

NOTICE OF ARBITRATION

TO INITIATE RECOURSE TO ARBITRAL PROCEEDINGS IN COMPLIANCE
WITH THE PERMANENT COURT OF ARBITRATION OPTIONAL RULES
FOR ARBITRATING DISPUTES BETWEEN TWO PARTIES OR WHICH ONLY
ONE IS A STATE

LANCE PAUL LARSEN v. THE HAWAIIAN KINGDOM

NOVEMBER 8, 1999

1. To His Excellency David Keanu Sai, Minister of Interior, His Excellency Peter Umialiloa Sai, Minister of Foreign Affairs, Her Excellency Kau‘i P. Goodhue, Minister of Finance, and His Excellency Gary V. Dubin, Attorney General, all being members of the Council of Regency of the Hawaiian Kingdom, the undersigned being duly authorized by Mr. Lance Paul Larsen:

I have the honor to respectfully submit this Notice of Arbitration on behalf of my client, Mr. Lance Paul Larsen (hereinafter referred to as "Mr. Larsen" or "Claimant"), a Hawaiian subject and resident of the Hawaiian Islands, and in accordance with Article 8 of the Arbitration Agreement entered into between Mr. Larsen and the Government of the Hawaiian Kingdom, by its Council of Regency (a true and correct copy of this Arbitration Agreement dated October 30, 1999 is attached hereto as "Exhibit 1"), in order to initiate arbitral proceedings at the facilities of the Permanent Court of Arbitration in The Hague, The Netherlands. This Notice of Arbitration also serves as a demand pursuant to Article 3, Section 1 of the Permanent Court of Arbitration Optional Rules For Arbitrating Disputes Between Two Parties Of Which Only One is a State.

I. THE PARTIES

2. The names and addresses of the parties and their agents are as follows:

LANCE PAUL LARSEN
Claimant
P.O. Box 87
Mountain View, Hawai‘i 96771

THE HAWAIIAN KINGDOM
by its Council of Regency
Respondent
P.O. Box 2194
Honolulu, Hawai‘i 96805-2194

NINIA PARKS, ESQ.
Attorney for Claimant
PO Box 106
Haleiwa, Hawai'i 96712

(808) 638-8225

GARY VICTOR DUBIN, ESQ.
Attorney General for the Hawaiian Kingdom
Seven Waterfront Plaza, Suite 400
500 Ala Moana Boulevard
Honolulu, Hawai'i 96813

(808) 537-2300

DAVID KEANU SAI
Minister of Interior for the Hawaiian Kingdom
P.O. 2194
Honolulu, Hawai'i 96805

(808) 239-5347

II. THE DISPUTE

3. This dispute arises out of the 1849 Treaty of Friendship, Commerce and Navigation, (hereinafter referred to as "the 1849 Treaty") which was signed and ratified by both the United States of America and the Hawaiian Kingdom (A true and correct copy of the 1849 Treaty is attached hereto as "Exhibit 2"). The Claimant in this case, Mr. Larsen, alleges and submits to arbitration, that the Hawaiian Kingdom is in continual violation of both the 1849 Treaty between the Hawaiian Kingdom and the United States of America, and of international law principles as set forth in the Vienna Convention On The Law Of Treaties (hereinafter referred to as "the Vienna Convention") which was concluded in Vienna on May 23, 1969 and ratified by the Hawaiian Kingdom on July 15, 1999 (true and correct copies of the Vienna Convention and the Hawaiian Kingdom's Ratification of the Vienna Convention are attached hereto as "Exhibit 3" and "Exhibit 4" respectively) by allowing the continued unlawful imposition and enforcement of American municipal laws within the territorial jurisdiction of the Hawaiian Kingdom.

4. Mr. Larsen has already served an illegally imposed jail sentence resulting directly from the continued unlawful imposition and enforcement of American municipal laws within the Hawaiian Kingdom. Mr. Larsen is also currently facing more jail time for the same reasons. In order to avoid further jail sentencing, and in order to halt the continual imposition and enforcement of American municipal laws over himself, Mr. Larsen hereby requests, as Claimant in this

case, from the Arbitral Tribunal to be hereafter convened at the Permanent Court of Arbitration an award in two stages. In the first stage, Claimant requests an award verifying the territorial dominion of the Hawaiian Kingdom. In this first stage, the Arbitral Tribunal shall decide and determine the territorial dominion of the Hawaiian Kingdom under all applicable international principles, rules and practices.

5. In the second stage, Claimant requests an award verifying that the Hawaiian Kingdom is in continual violation of the 1849 Treaty, principles of international law set forth in the 1969 Vienna Convention and principles of international comity by allowing the unlawful imposition of American municipal laws over Claimant's person within the territorial jurisdiction of the Hawaiian Kingdom. As set forth in the said Arbitration Agreement, the Arbitral Tribunal shall sit at the Permanent Court of Arbitration in The Hague, The Netherlands.

6. The Arbitral Tribunal shall consist of one arbitrator to be chosen by:

Keoni Agard, Esq., a Hawaiian national
716 Keolu Drive
Kailua, Hawai'i 96734
(808) 261-4751

who shall select the Arbitral Tribunal in conformity with Article 6, section 3 of the Permanent Court of Arbitration Optional Rules For Arbitrating Disputes Between Two Parties of Which Only One is a State. The parties have also agreed that the International Bureau of the Permanent Court of Arbitration in the Peace Palace at The Hague, the Netherlands, shall act as a channel of communications between the parties and the Arbitral Tribunal, and shall provide secretariat including, inter alia, arranging for hearing rooms and stenographic or electronic records of hearings.

III. SUMMARY OF FACTS

A. 1849-1893: TREATY RELATIONS BETWEEN THE HAWAIIAN KINGDOM AND THE UNITED STATES OF AMERICA PRIOR TO 1893

7. Prior to 1893, the United States of America recognized the territorial dominion of the Hawaiian Kingdom by entering into at least five distinct international treaties with the Hawaiian Kingdom.

8. First, in 1849, the United States of America and the Hawaiian Kingdom entered into a Treaty of Friendship, Commerce, and Navigation, which was ratified and exchanged by both nations at Honolulu, island of Oahu, on August 24, 1850 ("Exhibit 2"). Among other things, Article VIII of the 1849 Treaty recognizes and affirms the separation of territorial dominion between the two nations by declaring 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." Article XVI of the 1849 Treaty 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."

9. Second, on May 4, 1870, a Postal Convention was entered into between the Hawaiian Kingdom and the United States of America in Washington D.C. to establish and regulate the "exchange of correspondences between the United States of America and the Hawaiian Kingdom." (a true and correct copy of this Treaty of 1870 is attached hereto as "Exhibit 5").

10. Third, on January 30, 1875, a Treaty of Reciprocity was entered into between the United States of America and the Hawaiian Kingdom. In this Treaty, the nations both expressed their desire to improve trade relations with one another. The Treaty reads in relevant part: "The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a Convention for Commercial Reciprocity." (A true and correct copy of this Treaty of 1875

is attached hereto as "Exhibit 6").

11. Fourth, on November 2, 1883, a Convention Between The Post Office Department of the United States of America and the Post Office Department of the Kingdom Of Hawaii, Concerning the Exchange of Money Orders was signed at Washington D.C. in order to facilitate "the exchange of sums of money between the two countries." (A true and correct copy of this Convention of 1883 is attached hereto as 'Exhibit 7").

12. Finally, on December 6, 1884, a Supplementary Convention between the United States of America and His Majesty the King of the Hawaiian Islands, to limit the duration of the convention respecting commercial reciprocity to this 1875 Commercial Reciprocity Convention was entered into in Washington D.C.. (A true and correct copy of this Treaty of 1884 is attached hereto as "Exhibit 8"). This treaty provides for the exclusive right of the United States government "...to enter the harbor of Pearl River in the Island of O'ahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States...."

B. 1893-1897: DIPLOMATIC RELATIONS BETWEEN THE HAWAIIAN KINGDOM AND THE UNITED STATES OF AMERICA STRAINED BY ATTEMPTED BUT UNSUCCESSFUL ATTEMPTS WITHIN THE HAWAIIAN KINGDOM TO OVERTHROW HAWAIIAN KINGDOM SOVEREIGNTY

13. Despite international recognition of the territorial dominion of the Hawaiian Kingdom prior to 1893, a collection of residents of the Hawaiian islands, were at this time actively conspiring to overthrow the Hawaiian Kingdom and force annexation of the Hawaiian Islands to the United States of America. In an attempt to effectuate these plans, on the afternoon of January 17, 1893, a self-declared "committee of safety," comprised of five American citizens, one British subject, one German national and six Hawaiian subjects, not of the aboriginal blood, committed the crime of high treason as defined under § 1, Chapter VI of the Penal Code of the Hawaiian Kingdom by deposing the reigning monarch of the Hawaiian Kingdom, Her Majesty Queen Lili'uokalani, and her cabinet and proclaiming the establishment of a "Provisional Government." These intentions were set forth in the Committee's "Proclamation and Orders,

Incident to the Change From the Monarchy to the Provisional Government." (A true and correct copy of the Committee of Safety's "Proclamation and Orders" of January 17, 1893 is attached hereto and incorporated as "Exhibit 9").

14. On that same day, in order to help effectuate the conspiracy, Minister John L. Stevens, a United States diplomat assigned to the Hawaiian Kingdom, provided military reinforcement for these traitors by calling upon a detachment of marines and naval forces from the United States warship U.S.S. Boston to land at Honolulu to occupy and secure the city.

15. On that same day, when informed of the risk of bloodshed that would result from total resistance, Her Majesty Queen Lili'uokalani issued a statement "temporarily" yielding her executive authority as the constitutional Monarch to the United States government, by its President, as a fact finder. At no time did the Queen yield any of her authority to the provisional government. The Queen's First Letter of Protest reads:

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the provisional government. Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands." (A true and correct copy of Queen Lili'uokalani's First Letter of Protest, dated January 17, 1893, is attached hereto and incorporated as "Exhibit 10").

16. On that same day, and in violation of the said five distinct treaties entered into between the Hawaiian Kingdom and the United States of America, and in violation of basic principles of international law, Minister Stevens further participated in the conspiracy to dethrone the Queen by extending *de facto* recognition to the provisional government on behalf of the United States of America. (A true and correct copy of United States Minister Stevens'

Proclamation of *de facto* recognition of the provisional government, dated January 17, 1893 is attached hereto as "Exhibit 11").

17. Two days later, on January 19, 1893, individuals representing the self-declared provisional government set sailed for the United States in a steamer especially chartered for the occasion, and arrived in San Francisco on January 28th, and in Washington D.C. on February 3rd. On February 14, 1893, a treaty of annexation was signed by the United States' Secretary of State who was under the mistaken assumption that it was a popular revolt and no troops or officers of the United States had been present or had participated in the uprising. On February 15, 1893, the treaty of annexation was submitted to the United States Senate for ratification. (A true and correct copy of the provisional government's so-called Treaty of Annexation of is attached hereto as "Exhibit 12").

18. Having already received and read Queen Lili'uokalani's First Letter of Protest, newly elected United States President Cleveland acted upon the Queen's request for fact finding by withdrawing from the Senate the treaty of annexation, and by dispatching James H. Blount, a former United States Congressman, as special commissioner, to Hawai'i in order to impartially investigate the causes of the so-called revolution and to report the findings of the same. (A true and correct copy of the Dispatch from Secretary of State Gresham to James Blount detailing this commission, dated March 11, 1893, is attached hereto as "Exhibit 13").

19. Based on the findings set forth in the reports of Blount's investigation, President Grover Cleveland delivered a Message to United States Congress on December 18, 1893, whereby he reported fully and accurately on the situation in Hawai'i. (A true and correct copy of President Cleveland's Message To the Senate and House of Representatives, is attached hereto as "Exhibit 14"). In his message, the President described the actions of the committee of safety and of Minister Stevens on and around the 17 of January 1893 as "act[s] of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress." The President further reported that:

"[I]t appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the United States Minister. Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property." (452)

20. He further reminded the United States Congress of the special nature of Queen Lili`uokalani's surrender of Hawaii'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." Having now considered the facts as reported by Blount, President Cleveland concluded that "when our Minister recognized the provisional government . . . it was neither a government *de facto* nor *de jure*" and 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." The President went on to explain his position on the matter:

Believing, therefore, 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. (456)

21. Instead of resubmitting the treaty, the President "instructed Minister Willis to advise the Queen and her supporters of my desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu," and concluded that "the past should be buried, and that the restored Government should reassume its authority as if its continuity had not been interrupted." (458).

22. Undaunted by its inability to succeed at this first attempt of annexation, the "defunct" provisional government, at a constitutional convention in 1894, declared itself the

Republic of Hawai‘i. On June 16, 1897, a second treaty of annexation was signed in Washington, D.C., between representatives of the self-proclaimed Republic of Hawai‘i and the newly elected President of the United States of America, William McKinley. (A true and correct copy of the second so-called Treaty of Annexation of 1897 is attached hereto as "Exhibit 15.").

23. Again, the reigning constitutional monarch of the Hawaiian Kingdom, Her Majesty Queen Lili‘uokalani, wrote and filed with the State Department of the United States of America at Washington D.C., a Letter of Protest. (A true and correct copy of Queen Lili‘uokalani's Second Letter of Protest, dated On June 17, 1897, is attached hereto as "Exhibit 16."). In her second Letter of Protest, Queen Lili‘uokalani again protests against the actions taken in order to undermine the authority of the Hawaiian Kingdom, and against ratification of the treaty of annexation:

"I declare such a treaty to be an act of wrong toward native and part-native people of Hawaii, an invasion of the rights of the ruling chiefs, in violation of international rights both toward my people and toward friendly nations with whom they have made treaties. . .and called upon both President McKinley to withdraw said treaty from further consideration, and the United States Senate to decline to ratify the treaty."

24. Accompanying and 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 (Hui Aloha 'Aina) and the Hawaiian Political Party (Hui Kalai‘aina), all "earnestly protest[ing] against the annexation" of the Hawaiian Islands by the United States of America. (True and correct copies of the Memorial accompanying the Petition and the first few pages of the Petitions Against Annexation, 1897, are attached hereto as "Exhibit 17."). These signatures represented ninety-five percent (95%) of the Native Hawaiian population at that time. Based in part on the obvious local opposition to the annexation of the Hawaiian Islands by the United States of America, the United States Senate failed to obtain the 2/3's vote required by the United States Constitution to ratify the proposed

treaty of annexation with the self-proclaimed Republic of Hawai‘i.

C. 1897-1999: OVER A CENTURY OF ILLEGAL AND UNLAWFUL OCCUPATION OF THE HAWAIIAN ISLANDS BY THE UNITED STATES OF AMERICA

25. Because the United States Senate has never ratified a treaty of annexation over the Hawaiian islands, the sovereignty of the Hawaiian Kingdom over the Hawaiian Islands has never been lawfully or legally transferred to the United States of America. Despite the fact that the United States of America never acquired territorial dominion over the Hawaiian Islands, the United States has continued to impose and enforce its own municipal laws within the territorial jurisdiction of the Hawaiian Kingdom. Some examples of United States municipal laws that have no legal effect in the Hawaiian Islands are:

(a) a Joint Resolution purporting to annex the Hawaiian Islands, July 7, 1898, See Joint Resolution of Annexation, U.S. Statutes at Large 30 (July 7, 1898): 750-751 (A true and correct copy is attached hereto as "Exhibit 18");

(b) an Act purporting to provide a government for the Territory of Hawai‘i, April 30, 1900, See Hawai‘i Organic Act, U.S. Statutes at Large 31 (April 30, 1900): 141-162 (A true and correct copy is attached hereto as "Exhibit 19");

(c) an Act to Amend the Act purporting to provide a government for the Territory of Hawai‘i, by establishing an Hawaiian Homes Commission, July 9, 1921, See Hawaiian Homes Commission Act, U.S. Statutes at Large 67 (July 9, 1921): 108-115 (A true and correct copy is attached hereto as "Exhibit 20");

(d) an Act purporting to admit the State of Hawai‘i into the Union, March 18, 1959, See Hawai‘i Statehood Act, U.S. Statutes at Large 73 (March 18, 1959): 4-13 (A true and correct copy is attached hereto as "Exhibit 21"), and,

(e) a Joint Resolution apologizing for the United States' participation in the January 17, 1893, illegal overthrow of the Hawaiian Kingdom, November 3, 1993. See U.S. Apology Resolution, U.S. Public Law 103-150 (A true and correct copy is attached hereto as "Exhibit 22").

26. Absent a treaty of annexation of the Hawaiian Islands by the United States of America, the above "municipal laws" enacted by the United States Congress have no legal effect in the Hawaiian Islands, which is outside of the territorial jurisdiction of the United States of America.

27. The United States of America has been fully aware of the illegality of its occupation of the Hawaiian islands, and has acknowledged this fact on several occasions. In 1988 a legal opinion was issued by the United States Department of Justice, Office of Legal Counsel, in which it is conceded that it is doubtful "...that Congress has constitutional authority to assert either sovereignty over an extended territorial sea or jurisdiction over it under international law on behalf of the United States." (A true and correct copy of this legal opinion is attached hereto as "Exhibit 23"). This legal opinion also concedes that 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." The legal opinion concludes that it "...is therefore unclear which constitutional power Congress exercised when it acquired Hawai'i by joint resolution."

28. Claimant, Mr. Larsen, is a subject of the Hawaiian Kingdom. Claimant is not a United States citizen, nor were any of his ancestors. Claimant abides by the laws of the Hawaiian Kingdom as set forth by the Hawaiian Kingdom Civil Codes and Penal Codes. Claimant does not recognize any lawful jurisdiction of the United States of America in the Hawaiian islands, nor of the State of Hawaii, which is merely a political subdivision of the United States. Because Claimant does not recognize the laws of the United States or its political subdivision, the State of Hawaii, as valid within the Hawaiian Kingdom, Claimant does not register his automobile under such laws, nor does Claimant display a State of Hawaii license plate on his vehicle. Instead, Claimant posts the appropriate and applicable laws on the back of his

vehicle, those laws of the Hawaiian Kingdom,. Specifically, a plate on the back of Claimant's vehicle reads:

"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 . . .The property of all such persons, while such property is within the territorial jurisdiction of this kingdom, is also subject to the laws." Sec. 6, Chapter II, Title I, Civil Code of the Hawaiian Islands.

29. Because he displays this placard, Claimant has been pulled over on numerous occasions and either ticketed for or arrested for breaking United States municipal laws (as passed by its political subdivision the State of Hawaii) by law enforcement personnel working for the United States of America, by and through its created political subdivision, the State of Hawaii. Such laws include motor vehicle laws pertaining to the licensing of persons and vehicles within the United States of America, State of Hawaii.

30. Claimant has been prosecuted on most of these charges by the so called State of Hawaii and the counties of Honolulu and Hawaii, despite his attempts to claim protection against such prosecutions under the 1849 Treaty of Friendship, Commerce, and Navigation between the Hawaiian Kingdom and the United States of America. Claimant has also been fined thousands of dollars by State of Hawaii courts and has already served time in Hawaii state prison for some of these charges. Claimant is currently facing Contempt of Court charges for failing to pay the fines imposed against him by the State of Hawaii. If convicted, claimant faces imprisonment by the so called State of Hawaii on these charges.

31. Claimant has taken lengthy measures to preserve his status as a Hawaiian subject, and to protest the continual imposition of American municipal laws over his person. Claimant has drawn up and signed affidavits explaining his nationality (a true and correct copy of an Affidavit of Lance Paul Larsen is attached hereto as "Exhibit 24"). Claimant has filed, through his attorney, appropriate paperwork in all of his cases, including numerous Motions to Dismiss, in order to place the courts on notice of his nationality, and to formalize and preserve his contin-

ual protest to the unlawful imposition of American laws over his person while within the Hawaiian Kingdom. Claimant has argued the merits of his position in front of Hawaii State Court Judges. (A true and correct copy of the Transcript of Proceedings for court on June 18, 1999 is attached hereto as "Exhibit 25").

32. Claimant also filed an original complaint for injunctive relief in the United States District Court for the District of Hawaii, on August 4, 1999, seeking protection under the said 1849 Treaty until the international title to the Hawaiian Islands can be resolved at the Permanent Court of Arbitration between the Hawaiian Kingdom and the United States of America. (A true and correct copy of the Complaint and Exhibit List in this case is attached hereto as "Exhibit 26").

33. On August 31, 1999, Claimant also filed a Petition For Redress of Grievances with the Hawaiian Kingdom. (A true and correct copy is attached hereto as "Exhibit 27"). Despite these efforts to protect himself from incarceration, Claimant was illegally imprisoned by the State of Hawaii pursuant to convictions on various traffic offenses. Thus Claimant has already served time as a political prisoner, imprisoned for standing up for what he believes to be the truth about jurisdiction in the Hawaiian Islands. While in prison, Claimant filed a Writ of Habeas Corpus with the Circuit Court of the Third Circuit, Hilo Division, State of Hawaii in order to preserve his nationality and his protest, and with hopes of getting released from the illegal imprisonment. (A true and correct copy of this Petition To Vacate Judgment and to Release Petitioner From Custody is attached hereto as "Exhibit 28").

34. On October 13, 1999, Claimant voluntarily dismissed without prejudice all parties in the said Complaint for Injunctive Relief filed in the U.S. District Court of Hawai'i on August 4, 1999, except for the Hawaiian Kingdom in order that a stipulated settlement agreement be entered between Claimant and the Hawaiian Kingdom to dismiss the entire case and submit the dispute to binding arbitration at the Permanent Court of Arbitration at The Hague, the Netherlands.

35. On October 30, 1999, Claimant entered into said Arbitration Agreement with the Hawaiian Kingdom, by its Council of Regency, to submit the dispute alleged in the said Complaint for Injunctive Relief to final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules For Arbitrating Disputes Between Two Parties of Which Only One is a State.

36. On November 5, 1999, Judge Samuel King of the U.S. District Court for Hawai'i signed an Order to a "Stipulated Settlement Agreement dismissing entire case without prejudice as to all parties and all issues and submitting all issues to binding arbitration" between the Hawaiian Kingdom and Mr. Larsen at the Permanent Court of Arbitration at The Hague, the Netherlands. (A true and correct copy of this Order to a "Stipulated Settlement Agreement dismissing entire case without prejudice as to all parties and all issues and submitting all issues to binding arbitration" is attached hereto as "Exhibit 29").

37. Claimant has not only maintained his nationality and his protest against the imposition of American laws within the Hawaiian Kingdom every step of the way, he has also exhausted remedies available to him at every level of government within the fictional State of Hawaii.

IV. CONCLUSION

38. Claimant hereby respectfully submits the above facts and issues to binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules For Arbitrating Disputes Between Two Parties Of Which Only One is a State, in The Hague, the Netherlands, and pursuant to the Arbitration Agreement signed between the Claimant and the Hawaiian Kingdom, by its Attorney General, on October 30, 1999.

[signed] NINIA PARKS
Attorney for Lance Paul Larsen

LIST OF EXHIBITS

- Exhibit 1: Arbitration Agreement Between Lance Paul Larsen and the Hawaiian Kingdom, dated October 30, 1999
- Exhibit 2: Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the United States of America, concluded December 20, 1849
- Exhibit 3: Official Document of the Vienna Convention on the Law of Treaties, dated May 23, 1969
- Exhibit 4: Ratification of the Vienna Convention on the Law of Treaties by the Hawaiian Kingdom, dated July 15, 1999
- Exhibit 5: Postal Convention between the United States of America and the Hawaiian Kingdom, dated May 4, 1870
- Exhibit 6: Treaty of Reciprocity between the United States of America and the Hawaiian Kingdom, dated January 30, 1875
- Exhibit 7: Convention between The Post Office Department of the United States of America and the Post Office Department of the Kingdom of Hawai'i, concerning the Exchange of Money Orders, dated November 2, 1883
- Exhibit 8: Supplementary Convention between the United States of America and His Majesty the King of the Hawaiian Islands, to limit the duration of the convention respecting commercial reciprocity concluded January 30, 1875, dated December 6, 1884
- Exhibit 9: Proclamation and Orders, Incident to the Change from the Monarchy to the Provisional Government, dated January 17, 1893
- Exhibit 10: Queen Lili'uokalani's First Letter of Protest, dated January 17, 1893

- Exhibit 11: United States Minister Steven's Proclamation of *de facto* recognition of the provisional government, dated January 17, 1893
- Exhibit 12: Provisional government's proposed Treaty of Annexation, dated February 14, 1893
- Exhibit 13: Dispatch from Secretary of State Gresham to James Blount, dated March 11, 1893
- Exhibit 14: President Cleveland's Message to the Senate and House of Representatives, dated December 18, 1893
- Exhibit 15: Republic of Hawai'i's proposed Treaty of Annexation, dated June 16, 1897
- Exhibit 16: Queen Lili'uokalani's Second Letter of Protest, dated June 17, 1897
- Exhibit 17: Memorial to the President, the Congress and the people of the United States of America accompanying the anti-Annexation Petitions, dated October 8, 1897, and Ku'e: the Hui Aloha 'Aina anti-Annexation Petitions, dated September 1897
- Exhibit 18: Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States, U.S. Statutes at Large, 30 (July 7, 1898): 750-751
- Exhibit 19: An Act to Provide a Government for the Territory of Hawai'i, U.S. Statutes at Large, 31 (April 30, 1900): 141-162
- Exhibit 20: An Act to amend an Act entitled "An Act to Provide a Government for the Territory of Hawai'i," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, granting certain powers to the board of harbor commissioners of the Territory of Hawai'i, and for other purposes, U.S. Statutes at Large, 67 (July 9, 1921): 108-121
- Exhibit 21: An Act to Provide for the Admission of the State of Hawai'i into the Union, U.S. Statutes at Large 73 (March 18, 1959): 4-13

- Exhibit 22: Joint Resolution to Acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawai‘i, and to offer an apology to the Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawai‘i, U.S. Statutes at Large 107 (November 23, 1993), 1510-1514
- Exhibit 23: Memorandum for Abraham D. Sofaer, Legal Advisor, United States Department of State, Legal Issues Raised by the Proposed Presidential Proclamation to Extend the Territorial Sea, 12 Op. O.L.C. 238, 321 (October 4, 1988)
- Exhibit 24: Affidavit of Claimant, Lance Paul Larsen, dated April 19, 1999
- Exhibit 25: Transcripts of Proceedings before the Honorable Sandra Shutte, Judge, Puna Division, presiding, on Friday, June 18, 1999, commencing in the p.m., for the case State of Hawai‘i v. Lance Paul Larsen, in the District Court of the Third Circuit, State of Hawai‘i
- Exhibit 26: Complaint for Injunctive Relief; Declaration of Ninia Parks, for Civil no. 99-00546, Lance Paul Larsen v. the United Nations, et al., filed August 4, 1999 in the United States District Court for the District of Hawai‘i
- Exhibit 27: Petition for Redress of Grievances, August 31, 1999, filed with the Hawaiian Kingdom, by Claimant Lance Paul Larsen
- Exhibit 28: Petition to Vacate Judgment and to Release Petitioner from Custody, filed by Claimant on October 14, 1999 in the Circuit Court of the Third Circuit, Hilo Division, State of Hawai‘i
- Exhibit 29: Stipulated Settlement Agreement dismissing entire case without prejudice as to all Parties and all Issues and Submitting all Issues to Binding Arbitration; Order, dated November 5, 1999, United States District Court for the District of Hawai‘i.