

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

C. Kauai Jochanan Amsterdam)
1415 Pensacola St., # 12)
Honolulu, Hawaii 96822)
Native Hawaiian, Beneficiary)

Plaintiff)

VS.)

Governor Neil Abercrombie, Individually and)
Governor of the State of Hawaii, Senator and)
Individually Clayton Hee, Representative and)
Individually Joseph Souki, Senator and Indiv-)
idually Donna Mercado Kim, and Representa-)
tive and Individually Karl Rhoads.)
State Capitol)
415 S. Beretania St.)
Honolulu, Hawaii 96813)

Defendants)

CIVIL NO. CV 13 00649 SOM
KSC

COMPLAINT
PLAINTIFF'S MOTION FOR JUDGEMENT
TO ENJOIN SENATE BILL 1, HRS, CHAPTER
572, EQUAL RIGHTS, ACT RELATING TO
TO INDIVIDUALS OF THE SAME SEX,
11/13, 2013; HAWAII MARRIAGE EQUALITY ACT 2013
COMPLAINT;
CERTIFICATE OF SERVICE;
EXHIBIT: A, B
DECLARATION
MOTION FOR TEMPORARY INJUNCTION

COMPLAINT AND MOTION.

The Plaintiff, C. Kauai Jochanan Amsterdam, respectfully comes before the Honorable United States District Court for the District of Hawaii and requests an order for judgement on the Motion as presented herein the Plaintiff's Complaint to enjoin the LAW OR ACT RELATING TO INDIVIDUALS OF

OF THE SAME SEX, 11/13/2013, FROM SENATE BILL 1, HRS, CHAPTER 572, EQUAL RIGHTS.

BASIS OF LAW

The applicable Rule of Law of this case and Motion to stop or enjoin this Law or Act is that of a Breach of Trust of the State of Hawaii through the Defendants, who are the Governor and Legislative Officers who originated and voted for and advanced the Bill made into Law. The Hawaii Admission Act Of 1959 placed a fiduciary responsibility on the State of Hawaii and its' representative as previously included. The Defendants as Fiduciaries have been in violation of their duty as Representatives of the State as equity requires. According to Trust Law, a breach need not be intentional or malicious. The majority of Native Hawaiians or Kanaka Maoli who testified at hearings regarding SB 1 were against it and requested that their cultural and spiritual values and beliefs, which conform to the Motto of the State of Hawaii that "the life of the land is perpetuated in righteousness/ Ua Mau Ka Ea O Ka Aina I Ka Pono", which were established during the time of a King and Queen of The Kingdom of Hawaii, and which contributed to the basis for not accepting SB 1, be respected and maintained. Additionally, the majority of non-Hawaiian testifiers and , indeed, overall testifiers had similar or the same values, which didn't support SB 1 and support traditional values as expressed in traditional marriage. Even though the Supreme Court of the United States upheld the right of testifiers who didn't support SB 1, the Legislators, lead by the Defendants, rejected the majority's position and requests and voted for the Bill. Such total disregard and dismissal of Native Hawaiian moral and cultural values of righteousness, beliefs, religion, and history is a Breach of Trust, discriminatory, and violation of Native Hawaiian Human and Civil Rights as provided by the First and Fouteenth Amendments to the US Consitution and the Hawaii Admission Act of 1959.

DAMAGE AND INJURY

The injurious and damaging results of such violations are presented in the Plaintiff's injunction

and include individual and family weakening, destabilization, and erosion, subsequent further down-trends such as Native Hawaiians having the shortest lifespan, highest unemployment, highest incarceration, and lowest educational achievement, loss and weakening of parental roles, influence, and effectiveness, weakening and loss of self-identity and positive image, and a weakening of motivation, self-determination, and overall achievement. Such deficient thought and action by the Defendants toward Native Hawaiians can lead to further alienation, loss of the Aloha Spirit, and societal breakdown. Accordingly requests, the Plaintiff requests enjoyment of this Law. Native Hawaiians in this situation should have, but have not been given priority.

STANDING

The Plaintiff has a right to present the Complaint, Temporary Injunction, and Declaration. He is a descendant of a full-blooded Hawaiian, Alii, Kalakaua line, a Beneficiary of the Native Hawaiian Trust Fund established by the Hawaii Admission Act of 1959, president of three Native Hawaiian humanitarian organizations, provider of health, cultural, and social programs for Hawaiian Kupuna, an author also on Hawaiian topics, a Hawaiian Jewish educator educated at 8 universities in the US, Europe, and the Middle East, an international Project coordinator, and leader in the Native Hawaiian, and Jewish communities. Such practical service and work, background, educational preparation, and heritage qualifies him to present this case.

FEDERAL JURISDICTION

As elaborated in the Hawaii Admission Act of 1959 as seen in Sec. 5(f), the US Federal Court has Jurisdiction and the Admission Act creates a federally enforceable right also enforceable under 42 U.S.C. Sec. 1983, to take action in such a case and regarding associated rights of Native Hawaiian Beneficiaries. Since Hawaiians have a special relationship with the US Federal and Hawaii State governments as expressed in the Hawaii Admission Act of 1959, necessary and sufficient consideration, attention,

Responsibility, and justice must be given to Kanaka Maoli. Such is the basis for this Court Action.

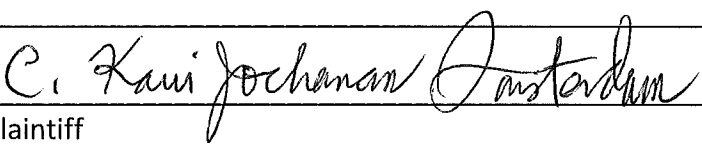
Supporting the US Federal Courts the right to intervene in this case are Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. Section 2000d etseq.), Title IX of the Education Amendments of 1972, (20 U.S.C.A. Section 1681 et seq.), the Hawaiian Education Act, and violation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. Section794), and Title VI, Sandovai v. Hagan C.A. II (Ala) 1999, 197F. 3D 484.

CONCLUSION

Thus, the Plaintiff, C. Kai Jochanan Amsterdam, in presenting standing, US Federal Court Jurisdiction, Basis of Law, injury and damage of the Plaintiff and Native Hawaiians, and Remedy to ask judgement in favor of the Plaintiff and Native Hawaiians and to stop or enjoin the Law, Senate Bill 1, HRS, Chapter 572, Equal Rights, an Act Relating To Individuals Of The Same Sex and thereby advance Justice. Finally, the Plaintiff expresses "Mahalo" for the Court's consideration and acknowledges The Lord G-d.

November 25, 2013

Dated: Honolulu, Hawaii,



Plaintiff
Pro Se