the massah...Dan Inouye. Eddie was young and foolish. Eddie and I were at odds at that time. Since then, it is evident that Lilikala K. Kame'eleihiwa and others have shown Eddie the error of his ways and he has “come home”. Today, I salute Eddie Ayau for the courage he has shown in the “Forbes” artifacts case (US cv. 05-16721). Given enough time, many of us can see the error of our ways. Today Eddie sits in the jail of his former mentor, Dan Inouye. Eddie’s crime, going against the

“big boss”.

Hui Malama has taken the position that the issue is a Hawaiian matter, not within the jurisdiction of the occupying force, and therefore the federal court should mind its own business. I concur. Forbes was a grave robber and thief. The Bishop Museum has done all the investigations it needs on the “artifacts”. They are funerary items not artifacts. They are not the property of grave robbers. Anyone making a claim as a lineal descendant should be required to make that claim based upon DNA, not just based on their word or the word of their relatives.

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Post mDNA verification of descendant claims, negotiations with Hui Malama can take place. Again, I must say that Lilikala and Eddie have in the past few years shown their determination and loyalty to the cause of a sovereign Hawaii, that cannot be denied. Mr. Ayau’s incarceration by Judge Ezra, at a court that imprisoned and abused our Queen one hundred years ago, is clearly another example of injustice and a failure of the American system to recognize that it is an occupying force, and not the just and true government of KA POE HAWAII.

This is an issue between Hawaiians. Any Hawaiian that supports the abuse or unjust incarceration of a fellow Hawaiian by the occupying force, especially for “contempt”, which is our obligation under international law, is a collaborator and should be treated as such. In France during Nazi occupation, a collaborator’s head was shaved. I do not support shaving heads, but clearly, collaboration needs to be discouraged.

**PATTERN OF POLITICAL PERSECUTION OF NATIVE HAWAIIANS IN HAWAII
JUDICIAL SYSTEMS HAS ITS ROOTS IN AMERICAN SLAVERY
AND THE UNITED STATES DISTRICT COURT**

Nazi occupation made it illegal for Jews in occupied lands to own property. Based

on this German law, Jews were dispossessed, enslaved and executed. In America, African black people were sold like cattle. Even after emancipation, minorities had to sit in the back of the bus, could not pray or gather without permit, were jailed for sitting in the wrong place or using the wrong water fountain, and were the last hired and first fired. It took another 100 years before civil rights laws were enacted to make it a crime for white's in America to discriminate based on race, politics, religion, or gender. Yet American injustice continued to persecute capital crimes with an eye on color. White judges, white appeals courts, and white executioners continued to kill innocent minorities in America. In the past few years, over 78 inmates on American death row have been released based on DNA evidence. Over 90% of those dead men walking were black or Hispanic.

Beginning with the persecution of Hawaiian Queen Liliuokalani and theft of native lands by Hawaii, United States District Court Judge Sanford B. Dole and his great grand son, Judge Allen B. Kaye and continuing more recently with the political persecution of Bumpy Kanahele by Federal Judge Gilmore, the jury electing to acquit the Federal bench in Hawaii has set an bad example for the domestic courts in Hawaii. Raising the native Hawaiian sovereignty defense in Hawaii courts is the kiss of death for Hawaiians.

“As a African American I am familiar with racial discrimination and can recognized it in its many hideous forms and have experienced it personally. I was present when Mr. Sam Monet had his trial before Judge Shinimura. The judge was extremely partial, biased, unduly harsh and racially discriminatory in her sentencing of native Hawaiian Mr. Monet. The sentencing records of that day in court will verify the uncommonly harsh sentence imposed on Mr. Monet. A judge should be consistent in reducing fines with everyone and not racially selective.”

State v. Sam Monet Traffic Citation No. 4490575MO...Affidavit of Robert Lee Perry Jr. (a complete stranger) August 27, 1997 ...former South Carolina resident, Afro-American

Other Examples of race or political discrimination by judges in Hawaii courts are the sentencing of native Hawaiian Mackey Feary. Mr. Feary got 10 years for breaking a head light, testing positive for drugs and violating his parole. Feary, like many oppressed minorities opted for a quick death by suicide than living an American hell. By contrast, gun totting, cocaine dealing, WHITE, former prosecutor Gary Modferri got 3 months.

In 1999, Asian American, Honolulu City Councilman John Yoshimura smashed his Mercedes into a parked car at about 1 a.m., then took off. Found later, Yoshimura was not arrested by HPD or prosecuted by prosecutors because he was an Asian. Damage to the vehicles exceeded \$3,500. Witnesses stated that Yoshimura may have been driving under the influence of alcohol. He plead no contest to leaving the scene of an accident

and was fined \$35.00.

In February 2000, part Hawaiian woman Sabrina Fia'ai stabbed her husband part Hawaiian Abe Fia'ai in the neck as he slept in their home. Prosecutor recommended non prosecution and \$150.00 bail for Ms. Fia'ai as part of his "discretionary" powers, creating open hunting season on the native Hawaiian male. Prosecutor's action was based on race and sex, (if the murder victim was a white or female, Prosecutor would have prosecuted) has made it open hunting season on the native Hawaiian male, the unprotected prey of white and Asian racist in the STATE government.

As in the Marshe jury trial US v. John Marshe USDC HI, #94-749 (1993). When Hawaiians are given the opportunity to present our case for sovereignty before a jury, we can prevail. Before a Judge, no jury, we are dead meat from the get go.

Since the early 1950's Asians in Hawaii have supported profiling and selective enforcement against native Hawaiians because it gives the Asians an opportunity to buy native Hawaiian real estate that goes into foreclosure once the native Hawaiian is incarcerated and cannot defend his land. This has been the pattern beginning with federal judge Dole's persecution and unlawful treatment of Queen Liliuokalani and has been continued by the U.S. District Court and State Court for over 100 years. The Asians learned it from the haole.

In 1893 America committed an act of War. America imprisoned our elected Queen, violated our treaties (USPL 103-150). A state of War has existed ever since. No treaty of Peace has been negotiated. Recent cries for native Hawaiian independence threaten the very existence of the State courts and its judges. The Nazi imposed their laws of occupation upon the Poles, French and others. The American impose their laws of occupation on the native Hawaiian people, a violation of Treaty and international law. We are prisoners of war and should be treated as such under rules of war and The Geneva Conventions Act 1957. We must be housed in separate facilities than domestic criminals, we cannot be prosecuted for domestic crimes, we have an obligation to resist the occupying force, and must have access to the Red Cross. These American judges must be prosecuted for war crimes at a later date, their property confiscate under Hawaiian law, restitution and fines as damages.

Hawaii Judges treat native Hawaiians harshly, conspire to intimidate us into stopping our political activities or pursue peaceful, justice in American and international courts.

OCCUPYING FORCE WILL ALWAYS USE UNLAWFUL IMPRISONMENT AS A MEANS TO INTIMIDATE THE OPPOSITION INTO SUBMISSION

After his persecutors imprisoned his body for over 30 years, upon release Nelson Mandella stated: "We must make the brain dominate the blood."

Sam Monet, Opinion....Eddie Ayau..no justice page 5 Hawaii Resource Library

Peaceful change and revolution is the path of Hawaiian Sovereignty. Freedom from foreign oppression is our goal. Historically, 100 years is not a long time to struggle against oppression. Justice, Freedom and self determination are intangibles; and therefore cannot be held by chains, bought or sold. Our brains will dominate the threat of violence and the shedding of blood by our oppressors.

Every Year, across America innocent people are being sent to prison for crimes they did not commit. False accusations, shoddy Police investigations, overzealous prosecutor's, incompetent judges and misinformed juries cause irreparable harm to individuals and their families. ABC news and CNN special reports have uncovered instances where police and prosecutor's had factual knowledge that an innocent person was accused of a crime or is spending time in jail or prison; and have done nothing to correct this injustice.

It is a sad commentary on American Justice that if you are a poor person of color, you are 50 times more likely to be sent to prison than a white person, and 100 times more likely to be found guilty than a wealthy white person.. The problem begins at the root of the American legal system, the local legislature, where counties, cities and states do not or will not condemn the witness, police, prosecutors, and judges who lie and pervert the system. Many states have no provisions to prosecute wrongful accusers and government employees who lie or wrongfully prosecute. Amnesty International has described the American justice and penal system as the worst of the G-7 (the wealthiest 7 countries in the world)

For the innocent victim, there is no compensation for lost time, love, family, mental anguish, happiness and business loss. This injustice needs to be corrected. Injustice begins with discriminatory governmental policies at the state and local level that lead to corruption in government, its agencies and society as a whole.

JUSTICE HAWAII, a committee of concerned residents of the State of Hawaii who believe that in order to correct a problem, one must first find its root. The ugly root of Injustice in Hawaii is imbedded in the soil of political corruption where bribes and cronyism run amuck in a cesspool of greed. We believe that as long as you have government corruption and a system that operates on greed instead of justice, there is no chance for economic recovery.

The Good

Hawaii is as beautiful a place on planet earth as anyone could imagine. Anyone who truly love this place knows it is true. There is nowhere else as geographically isolated or as environmentally endangered. Hawaii has the dubious distinction of America's extinction capital where more native species are on the endangered species list, or have gone extinct than any other place in America.

The Bad

All political decisions in Hawaii are linked to economic pay off. Hawaii's economy has been in depression since the Gulf War and the resulting Japanese economic bust of 1991. December 1998 hotel occupancies were the worst in 16 years. A State Legislature in panic over Hawaii's economic demise has made poor decisions resulting in an erosion of personal and economic freedom from which no economic regenerate will ever grow.

Then the FEDeral Reserve took over and reduced the prime interest rate, providing cheap money to pay off consumer debt by incurring new debt supported by real estate equity. The downside is a weaker dollar that has driven manufacturing and IP jobs offshore and a trade deficit that is creating long term financial illness that can never be reduced. This cheap money has spurred a real estate boom in Hawaii that cannot be sustained.

In September 1998, CNN world report called Hawaii a political banana republic.

The Ugly

The roots of Injustice in Hawaii run deep. A few examples are:

Native Hawaiian Sovereignty: Native Hawaiians face racial discrimination at work where they are the last hired and first fired. Strangers in their own land, native Hawaiians outnumber the rest of the Asian and white population by 25 to 1 in Hawaii's jails and prisons. Asian and white judges are indifferent to the native pleas for liberty and justice because for every Hawaiian that has gone to jail or prison, there has been another opportunity for a white or Asian person to acquire land in Hawaii.

Hawaii the Penal Colony: Hundreds of native Hawaiians are sent to Texas prisons where they are isolated from friends and family. A 1998 CNN television report called Hawaii a penal colony where prisoner exports are competing with pineapple for number 1. Ironically, the Hawaiian prisoners are call "pineapples" by the black, Hispanic and other

prisoners in Texas. Promises for a rehabilitation based penal system are as hollow as the heads of our political leaders.

Poor Governmental planning has turned Hawaii's economic breadbasket, Waikiki into a retail shopping mall. Governmental over regulation has chased all of the local restaurants and small businesses out of Waikiki. National retailers selling imported goods, expensive restaurants dispensing non native foods, and imported management from Germany or Japan have created a non Polynesian atmosphere in Waikiki. Cheap labor from the U.S. mainland, Japan and the Philippines have made Waikiki unrecognizable to returning tourists and locals alike.

Why would a tourist want spend a vacation where he will see only people like himself, eat no new foods, and spend more money on imported goods than he will spend for the same item on the Internet. Internet buying will replace Waikiki as a retail mall.

The Hawaii Visitors and Convention Bureau's (a governmental agency with a \$60,000,000 annual budget) 1999 Hawaii advertising campaign targeting Canadian and European visitors highlights a 450 pound Japanese sumo wrestler of Hawaiian descent, almost naked in a swimming pool luring tourists to join him. Weight conscience Canadians and Europeans do not want to look at the blubber hanging off this man. **The Lingle administration is a wolf in sheep's clothing. Lingle campaigned on prison reform, drug rehabilitation programs, and "bringing our prisoners home".**

NOTE: Within three months of Lingle's assention to the throne, this author took a proposal from one of America's most reliable and qualified prison development and management companies to Lingle and her "Hawaiian" Lt. and former judge Aiona. Our proposal was to privately fund (\$135,000,000), construct and manage a 1,000 bed, medium security, rehabilitation facility on Oahu. The proposal incorporated continuing education, drug treatment, employment training and community based peer support and cooperation.

All we required from the State was a long term lease on some land at Kunia and a minimum of 90% occupany, at a rate of \$70 per inmate per day. This inmate rate per day was and still is well below the cost per day of incarceration in the public facilities in Hawaii and the private facilities on the mainland. At a meeting with Lingle's newly appointed Director of Public Safety John Peyton, Mr. Peyton told me that the new administration "did not believe in rehabilitation, but would instead concentrate its efforts in repairing existing facilities and did not want to privatize". Lingle rejected our

proposal.

Dole Pineapple Company is allowed to dispose of its plastic materials into the soil and air. Hawaii's landscape is littered with millions of dollar sized pieces of black plastic, left over from the pineapple planting and harvesting process. This material is not only ugly to look at but chokes marine life that swallow it. No one in government seems to care. **It is our environment that we all must live with and hand down to our children.**

The State of Hawaii Judicial Selection Committee is responsible for screening prospective judges for the governor's final selection. The former president of the committee selected a female for the circuit court bench with whom he was having sex. This female judge was not his wife.

HISTORY IS ON OUR SIDE: Every warlike and oppressive "global" power from Alexander the Great to George Bush has and will suffer the fate. Eventual decline and retreat from its occupied territories. Let us prepare for that time, it may not be within our life time but as Moses said **"let us go Pharaoh, let my people go"**.

*Halihali mai 'oe i ka po'e lahui Hawai'i. Ka ala nui Ea like me ke ka'awila.
Imua a i hope. Ma lela no hana like kakou,
a'ole hakaka, a'ole hukihuki, ALU LIKE.*

People of Hawai'i lets get together. The road to Sovereignty is like the Spokes of a Wheel. Go forward or back. The way to work is together. Don't fight or argue, **COME TOGETHER.**

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