

Introduction:

This document reveals some of the process by which Hawai'i became a State. Unfortunately, it is a process of cheating, lying, ignorance, and connivance which has only in recent years been uncovered. The purpose of the paper is to instigate an international inquiry into those events and to consider what is to be done to allow Hawaii its full right to self-determination. Its focus is on the international legal and political framework of decolonization.

The four co-authors bring their experiences into collaboration to appeal for an appropriate decolonization of Hawaii's people. This paper has been distributed in the international arena through various outlets and directly to representatives of government-members of the United Nations.

We welcome you into this collaboration by your endorsement, and invite your further communication with us through this website.

A Call for Review of the Historical Facts Surrounding UNGA Resolution 1469 (xiv) of 1959 Which Recognized Attainment of Self-Government for Hawaii

Introduction

Summary:

In 1959, the UN General Assembly adopted Resolution 1469 relieving the U.S. from the reporting requirements under Article 73 e, after finding that the people of the territory had exercised self-government by choosing to become a state of the United States of America.

Our current Resolution first asks the General Assembly to order a review of how the US complied with the provisions of Chapter XI of the U.N. Charter, particularly Article 73, over the relevant years from 1946, the year in which Hawaii and Alaska were inscribed in the list of Non-Self-Governing-Territories under GA Resolution 66, until 1959, the year in which the U.S. reported that the people of these territories had exercised self-determination. It further calls on the General Assembly to initiate a review of the representations made in Report A/4226, submitted by the United States on 24 September 1959, ostensibly to be in compliance to Article 73 e, and also to review the consequent discussions and procedures that led to the adoption of GA Resolution 1469 (XIV) on 12 December 1959.

A careful review of the case will reveal that the General Assembly adopted Resolution 1469 under false premises, on the basis of false and incomplete information provided by the United States of America, relying on representations that were tainted by grave material and procedural irregularities surrounding the fraudulent referendum on Hawaii's entry into the United States as a State, which amounted to an act of annexation. Because the referendum was fundamentally flawed, the resolution based thereon must be deemed null and void.

Part One:

U.S. Non-compliance with U.N. Charter Article 73

Article 73 of the United Nations Charter addresses the responsibilities of member nations for the administration of territories "whose peoples have not yet attained a full measure of self-government."

This Article called upon the Administrative authority to "recognize the principle that the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories."

Among the responsibilities mentioned are:

"a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses; and

b. "to develop self-government..., to assist them in the progressive development of their free political institutions...."

Replacing Hawaiian culture

It was U.S. policy from the beginning for Hawai'i to be completely Americanized. Instead of "due respect for the culture of the people," great effort was made to completely replace Hawaiian culture with American culture. During the time of the monarchy, there had been forty-eight Hawaiian language newspapers. Hawaii's 96% literacy rate was the highest in the world. When the U.S. Territorial Government was formed, Hawaiian language was banned in schools and in government, and there was an aggressive effort to raise the next generations as speakers only of English. As a result, the Hawaiian language nearly died out completely.

Failure to ensure political, economic, social, and

educational advancement, and just treatment

Prior to the United States' takeover, Hawaii was a fully recognized independent nation-state, with international treaties and diplomatic consular posts all around the world. Its national character was multi-cultural, multi-racial, multi-ethnic, highly literate, informed, and progressive.

A careful review will establish that the Hawaii Kingdom was overthrown by the United States through aggression to support the power and position of a small number of non-native, mostly American insurrectionists, and to meet the needs of the U.S. economic and military expansionism.

After the U.S. established its Territorial Government of Hawaii, those insurrectionists, descendants of the American missionaries, became fabulously wealthy, forming the Big 5 corporations that controlled almost all aspects of economic, education, and political life in Hawaii.

At the same time, under U.S. rule, "the political, economic, social, and educational advancement" of other descendants of the Hawaiian Nation, particularly native Hawaiians, suffered from loss of land and resources, resulting in poverty, far greater exposure to illness than whites, prejudice, blatant racism and significantly higher rates of incarceration than the settler population.

The Hawaiian colony lacked almost all control over public and private life. The governor, and all judges of the Territory were appointed by and served at the pleasure of the President of the U.S. The U.S. Constitution and the laws adopted by the U.S. Congress were elevated as superior to Hawaii's laws. Migration into Hawaii was controlled by the U.S. Education, health policies, communications, international and inter-island transportation were all controlled by the U.S. government.

Schools became the tool for American indoctrination and destruction of the Hawaiian culture. They focused on *American* history, beloved *American* icons, *American* songs, loyalty and allegiance to the United States of America. The U.S. Territorial Government re-wrote history, hiding from succeeding generations the knowledge that their kingdom had been overthrown and supplanted by the United States. Children were taught *American* culture and taught to look down on anything Hawaiian. Some Hawaiian children were able to succeed under these circumstances, but in general Hawaiians sank to the bottom of their classes or dropped out of school.

The Kamehameha Schools were founded in the Hawaiian Kingdom in 1887 as a private school with the mandate to educate native Hawaiian children. But, under the U.S. Territory of Hawaii, Hawaiian children in Kamehameha Schools were primarily trained for military service, farming, home-making and prepared for blue-collar jobs, while non-Hawaiian children (Asians and Caucasians) were in private schools being trained in academics, business, politics, and other

professions that would make them leaders in society. There was a systematic degradation of, and discrimination against, native Hawaiians.

Non-compliance with “developing self-government”

There never was any attempt by the Territorial Government “to develop self-governance” among the descendants of Hawaiian Kingdom subjects, as required by the UN Charter, and by the 1946 U.N.G.A. Resolution 66. Instead, the United States engaged in 1) a program of propaganda and indoctrination aimed at thoroughly Americanizing the descendants of Hawaiian Kingdom subjects, and 2) a program making it possible for mass numbers of American settlers to move to Hawaii, eventually outnumbering the autochthonous population. The primary goal of the American occupiers was to retain total control of the islands. To this day, they have been successful in this variant of classical imperialism.

In requesting a review of U.S. compliance with UN Charter Article 73, we ask the reviewers to especially study how the U.S. failed in its administering responsibilities to ensure “with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses,” and how the U.S. failed to develop self-government, both of which were required pursuant to the UN Charter.

Part Two:

Problems with UNGA Resolution 1469 (XIV)

Paragraph 2. of Resolution 1469 (XIV) reads: “The General Assembly... 2. Expresses the opinion, based on its examination of the documentation and the explanations provided, that the people of Alaska and Hawaii have effectively exercised their right to self-determination and have freely chosen their present status.”

Paragraph 3. Congratulates the United States of America and the people of Alaska and Hawaii upon the attainment of a full measure of self-government by the people of Alaska and Hawaii;

This section will look at how “the people of Hawaii” that voted were the wrong “people of Hawaii,” how actual self-governance had never been presented to the public as a possibility, much less an option, how the ballot question did not conform to essential U.N. requirements, how thorough indoctrination had hidden the true history of Hawaii from voters preventing the informed consent they needed to freely choose and to cast a valid vote, and how the U.S.

falsely reported a 94% yes vote on statehood, even though, in this most important election ever held in Hawaii, 65% of people of voting age stayed away from the polls.

Incorrectly defining “the people of the territory”

The wrong “people” voted

When Article 73e of the UN Charter speaks of “Member nations who assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government,” clearly it is talking about governments which have taken over, occupied, and/or colonized other nations; and the “people who have not yet attained a full measure of self-government” are the occupied and colonized people. In the case of Hawaii, where a once independent and internationally recognized Hawaiian Kingdom was taken over, occupied, and colonized by the U.S., the Charter obviously was addressing currently living people who were descendants of subjects of the overthrown Hawaiian Kingdom who had “not yet attained a full measure of self-government.” However, it was not these descendants who were offered the vote on statehood. Accordingly, the referendum was invalid *ratione personae*.

During the 59 years that Hawaii was a Territory, there was a huge in-migration of American settlers. The U.S. military presence also grew exponentially during the period with World War II, the Korean Conflict, and the Cold War. Great numbers of military dependents were also moved to Hawaii.

In the statehood referendum, the U.S. ignored the fact that this vote for self-determination needed to be held among the descendants of subjects of the taken-over, occupied, and colonized Hawaiian Nation. Instead, the entire populace was allowed to vote, as long as they were American citizens, had lived in Hawaii for one year, and were at least 20 years old. Even the U.S. military personnel and their dependents stationed in Hawaii for at least a year could vote. However, since only U.S. citizens could vote, if one pledged allegiance only to the Hawaiian Nation, he or she could not vote in the referendum.

Three quarters of the citizens of the American Territory were racially and culturally different from most of the descendants of the Kingdom subjects. They were thoroughly Americanized. They were not at all the people whose Kingdom had been taken over, occupied, and colonized. These were not at all the people contemplated in the U.N. Charter, Article 73. They should not have been allowed to vote! The fact that they did vote invalidates the referendum as an event in which the correct “people of Hawaii” have effectively exercised their right to self-determination and have freely chosen their current status.”

It must also be noted that the immigration of American citizens raises an issue under Geneva Convention IV of 1949, article 49 (6) which stipulates: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” This provision was included so as to prevent demographic manipulation with the ultimate aim of effecting

annexation. According to *Demographic Statistics of Hawaii: 1778-1965* by Robert C. Schmitt, between 1950, one year after the U.S. signed onto that Geneva Convention, and 1960, a year after the statehood vote, while all other ethnicities in Hawaii grew by 10% to 19%, the Caucasian population in Hawaii increased by 63%, growing from 124,344 to 202,230. The African American population increased by 86%, grew from 2,691 to 4,943. Clearly the Occupying Power transferred parts of its own population into the territory it occupied, contrary to the Geneva Convention article.

Switched concept of “full measure of self-governance”

Article 73 intended that the descendants of the Kingdom be offered independence or some other form of self-governance, separating themselves from the United States. Instead, all the people of Hawaii were offered exactly the opposite, movement from a Territory of the United States to a state within the United States. Instead of separation, they were offered, and given, total absorption. And this was passed off as “the attainment of a full measure of self-government by the people of Alaska and Hawaii,” in Resolution 1469 (XIV).

The United States government was responsible for implementing the steps to self-determination listed in Article 73. It deliberately failed to do this. It is noted that in Hawai’i at the time of the plebiscite, there was little or no awareness of the right of self-determination, that is, no awareness of the possibility of independence, or of the possibility of an independent state in free association with the United States. None of these possibilities were ever discussed with the general public. Seemingly, they also were not even discussed among the local American leadership.

Evidence of this is found thirty years after statehood in a television program with William Quinn, the Governor of Hawaii appointed by the U.S. President prior to statehood. Pōkā Laenui offered an argument that the plebiscite was illegitimate because there was no option for independence on the plebiscite ballot. Governor Quinn responded, “Har, har, har. [Laughter] That’s the first time I have ever heard anyone make that argument, today, right now....” “I’m saying you’re the first time I’ve ever heard someone say that. I’ve never heard it from Congress, I’ve never heard it from the Presidential office, I’ve never heard it from... (See p. 5, 6 of “DIALOGUE: Statehood & Sovereignty HAWAII PUBLIC TELEVISION, August 16, 1996,” found in Documents -Hawaiian Sovereignty at www.Hawaiianperspectives.org)

Whether this is true or not, it seems clear that once the American settler population far surpassed the number of Kingdom descendants, the U.S. switched identification of “the people of Hawaii” from the Kingdom descendants to all residents of the Hawaiian Islands. Since the new majority of residents was then primarily American, the U.S. then switched the meaning of “full self-governance” from “independence for Kingdom descendants” to “moving from U.S. Territory status to U.S. Statehood.”

But a great wrong was done here. The right of the descendants of the Kingdom to self-governance had been summarily denied and ‘swept under the rug.’

It might also be asked, what “attainment of full measure of self-governance” took place? Practically nothing changed. Hawai’i moved from a Territory of the United States to a State of the United States. The same occupier/colonizer remained in place. That occupier controlled the foreign relations, the U.S. mechanisms for war, political and economic systems, shipping and air travel. Hawai’i had the same U.S. currency, the same U.S. courts and U.S. laws, and the same government agencies. The same occupier-controlled immigration and population growth, bringing in ever more American settlers. Moreover, the occupier’s school system continued to indoctrinate youth, stressing allegiance to America and, for at least another decade, concealing the truth that America had overthrown their kingdom, done everything it could to destroy Hawaiian language and culture, and flooded their islands with U.S. settlers to assure its position.

Except for being allowed to elect four people to Congress and electing their own governor, nothing changed.

This was not “attaining a full measure of self-government,” as the U.S. claimed. For descendants of the Kingdom, it was attaining the full measure of imperial annexation.

Non-conforming ballot question

The complete wording of the ballot question was: “Shall Hawaii immediately be admitted into the Union as a State?” The only answers were “Yes” and “No.” Thus, the only choices were: to become a State within the United States of America, or to remain a Territory of the United States of America. There was no choice for becoming independent of the United States or to have some other relationship with the United States. U.N. Resolution 742 in 1953 declares that one of the “factors indicative of the attainment of independence or of other separate systems of self-government,” is “freedom of choosing between several possibilities including independence.” The ballot as written did not comply with U.N. requirements and clearly prevented voters from “effectively exercising their right to self-determination.”

The United States had been a part of the United Nations General Assembly in 1953, six years before the statehood vote, when it approved Resolution 742 (VIII) “Factors which Should be Taken into Account in Deciding Whether a Territory is or is Not a Territory Whose People Have Not yet Attained a Full Measure of Self-Government.”_ Certainly, the U.S. was aware that Resolution 742 (VIII) required the offer of “independence” as a ballot choice in the statehood vote.

Whatever the reason that the option for independence was not on the ballot, it was an essential requirement of Resolution 742 (VIII) that it be there, and its absence invalidated the

vote for statehood. It also should have been a reason for the United Nations General Assembly to reject UNGA Resolution 1469 instead of accepting it.

Voters lacked informed consent

It should also be questioned whether the people “have *freely chosen* their present status.” One can only freely choose if one has the ability to make an informed decision. Throughout the years as a Territory, the United States thoroughly indoctrinated the people of Hawai’i into an American worldview and mindset.

In 1906, “as a means of inculcating patriotism in a school population that needed that kind of teaching, perhaps more than mainland children do,” the Board of Education published a “Programme for Patriotic Exercises in the Public Schools.” By the time of the statehood vote, generations of children had been indoctrinated into loving the noble and righteous, glorious United States of America.

History was taught in a way that avoided mentioning the landing of American troops and the overthrow of the Queen. That is, textbooks were arranged so that one year covered stories of the kings and ended with the happy reign of Queen Lili`uokalani. The next year began with Annexation and told the glories of the United States. The Overthrow and the ugly events leading up to and surrounding “Annexation” were assiduously avoided. One textbook even related that the Queen begged the United States to take over the kingdom.

Very few knew that, contrary to international law, this seemingly kindly, benevolent United States, seventy years before, had committed an act of aggression against Hawaii by landing its troops and overthrowing their peaceful and friendly Hawaiian Kingdom, so that the U.S. could take over the islands. (For a brief history of this period see the Source Document, “Historical Analysis” at pp 5-19, www.hawaiianperspectives.org under the heading Hawaiian Sovereignty.)

Further, at the time of the vote, almost no one knew that there were alternatives to integration into the U.S. that should have been included on the ballot: alternatives such as “independence” or “free association with the U.S.”

Not knowing the complete and true history of relations with Hawaii and the U.S., not fully appreciating that they were victims of propaganda programmed to achieving not only American patriotism, but adulation of the United States, and not aware of and certainly not understanding the alternatives they should have been given, voters clearly lacked the knowledge to make a valid, free choice.

Informed consent is an integral part of free choice. To have a valid referendum, those voting needed to give their free and informed consent. Since they could not, the entire statehood referendum (or plebiscite) was invalid. It is therefore not true that the people had freely chosen statehood.

Only 35% of eligible age voted

While 1959 newspapers gleefully reported that 94% supported statehood, the actual facts are much different. First, it must be pointed out, that the 94% only counts the Yes and No votes cast. 18% of the voters left the question blank. When all of the votes are included, only 77% *of those who voted* actually voted *for* statehood, not 94%.

But even more stunning is that fact that, while this was undeniably the most important vote ever taken in the history of Hawai'i, and under ordinary circumstances would be expected to draw huge numbers of voters to the polls, only 35% of those of eligible age to vote actually turned up to the polls. There were 381,859 Hawaii residents of eligible age to vote at that time. Yet, despite all of the hype in the campaign to "get out the vote," only 35% (132,772) actually wanted statehood strongly enough to go to the polls to vote for it.

With only 35% of eligible voters casting ballots, it cannot be truthfully claimed that "the people of Hawai'i effectively exercised their right to self-determination and have freely chosen their present status," statehood.

Indeed, contrary to accepting the report that 94% of the people voted for statehood, it must be asserted that 65% actually voted with their feet *against statehood* by staying home from the polls.

The question to be investigated is how much of this overwhelming 65% non-voting majority should be counted as resistance to statehood. It may well be found that the 94% vote for statehood should be re-assessed at a number well below the 50% required to win the vote.

Plebiscite invalid due to all above

Individually, and even more so collectively, the above problems with the 1959 Hawaiian Plebiscite on Statehood render it invalid. It must be clearly stated: There was no valid vote for statehood. There was no valid vote of self-determination. Further, it is not at all true, as Resolution 1469 states, that "the people of Alaska and Hawaii" have effectively exercised their right to self-determination and have freely chosen their present status."

The descendants of the subjects of the Hawaiian Kingdom still await the very first U.S. efforts on their behalf "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions," as promised by paragraph b. of the United Nations Charter Article 73.

U.N. intentionally circumvented with statehood vote

This section will expose an effort to devise a process to avoid the administering responsibilities of the United States and to devise a process to overcome the scrutiny of the General Assembly.

Allowing Hawaii and Alaska to be placed on the 1946 list of non-self-governing territories was considered a great mistake by many. Being on the list could eventually lead to pressure to prepare them for independence, and the U.S. had no intention of ever letting them go.

Francis O. Wilcox, Assistant Secretary of State for International Organization Affairs, sent a letter to Secretary of State John Foster Dulles on 17 July 1956, titled "Possible Procedure and Arguments for Cessation of Reporting on Alaska and Hawaii to the United Nations." The letter proposes ways to delude the United Nations into allowing the U.S. to stop reporting. The last two paragraphs read,

To many United Nations Members, the above arguments would seem to evade the main issue of constitutional advance since 1946. It would therefore be desirable, even essential, for us to demonstrate that the people of the two Territories oppose further reporting to the United Nations. This might help to persuade those Members, which attach importance to the idea of the freely expressed wishes of the people concerned. At the moment, however, we have no evidence of a popular demand in Alaska and Hawaii for cessation of reporting. Such a demand would therefore have to be stimulated in one form or another.

One of the following methods, which are listed in the order of their possible effectiveness, might be used in expressing [t]he desires of the people of Alaska and Hawaii to cease reporting: 1) the Territorial Legislatures might adopt resolutions to this effect; 2) the Territorial Delegates to the Congress might request the Congress to adopt a resolution; 3) The Territorial Delegates might ask the President to cease reporting, a request that would be strengthened if the Delegates could base it upon a widely circulated petition in the Territories; and 4) the Territorial Governors might ask the President to cease reporting. (This letter can be found on Statehood Hawaii.org, a website created by researcher Arnie Saiki, at #20 (Francis O. Wilcox) <http://statehoodhawaii.org/category/statehood-countdown>).

But Secretary of State Dulles, (cited above) had another way to stop the reporting on Hawaii. He wrote to Senator William F. Knowland on June 26, 1956, "The grant of statehood to Alaska and Hawaii would provide the best means of convincing other United Nations Members that the two territories have achieved "a full measure of self-government." This became the plan. (Arnie Saiki, <http://statehoodhawaii.org/category/statehood-countdown> #21 (John Foster Dulles)

Request to the General Assembly for Review

Given the evidence of egregious irregularities, we call on the General Assembly of the United Nations to conduct a review of UN General Assembly Resolution 1469 of 12 December 1959 to verify the veracity of the representations submitted by the United States in Report A/4226 on September 24, 1959, regarding its obligation as an Administering Power under Article 73 e. We further call for a review of the discussions, deliberations and actions taken by the General Assembly leading to the passage of UN General Assembly Resolution 1469 of 12 December 1959.

Should the review reveal that UN General Assembly Resolution 1469 of 12 December 1959 was adopted by relying on incomplete and fraudulent information, and that the referendum was vitiated by material errors and deliberate misrepresentations, we also call upon the General Assembly to take appropriate action to correct the consequences of the multiple errors by annulling or rescinding UN General Assembly Resolution 1469 of 12 December 1959.

Part Three:

Definition of Aggression, U.N.G.A. Resolution 3314 (XXIX)

A further consideration:

UNGA Resolution 3314 (XXIX) adopts the following Definition of Aggression: [FN3]

Article I

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,

Article 5

3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

U.S. Extension of Manifest Destiny Doctrine

Prior to the United States' military aggression and occupation, Hawaii was a fully recognized independent nation-state, with international treaties with almost every major nation/state.ⁱ It was a member of one of the first international organizations, the Universal Postal Union, and had ninety-nine diplomatic and consular posts around the worldⁱⁱ.

Hawaiian literacy was among the highest of the world. Hawai'i had telephones and electricity built into its governing palace, 'Iolani, prior to the U.S.'s White House. Multi-lingual citizens abounded. Hawaiian leaders had excellent comprehension of world and political geography. King Kalākaua was the first Head of State to circle the world in a visit of nations in his plan to weave a tapestry of international economic and political alliances to assure Hawaiian independence. By 1892, Hawai'i was a vibrant multi-racial, multi-cultural nation engaged in intellectual and economic commerce throughout the world.

Across the ocean, the United States was obsessed with expansion and the belief that it was the Manifest Destiny of America to not just rule from Atlantic to Pacific, but beyond. The plan for the aggression into Hawaii was initiated by the landing of U.S. military forces upon the shores of Hawaii in January 1893 and the subsequent absorption of Hawaii as a "Territory of the United States of America" in 1898, was to expand the reach and influence of the United States politically and militarily into the Pacific and to Asia, first in possessing a military outpost with a deep harbor from which the U.S. Navy could operate exclusively.ⁱⁱⁱ (See President Cleveland's Address to the Joint Houses of the U.S. Congress, December 1893; Special Investigation Report by Senator Blount to the President of the United States, 1893)

On January 16, 1893, the U.S.S. Boston landed 162 U.S. Bluejackets, fully armed with carbines and Howitzer cannons, and marched upon the streets of peaceful Honolulu, the capitol city, billeting themselves directly across from the seat of government, 'Iolani Palace. Queen Lili'uokalani, the Constitutional Monarch of the Hawaiian Kingdom, learning of this landing of the U.S. troops, immediately protested to the U.S. Minister Plenipotentiary, John L. Stevens, demanding that the troops be returned to the U.S. warship Boston, which had been moored in Honolulu Harbor. The U.S. Minister gave no response, as it was he who had ordered the landing of the U.S. troops.

In the afternoon of January 17, 1893 the real purpose of the U.S. troops billeting themselves at this location became obvious. The Committee for Public Safety, consisting of 13 members, in an act of high treason, stood on the side steps of the government building, facing away from the Palace across the street, and began the "public reading" of a proclamation declaring themselves a new government of Hawaii, the Provisional Government (provisional until terms of annexation could be negotiated between its members and the United States of America). They declared Sanford B. Dole as their President. (He was the son of one of the early missionaries from the United States, Daniel Dole of the 9th Missionary Company to Hawaii from

the American Board of Commissioners of Foreign Missions, based in Boston, Massachusetts U.S.A.).

As the reading of the proclamation of this self-proclaimed Provisional Government was taking place, the U.S. Bluejackets stood guard on Mililani Street. After receiving and reading the proclamation, the U.S. Minister, John L. Stevens, officially recognized this Provisional Government as the government of Hawaii.^{iv}

In the years immediately following this, this Provisional Government of Hawaii, on July 4, 1894 converted itself into the Republic of Hawaii, with U.S. government officials directly participating in the step-by-step process. The Republic of Hawaii, claiming it had the authority to do so, “ceded” Hawaii to the United States in 1898. The people of Hawaii were disenfranchised from participating in these transactions. Their many protests were ignored by the U.S. and its puppet Republic of Hawaii.

In 1900, the U.S. Territory of Hawaii was created through the U.S. Organic Act for the Organization of the Territory of Hawaii.

Article 2, Section 2 of the Constitution of the United States gives the President the power to make Treaties if two thirds of the Senators present in the Senate concur. This power was used by the United States to enter 9 treaties of cession, annexing 56 out of 58 acquired territories, over a period of 168 years (1783-1951). Hawaii never had a Treaty of Annexation because the U.S. Senate could not get the two-thirds vote required to Constitutionally annex the islands. Acting in non-compliance with its own Constitution, the U.S. annexed Hawaii through the Newlands Resolution passed by both Houses of Congress by a simple majority vote of both houses of Congress.

In the UN Resolution Defining Aggression, UNGA Resolution 3314 (XXIX) Article 5, section 3, we see a definition of aggression: “the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof.”

Article 5, section 3 states, “No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.” It must be averred that this territorial acquisition must no longer be recognized as lawful.

Anticipating U.S. Reaction to this Initiative and proposed Resolution on Hawaii’s status

In moving ahead, it is to be expected that the United States of America will strongly oppose any action by the General Assembly. The easy path would be to back down and enable this powerful country to continue flaunting the repeated UN doctrine of commitment to self-determination of all peoples, found in the very Charter of the United Nations, which every

member has accepted as a trust obligation, along with the plentiful declarations, conventions and resolutions supporting the principle especially in occupied territories deemed non-self-governing. We ask all members of the United Nations to stand with the “people of Hawaii,” the descendants of the subjects of the Hawaiian Kingdom.

The Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations (GA Res 2625 (XXV) of 24 October 1970), states: “Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States *conducting themselves in compliance with the principles of equal rights and self determination of peoples as described above* and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”

This statement has been misused to argue that Hawaii cannot be separated from the United States since it reads, “Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.” This is often quoted by those resistant to applying self-determination to Hawaii.

But the sentence does not end there. It continues on to qualify the sovereign and independent States which cannot be dismembered as states “conducting themselves in compliance with the principles of equal rights and self-determination.” As has been shown in all of the pages above, the whole history of the United States of America and Hawaii contradicts the claim that the U.S. conducted itself in compliance with the principles of equal rights and self-determination for the subjects of the Kingdom and their descendants.

Let us close with the Letter to the American People by Queen Liliuokalani found in her 1898 book, *Hawaii's Story by Hawaii's Queen*:

"Oh, honest Americans, as Christians hear me for my downtrodden people! Their form of government is as dear to them as yours is as precious to you. Quite warmly as you love your country, so they love theirs. With all your goodly possessions, covering a territory so immense that there yet remain parts unexplored, possessing islands that, although new at hand, had to be neutral ground in time of war, do not covet the little vineyard of Naboth's, so far from your shores, lest the punishment of Ahab fall upon you, if not in your day, in that of your children, for "be not deceived, God is not mocked." The people to whom your fathers told of the living God, and taught to call "Father," and whom the sons now seek to despoil and destroy, are crying aloud to Him in their time of trouble; and He will keep His promise and will listen to the voices of His Hawaiian children lamenting for their homes."

The time has come.

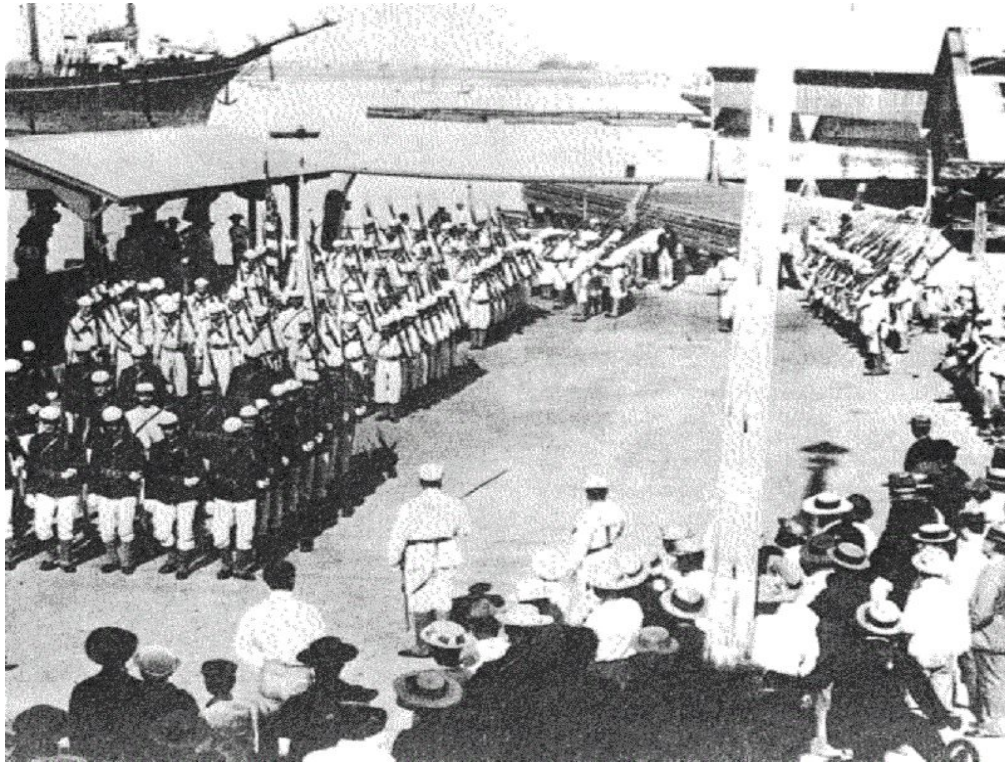
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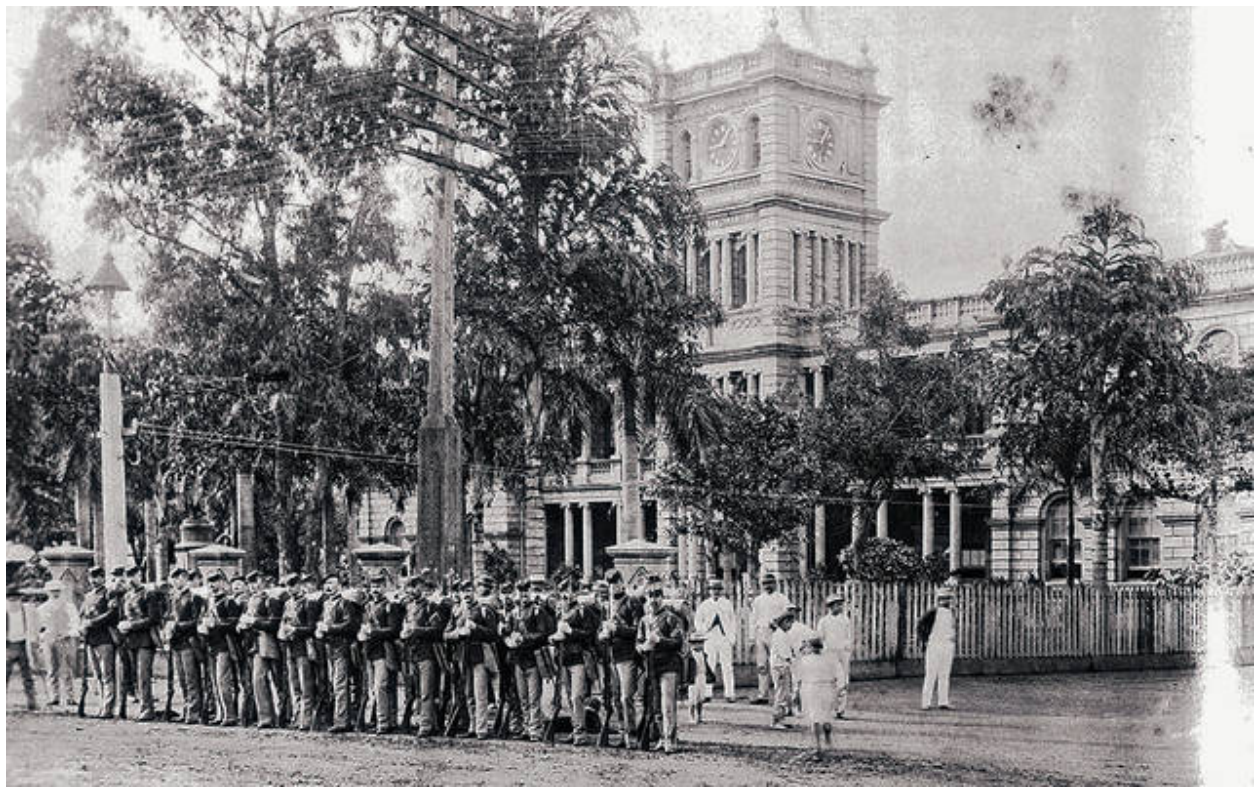
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Professor Alfred de Zayas, former UN Independent Expert on the Promotion
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Landing of the U.S. troops for Overthrow of Hawaiian Nation Honolulu Harbor January 17, 1893



U.S. troops from USS Boston across the street from 'Iolani Palace January 17, 1893



Troops from the USS Boston Honolulu January 17, 1893

ⁱBy 1887, Hawai'i had treaties and conventions with Belgium, Bremen, Denmark, France, the German Empire, Great Britain, Hamburg, Hong Kong, Italy, Japan, Netherlands, New South Wales, Portugal, Russia, Samoa, Spain, the Swiss Confederation, Sweden and Norway, Tahiti, and the United States. Treaties and Conventions concluded between the Hawaiian Kingdom and Other Powers since 1825, Elele Book, Card, and Job Print., 1887. See also Stephen Kinzer, *Overthrow*, Times Books, Henry Holt & Company, New York 2006.

ⁱⁱ Directory and Handbook of the Kingdom of Hawaii, F.M. Hustat, 1892

ⁱⁱⁱ In January, 1893, Thurston organized twelve of his associates to form the "Committee of Public Safety" and arranged an immediate visit to the American Minister plenipotentiary in Hawai'i, John L. Stevens, to conspire for the overthrow of Lili'uokalani.

Little convincing was necessary for Stevens was already one of the foremost advocates for a U.S. takeover of Hawai'i. Appointed in June, 1889 as the U.S. Minister plenipotentiary, he arrived in Hawai'i on September 20 of that year and regarded himself as having a mission to bring about annexation of Hawai'i to the United States. His letters to Secretary of State James G. Blaine, beginning less than a month after his arrival reflect his passion to take Hawai'i for the United States.

After three years of encouraging taking Hawai'i, he writes on March 8, 1892, for instruction of how far he may deviate from established international rules and precedents in the event of an orderly and peaceful revolutionary movement, setting forth a step-by-step prediction of future events.

On November 19, 1892, he writes to the Secretary of State, arguing that those favoring annexation in Hawai'i are qualified to carry on good government, "provided they have the support of the Government of the United States." He continued, "[H]awaii must now take the road which leads to Asia, or the other, which outlets her in America, gives her an American civilization, and binds her to the care of American destiny. . . . To postpone American action many years is only to add to present unfavorable tendencies and to make future possession more difficult."

He called for "bold and vigorous measures for annexation. I cannot refrain from expressing the opinion with emphasis that the golden hour is near at hand. . . . So long as the islands retain their own independent government there remains the possibility that England or the Canadian Dominion might secure one of the Hawaiian harbors for a coaling station. Annexation excludes all dangers of this kind."

Thus, when Thurston met with Stevens on January 15, 1893, the "golden hour" was at hand. It was agreed that the United States marines would land under the guise of protecting American lives (the missionary parties'). The "missionary" party would declare themselves the "provisional government." This puppet government would immediately turn Hawai'i over to the United States in an annexation treaty. The missionary party would be appointed local rulers of Hawai'i as a reward. The United States would obtain the choicest lands and harbors for their Pacific armada. Cleveland's Address to Congress, 18 December 1893," Richardson, A Compilation of The Messages and Papers of the Presidents: 1789-1908, Vol. IX (1908).

^{iv} See the U.S. Apology Law, Public Law 103-150, 107 Stat. 1510

See the Resolution which will be submitted to the U.N. General Assembly (UNGA) on the next page.

Topic: "Review of UNGA Resolution 1469"

The General Assembly,

Affirming the inalienable right of all peoples to self-determination and independence in accordance with Chapter XI of the Charter of the United Nations and General Assembly Resolution 1514 (XV);

Noting that in the year 1946, the United States in accordance with Chapter XI of the Charter of the United Nations and General Assembly Resolution 66 (I) submitted the Hawaiian Islands to be placed onto the list of non-self-governing territories to be decolonized;

Understanding the United States, as the Administering Power, assumed the obligation under Article 73 of the Charter, to assist the Hawaiian Islands to attain “a full measure of self-government” and to accept as a “sacred trust, the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories”;

Acknowledging other responsibilities under Article 73 are:

- a. “to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses” and
 - b. “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement”;
- and,

Mindful that the United States’ Report A/4226, transmitted on 24 September 1959 to the General Assembly, might have misstated the United States’ compliance with its obligations under Chapter XI of the Charter of the United Nations, in particular Article 73, and General Assembly Resolution 66 (I); and,

Expressing concern that new evidence has been brought forth which claims that the adoption of United Nations General Assembly Resolution 1469 of December 12, 1959 allowing the United States to cease transmitting information on the status of the Hawaiian Islands in compliance with Article 73 e of the Charter, and congratulating the people of Hawaii for exercising their right to self-determination and freely choosing their present status (becoming a state of the United States), may have been based on misinformation and misrepresentations and may have served to deny the people of the Hawaiian Islands their rights to self-determination and independence; and,

Recognizing that an erga omnes obligation exists which establishes the right and power to make this Notice of Error and to call for a special session in accordance with GA Rules and Procedures to review the factors that led to the adoption of UNGA Resolution 1469 of December 12, 1959; and, if the review finds that the full measure of self-determination was not properly afforded the residents of the Hawaiian Islands, as contemplated by Article 73 of the Charter, to take appropriate remedial steps to address any failures of the full measure of self-determination, taking into consideration the direct voices from the concerned residents of the Hawaiian Islands as so contemplated by the Charter of the United Nations.