

# Edmund Keli'i Silva Jr., Ali'i Nui Mō'i

Nalikelouakalani Paki – Ka 'I 'omaka-ola-hou-Kaluaakalani-ka-'I-mano'anuu'u-ka-lama-kea-i-ho'oku'ke'aupuni-o-Hawai'i.

## KINGDOM OF HAWAI'I

Nou Ke Akua Ke Aupuni O Hawai'i



September 9, 2019

### From the Desk of the King

To: TMT International Observatory LLC (TIO)

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Christophe Dumas - Observatory Scientist & Head of Operations

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National Astronomical Observatories of the Chinese Academy of Sciences

Department of Science and Technology of India

National Research Council (Canada)

The Association of Universities for Research in Astronomy (AURA)

[http://en.wikipedia.org/wiki/List\\_of\\_bilateral\\_treaties\\_signed\\_by\\_the\\_Kingdom\\_of\\_Hawaii](http://en.wikipedia.org/wiki/List_of_bilateral_treaties_signed_by_the_Kingdom_of_Hawaii)

Apology Bill. (U.S. Public Law 103-150 – 107 Stat. 1510) admits the invasion, overthrow, occupation, and annexation of 1893 violated diplomatic treaties, international law, Laws of Nations, and the United States Constitution. Under International law the World Court ruled the only appropriate remedy is restitution. That fact gives absolute right and power to restore independence. The U.S. Congress has no power, jurisdiction or authority to stop the restoration of the Kingdom. The United Nations Charter states: An autonomous independent sovereign nation-state contemplated under Article 1 of the Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, (c) government; and (d) capacity to enter into relations with the other states.

The Kingdom of Hawai'i meets ALL LEGAL REQUIREMENTS - ALI'I NUI MŌ'I KING EDMUND K. SILVA. JR.

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I ka Mō'i o ke Aupuni o Hawai'i

Subject: Alternative Solution.

Aloha kua Mr. Ed Stone iā mākou,

I request that you circulate this letter to those identified above and anyone else you deem appropriate.

I open my letter with a point about the Rule of Law. Depending on whom you listen to, it soon becomes clear that the Rules favor those that can pay for an advantage, such as special interest groups or those wanting to buy their freedom from corrupt Government, as well as a failed Judiciary system that can manipulate the Rule of Law to fit the Order of the Day.

So, what is the goal of the Rule of Law? The purpose of law is to preserve freedom and moral agency. The Rule of Law is a meta-legal principle. Similar to natural law theory, it provides a benchmark against which laws can be evaluated. From this perspective, law is about the discovery of the rules of just conduct.



Ka Pu'uhonua O Na Wahi Pana O Hawai'i Nei  
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To the Indigenous People(s), the Rule of Law consists of the Law of Creation, Tradition and Culture.

The Rule of Law which cannot be disputed is what the People are standing on – Kapu Aloha. Kapu Aloha is showing the world what the Rule of Law is – integrity, respect, love for the ‘Aina (land), the human family and the natural world. **This invisible law is Morality.**

I am certain that you have been watching the events on Mauna a Wakea with intense interest. I trust that you are beginning to understand the true nature of those events. Perhaps the thoughts shared in this letter will assist you in that process.

First of all, the key truth that you need to understand is that, in 1893, the United States Minister to the Kingdom of Hawai'i ordered the landing of United States military troops to support a tiny group of sugar growers intent on overthrowing the Kingdom of Hawai'i Government and annexing the Kingdom into the United States. Those engaged in treason, set up a Provisional Government that later called itself the Republic of Hawai'i.

The President of the United States at that time denounced that invasion as an act of war against a country with whom the United States was at peace. The President called for the restoration of Queen Lili'ukolani to her throne.

That restoration never happened. The traitors refused to relinquish their position and the United States President declined to use force to remove them.

Instead, there were attempts by the Provisional Government, and later, the Republic, to annex the Kingdom to the United States. After those attempts to pass a treaty of annexation failed to receive sufficient votes in the United States Senate, the United States Congress passed a resolution annexing the Kingdom.

The government and citizens of the Kingdom had no participation in that resolution. The resolution itself had no legal effect because the government of one nation cannot simply pass an internal resolution to abolish the government of another nation and seize the lands of that other nation. Yet that is exactly what happened.

I highly recommend that you read the detailed history of those events found in what is now known as the Apology Resolution. United States Public Law 103-150, 107 Stat. 1510, S.J.Res. 19, called the Apology Resolution, was enacted on November 23, 1993. I stress that this document is an official document of the United States government in which it formally apologized for the United States' participation in the illegal overthrow of the Kingdom Government. The resolution is quite explicit in acknowledging that the Hawaiian people never consented to the abolishment of their government or the taking of their lands.



I direct your attention to this history because your understanding of those events is critical to your understanding what is happening on Mauna a Wakea today. From a Kingdom perspective, the State of Hawai'i is simply the corrupt foundation put in place by an illegal act. That foundation cannot support the governmental edifice constructed upon it. That State of Hawai'i has no legitimate claim to jurisdiction over the lands stolen from the Kingdom, including the lands proposed for the Thirty Meter Telescope (TMT). The Board of Land and Natural Resources have no authority to give TMT a permit.

That some of the lands taken from the Kingdom included lands held sacred by the Hawaiian people - and where structures such as the TMT would never have been allowed - only adds desecration to the injustices.

You inherited this history when you chose Mauna a Wakea to be the site of the TMT. And, to be clear, you knew that choice was burdened with a tense history before you selected the site.

The Gordon and Betty Moore Foundation commissioned a risk assessment, known as the Keystone Report, that posed the question as to what risks the consortium would be taking, if Mauna a Wakea was chosen as the TMT site.

While I encourage you to read that entire report, the excerpt of one theme that emerged should be sufficient to make my point.

***A Sour History and Heavy Baggage.** Unfailingly, almost every interviewee we spoke with, even those who are great proponents of placing observatories on Mauna Kea, acknowledge a complex and, for many, a bad history on the mountain. Hawaiians, both Native and non-Native, speak of poor planning, bureaucratic bumbling, broken promises, technocratic arrogance, and a persistent failure to engage the Native Hawaiian community in meaningful and appropriate ways. Some of this has been reported in two legislative audits. While there are many fine individual efforts underway to rectify long-running problems, the situation remains contentious and confusing. Should TMT decide to pursue a Mauna Kea site, it will inherit the anger, fear, and great mistrust generated through previous telescope planning and siting failures and an accumulated disbelief that any additional projects, especially a physically imposing one like the TMT, can be done properly. One interviewee said of future development, "It can be less objectionable, but it can't be all right."*

*Assessment of the Risks for Siting the Thirty Meter Telescope on Mauna Kea; October 26, 2007; pages 3-4.*

There is a great deal of official corruption in Hawai'i. I attribute that corruption to an underlying understanding that the government of Hawai'i is an illegal occupying force that is exploiting the lands and other resources of the Kingdom. Political structures built on such a foundation are doomed to crumble. Projects designated for stolen lands become part of the landscape of corruption.



The TMT turned out to be the proverbial last straw. A prior environmental impact statement concluded that the astronomy community had already caused substantial, significant, and adverse impacts on the Mountain. With the sacred Mountain already heavily scarred by industrialization, the TMT represented yet one more desecration for which the promoters never had permission from the Hawaiian people.

The raising of the desecration issue brought into the light the whole panoply of issues that are interconnected: restoration of the legitimate, independent nation as the proper decision-makers for what should be happening in the Islands; the continual disrespect for the traditional Hawaiian faith; the exploitation and pollution of the Hawaiian natural world; and the appropriation of the Hawaiian cultural world is unconscionable.

Of course, the TMT is not responsible for that entire history. Despite being forewarned, your consortium did seriously underestimate the negative response your selection of Mauna a Wakea would elicit. You also failed to understand the many issues that your decision to locate on Mauna a Wakea would raise. Ultimately, you failed to predict the powerful community uprising that you would inspire, because you relied on local authorities to suppress that resistance.

Now that the history has come to life, there is no turning back. For the Hawaiians, the TMT is a "no compromise" situation precisely because history has taught not to trust anything coming from the occupying government, and because enough is enough.

As the Protectors have articulated more than once, the TMT can go to another location to conduct its scientific work. There is no second mountain that is Mauna Kea.

Looking to the future, TMT has three options: (1) continue to press forward with locating the TMT on Mauna a Wakea and cause even greater division within the Hawaiian community, continued disruption of community life on the Island, and increasing the resistance to the project; (2) relocate the TMT to another site; (3) stand down the TMT and let the development of space-based telescopes make the implementation of "adaptive optics" on the TMT unnecessary to remove atmospheric distortion.

There is simply too much history here for your project to receive a welcome. The time has come for you to admit to that reality and move on.

In closing:

Loa'a iā mākou nā mea ho'omaika'i i ka hō'ike 'ana i ka honua, he mau kanaka wiwo 'ole mākou e hana nei i ka mea e pono ai. 'A'ole ka manawa pinepine i ko mākou ala i ke kala 'ia i nā hewa nui i kū mai i kahi lāhui kanaka nona ka hewa wale nō i hilina'i i ka hewa i hiki mai i ko mākou mau wahi.



We have the blessings of showing the world that we are men of courage, fearlessly doing what is Pono (truth). It's not often that we have the opportunity to undo the substantial wrongs perpetrated upon an indigenous nation whose only mistake was trusting the evil that came to our shores.

**Ua Mau Ke Ea o ka 'Aina i ka Pono,**

*Edmund K. Silva Jr.*

**ALI'I NUI MŌ'I EDMUND K. SILVA, JR.**

Nalikoalauokalani Paki – Ka 'I 'omaka-ola-hou-Kaluaokalani-ka-'I-  
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cc: Ali'i Mana'o Nui Lanny Sinkin esq.  
Na Kupuna Council O Hawai'i Moku  
Na Kupuna Council O Hawai'i Nei  
Protectors of Mauna a Wākea Vigil Site  
(Hand Delivery)

All Nations via special delivery and,  
Treaty Nations with the Kingdom of Hawai'i



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