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ATTORNEY FOR PLAINTIFF LANCE PAUL LARSEN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

LANCE PAUL LARSEN, individually)
as a subject of the Hawaiian Kingdom)
and on behalf of all subjects of the)
Hawaiian Kingdom and all foreign)
nationals presently within the Hawaiian)
Islands similarly situated,)

Plaintiff,)

vs.)

the **UNITED STATES OF AMERICA**,)
and the **HAWAIIAN KINGDOM**,)

Defendants,)

and)

FRANCE, DENMARK, SWEDEN,)
NORWAY, UNITED KINGDOM,)
BELGIUM, NETHERLANDS, ITALY,)
SPAIN, SWITZERLAND, RUSSIA,)
JAPAN, GERMANY, PORTUGAL,)
SAMOA, and the UNITED NATIONS,)

Nominal defendants.)
_____)

Civil No. 99-00546 SPK-BMK
(CLASS ACTION LAWSUIT)

COMPLAINT FOR INJUNCTIVE
RELIEF; DECLARATION OF
NINIA PARKS; EXHIBITS 1 - 69;
SUMMONS

COMPLAINT FOR INJUNCTIVE RELIEF

COMES NOW PLAINTIFF LANCE PAUL LARSEN, individually as a subject of the Hawaiian Kingdom and on behalf of all subjects of the Hawaiian Kingdom and all foreign nationals presently within the Hawaiian islands similarly situated, by and through his counsel, NINIA PARKS and for a complaint against Defendants the UNITED STATES OF AMERICA, and the HAWAIIAN KINGDOM, and to provide notice of this lawsuit to nominal defendants FRANCE, DENMARK, SWEDEN, NORWAY, UNITED KINGDOM, BELGIUM, NETHERLANDS, ITALY, SPAIN, SWITZERLAND, RUSSIA, JAPAN, GERMANY, PORTUGAL, SAMOA, and the UNITED NATIONS and alleges and avers as follows:

NATURE OF THE ACTION

1. Plaintiff, LANCE PAUL LARSEN, a subject of the Hawaiian Kingdom, brings this class action lawsuit against Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM, seeking a permanent injunction on all proceedings against Plaintiff in Hawai'i State Courts, including the Hilo and Puna District Court of the Third Circuit, and the Honolulu District Court of the First Circuit, until the International Title to the Hawaiian Islands can be properly adjudicated between named Defendants UNITED STATES OF AMERICA and HAWAIIAN KINGDOM at the Permanent Court of Arbitration at The Hague, Netherlands, in accordance with the Treaty of Friendship, Commerce and Navigation between the United States and the Hawaiian Kingdom, December 20, 1849, 18 U.S. Stat. 406, The Hague Convention for the Pacific Settlement of International Disputes, 1907, 36 U.S. Stat. 2199, and the Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331; 8 I.L.M. 679 (1969), as well as principles of international comity arising from those instruments.

JURISDICTION AND VENUE

2. This United States District Court has original jurisdiction over this complaint as the action arises under the Constitution of the United States, Article VI, section 2; the Treaty of

Friendship, Commerce and Navigation between the United States and the Hawaiian Kingdom, December 20, 1849, 18 U.S. Stat. 406; The Hague Convention for the Pacific Settlement of International Disputes, 1899 and 1907, 36 U.S. Stat. 2199; and the Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331; 8 I.L.M. 679 (1969), as hereinafter more fully appears.

3. Venue lies in this judicial district by virtue of 28 U.S.C. 1391(b) because the Hawaiian Islands are where a substantial part of events or omissions giving rise to the claims raised herein occurred.

4. Defendants who are Foreign States are excepted from claiming jurisdictional immunity by virtue of 28 U.S.C. 1605(a)(6) because Plaintiff seeks protection under international agreements.

5. Nominal defendants are joined in this lawsuit under Rule 19(a) of the Federal Rules of Civil Procedure because these nominal defendants have treaty relations with the Hawaiian Kingdom, and because it is believed that these nations may want to join in this action as the nationals of these nations within the Hawaiian islands may be affected by the outcome of this case. Thus these nations are joined as nominal defendants to put them on notice of this action.

6. Plaintiff is compelled to seek injunctive relief, under duress, from a foreign United States court that is located within the territorial jurisdiction of the Hawaiian Kingdom. Plaintiff files this complaint without prejudice to the Hawaiian Kingdom.

CLASS ACTION JUSTIFICATION

7. Plaintiff LANCE PAUL LARSEN brings this case on behalf of the general class consisting of Hawaiian subjects and foreign nationals within the Hawaiian Islands similarly situated, or in other words, those Hawaiian subjects and foreign nationals within the Hawaiian Islands who are being prosecuted by the UNITED STATES OF AMERICA and its political subdivision, the State of Hawai'i and its several Counties, or have been prosecuted by the same, and whose titles are protected under international treaties made with Defendant HAWAIIAN

KINGDOM.

8. The general class is divided into the following sub-classes:

Sub-class (a)(1) : Hawaiian subjects within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM.

Sub-class (a)(2): Hawaiian subjects within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM.

Sub-class (b)(1): Citizens of the United States of America within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM.

Sub-class (b)(2): Citizens of the United States of America within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM.

Sub-class (c)(1): French nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant FRANCE and Defendant HAWAIIAN KINGDOM.

Sub-class (c)(2): French nationals within the Hawaiian Islands who have been prosecut-

ed by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant FRANCE and Defendant HAWAIIAN KINGDOM.

Sub-class (d)(1): Danish nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant DENMARK and Defendant HAWAIIAN KINGDOM.

Sub-class (d)(2): Danish nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant DENMARK and Defendant HAWAIIAN KINGDOM.

Sub-class (e)(1): Swedish nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant SWEDEN and Defendant HAWAIIAN KINGDOM.

Sub-class (e)(2): Swedish nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant SWEDEN and Defendant HAWAIIAN KINGDOM.

Sub-class (f)(1): Norwegian nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant NORWAY and Defendant HAWAIIAN KINGDOM.

Sub-class (f)(2): Norwegian nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international

treaties made between nominal defendant NORWAY and Defendant HAWAIIAN KINGDOM.

Sub-class (g)(1): British nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant UNITED KINGDOM and Defendant HAWAIIAN KINGDOM.

Sub-class (g)(2): British nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant UNITED KINGDOM and Defendant HAWAIIAN KINGDOM.

Sub-class (h)(1): Belgian nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant BELGIUM and Defendant HAWAIIAN KINGDOM.

Sub-class (h)(2): Belgian nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant BELGIUM and Defendant HAWAIIAN KINGDOM.

Sub-class (i)(1): Dutch nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant NETHERLANDS and Defendant HAWAIIAN KINGDOM.

Sub-class (i)(2): Dutch nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international

treaties made between nominal defendant NETHERLANDS and Defendant HAWAIIAN KINGDOM.

Sub-class (j)(1): Italian nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant ITALY and Defendant HAWAIIAN KINGDOM.

Sub-class (j)(2): Italian nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant ITALY and Defendant HAWAIIAN KINGDOM.

Sub-class (k)(1): Spanish nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant SPAIN and Defendant HAWAIIAN KINGDOM.

Sub-class (k)(2): Spanish nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant SPAIN and Defendant HAWAIIAN KINGDOM.

Sub-class (l)(1): Swiss nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant SWITZERLAND and Defendant HAWAIIAN KINGDOM.

Sub-class (l)(2): Swiss nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant SWITZERLAND and Defendant HAWAIIAN

KINGDOM.

Sub-class (m)(1): Russian nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant RUSSIA and Defendant HAWAIIAN KINGDOM.

Sub-class (m)(2): Russian nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant RUSSIA and Defendant HAWAIIAN KINGDOM.

Sub-class (n)(1): Japanese nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant JAPAN and Defendant HAWAIIAN KINGDOM.

Sub-class (n)(2): Japanese nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant JAPAN and Defendant HAWAIIAN KINGDOM.

Sub-class (o)(1): German nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant GERMANY and Defendant HAWAIIAN KINGDOM.

Sub-class (o)(2): German nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant GERMANY and Defendant HAWAIIAN KINGDOM.

Sub-class (p)(1): Portuguese nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivi-

sion, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant PORTUGAL and Defendant HAWAIIAN KINGDOM.

Sub-class (p)(2): Portuguese nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant PORTUGAL and Defendant HAWAIIAN KINGDOM.

Sub-class (q)(1): Samoan nationals within the Hawaiian Islands who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, and whose titles are protected under international treaties made between nominal defendant SAMOA and Defendant HAWAIIAN KINGDOM.

Sub-class (q)(2): Samoan nationals within the Hawaiian Islands who have been prosecuted by Defendant UNITED STATES OF AMERICA and its political subdivision, the State of Hawai'i and its several Counties in the past, and whose titles are protected under international treaties made between nominal defendant SAMOA and Defendant HAWAIIAN KINGDOM.

9. Plaintiff brings this as a class action lawsuit as the class is so numerous that joinder of all of the above described class members is impracticable.

10. Plaintiff also brings this as a class action lawsuit as the questions of law or fact, which stem from the various international treaties that are cited in this complaint are common to the class in that all members of the class are protected by international treaties made with the Hawaiian Kingdom.

11. Plaintiff also brings this as a class action lawsuit as the claims of the representative party, LANCE PAUL LARSEN, are typical of the claims that are available to any Hawaiian subject or foreign national within the Hawaiian Islands whose titles are protected under international treaties made between Defendant UNITED STATES OF AMERICA, or any nominal defendant and Defendant HAWAIIAN KINGDOM. Plaintiff's claim of protection by nationali-

ty under international treaty, against the unlawful imposition of American municipal laws over Plaintiff's person within the territorial jurisdiction of the Hawaiian Kingdom is available to other Hawaiian subjects and foreign nationals who are currently being prosecuted by Defendant UNITED STATES OF AMERICA and its political subdivision, the State of Hawai'i and its several Counties, and who are protected by international treaties to which Defendant HAWAIIAN KINGDOM is a party.

12. Plaintiff also brings this as a class action lawsuit as the representative party, LANCE PAUL LARSEN, is similarly situated with respect to other members of the class as he is currently being prosecuted by Defendant UNITED STATES OF AMERICA through its political subdivision, the State of Hawai'i and its several Counties, thus he will fairly and adequately protect the interests of the class members by compelling Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM to finally adjudicate and settle the international title to the Hawaiian Islands at the Permanent Court of Arbitration at The Hague, Netherlands.

13. Plaintiff also brings this as a class action lawsuit as the class action is maintainable because the questions of law and fact raised in this complaint are common to the members of all classes, and these questions of law and fact predominate over any questions affecting only individual members. While the specific facts and laws that characterize and comprise the prosecution of any specific class member by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties may differ, all members of the class have a cause of action against Defendants UNITED STATES OF AMERICA and HAWAIIAN KINGDOM based on common historical facts and international laws that are set forth in this complaint. These issues of common historical facts and international laws predominate over any differences in the specific charges imposed on the various members of the general class by Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties. A class action lawsuit is superior to other methods for the fair and efficient adjudication of the controversy because the remedy sought is appropriate to all

claims of class members, namely a permanent injunction in state court proceedings affecting the members of the class until international arbitration is completed is an appropriate remedy for all members of this class. In addition, allowing this class action to proceed rather than allowing the individual members of the class to maintain control over separate prosecutions of this action would impose a large burden on all defendants and the court system. A class action lawsuit in this case is also appropriate as all members of the general class are subject to the laws and statutes of the Hawaiian Kingdom while within the territorial jurisdiction of the same.

THE PARTIES

14. Plaintiff LANCE PAUL LARSEN brings this suit as an individual subject of the Hawaiian Kingdom whose inalienable civil right to "life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness" is guaranteed by Article I of the Hawaiian Constitution of 1864, and acknowledged and protected by the laws and statutes of the Hawaiian Kingdom. A true and correct copy of an Affidavit of Lance Paul Larsen, April 19, 1999, is attached hereto and incorporated as Exhibit "1".

15. Plaintiff LANCE PAUL LARSEN also brings this suit as a class action on behalf of all subjects of the Hawaiian Kingdom and foreign nationals in the Hawaiian Islands similarly situated.

16. Defendant UNITED STATES OF AMERICA is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and thus obligations thereunder and under customary international law toward Plaintiff pursuant to the said 1849 Treaty between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM. The Treaty of 1849 provides in Article VIII that United States' municipal laws are limited to "intraterritorial" only: "the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively."

17. Defendant UNITED STATES OF AMERICA is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

18. Defendant UNITED STATES OF AMERICA is also a signatory to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Although Defendant UNITED STATES OF AMERICA has yet to ratify the Vienna Convention, Article 18 provides that a State that has signed but has not ratified a treaty "is obliged to refrain from acts which would defeat the object and purpose of the treaty." This obligation continues until the signatory State "shall have made its intention clear not to become a party to the treaty."

19. Defendant HAWAIIAN KINGDOM is a State that has treaty relations with the United States of America and thus obligations thereunder and under customary international law toward Plaintiff pursuant to the said 1849 Treaty of Friendship, Commerce and Navigation, and the laws and statutes of the Hawaiian Kingdom. Section 6, Chapter II, Title I of the Hawaiian Kingdom Civil Code provides that "The laws are obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign State, while within the limits of this kingdom, except so far as exception is made by the laws of nations in respect to Ambassadors or others. The property of all such persons, while within the territorial jurisdiction of this kingdom, is also subject to the laws."

20. Defendant HAWAIIAN KINGDOM is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

21. Defendant HAWAIIAN KINGDOM is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna

Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

22. Nominal defendant UNITED NATIONS is an international organization committed to establishing "conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained." UNITED NATIONS is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this international organization may want to join in this action in order to facilitate a resolution to this dispute by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means.

23. Nominal defendant FRANCE is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the French government to a limited share in the Hawaiian Government in order to provide civil protection for French nationals within the territory of the Hawaiian Kingdom. FRANCE is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of France currently within the Hawaiian Islands may be affected by the decision in this case.

24. Nominal defendant FRANCE is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

25. Nominal defendant DENMARK is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Danish government to a limited share in the Hawaiian Government in order to provide civil protection for Danish nationals within the territory of the Hawaiian Kingdom. DENMARK is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Denmark currently within the Hawaiian Islands may be affected by the decision

in this case.

26. Nominal defendant DENMARK is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

27. Nominal defendant DENMARK is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

28. Nominal defendant SWEDEN is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Swedish government to a limited share in the Hawaiian Government in order to provide civil protection for Swedish nationals within the territory of the Hawaiian Kingdom. SWEDEN is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Sweden currently within the Hawaiian Islands may be affected by the decision in this case.

29. Nominal defendant SWEDEN is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

30. Nominal defendant SWEDEN is also a signatory to the Vienna Convention on the Law of Treaties, 1969. Although SWEDEN has yet to ratify the Vienna Convention, Article 18 provides that a State that has signed but has not ratified a treaty "is obliged to refrain from acts which would defeat the object and purpose of the treaty." This obligation continues until the signatory State "shall have made its intention clear not to become a party to the treaty."

31. Nominal defendant NORWAY is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian

Kingdom admitting the Norwegian government to a limited share in the Hawaiian Government in order to provide civil protection for Norwegian nationals within the territory of the Hawaiian Kingdom. NORWAY is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Norway currently within the Hawaiian Islands may be affected by the decision in this case.

32. Nominal defendant NORWAY is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

33. Nominal defendant UNITED KINGDOM is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the British government to a limited share in the Hawaiian Government in order to provide civil protection for British subjects within the territory of the Hawaiian Kingdom. UNITED KINGDOM is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of United Kingdom currently within the Hawaiian Islands may be affected by the decision in this case.

34. Nominal defendant UNITED KINGDOM is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

35. Nominal defendant UNITED KINGDOM is also a signatory to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Although the UNITED KINGDOM has yet to ratify the Vienna Convention, Article 18 provides that a State that has signed but has not ratified a treaty "is obliged to refrain from acts which would defeat the object

and purpose of the treaty." This obligation continues until the signatory State "shall have made its intention clear not to become a party to the treaty."

36. Nominal defendant BELGIUM is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Belgian government to a limited share in the Hawaiian Government in order to provide civil protection for Belgian nationals within the territory of the Hawaiian Kingdom. BELGIUM is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Belgium currently within the Hawaiian Islands may be affected by the decision in this case.

37. Nominal defendant BELGIUM is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

38. Nominal defendant BELGIUM is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

39. Nominal defendant NETHERLANDS is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the government of the Netherlands to a limited share in the Hawaiian Government in order to provide civil protection for Dutch nationals within the territory of the Hawaiian Kingdom. NETHERLANDS is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of the Netherlands currently within the Hawaiian Islands may be affected by the decision in this case.

40. Nominal defendant NETHERLANDS is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a

Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

41. Nominal defendant NETHERLANDS is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

42. Nominal defendant ITALY is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Italian government to a limited share in the Hawaiian Government in order to provide civil protection for Italian nationals within the territory of the Hawaiian Kingdom. ITALY is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Italy currently within the Hawaiian Islands may be affected by the decision in this case.

43. Nominal defendant ITALY is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

44. Nominal defendant ITALY is also a signatory to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Although ITALY has yet to ratify the Vienna Convention, Article 18 provides that a State that has signed but has not ratified a treaty "is obliged to refrain from acts which would defeat the object and purpose of the treaty." This obligation continues until the signatory State "shall have made its intention clear not to become a party to the treaty."

45. Nominal defendant SPAIN is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian

Kingdom admitting the Spanish government to a limited share in the Hawaiian Government in order to provide civil protection for Spanish nationals within the territory of the Hawaiian Kingdom. SPAIN is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Spain currently within the Hawaiian Islands may be affected by the decision in this case.

46. Nominal defendant SPAIN is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

47. Nominal defendant SPAIN is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

48. Nominal defendant SWITZERLAND is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Swiss government to a limited share in the Hawaiian Government in order to provide civil protection for Swiss nationals within the territory of the Hawaiian Kingdom. SWITZERLAND is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Switzerland currently within the Hawaiian Islands may be affected by the decision in this case.

49. Nominal defendant SWITZERLAND is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

50. Nominal defendant SWITZERLAND is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna

Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

51. Nominal defendant RUSSIA is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Russian government to a limited share in the Hawaiian Government in order to provide civil protection for Russian nationals within the territory of the Hawaiian Kingdom. RUSSIA is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Russia currently within the Hawaiian Islands may be affected by the decision in this case.

52. Nominal defendant RUSSIA is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

53. Nominal defendant RUSSIA is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

54. Nominal defendant JAPAN is a State that has treaty relations with Defendant Hawaiian Kingdom and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the Japanese government to a limited share in the Hawaiian Government in order to provide civil protection for Japanese nationals within the territory of the Hawaiian Kingdom. JAPAN is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Japan currently within the Hawaiian Islands may be affected by the decision in this case.

55. Nominal defendant JAPAN is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation,

mediation, good offices, and commissions of inquiry (fact-finding).

56. Nominal defendant JAPAN is also a ratified State party to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith."

57. Nominal defendant GERMANY is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by the Hawaiian Kingdom admitting the German government to a limited share in the Hawaiian Government in order to provide civil protection for German nationals within the territory of the Hawaiian Kingdom. GERMANY is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Germany currently within the Hawaiian Islands may be affected by the decision in this case.

58. Nominal defendant GERMANY is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

59. Nominal defendant GERMANY is also a signatory to the Vienna Convention on the Law of Treaties, 1969. The modern law of treaties is codified in the Vienna Convention. Article 26 of the Vienna Convention provides that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Although GERMANY has yet to ratify the Vienna Convention, Article 18 provides that a State that has signed but has not ratified a treaty "is obliged to refrain from acts which would defeat the object and purpose of the treaty." This obligation continues until the signatory State "shall have made its intention clear not to become a party to the treaty."

60. Nominal defendant PORTUGAL is a State that has treaty relations with Defendant HAWAIIAN KINGDOM and is a party to a Limited Power of Attorney granted by

the Hawaiian Kingdom admitting the Portuguese government to a limited share in the Hawaiian Government in order to provide civil protection for Portuguese nationals within the territory of the Hawaiian Kingdom. PORTUGAL is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Portugal currently within the Hawaiian Islands may be affected by the decision in this case.

61. Nominal defendant PORTUGAL is a ratified State party to The Hague Convention for the Pacific Settlement of International Disputes, 1907, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding).

62. Nominal defendant SAMOA is a State that has treaty relations with Defendant Hawaiian Kingdom and is a party to a Treaty of Political Confederation with the Hawaiian Kingdom. SAMOA is joined as a nominal defendant in this case in order to provide notice of this action because it is believed that this nation may want to join in this action as the nationals of Samoa currently within the Hawaiian Islands may be affected by the decision in this case.

STATEMENT OF FACTS

63. Upon information and belief Plaintiff alleges that on November 28, 1843, at the Court of London, nominal defendant UNITED KINGDOM and nominal defendant FRANCE recognized Defendant HAWAIIAN KINGDOM as an Independent State. A true and correct copy of the British and French Proclamation of Hawai'i as an Independent State is attached hereto and incorporated as Exhibit "2".

64. Upon information and belief Plaintiff alleges that on November 16, 1836, a Treaty was signed between nominal defendant UNITED KINGDOM and Defendant HAWAIIAN KINGDOM, and thereafter ratified by both governments. Article I of the British Treaty of 1836 provides that "English subjects shall be permitted to come with their vessels, and property of whatever kind, to the Sandwich Islands; they shall also be permitted to reside therein, as long

as they conform to the laws of these Islands, and to build houses, and warehouses for their merchandize with the consent of the King, and good friendship shall continue between the subjects of both countries, Great Britain and the Sandwich Islands." A true and correct copy of the British Treaty of 1836 is attached hereto and incorporated as Exhibit "3".

65. Upon information and belief Plaintiff alleges that on July 17, 1839, a Treaty was signed between nominal defendant FRANCE and Defendant HAWAIIAN KINGDOM at Honolulu, and thereafter ratified by both governments. Article II of the French Treaty of 1839 provides "[t]he French shall be protected in an efficient manner, in their persons and their properties, by the King of the Sandwich, who shall grant them the authorization necessary, that they may pursue juridically His subjects against whom they may have just reclamations to make." A true and correct copy of the French Treaty of 1839 is attached hereto and incorporated as Exhibit "4".

66. Upon information and belief Plaintiff alleges that on March 26, 1846, a second Treaty was signed between nominal defendant FRANCE and Defendant HAWAIIAN KINGDOM at Honolulu, and thereafter ratified by both governments. The French Treaty of 1846 effectively replaced the former French Treaty of 1839. A true and correct copy of the French Treaty of 1846 is attached hereto and incorporated as Exhibit "5".

67. Upon information and belief Plaintiff alleges that on March 26, 1846, a second Treaty was signed between nominal defendant UNITED KINGDOM and Defendant HAWAIIAN KINGDOM at Honolulu, and thereafter ratified by both governments. The British Treaty of 1846 effectively replaced the former British Treaty of 1836. Article II of the British Treaty of 1846 provides "[t]he subjects of Her Britannic Majesty residing within the dominions of the King of the Sandwich Islands, shall enjoy the same protection in regard to their civil rights as well as to their persons and properties, as native subjects; and the King of the Sandwich Islands engages to grant to British subjects the same rights and privileges which now are, or hereafter may be, granted to or enjoyed by any other foreigners, subjects of the most favored nation." A true and correct copy of the British Treaty of 1846 is attached hereto and incorporated as

Exhibit "6".

68. Upon information and belief Plaintiff alleges that on October 19, 1846, a Treaty was signed between nominal defendant DENMARK and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Article II provides that "[t]he subjects of His Majesty the King of Denmark, residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to Danish subjects the same rights and privileges which now are, or may hereafter be, granted to or enjoyed by any other foreigners, subjects of the most favored nation." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Danish Treaty of 1846 is attached hereto and incorporated as Exhibit "7".

69. Upon information and belief Plaintiff alleges that on January 8, 1848, a Treaty was signed between the Republic and free Hanseatic City of Hamburg and Defendant HAWAIIAN KINGDOM at Honolulu, and thereafter ratified by both governments. Article II of the Hamburg Treaty of 1848 provides "[t]he citizens of the Republic of Hamburg, residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights, as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to citizens of the Republic of Hamburg the same rights and privileges which now are, or may hereafter be, granted to or enjoyed by any other foreigners, subjects of the most favored nation." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. The succeeding State to the Hamburg Treaty of 1848 is presently nominal defendant GERMANY. A true and correct copy of the Hamburg Treaty of 1848 is attached hereto and incorporated as Exhibit "8".

70. Upon information and belief Plaintiff alleges that on December 20, 1849, the Treaty between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM was concluded and signed at Washington. Ratifications by both countries were exchanged at Honolulu, Island of O`ahu, on August 24, 1850, and the treaty was in force from that date, for the term of ten years, and further until either of the contracting parties shall give notice to the other of its intention to terminate. Article VIII of the United States' Treaty of 1849 provides that "...each of the two contracting parties engages that the citizens or subjects of the other residing in their respective States shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries, respectively." In addition, Article XVI provides that any "citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation." Neither country gave notice to the other of its intention to terminate this treaty in accordance with Article XVI of the said treaty. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the United States' Treaty of 1849 is attached hereto and incorporated as Exhibit "9."

71. Upon information and belief Plaintiff alleges that on July 10, 1851, a third Treaty was signed between nominal defendant UNITED KINGDOM and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Article VIII of the British Treaty of 1851 provides "the subjects of either of the contracting parties, in the territories of the other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights..." The British Treaty of 1851 effectively replaced the former British Treaty of 1846. Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the

treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the British Treaty of 1851 is attached hereto and incorporated as Exhibit "10".

72. Upon information and belief Plaintiff alleges that on August 7, 1851, a Treaty was signed between the Free Hanseatic City of Bremen and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Article II provides that "[t]he citizens of Bremen residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights, as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to the citizens of Bremen, the same rights and privileges which now are, or may hereafter be granted to, or enjoyed by any other foreigners, subjects of the most favored nation." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. The succeeding State to the Bremen Treaty of 1851 is presently nominal defendant GERMANY. A true and correct copy of the Bremen Treaty of 1851 is attached hereto and incorporated as Exhibit "11".

73. Upon information and belief Plaintiff alleges that on July 1, 1852, a Treaty was signed between nominal defendant's SWEDEN and NORWAY and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Article II provides that "[t]here shall be between all the dominions of His Swedish and Norwegian Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties, respectively, shall have liberty freely and securely to come with their ships and cargoes to all places, ports and rivers in the territories of the other, where trade with other nations is permitted. They may remain and reside in any part of the said territories, respectively, and hire and occupy houses and warehouses and my trade, by wholesale or retail, in all kinds of produce, manufactures or merchandise of lawful commerce, enjoying the same exemptions and privileges as native subjects, and subject always to the same laws and established customs as native sub-

jects." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Swedish and Norwegian Treaty of 1852 is attached hereto and incorporated as Exhibit "12".

74. Upon information and belief Plaintiff alleges that on November 24, 1853, a Postal Convention was signed between nominal defendant FRANCE's Protectorate Government of Tahiti and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. A true and correct copy of the Tahitian Postal Convention of 1853 is attached hereto and incorporated as Exhibit "13".

75. Upon information and belief Plaintiff alleges that on October 29, 1857, a third Treaty was signed between nominal defendant FRANCE and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Article IV provides that "[t]heir respective subjects shall enjoy, in both States, a constant and complete protection for their persons and properties. They shall, consequently, have free and easy access to the tribunals of justice, in prosecution and defense of their rights, in every instance, and in all the degrees of jurisdiction established by the laws." The French Treaty of 1857 effectively replaced the former French Treaty of 1846. Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the French Treaty of 1857 is attached hereto and incorporated as Exhibit "14".

76. Upon information and belief Plaintiff alleges that on October 4, 1862, a Treaty was signed between nominal defendant BELGIUM and Defendant HAWAIIAN KINGDOM at Brussels and thereafter ratified by both governments. Article IV provides that "[t]he respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently they shall have free and easy access to the court of justice in

the pursuit and defense of their rights in every instance and degree of jurisdiction established by the laws." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Belgian Treaty of 1862 is attached hereto and incorporated as Exhibit "15".

77. Upon information and belief Plaintiff alleges that on October 16, 1862, a Treaty was signed between nominal defendant NETHERLANDS and Defendant HAWAIIAN KINGDOM at the Hague and thereafter ratified by both governments. Article II provides that "[t]he respective subjects of the two high contracting parties shall be perfectly and in all respects assimilated on their establishment and settlement, whether for a longer or shorter time in the States and Colonies of the other party on the terms granted to the subjects of the most favored nation in all which concerns the permission of sojourning, the exercise of legal professions, imposts, taxes, in a word, all the conditions relative to sojourn and establishment." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Dutch Treaty of 1862 is attached hereto and incorporated as Exhibit "16".

78. Upon information and belief Plaintiff alleges that on July 22, 1863, a Treaty was signed between nominal defendant ITALY and Defendant HAWAIIAN KINGDOM at Paris and thereafter ratified by both governments. Article IV provides that "[t]he respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently, they shall have free and easy access to the courts of justice in the pursuit and defense of their rights, in every instance and degree of jurisdiction established by the laws." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Italian Treaty of 1863 is attached hereto and incorporated as Exhibit "17".

79. Upon information and belief Plaintiff alleges that on October 29, 1863, a Treaty was signed between nominal defendant SPAIN and Defendant HAWAIIAN KINGDOM at London and thereafter ratified by both governments. Article IV provides that "[t]he respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently, they shall have free and easy access to the courts of justice in the pursuit and defense of their rights, in every instance and degree of jurisdiction established by the laws." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Spanish Treaty of 1863 is attached hereto and incorporated as Exhibit "18".

80. Upon information and belief Plaintiff alleges that on July 20, 1864, a Treaty was signed between nominal defendant SWITZERLAND and Defendant HAWAIIAN KINGDOM at Berne and thereafter ratified by both governments. Article III provides that "[t]he citizens of each of the contracting parties shall enjoy on the territory of the other the most perfect and complete protection for their persons and their property. They shall in consequence have free and easy access to the tribunals of justice for their claims and the defense of their rights, in all cases and in every degree of jurisdiction established by the law." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Swiss Treaty of 1864 is attached hereto and incorporated as Exhibit "19".

81. Upon information and belief Plaintiff alleges that on June 19, 1869, a Treaty was signed between nominal defendant RUSSIA and Defendant HAWAIIAN KINGDOM at Paris and thereafter ratified by both governments. Article II provides that "[t]he subjects of His Majesty the Emperor of all the Russias, and the subjects of His Majesty the King of the Hawaiian Islands, shall be treated reciprocally on the footing of the most favored nation." Neither country gave notice to the other of its intention to terminate this treaty in accordance

with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Russian Treaty of 1869 is attached hereto and incorporated as Exhibit "20".

82. Upon information and belief Plaintiff alleges that on May 4, 1870, a Postal Convention was signed between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM at Washington and thereafter ratified by both governments. Neither country gave notice to the other of its intention to terminate this Postal Convention in accordance with the principles of customary international law. Therefore the Postal Convention is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the United States Postal Convention of 1870 is attached hereto and incorporated as Exhibit "21".

83. Upon information and belief Plaintiff alleges that on August 19, 1871, a Treaty was signed between nominal defendant JAPAN and Defendant HAWAIIAN KINGDOM at the city of Yedo and thereafter ratified by both governments. Article II provides that "[t]he subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports and rivers in the territories of the other, where trade with other nations is permitted; they may remain and reside in any such ports, and places respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures and merchandise of lawful commerce, enjoying at all times the same privileges as may have been, or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Japanese Treaty of 1871 is attached hereto and incorporated as Exhibit "22".

84. Upon information and belief Plaintiff alleges that on March 10, 1874, a Postal

Convention was signed between nominal defendant UNITED KINGDOM's Colonial Government of New South Wales and Defendant HAWAIIAN KINGDOM at Honolulu and thereafter ratified by both governments. Neither country gave notice to the other of its intention to terminate this Postal Convention in accordance with the principles of customary international law. Therefore the New South Wales Postal Convention is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the New South Wales Postal Convention of 1874 is attached hereto and incorporated as Exhibit "23".

85. Upon information and belief Plaintiff alleges that on January 30, 1875, a Convention of Commercial Reciprocity between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM was concluded and signed at Washington, and thereafter ratified by both governments and exchanged. A true and correct copy of the United States Convention of Commercial Reciprocity of 1875 is attached hereto and incorporated as Exhibit "24".

86. Upon information and belief Plaintiff alleges that on March 25, 1879, a Treaty was signed between nominal defendant GERMANY and Defendant HAWAIIAN KINGDOM at Berlin and thereafter ratified by both governments and exchanged. Article II provides that "[t]he subjects and citizens of the two High Contracting Parties may remain and reside in any part of said territories respectively and shall receive and enjoy full and perfect protection for their persons and property. They shall have free and easy access to the courts of justice, provided by law, in pursuit and defense of their rights, and they shall be at liberty to choose and employ lawyers, advocates or agents to pursue or defend their rights before such courts of justice; and they shall enjoy in this respect all the rights and privileges as native subjects or citizens." Neither country gave notice to the other of its intention to terminate this treaty in accordance with the principles of customary international law. Therefore the treaty is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the German Treaty of 1879 is attached hereto and incorporated as Exhibit "25".

87. Upon information and belief Plaintiff alleges that on May 5, 1882, a Provisional

Convention was signed between nominal defendant PORTUGAL and Defendant HAWAIIAN KINGDOM at Lisbon and thereafter ratified by both governments. Article I provides that "[t]he Consular Agents, the subjects, the ships and products of the soil, or of the industry of one of the two countries, will enjoy on the territory of the other the same exemptions, privileges, and immunities which other Consular Agents, subjects, ships and products of the soil, or of the industry of the most favored nation, enjoy." Neither country gave notice to the other of its intention to terminate this Provisional Convention in accordance with the principles of customary international law. Therefore the Portuguese Provisional Convention is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Portuguese Provisional Convention of 1882 is attached hereto and incorporated as Exhibit "26".

88. Upon information and belief Plaintiff alleges that on September 11, 1883, a Convention between Defendant UNITED STATES OF AMERICA's Post Office Department and Defendant HAWAIIAN KINGDOM's Post Office Department, concerning the Exchange of Money Orders, was concluded and signed at Washington and thereafter ratified by both governments and exchanged. Neither country gave notice to the other of its intention to terminate this Postal Convention concerning Money Orders in accordance with the principles of customary international law. Therefore the United States Postal Convention concerning Money Orders is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the United States Postal Convention concerning Money Orders of 1883 is attached hereto and incorporated as Exhibit "27".

89. Upon information and belief Plaintiff alleges that on December 6, 1884, a Supplementary Convention to the 1875 Convention of Commercial Reciprocity, between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM was concluded and signed at Washington, D.C., and thereafter ratified by both governments and exchanged. A true and correct copy of the Supplementary Convention of 1884 is attached hereto and incorporated as Exhibit "28".

90. Upon information and belief Plaintiff alleges that on March 21, 1885, an

Additional Act to the Universal Postal Union Convention of June 1, 1878, between Defendant HAWAIIAN KINGDOM, and the governments of nominal defendant UNITED KINGDOM, nominal defendant GERMANY, Defendant UNITED STATES OF AMERICA, Argentine Republic, Austria, Hungary, nominal defendant BELGIUM, Bolivia, Brazil, Bulgaria, Chile, United States of Columbia, Republic of Costa Rica, nominal defendant DENMARK, Dominican Republic, Egypt, Ecuador, nominal defendant SPAIN, nominal defendant FRANCE, Canada, British India, Greece, Guatamala, Republic of Hayti, Republic of Honduras, nominal defendant ITALY, nominal defendant JAPAN, Republic of Liberia, Luxembourg, Mexico, Montenegro, Nicaragua, Paraguay, nominal defendant NETHERLANDS, Peru, Persia, nominal defendant PORTUGAL, Roumania, Russia, Salvador, Servia, Kingdom of Siam, nominal defendant SWEDEN, nominal defendant NORWAY, nominal defendant SWITZERLAND, Turkey, Uruguay and Venezuela, was concluded and signed at Lisbon and thereafter ratified and exchanged by the governments. Neither of the countries gave notice to Defendant HAWAIIAN KINGDOM of any intention to terminate this Additional Act to the Universal Postal Union Convention in accordance with the principles of customary international law. Therefore the Additional Act to the Universal Postal Union Convention is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Universal Postal Convention of 1885 is attached hereto and incorporated as Exhibit "29".

91. Upon information and belief Plaintiff alleges that on January 28, 1886, a Convention between nominal defendant JAPAN and Defendant HAWAIIAN KINGDOM was concluded and signed at Tokyo and thereafter ratified by both governments and exchanged. Neither country gave notice to the other of its intention to terminate this Convention in accordance with the principles of customary international law. Therefore the Japanese Convention is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Japanese Convention of 1886 is attached hereto and incorporated as Exhibit "30".

92. Upon information and belief Plaintiff alleges that on February 17, 1887, at

Samoa, and on March 20, 1887, at Honolulu, a Treaty of Political Confederation between nominal defendant SAMOA and Defendant HAWAIIAN KINGDOM, was concluded and signed, and thereafter ratified by both governments and exchanged. The treaty provides that Malietoa, King of Samoa, agrees to bind himself "to enter into a Political Confederation with His Majesty Kalakaua, King of the Hawaiian Islands," and gives his solemn pledge that he "will conform to whatever measures may hereafter be adopted by His Majesty Kalakaua and be mutually agreed upon to promote and carry into effect this Political Confederation, and to maintain it now and forever." Neither country gave notice to the other of its intention to terminate this Treaty of Political Confederation in accordance with the principles of customary international law. Therefore the Treaty of Political Confederation is still in full force and legal effect until today and at all times relevant to these proceedings. A true and correct copy of the Hawaiian-Samoan Political Confederation of 1887 is attached hereto and incorporated as Exhibit "31".

93. Upon information and belief Plaintiff alleges that on the afternoon of January 17, 1893, a self-declared "committee of safety" that represented the American and European sugar planters, descendants of missionaries, and financiers, committed the crime of high treason as defined under § 1, Chapter VI of the Hawaiian Penal Code, by deposing Her Majesty Queen Lili`uokalani and her cabinet and proclaimed the establishment of a provisional government, until terms of annexation with Defendant UNITED STATES OF AMERICA have been negotiated and agreed upon. A United States diplomat assigned to the Hawaiian Kingdom, namely Minister John L. Stevens, conspired with these traitors and authorized U.S. troops to land on Hawaiian soil against the protest of Queen Lili`uokalani and her cabinet, under the false pretense that American lives were in jeopardy. A true and correct copy of the Proclamation of the self-proclaimed provisional government on January 17, 1893, is attached hereto and incorporated as Exhibit "32".

94. Upon information and belief Plaintiff alleges that on that same day, when informed of the risk of bloodshed with resistance, Her Majesty Queen Lili`uokalani, representing Defendant HAWAIIAN KINGDOM, issued a statement "temporarily" yielding her executive

authority as the constitutional Monarch to Defendant UNITED STATES OF AMERICA, by its President, as a fact finder only, rather than to the provisional government. A true and correct copy of the Queen's Protest of January 17, 1893, is attached hereto and incorporated as Exhibit "33".

95. Upon information and belief Plaintiff alleges that in violation of the treaties cited above and principles of customary international law, Defendant UNITED STATES OF AMERICA's Minister Stevens extended *de facto* recognition to the provisional government, without the consent of the Government of Defendant HAWAIIAN KINGDOM, while Defendant UNITED STATES OF AMERICA's Naval Forces forced and imposed themselves upon and across the Government building. A true and correct copy of U.S. Minister Stevens Proclamation of *de facto* recognition is attached hereto and incorporated as Exhibit "34".

96. Upon information and belief Plaintiff alleges that on January 19, 1893, individuals representing the self-declared provisional government sailed for the United States in an steamer especially chartered for the occasion, and arrived in San Francisco on January 28th, and in Washington on February 3rd.

97. Upon information and belief Plaintiff alleges that on February 14, 1893, they signed a treaty of annexation with Defendant UNITED STATES OF AMERICA's Secretary of State, under U.S. President Harrison's administration, who was operating on the mistaken assumption that it was a popular revolt and no troops or officers of Defendant UNITED STATES OF AMERICA were present or took any part whatever in the uprising, and on February 15, 1893, the treaty of annexation was submitted to the Defendant UNITED STATES OF AMERICA's Senate for ratification. A true and correct copy of the so-called Treaty of Annexation of 1893 is attached hereto and incorporated as Exhibit "35".

98. Upon information and belief Plaintiff alleges that on March 9, 1893, Defendant UNITED STATES OF AMERICA's newly elected President Grover Cleveland, in possession of Queen Lili'uokalani's letter of protest, dated January 17, 1893, withdrew from Defendant UNITED STATES OF AMERICA's Senate the treaty of annexation, and dispatched a representative to

the Hawaiian Islands to impartially investigate the causes of the so-called revolution and to report the same. A true and correct copy of the Dispatch from Secretary of State Gresham to James Blount, March 11, 1893, informing the same of the actions of the President is attached hereto and incorporated as Exhibit “36”.

99. Upon information and belief Plaintiff alleges that the official report of a Presidentially established investigation conducted by Defendant UNITED STATES OF AMERICA's former Congressman James Blount into the events surrounding the treasonous actions and overthrow of January 17, 1893, concluded that Defendant UNITED STATES OF AMERICA's diplomatic and military representatives had abused their authority and were responsible for the overthrow of the government of Defendant HAWAIIAN KINGDOM. A true and correct copy of the Dispatch from Secretary of State Gresham to President Cleveland, October 18, 1893, is attached hereto and incorporated as Exhibit “37”.

100. Upon information and belief Plaintiff alleges that on the basis in part of the Blount Report, in a Message to Defendant UNITED STATES OF AMERICA's Congress on December 18, 1893, U.S. President Grover Cleveland reported fully and accurately on the illegal acts of these traitors, 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. He reminded the Defendant UNITED STATES OF AMERICA's Congress of the special nature of Queen Lili`uokalani’s surrender of Defendant HAWAIIAN KINGDOM's sovereignty, where she “...surrendered not to the provisional government, but to the United States. She surrendered not absolutely and permanently, but temporarily and conditionally until such time as the facts could be considered by the United States.”

101. Upon information and belief Plaintiff alleges that in the same speech, United States President Cleveland also conceded that “when our Minister recognized the provisional government . . . it was neither a government *de facto* nor *de jure*.” He further stated that a “substantial wrong has thus been done which a due regard for our national character as well as the

rights of the injured people requires we should endeavor to repair” and called for the restoration of the Government of Defendant HAWAIIAN KINGDOM. He also stated “...that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.” A true and correct copy of President Cleveland’s 1893 Message to Congress is attached hereto and incorporated as Exhibit “38”.

102. Upon information and belief Plaintiff alleges that on July 4, 1894, the defunct provisional government declared itself to be the Republic of Hawai’i, and maintained their opposition to the restoration of the Hawaiian Kingdom Government as called for by the United States President Grover Cleveland.

103. Upon information and belief Plaintiff alleges that on June 16, 1897, a second attempt of treaty of annexation was signed in Washington, D.C., between representatives of the self-proclaimed Republic of Hawai’i and Defendant UNITED STATES OF AMERICA's newly elected President, William McKinley, but said treaty remained subject to ratification by Defendant UNITED STATES OF AMERICA's Senate. A true and correct copy of the so-called Treaty of Annexation of 1897 is attached hereto and incorporated as Exhibit “39”.

104. Upon information and belief Plaintiff alleges that on June 17, 1897, in Washington, D.C., Her Majesty Queen Lili’uokalani, on behalf of Defendant HAWAIIAN KINGDOM, filed in the State Department of Defendant UNITED STATES OF AMERICA, a formal protest to the treaty of annexation that attempted to transfer the territory and sovereignty of Defendant HAWAIIAN KINGDOM to Defendant UNITED STATES OF AMERICA. A true and correct copy of Queen Lili'uokalani's formal protest to the second Treaty of Annexation, 1897, is attached hereto and incorporated as Exhibit “40”.

105. Upon information and belief Plaintiff alleges that fortifying Her Majesty Queen Lili’uokalani’s second letter of protest were signature petitions of 38,554 Hawaiian subjects and

residents of the Hawaiian Kingdom from the organizations of the Hawaiian Patriotic League and the Hawaiian Political Party, who vehemently protested annexation and whose petitions were filed in the Senate of Defendant UNITED STATES OF AMERICA previous to its convening in December of 1897 and in Defendant UNITED STATES OF AMERICA's Department of State. As a result of these protests the Defendant UNITED STATES OF AMERICA's Senate failed to obtain the required 2/3's vote, as mandated by the United States Constitution, to ratify the treaty of annexation with the self-proclaimed Republic of Hawai'i. A true and correct copy of the Hawaiian Memorial to the President, the Congress and the People of the United States of America, October 8, 1897, is attached hereto and incorporated as Exhibit "41".

106. Upon information and belief Plaintiff alleges that without a Treaty of Annexation by Defendant HAWAIIAN KINGDOM, the following Legislative Acts by Defendant UNITED STATES OF AMERICA's Congress have no extraterritorial effect outside of the territorial jurisdiction of Defendant UNITED STATES OF AMERICA, namely: (a) a Joint Resolution of Annexation, July 7, 1898, purporting to annex the Hawaiian Islands. 30 U.S. Stat. 750-751; (b) an Act purporting to provide a government for the Territory of Hawai'i, April 30, 1900. 31 U.S. Stat. 141-162; (c) an Act to Amend the Act purporting to provide a government for the Territory of Hawai'i, by establishing an Hawaiian Homes Commission. 67 U.S. Stat. 108-115; (d) an Act purporting to admit the State of Hawai'i into the Union, March 18, 1959. 73 U.S. Stat. 4-13; and (e) a Joint Resolution purporting to apologize to native Hawaiians for the so-called overthrow of the Hawaiian Kingdom, U.S. Public Law 103-150.

107. Upon information and belief Plaintiff alleges that according to Defendant UNITED STATES OF AMERICA's Constitution, Article VI, § 2, treaties entered into by the same are regarded to be the Supreme law of its land. Therefore, all municipal laws enacted by Defendant UNITED STATES OF AMERICA's Congress and imposed in the Hawaiian Islands are inferior to the 1849 Treaty of Friendship, Commerce and Navigation between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM, and cannot be legally enforced.

108. Upon information and belief Plaintiff alleges that on October 18, 1907 a Convention for the Pacific Settlement of International Disputes was concluded, signed and ratified by Defendant UNITED STATES OF AMERICA, and all named nominal defendants, excepting nominal defendant SAMOA, which established a Permanent Court of Arbitration that administers international dispute settlement, including arbitration, conciliation, mediation, good offices, and commissions of inquiry (fact-finding). A copy of The Hague Convention of 1907 is attached hereto and incorporated as Exhibit "42".

109. Upon information and belief Plaintiff alleges that on June 26, 1945, in San Francisco, the Charter of the UNITED NATIONS was signed, at the conclusion of the United Nations Conference on International Organization and came into force on October 24, 1945. The preamble of the United Nations Charter provides, in part, that "[w]e the Peoples of the United Nations determined...to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained..."

110. Upon information and belief Plaintiff alleges that nominal defendant UNITED NATIONS sponsored the Vienna Convention on the Law of Treaties and on May 23, 1969, the Convention was opened for State signatures and Defendant UNITED STATES OF AMERICA, together with nominal defendants DENMARK, SWEDEN, UNITED KINGDOM, BELGIUM, NETHERLANDS, ITALY, SPAIN, SWITZERLAND, RUSSIA, JAPAN, and GERMANY became State parties to the Convention, 1969. The fundamental rule of treaty observance, *pacta sunt servanda*, is stated in Article 26 of the Vienna Convention as follows: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." Article 27 states the necessary parallel rule that "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty." A copy of the Vienna Convention of 1969 is attached hereto and incorporated as Exhibit "43".

111. Upon information and belief Plaintiff alleges that on February 28, 1997, a Proclamation of the Regent of the Hawaiian Kingdom, *pro tempore*, on behalf of Defendant HAWAIIAN KINGDOM, was printed in the March 9, 1997, issue of the Honolulu Sunday

Advertiser, proclaiming in part, that the Government of Defendant HAWAIIAN KINGDOM was re-established, and the Civil Code of the Hawaiian Islands as noted in the Compiled Laws of 1884, together with the session laws of 1884 and 1886 and the Hawaiian Penal Code are in full force. A copy of the Proclamation by the Regent is attached hereto and incorporated as Exhibit "44".

112. Upon information and belief Plaintiff alleges that on November 24, 1997, a Petition for a Writ of Mandamus was filed by Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, serving as Ambassador to the United States, against Defendant UNITED STATES OF AMERICA in the United States' Supreme Court at Washington, D.C. under the Court's original jurisdiction, requesting an order from the Court to compel the President of the United States to faithfully execute United States' treaty laws and begin the complete withdrawal of American laws within the territorial jurisdiction of the Hawaiian Kingdom. A true and correct copy of the Petition for Writ of Mandamus is attached hereto and incorporated as Exhibit "45".

113. Upon information and belief Plaintiff alleges that the Clerk of the Court assigned the Petition for a Writ of Mandamus under docket no. 97-969.

114. Upon information and belief Plaintiff alleges that the Petition for Writ of Mandamus was denied a hearing by the Justices of the United States Supreme Court, after the Clerk of the Court had misfiled the Petition for Writ of Mandamus under the Court's appellate jurisdiction and not its original jurisdiction.

115. Upon information and belief Plaintiff alleges that in response to the questionable actions of the said Clerk of the Supreme Court in the Petition for Writ of Mandamus action, a Bill of Complaint, alleging treaty violations, was re-filed on August 6, 1998 by Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, serving as Ambassador to the United States, against Defendant UNITED STATES OF AMERICA in the United States' Supreme Court at Washington, D.C. under the Court's original jurisdiction. A true and correct copy of the Bill of Complaint is attached hereto and incorporated as Exhibit "46".

116. Upon information and belief Plaintiff alleges that the Clerk of the Court refused to place Defendant HAWAIIAN KINGDOM's Bill of Complaint on the docket pursuant to verbal instructions issued to the same by the Justices of the Court.

117. Upon information and belief Plaintiff alleges that in response to the Clerk's refusal to place the Bill of Complaint on the docket Defendant HAWAIIAN KINGDOM did file with the Court a Motion to Direct the Clerk of the Court to file the Bill of Complaint on October 8, 1998. A true and correct copy of the Motion to Direct the Clerk of the Court to file the Bill of Complaint is attached hereto and incorporated as Exhibit "47".

118. Upon information and belief Plaintiff alleges that the United States Supreme Court Justices denied Defendant HAWAIIAN KINGDOM's Motion to Direct the Clerk of the Court to file the Bill of Complaint. At all times relevant to the proceedings at the United States Supreme Court between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM, Plaintiff relied on a settlement between the parties, but to no avail.

119. Upon information and belief Plaintiff alleges that on April 29, 1999, Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, did grant a Limited Power of Attorney to nominal defendant SWITZERLAND, in accordance with Title II of the Administration of the Government, Civil Code of the Hawaiian Islands, Compiled Laws, 1884, pp. 6 thru 215, and in compliance with Article III of the Treaty of 1864 with nominal defendant SWITZERLAND and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Swiss citizens, while within the limits of the Hawaiian Kingdom. The Swiss Limited Power of Attorney was duly delivered to the Swiss Foreign Ministry by its Swiss Consul General assigned to the Hawaiian Islands, the Honorable Niklaus Schweizer. A copy of the Limited Power of Attorney to the Swiss Confederation is attached hereto and incorporated as Exhibit "48".

120. Upon information and belief Plaintiff alleges that on July 5, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did ratify the Convention for the Pacific Settlement of International Disputes, concluded at The Hague on

October 18, 1907. The ratification of The Hague Convention of 1907 was delivered to the Secretary General to the International Bureau of the Permanent Court of Arbitration, His Excellency Mr. Tj. van den Hout. A copy of the ratification of The Hague Convention of 1907 is attached hereto and incorporated as Exhibit "49".

121. Upon information and belief Plaintiff alleges that on July 13, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did ratify the Vienna Convention on the Law of Treaties, concluded at Vienna on May 23, 1969. The ratification of the Vienna Convention of 1969 was delivered to the Secretary General of the United Nations, His Excellency Kofi A. Annan. A copy of the ratification of the Vienna Convention of 1969 is attached hereto and incorporated as Exhibit "50".

122. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant FRANCE, in accordance with Title II of the Administration of the Government, Civil Code of the Hawaiian Islands, Compiled Laws, 1884, pp. 6 thru 215, and in compliance with Article IV of the Treaty of 1857 with nominal defendant FRANCE and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for French nationals, while within the limits of the Hawaiian Kingdom. The French Limited Power of Attorney was duly delivered to the French government by its Consul General to the Hawaiian Kingdom, the Honorable Patricia Y. Lee. A copy of the Limited Power of Attorney to the French government is attached hereto and incorporated as Exhibit "51".

123. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant DENMARK, in compliance with Article II of the Treaty of 1846 with nominal defendant DENMARK and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Danish nationals, while within the limits of the Hawaiian

Kingdom. The Danish Limited Power of Attorney was duly delivered to the Danish government by its Royal Ambassador to the United States, His Excellency Erik Tygesen. A copy of the Limited Power of Attorney to the Danish government is attached hereto and incorporated as Exhibit "52".

124. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant SWEDEN, in compliance with Article VIII of the Treaty of 1852 with nominal defendant SWEDEN and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Swedish nationals, while within the limits of the Hawaiian Kingdom. The Swedish Limited Power of Attorney was duly delivered to the Swedish government by its Ambassador to the United States, His Excellency Rolf Ekeus. A copy of the Limited Power of Attorney to the Swedish government is attached hereto and incorporated as Exhibit "53".

125. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant NORWAY, in compliance with Article VIII of the Treaty of 1852 with nominal defendant NORWAY and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Norwegian nationals, while within the limits of the Hawaiian Kingdom. The Norwegian Limited Power of Attorney was duly delivered to the Norwegian government by its Ambassador to the United States, His Excellency Rolf Ekeus. A copy of the Limited Power of Attorney to the Norwegian government is attached hereto and incorporated as Exhibit "54".

126. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant UNITED KINGDOM, in compliance with Article II of

the Treaty of 1846 with nominal defendant UNITED KINGDOM and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for British nationals, while within the limits of the Hawaiian Kingdom. The British Limited Power of Attorney was duly delivered to the British government by its Ambassador to the United States, Sir Christopher Meyer, KCMG. A copy of the Limited Power of Attorney to the British government is attached hereto and incorporated as Exhibit "55".

127. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant BELGIUM, in compliance with Article VI of the Treaty of 1862 with nominal defendant BELGIUM and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Belgian nationals, while within the limits of the Hawaiian Kingdom. The Belgian Limited Power of Attorney was duly delivered to the Belgian government by its Consul General to the Hawaiian Kingdom, the Honorable Roger A. Ulveling. A copy of the Limited Power of Attorney to the Belgian government is attached hereto and incorporated as Exhibit "56".

128. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant NETHERLANDS, in compliance with Article II of the Treaty of 1862 with nominal defendant NETHERLANDS and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Dutch nationals, while within the limits of the Hawaiian Kingdom. The Dutch Limited Power of Attorney was duly delivered to the Dutch government by its Royal Ambassador to the United States, His Excellency Joris Michael Voss. A copy of the Limited Power of Attorney to the government of the Netherlands is attached hereto and incorporated as Exhibit "57".

129. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant ITALY, in compliance with Article IV of the Treaty of 1863 with nominal defendant ITALY and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Italian nationals, while within the limits of the Hawaiian Kingdom. The Italian Limited Power of Attorney was duly delivered to the Italian government by its Consul General to the Hawaiian Kingdom, the Honorable Carmen DiAmore-Siah. A copy of the Limited Power of Attorney to the Italian government is attached hereto and incorporated as Exhibit "58".

130. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant SPAIN, in compliance with Article IV of the Treaty of 1863 with nominal defendant SPAIN and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Spanish nationals, while within the limits of the Hawaiian Kingdom. The Spanish Limited Power of Attorney was duly delivered to the Spanish government by its Ambassador to the United States, His Excellency Inocencio F. Arias. A copy of the Limited Power of Attorney to the Spanish government is attached hereto and incorporated as Exhibit "59".

131. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant RUSSIA, in compliance with Article II of the Treaty of 1869 with nominal defendant RUSSIA and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Russian nationals, while within the limits of the Hawaiian Kingdom. The Russian Limited Power of Attorney was duly delivered to the Russian government by its Ambassador to the United States, His Excellency Yuri V. Ushakov. A copy of the Limited Power of Attorney to the Russian government is attached hereto and incorporated as Exhibit "60".

132. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant JAPAN, in compliance with Article II of the Treaty of 1871 with nominal defendant JAPAN and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Japanese nationals, while within the limits of the Hawaiian Kingdom. The Japanese Limited Power of Attorney was duly delivered to the Japanese government by its Consul General to the Hawaiian Kingdom, the Honorable Gotaro Ogawa. A copy of the Limited Power of Attorney to the Japanese government is attached hereto and incorporated as Exhibit "61".

133. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant GERMANY, in compliance with Article II of the Treaty of 1879 with nominal defendant GERMANY and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for German nationals, while within the limits of the Hawaiian Kingdom. The German Limited Power of Attorney was duly delivered to the German government by its Consul General to the Hawaiian Kingdom, the Honorable Peter H. Shall. A copy of the Limited Power of Attorney to the German government is attached hereto and incorporated as Exhibit "62".

134. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to nominal defendant PORTUGAL, in compliance with Article II of the Provisional Convention of 1882 with nominal defendant PORTUGAL and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for Portuguese nationals, while within the limits of the Hawaiian Kingdom. The Portuguese Limited Power of Attorney was duly delivered to the

Portuguese government by its Consul General to the Hawaiian Kingdom, the Honorable John Henry Felix. A copy of the Limited Power of Attorney to the Portuguese government is attached hereto and incorporated as Exhibit "63".

135. Upon information and belief Plaintiff alleges that on July 16, 1999, the Defendant HAWAIIAN KINGDOM, by its Regent, *pro tempore*, in Privy Council, did grant a Limited Power of Attorney to Defendant UNITED STATES OF AMERICA, in compliance with Article VIII of the Treaty of 1849 with Defendant UNITED STATES OF AMERICA and the Law of Nations, to carry out the duties of a government in cooperation with the Hawaiian Kingdom, by its Regent, *pro tempore*, to provide civil protection for American citizens, while within the limits of the Hawaiian Kingdom. The United States Limited Power of Attorney was duly delivered to the United States government by its Secretary of State, Madeline Albright. A copy of the Limited Power of Attorney to the United States government is attached hereto and incorporated as Exhibit "64".

136. Upon information and belief Plaintiff alleges that over the span of Plaintiff's life-time, and continuing through today, Defendant UNITED STATES OF AMERICA and/or its political subdivision, the State of Hawai'i and its several Counties, their employees, officers, agents and successors have been and continue to impose American municipal laws over Plaintiff's person within the territorial jurisdiction of the Hawaiian Kingdom, infringing on Plaintiff's constitutional rights, and whose actions stand in gross violation of the Treaty of 1849 between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM. A true and correct copy of several "Complaint and Summons" and several "Notices of Entry of Judgment/Orders" issued to Plaintiff by the so-called Hawaii State Judicial system is attached hereto and incorporated as Exhibit "65".

137. Upon information and belief Plaintiff alleges that on June 18, 1999, Plaintiff asserted and claimed protection under the said 1849 Treaty of Friendship, Commerce and Navigation between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM, against prosecution by Defendant UNITED STATES OF AMERICA, through its

political subdivision the State of Hawai'i, Kea'au District Court of the Third Circuit. As a result of arguments presented, presiding Judge Sandra Schutte agreed that treaty issues belong in Federal Court, and that a Federal Court is a more appropriate forum than a state court in deciding such international treaty issues. A true and correct copy of the transcript of the Kea'au District Court proceedings, June 18, 1999, is attached hereto and incorporated as Exhibit "66".

138. Upon information and belief Plaintiff alleges that on October 4, 1988, an opinion was issued by the Office of Legal Counsel of Defendant UNITED STATES OF AMERICA's Department of Justice, to Abraham D. Sofaer, legal advisor, Department of State, on the "Legal Issues Raised by the Proposed Presidential Proclamation to Extend the Territorial Sea." As the opinion pertains to the so-called annexation of the Hawaiian Islands, part II (C) provides that "[t]he United States also annexed Hawai'i by joint resolution in 1898. Again, the Senate had already rejected an annexation treaty, this one negotiated by President McKinley with Hawai'i. And again, Congress then considered a measure to annex the land by joint resolution. Indeed, Congress acted in explicit reliance on the procedure followed for the acquisition of Texas...This argument, however, neglected one significant nuance: Hawai'i was not being acquired as a State. Because the joint resolution annexing Texas relied on Congress' power to admit new states, 'the method of annexing Texas did not constitute a proper precedent for the annexation of a land and people to be retained as a possession or in a territorial condition.' Opponents of the joint resolution stressed this distinction. Moreover, as one constitutional scholar wrote: The constitutionality of the annexation of Hawai'i, by a simple legislative act, was strenuously contested at the time both in Congress and by the press. The right to annex by treaty was not denied, but it was denied that this might be done by a simple legislative act...Only by means of treaties, it was asserted, can the relations between States be governed, for a legislative act is necessarily without extraterritorial force -- confined in its operation to the territory of the State by whose legislature it is enacted. Notwithstanding these constitutional objections, Congress approved the joint resolution and President McKinley signed the measure in 1898. Nevertheless, whether this action demonstrates the constitutional power of Congress to acquire

territory is certainly questionable. The stated justification for the joint resolution -- the previous acquisition of Texas -- simply ignores the reliance the 1845 Congress placed on its power to admit new states. It is therefore unclear which constitutional power Congress exercised when it acquired Hawai'i by joint resolution." A true and correct copy of the October 4, 1988, Opinion by the Office of Legal Counsel of the Department of Justice is attached hereto and incorporated as Exhibit "67".

139. Upon information and belief Plaintiff alleges that on November 25, 1996, another opinion was issued by the Office of Legal Counsel of Defendant UNITED STATES OF AMERICA's Department of Justice, to Alan J. Kreczko, Special Assistant to the President and Legal Adviser to the National Security Council, on the "Validity of Congressional-Executive Agreements that Substantially Modify the United States' Obligations under an Existing Treaty." As the opinion relates to the difference between municipal law and treaty law, part III (A) of the opinion provides that "[t]he unilateral modification or repeal of a provision of a treaty by Act of Congress, although effective as a matter of domestic law, will not generally relieve the United States of the international legal obligations that it may have under that provision. (while an Act of Congress that conflicted with a treaty provision 'would control as the latter expression of our municipal law...the international obligation [would] remain unaffected'). Secretary of State Charles Evans Hughes (later the author, as Chief Justice, of the Pigeon River opinion) explained the position well: a judicial determination that an act of Congress is to prevail over a treaty does not relieve the Government of the United States of the obligations established by a treaty. The distinction is often ignored between a rule of domestic law which is established by our legislative and judicial decisions and may be inconsistent with an existing Treaty, and the international obligations which a Treaty establishes. When this obligation is not performed a claim will inevitably be made to which the existence of merely domestic legislation does not constitute a defense and, if the claim seems to be well founded and other methods of settlement have not been availed of, the usual recourse is arbitration in which international rules of action and obligations would be the subject of consideration." A true and correct copy of the November 25,

1996, Opinion by the Office of Legal Counsel of the Department of Justice is attached hereto and incorporated as Exhibit "68".

140. Upon information and belief Plaintiff alleges that Defendants UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM have been in violation and continue to violate the said 1849 Treaty of Friendship, Commerce and Navigation between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM by allowing the unlawful imposition of American municipal laws over Plaintiff's person within the territorial jurisdiction of the Hawaiian Kingdom, which infringes on Plaintiff's right to "life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness" as guaranteed by Article I of the Hawaiian Constitution of 1864, and acknowledged and protected by the laws and statutes of the Hawaiian Kingdom. A true and correct copy of the Hawaiian Kingdom Constitution of 1864 is attached hereto and incorporated as Exhibit "69".

COUNT ONE

141. Plaintiff repeats and realleges paragraphs 1 through 140.

142. Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM are in continual violation of the said 1849 Treaty of Friendship, Commerce and Navigation between the same, and in violation of the principles of international law laid in the Vienna Convention on the Law of Treaties, 1969, by allowing the unlawful imposition of American municipal laws over Plaintiff's person within the territorial jurisdiction of the Hawaiian Kingdom.

COUNT TWO

143. Plaintiff repeats and realleges paragraphs 1 through 140.

144. Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM are in continual violation of principles of international comity by allowing the unlawful

imposition of American municipal laws over Plaintiff's person within the territorial jurisdiction of the Hawaiian Kingdom.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Issue a permanent injunction on all proceedings by Defendant UNITED STATES OF AMERICA and its political subdivision, the State of Hawai'i and its several Counties, against this Plaintiff in Hawai'i State Courts, including the Hilo and Puna District Courts of the Third Circuit, and the Honolulu District Court of the First Circuit, until the International Title to the Hawaiian Islands can be properly adjudicated between Defendant UNITED STATES OF AMERICA and Defendant HAWAIIAN KINGDOM at the Permanent Court of Arbitration at The Hague, Netherlands, in accordance with the Treaty of Friendship, Commerce and Navigation between the United States and the Hawaiian Kingdom, December 20, 1849, 18 U.S. Stat. 406, The Hague Convention for the Pacific Settlement of International Disputes, 1907, 36 U.S. Stat. 2199, and the Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331; 8 I.L.M. 679 (1969), as well as principles of international comity arising from those instruments, and in order to establish the rights of other subjects of the Hawaiian Kingdom and foreign nationals within the Hawaiian Islands similarly situated.

B. For such other and further relief as this Court deems just and appropriate to effectuate a complete resolution of the legal dispute between Plaintiff and Defendants.

Dated: Honolulu, Hawai'i August 4, 1999.

[signed] NINIA PARKS
Attorney for Plaintiff

NINIA PARKS #7180-0
Attorney At Law
P.O. Box 106
Haleiwa, Hawai'i 96712
(808) 237-8030

ATTORNEY FOR PLAINTIFF LANCE PAUL LARSEN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

LANCE PAUL LARSEN, individually)
as a subject of the Hawaiian Kingdom)
and on behalf of all subjects of the)
Hawaiian Kingdom and all foreign)
nationals presently within the Hawaiian)
Islands similarly situated,)

Plaintiff,)

vs.)

the **UNITED STATES OF AMERICA**,)
and the **HAWAIIAN KINGDOM**,)

Defendants,)

and)

FRANCE, DENMARK, SWEDEN,)
NORWAY, UNITED KINGDOM,)
BELGIUM, NETHERLANDS, ITALY,)
SPAIN, SWITZERLAND, RUSSIA,)
JAPAN, GERMANY, PORTUGAL,)
SAMOA, and the UNITED NATIONS,)

Nominal defendants.)
_____)

Civil No. 99-00546 SPK-BMK
(CLASS ACTION LAWSUIT)

DECLARATION OF NINIA PARKS

DECLARATION OF NINIA PARKS

I, NINIA PARKS, declare:

1. I am the attorney for the Plaintiff in the above-captioned case. I make this Declaration in support of Plaintiff's Complaint for Injunctive Relief. I make this declaration based upon my personal knowledge unless otherwise stated.

2. Attached hereto as Exhibit "1" is a true and correct copy of an Affidavit of Lance Paul Larsen, Plaintiff in this case, dated April 19, 1999.

3. Attached hereto as Exhibit "2" is a true and correct copy of the British and French Proclamation of Hawai'i as an Independent State.

4. Attached hereto as Exhibit "3" is a true and correct copy of the British Treaty of 1836.

5. Attached hereto as Exhibit "4" is a true and correct copy of the French Treaty of 1839.

6. Attached hereto as Exhibit "5" is a true and correct copy of the French Treaty of 1846.

7. Attached hereto as Exhibit "6" is a true and correct copy of the British Treaty of 1846.

8. Attached hereto as Exhibit "7" is a true and correct copy of the Danish Treaty of 1846.

9. Attached hereto as Exhibit "8" is a true and correct copy of the Hamburg Treaty of 1848.

10. Attached hereto as Exhibit "9" is a true and correct copy of the United States Treaty of 1849.

11. Attached hereto as Exhibit "10" is a true and correct copy of the British Treaty of 1851.

12. Attached hereto as Exhibit "11" is a true and correct copy of the Bremen Treaty

of 1851.

13. Attached hereto as Exhibit "12" is a true and correct copy of the Swedish and Norwegian Treaty of 1852.

14. Attached hereto as Exhibit "13" is a true and correct copy of the Tahitian Postal Convention of 1853.

15. Attached hereto as Exhibit "14" is a true and correct copy of the French Treaty of 1857.

16. Attached hereto as Exhibit "15" is a true and correct copy of the Belgian Treaty of 1862.

17. Attached hereto as Exhibit "16" is a true and correct copy of the Dutch Treaty of 1862.

18. Attached hereto as Exhibit "17" is a true and correct copy of the Italian Treaty of 1863.

19. Attached hereto as Exhibit "18" is a true and correct copy of the Spanish Treaty of 1863.

20. Attached hereto as Exhibit "19" is a true and correct copy of the Swiss Treaty of 1864.

21. Attached hereto as Exhibit "20" is a true and correct copy of the Russian Treaty of 1869.

22. Attached hereto as Exhibit "21" is a true and correct copy of the United States Postal Convention of 1870.

23. Attached hereto as Exhibit "22" is a true and correct copy of the Japanese Treaty of 1871.

24. Attached hereto as Exhibit "23" is a true and correct copy of the New South Wales Postal Convention of 1874.

25. Attached hereto as Exhibit "24" is a true and correct copy of the United States Convention of Commercial Reciprocity of 1875.

26. Attached hereto as Exhibit "25" is a true and correct copy of the German Treaty of 1879.

27. Attached hereto as Exhibit "26" is a true and correct copy of the Portuguese Provisional Convention of 1882.

28. Attached hereto as Exhibit "27" is a true and correct copy of the United States Postal Convention concerning Money Orders of 1883.

29. Attached hereto as Exhibit "28" is a true and correct copy of the Supplementary Convention of 1884.

30. Attached hereto as Exhibit "29" is a true and correct copy of the Universal Postal Convention of 1885.

31. Attached hereto as Exhibit "30" is a true and correct copy of the Japanese Convention of 1886.

32. Attached hereto as Exhibit "31" is a true and correct copy of the Hawaiian-Samoan Political Confederation of 1887.

33. Attached hereto as Exhibit "32" is a true and correct copy of the Proclamation of the self-proclaimed provisional government on January 17, 1893.

34. Attached hereto as Exhibit "33" is a true and correct copy of the Queen's Protest of January 17, 1893.

35. Attached hereto as Exhibit "34" is a true and correct copy of U.S. Minister Stevens' Proclamation of *de facto* recognition of the provisional government.

36. Attached hereto as Exhibit "35" is a true and correct copy of the so-called Treaty of Annexation of 1893.

37. Attached hereto as Exhibit "36" is a true and correct copy of the Dispatch from Secretary of State Gresham to James Blount, March 11, 1893, informing the same of the actions of the President.

38. Attached hereto as Exhibit "37" is a true and correct copy of the Dispatch from Secretary of State Gresham to President Cleveland, October 18, 1893.

39. Attached hereto as Exhibit "38" is a true and correct copy of President Cleveland's 1893 Message to Congress.

40. Attached hereto as Exhibit "39" is a true and correct copy of the so-called Treaty of Annexation of 1897.

41. Attached hereto as Exhibit "40" is a true and correct copy of Queen Lili'uokalani's formal protest to the second Treaty of Annexation, 1897.

42. Attached hereto as Exhibit "41" is a true and correct copy of the Hawaiian Memorial to the President, the Congress and the People of the United States of America, October 8, 1897.

43. Attached hereto as Exhibit "42" is a true and correct copy of The Hague Convention of 1907.

44. Attached hereto as Exhibit "43" is a true and correct copy of the Vienna Convention of 1969.

45. Attached hereto as Exhibit "44" is a true and correct copy of the Proclamation by the Regent, February 28, 1997.

46. Attached hereto as Exhibit "45" is a true and correct copy of the Petition for Writ of Mandamus, 1997.

47. Attached hereto as Exhibit "46" is a true and correct copy of the Bill of Complaint, August 4, 1998.

48. Attached hereto as Exhibit "47" is a true and correct copy of the Motion to Direct the Clerk of the Court to file the Bill of Complaint, October 8, 1998.

49. Attached hereto as Exhibit "48" is a true and correct copy of the Swiss Limited Power of Attorney, April 29, 1999.

50. Attached hereto as Exhibit "49" is a true and correct copy of the Hawaiian Kingdom's Ratification of The Hague Convention of 1907.

51. Attached hereto as Exhibit "50" is a true and correct copy of the Hawaiian Kingdom's Ratification of the Vienna Convention of 1969.

52. Attached hereto as Exhibit "51" is a true and correct copy of the French Limited Power of Attorney, July 16, 1999.

53. Attached hereto as Exhibit "52" is a true and correct copy of the Danish Limited Power of Attorney, July 16, 1999.

54. Attached hereto as Exhibit "53" is a true and correct copy of the Swedish Limited Power of Attorney, July 16, 1999.

55. Attached hereto as Exhibit "54" is a true and correct copy of the Norwegian Limited Power of Attorney, July 16, 1999.

56. Attached hereto as Exhibit "55" is a true and correct copy of British Limited Power of Attorney, July 16, 1999.

57. Attached hereto as Exhibit "56" is a true and correct copy of the Belgian Limited Power of Attorney, July 16, 1999.

58. Attached hereto as Exhibit "57" is a true and correct copy of the Dutch Limited Power of Attorney, July 16, 1999.

59. Attached hereto as Exhibit "58" is a true and correct copy of the Italian Limited Power of Attorney, July 16, 1999.

60. Attached hereto as Exhibit "59" is a true and correct copy of the Spanish Limited Power of Attorney, July 16, 1999.

61. Attached hereto as Exhibit "60" is a true and correct copy of the Russian Limited Power of Attorney, July 16, 1999.

62. Attached hereto as Exhibit "61" is a true and correct copy of the Japanese Limited Power of Attorney, July 16, 1999.

63. Attached hereto as Exhibit "62" is a true and correct copy of the German Limited Power of Attorney, July 16, 1999.

64. Attached hereto as Exhibit "63" is a true and correct copy of the Portuguese Limited Power of Attorney, July 16, 1999.

65. Attached hereto as Exhibit "64" is a true and correct copy of the United States'

Limited Power of Attorney, July 16, 1999.

66. Attached hereto as Exhibit "65" is a true and correct copy of several "Complaint and Summons" and several "Notices of Entry of Judgment/Orders" issued to Plaintiff by the so-called Hawaii State Judicial system.

67. Attached hereto as Exhibit "66" is a true and correct copy of the transcript of the Kea'au District Court proceedings, June 18, 1999.

68. Attached hereto as Exhibit "67" is a true and correct copy of the October 4, 1988, Opinion by the Office of Legal Counsel of the Department of Justice.

69. Attached hereto as Exhibit "68" is a true and correct copy of the November 25, 1996, Opinion by the Office of Legal Counsel of the Department of Justice.

70. Attached hereto as Exhibit "69" is a true and correct copy of the Hawaiian Kingdom Constitution of 1864.

Dated: Honolulu, Hawai'i August 4, 1999.

[signed]

NINIA PARKS
Attorney for Plaintiff