

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 24 2015

at 3 o'clock and 20 min. P.M.
SUE BEITIA, CLERK

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

C. KAUI JOCHANAN AMSTERDAM
1415 PENSACOLA ST., #12
HONOLULU, HAWAII 96822
NATIVE HAWAIIAN BENEFICIARY

CV15 00338 LEK BMK

PLAINTIFF

vs.

STATE OF HAWAII, OFFICE OF THE GOVERNOR, GOVERNOR DAVID IGE, BOARD CHAIRMAN OF TMT OBSERVATORY CORP., CHAIRMAN HENRY YANG, ASSOCIATED STATE AGENCIES, BOARD OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, SUZANNE CASE, IN HER OFFICIAL CAPACITY) AS CHAIR OF THE BOARD OF LAND AND NATURAL RESOURCES AND DIRECTOR OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE UNIVERSITY OF HAWAII AT HILO AND MANOA, REPRESENTATIVES OF THE NATIONS OF CHINA, INDIA, JAPAN, CANADA, AND THE UNITED STATES INVOLVED IN THE TMT PROJECT, ALL REPRESENTATIVES AS INDIVIDUALS AND IN THEIR OFFICIAL CAPACITY, RESPONDENTS/ DEFENDANTS.

DEFENDANTS

PLAINTIFF'S MOTION
REGARDING THE THIRTY
METER TELESCOPE OR
TMT PROJECT ATOP
THE SACRED VOLCANIC
MOUNTAIN OF MAUNA
KEA
FILED ON AUGUST 24,
2015
Exhibit A,B

2. BACKGROUND

The injuries, suffering, damages, and factors of the Plaintiff, Native Hawaiians, and the environment perpetrated by the Defendants by their advancement of the TMT Project are contributed to and result from various actions and features, which include the following: (1) According to the Belief, Culture, History, Values, and Practices of the Plaintiff and Native Hawaiians, Mauna Kea is a sacred place as elaborated within the Plaintiff's Complaint and the Defendant's TMT Project is desecrating Mauna Kea. Debris and pollution from previous building and expected from the TMT Project, impact on burial sites and memorials, and the existence of the incongruent giant telescope contribute toward the desecration. The giant telescope on Mauna Kea would be like placing it in the courtyard of the Wailing or Western Wall or Temple Mount in Jerusalem. A more intense rebellion would result amongst Jews. As Jews would feel humiliated and spiritually injured, so are the Plaintiff and Native Hawaiians. Being a Hawaiian Jew, the Plaintiff feels a difference would be Jews would have reacted sooner and with greater explosive hostility. (2) As presented in the Complaint of this case, the Defendants have violated their U.S. Federal and Hawaii State mandated obligations resulting in the injuring and damage to the Plaintiff, Native Hawaiians, and the Mauna Kea environment. Accordingly, the Plaintiff presents his Motion herein to currently stop the advancement of the TMT Project to prevent further injury, suffering, and damage. (3) The Defendants did not advance sufficient environmental impact studies on Mauna Kea parti-

cularly regarding impact on Native Hawaiian Culture, Belief, History Values, and Practices and thereby violated Federal and State mandated responsibilities. Likewise, the Board of Land and Natural Resources (BLNR) granted a conservation district use permit (CDUP) to the Defendants, but it was subject conditions, which were not sufficiently met.

(4) Besides being subjected to arrest for accessing Mauna Kea, the Plaintiff and other Native Hawaiians are subject to humiliation and possible physical injury from such adverse treatment, which also violates their Civil and Human Rights, which are suppose to be protected and preserved in accordance with U.S. Federal and Hawaii State Acts, mandated obligations, the Special Relationship between the U.S. Federal and Hawaii State Governments and Unique Status of Native Hawaiians, and as supported by cases on point such as Morton v. Mancari. Finally, the five Nations of China, India, Japan, Canada, and the United States have a central interest in the TMT Project as they compete with European Nations to to explore the secrets of the Universe. Mauna Kea is Crown Land and, as such, it is insufficient to exclude The Kingdom of Hawaii, which is the Domain of the Crown Lands, in the issue. Accordingly, the Plaintiff requests that The Kingdom of Hawaii be included in the issue of the TMT Project and not be disregarded as the serious interest and needs heretofore of the Plaintiff and Native Hawaiians have been and elaborated upon in the Complaint and throughout this Case. Likewise, the offer for use of Mauna Kea by the Defendants is insufficient and not serious enough in accordance with the value placed upon the Project by the Defendants. The period

of the Temporary Injunction would give the time and means to further address such issues. An important Convention amongst Native Hawaiians is expected shortly this year of 2015 regarding the recognition and advancement of the governing entity .i.e. The Kingdom of Hawaii. The existence of the Convention also demonstrates, in accordance with Culture, Belief, History, Values, Practices and Self-Determination of the Plaintiff and Native Hawaiians, the importance of The Kingdom of Hawaii and its inclusion into the TMT Project. Accordingly, the Plaintiff in addressing these needs and interests, that if such serious use of the sacred Mountain of Mauna Kea becomes a possibility for the TMT Project, that the Five Nations must previously commit to the recognition, restoration, and advancement of The Kingdom of Hawaii and encourage other Nations to do likewise. With such commitment and agreement, the possibility is proposed for the TMT Project dedicating the world's largest and greatest telescope as "The Queen Lydia Liliuokalani of The Kingdom of Hawaii Telescope".

3 CONCLUSION

Therefore, with God's Good Grace, the Plaintiff, C. Kauai Jochanan Amsterdam, comes before the Honorable United States District Court for the District of Hawaii and requests that all Motions be granted. The Motion herein has been elaborated upon as well as others in this case, also, in hopes that with God's Grace the issues of this case will be addressed and satisfactorily resolved and that Hawaii and its People of the Isles of the Sea will be a Light to the Nations.

Dated: Honolulu, Hawaii, August 24, 2015

C. Kauai Jochanan Amsterdam
PLAINTIFF
PRO SE

APPENDIX

Exhibit A: Full-Blooded Alii Native Hawaiian/ Kanaka Maoli Mother
and Mom of the Plaintiff. Birth Certificate available.

Exhibit B: Plaintiff worked with Native Hawaiians throughout Islands.
C. Kauai Jochanan Amsterdam served as Prime
Minister.

Exhibit A





ETHER HIAA LUUKIA (MOTHER)

Exhibit: B *THE INTERIM GOVERNMENT*

THE REPRESENTATIVE ASSEMBLY

Herein are the 24 Representatives of the Representative Assembly. They are presented in order of Districts.

President: Samuel Lyons Kealoha Vice President: Lani Bowman

The Legislative Branch

Hawaii

____ Joseph Kamaii Ha'o,
Dist. #1

____ Frank DeLuz III
Dist. 5

____ Lani Bowman,
Dist. #2

____ Robert Makuakane
Dist. #6

____ Reynolds N. Kamakawiwoole Jr.,
Dist. #3

____ Beck Hawaihae-Rodriguez
Dist. #7

____ Elroy TL Osorio
Dist. #4

Oahu

____ David Ing,
Dist. #1

____ Lisa Mitchell,
Dist. #5

____ Aldeous Paalani,
Dist. #2

____ Nani Akeo,
Dist. #6

____ Christine Ualani Brown,
Dist. #3

____ John H. Nahinu, Sr.
Dist. #7

____ Kyle JK Chock,
Dist. #4

____ Neddie G. Waimau-Nunuha
Dist. #8

THE INTERIM GOVERNMENT

Molokai, Maui, Lanai, and Kahoolawe

____ **Walter Ritte,**
Dist. #1

____ **Solomon Piili Kaho'ohalahala,**
Dist. #4

____ **Samuel Lyons Kealoha,**
Dist. #2

____ **Kehaulani Filimoe'atu,**
Dist. #5

____ **Clarence K. Kamai, Sr.,**
Dist. #3

____ **Daisy M. Lind,**
Dist. #6

Kauai and Niihau

____ **Cathy Kalehua Ham Young,**
Dist. #1

____ **Mary Thronas,**
Dist. #2

____ **Raymond Duvachelle,**
Dist. #3

THE INTERIM GOVERNMENT

THE HOUSE OF NOBLES

Herein are the 24 Nobles of the House of Nobles. They are presented in alphabetical order of their last names.

President: Warren Perry Vice President: Clifford Hashimoto

The Legislative Branch

Hawaii

____ Thomas Cummins

____ David Kahanu

____ Patrick Hoapili

____ Ernest Kanehailua

____ George Kaeo

____ George Kauhane

Oahu

____ Rolland Ahuna

____ Rod A. Maile

____ William Kaae

____ Cleghorn McKee

____ Elmer K. Kaai

____ Raymond Pua

____ John L. Low

____ Charles Rose

____ Kimo K. Low

Maui, Molokai, and Lanai

____ William Garcia

____ Al(oysius) Spencer

____ Clifford Hashimoto

____ Michael Tancayo

____ Samuel K. Kaai

____ Kalani Tassil

THE INTERIM GOVERNMENT

Kauai and Niihau

____ **Ronald Iida**

____ **Roderick Kanoa**

____ **Warren Perry**