

**BOARD OF LAND AND NATURAL RESOURCES**  
**HAWAIIAN KINGDOM**

IN THE MATTER of Contested Case Hearing Re )	Case No. BLNR-CC-16-002
Conservation District Use Application )	
(CDUA) HA-3568 For the Thirty Meter )	DIGHT VICENTE'S MOTION
Telescope at the Mauna Kea Science Reserve, )	FOR STAY FINDING OF FACT
Ka'ohe Mauka, Hamakua, Hawaii, TMK (3) )	CONCLUSION OF LAW
404015:009 )	
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**MOTION FOR STAY FINDING OF FACT CONCLUION OF LAW**

I Dwight J. Vicente move this hearing for a Stay of the Finding of FACT CONCLUSION OF LAW. Due to the fact that I was denied the Right to question the UH General Lease No. S-4191 and TMT sub lease. Early on in this hearing, the Board of Land and Natural Resources decided to not allow issues dealing with having The Hawaiian Kingdom history on the record. The UH and TMT made statements to the effect that there leases are good and they have property rights. They would object every time I tried to question their leases, based on Kingdom Law. PUEO is a none injured party in this hearing was allowed to limit the issues, to Article XII, Sec. 7 State Constitution Native Hawaiian customary and tradition prior to 1778, the State of Hawaii to determine and 1959 State Hood, and to the five issues, Minute Order No. 19, 94 Hawaii 31, no Hawaiian Kingdom issues would be allowed. The problem with the Ka Pa'akai case, it apply Article 4 Sec. 3 Clause 2 of the U.S. Constitution, to which is limited to Article 5 of the Northwest Ordinance of 1787, Sai v Clinton 778 F. Supp. 2d 1, the political question over the Ohio River Territory was raised. This is a Kingdom not a colony, the U.S. is not a Colonial Power by its own Constitution, this Kingdom is not under their Jurisdiction. This creates a huge Historical black hole. Based on this UH, TMT and PUEO high jacked this hearing to secure that the Conservation District Use Permit would be issued. The question of both leases were objected, so the false claim of property rights remain. One needs to only read the 1968 General Lease No. s-4191 Governor W. F. Frear;s proclamation 1909 calling Mauna Kea a Forest Reserve, Demised lands and State of Hawaii. For this to happen, in 1875 the U.S. did a Reciprocity with the Hawaiian Kingdom. This created a false hood, based on the Northwest Ordinance of 1787. The U.S. Citizens would have the same rights as if they were in the Ohio River Valley, the right to occupy this Kingdom, the right to Homestead 1884, the right to Arm them self, calling them the Honolulu Rifles. Using that Arms to force a Constitution on to King Kalakaua in 1887. This limited the Kings power, it also gave the right to vote to U.S. Citizens Act 69, this requirement holds true today. The amendment to the reciprocity Treaty for the exclusive use of Pearl River, to station the

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U.S. Navy, this term ends in 1894, this violates the Article 1 Sec. 8 Clause 17 U.S. Constitution, this is year 2017 and the U.S. Navy is still here. With King Kalakaua's death, Queen Liliuokalani took the throne. January 13, 1893 she signed into law the Lottery, this caused U.S. Minister Stevens to remove her by force. This would cause the U.S. Citizens to lose their ill gotten right to vote here in this Kingdom. She was then going to write a new Constitution, to vote, you would need to be Naturalized to this Kingdom. This didn't sit well with the U.S. Citizens here in this Kingdom. The U.S. Citizens calling themselves, the committee of safety/Provisional Government, removed her by force, on January 17, 1893 Queen Liliuokalani filed a formal protest against U.S. Minister Steven's, this has yet to make its way to the U.S Supreme Court Article 3 Sec 2 Clause 2 original but limited jurisdiction, only over U.S. Minister Steven's, U.S. Courts have no jurisdiction over this Kingdom. Japan also filed a protest against her removal. The first thing they did was to try to make this Kingdom a part of the Ohio River Valley, that didn't work for a number of reasons, the Kingdom's Treaties, were still in effect, term to end in 1897, except for the Reciprocity treaty to end in 1894. Because of this in 1894, they renamed to be the Republic of Hawaii. The Crown and Government lands were called public lands. They wrote the Republic's Constitution, with Article 94 they recognized, ratified and confirmed all of the existing Kingdom's Treaties. They being U.S. Citizen's had no authority to sign Treaty, they were to all end in 1897, except for the Reciprocity Treaty, to which the U.S. Congress continued by a Joint Resolution, and extended their Treaties to this Kingdom. That is why in 1898, the false claim was made that, the Crown and Government lands became a part of the Ohio River Valley. In 1900 U.S. Congress created the Territory of Hawaii, Article 4 Sec. 3 Clause 2 U.S. Constitution. Congress would impose taxes here Article 4 of the Northwest Ordinance of 1787. This is where the political questions are being raised. One needs to remember Article 1 Sec. 2 Clause 3 taxation and representation is only 13 States, Article 4 Sec. 3. Clause 2 is limited to Congress shall have Power to dispose of and make all need full Rules and Regulations respecting the Territory, Article 5 Northwest Ordinance of 1787 only, not this Kingdom. In 1920 Congress created the Hawaiian Homes Commission Act. 1.8 Million acres of land. This is where the so called Public Trust Doctrine comes into play. The other lands were to be kept out on behalf of the sugar plantations until the end of their lease, they will make a false claim to own these lease lands. In 1950 the Territory of Hawaii, wrote the State of Hawaii's Constitution. Appointed Governor's Stainback first message on page 361 in the Constitutional Convention he states, the Northwest Ordinance of 1787. In 1959 Congress wrote the Admission Act, this is based on the Northwest Ordinance of 1787. The State of Hawaii being, an equal footing state. Sec. 4 of this Act has a Compact with the U.S., this is for the State to manage the Hawaiian homes 1.8 million acres of lands, this violates the U.S. Constitution. Sec. 19 of this Act, say's this Act does not change your nationality, with no law to naturalization many in this Kingdom are aliens. Ricky May Amano, David Ige and many others. Sec 22 is a separability clause which

is very questionable to have that in there. The lands today remain to be Crown and Government Lands, political question over these lands remains with this Kingdom. These are just some of the reasons why the UH, TMT and PUEO wants to limit the issues. The history is very damning to their cause. To have Minute Order NO.19 in place, violates my due process, which is an injustice. For these historical reasons my motion for a stay should be granted until such time I'd be able question the lease. I reserve the right to raise constitutional question in the U.S. District Court.

Dated: May 28, 2017

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Dwight J. Vicente

**CERTIFICATE OF SERVICE**

I, **Dwight J. Vicente** hereby certify that a true and correct copy of the foregoing was served upon the following parties by the means indicated:

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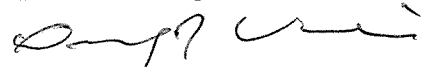
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DATED: this 28<sup>th</sup> day of May 2017.

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