

DECLARATION OF LELAND PA

I, LELAND PA, declare under penalty that the following is true and correct:

1. I am a police officer for the Hawai'i Police Department, badge number 284.
2. According to the Hawai'i Police Department Standards of Conduct, section 5.2.9(h), "General Responsibilities—Officers shall, at all times, take appropriate action to: Identify potentially serious law enforcement and government problems".
3. As part of my duty to identify potentially serious law enforcement and government problems, I obtained copies of war crime complaints from the Law Office of Dexter K. Kaiama, esquire, Seven Waterfront Plaza 500 Ala Moana Blvd., suite 400 Honolulu, Hawai'i 96813, in early September 2012. I began my inquiry into these complaints to see how it would affect myself as a police officer for the County of Hawai'i and if it would pose potential problems for law enforcement and government officials.
4. These complaints were filed with the HQ U.S. Pacific Command, Camp Smith, Hawai'i, and the Office of the United Nations High Commissioner for Human Rights Geneva, Switzerland. These complaints accused State of Hawai'i Third Circuit Court Judges Greg Nakamura and Glen S. Hara, and District Court Judge Barbara Takase of willfully depriving a protected person the rights of a fair and regular trial during occupation, being a war crime under the 1949 Geneva Convention, IV. These complaints were based on the 1893 Executive Agreements between U.S. President Grover Cleveland and Queen Lili'uokalani, 1907 Hague Convention, IV, 1949 Geneva Convention, IV, and U.S. Army Field Manual 27-10.
5. On 11-06-12 at about 2230 hours I telephoned the Office of the United Nations High Commissioner for Human Rights, Human Rights Council Branch-Complaint Procedure Unit. United Nations Office at Geneva CH-1211 Geneva 10, Switzerland Bus. Ph: 011 412 291 79220.
6. I spoke with a male representative that confirmed the complaints but could not provide any more assistance except to advise me to contact U.S. departments that deal with war crime complaints.
7. On 11-08-12 at about 0930 hours I telephoned HQ USPACOM, P.O. Box 64028 Camp H.M. Smith, Hawai'i, PH: (808) 477-6378. I spoke with a male party who identified himself as being RONALD WINFREY, Principal Deputy Staff Judge Advocate, U.S. Pacific Command. I informed him of my inquiry and concerns of how these complaints could directly affect my duties and me as a police officer for the County of Hawai'i.
8. Mr. Winfrey stated he receives many complaints and some are not really complaints but long winded writings. I specified that the war crime complaints I'm referring to

were coming from the law office of Dexter K. Kaiama, esquire.

9. Mr. Winfrey stated he knows those complaints because out of all the complaints he has read those are the most precise and clear.
10. As I began discussing the basis of the complaints such as no treaty of annexation, Mr. Winfrey candidly and without hesitation said, “Oh yes, there is no treaty”.
11. I brought to his attention the two sole executive agreements mentioned in the complaint. The 1893 Lili‘uokalani assignment and the Agreement of restoration entered into by United States President Grover Cleveland and Queen Lili‘uokalani for the investigation and settlement of the illegal overthrow.
12. I stated that according to the U.S. Supreme Court sole executive agreements are treaties. As treaties, they bind the United States President to administer Hawaiian Kingdom Law and the Laws of occupation in Hawai‘i.
13. Mr. Winfrey stated that the executive agreements and the issue of Hawai‘i being occupied have never been ruled on in a U.S. Court and they remain unresolved.
14. Mr. Winfrey in an attempt to ease my concerns stated that these types of cases when addressed by U.S. Courts will get dismissed for lack of jurisdiction and not one has gone up on appeal.
15. I informed Mr. Winfrey that there is a Federal case that went on appeal dealing with the exact subject matter and he said, “I was not aware of that”.
16. I stated that the case was dismissed for lack of jurisdiction because it posed a political question. One of the cases the Judge cited was *Lin v. United States*. In *Lin*, the Appellate Court held that, although the court had the authority to construe treaties, the political question doctrine deprived it of the authority to do so because the executive failed to recognize Taiwan’s sovereignty. However, once the executive recognizes the sovereign then there is no political question and the court has jurisdiction.
17. Unlike Taiwan, the Executive already determined Hawai‘i’s sovereignty on July 6, 1844. The executive also extended further recognition by entering into the abovementioned sole executive agreements with Queen Lili‘uokalani.
18. I asked Mr. Winfrey the following questions and got the following responses.
19. Since there is no treaty, can the unresolved issues of the executive agreements and Hawaii’s occupation get resolved by a U.S. Court in the future?
20. Mr. Winfrey stated that it is possible.
21. If a U.S. Court should find in favor of plaintiff’s claim regarding the executive

agreements and Hawai'i's occupation, then the prosecution of said War Crimes would come into play?

22. Mr. Winfrey stated that is possible.

23. Since there is no treaty, the plaintiff does not need a U.S. court ruling? The Plaintiff could get these issues resolved in an International venue and then prosecution of war crimes would come into play?

24. Mr. Winfrey stated that is possible.

25. I informed Mr. Winfrey that as a police officer I have sworn an oath to uphold the laws and constitution of the United States. Article 6, clause 2 of the U.S. constitution declares that treaties, which includes executive agreements, are the supreme law of the land. Because there is no treaty of annexation we are faced with a difficult situation, which needs clarification and I find it necessary to notify my superiors.

26. Mr. Winfrey stated he understood my concerns and thanked me for the conversation and for being so knowledgeable on the subject.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: Hilo, Hawai'i, December 15, 2012.



Leland Pa