Aloha and welcome to the William S. Richardson School of Law at the University of Hawaii. My name is Williamson B.C. Chang and I have been a Professor at the William S. Richardson School of Law since 1976. Thank you for coming to this press conference.

First, I want to make it clear that I am acting and speaking in my individual capacity, and not on behalf of the University of Hawaii, or its law school. The same disclaimer applies to those who also signed my letter. In fact, let me introduce those who chose to come to this conference and those who are not here who signed the letter.

The purpose of this press conference is to address a letter I wrote to the Attorney General of the United States Eric Holder on September 17, 2014.

In May of this year, the Office of Hawaiian Affairs, by its Chief Executive Officer, Dr. Crabbe contracted Dr. Keanu Sai to prepare a memorandum on the Impact of Hawaii, as an independent State and the impact such independence has on the Office of Hawaii Affairs. That memorandum was not made public until a Freedom of Information Act request made by the Honolulu Star Bulletin Advertiser, made it public.

The memorandum, as stated in our letter of September 17th to Attorney General Holder, presents evidence that “war crimes have been and continue to be committed.” Such war crimes are crimes under the law of the United States. Section 2441 of the United States Code makes the offence of a war crime a felony.

That section defines war crimes as grave breaches of certain international conventions, mainly the Geneva Convention of 1949 and the Hague convention of 1907. The memorandum goes on to conclude that the crime of “pillaging” as defined by those conventions, and made a felony by the United States law is being committed by the Office of Hawaii Affairs. [See page 30 of the Memorandum]

Once the memorandum became public and once we had knowledge that the memorandum concluded that there was evidence of felony in violation of Section 2441, we, the signers of this letter, were obligated to report under Section 4, of the United States Criminal Code.

Section 4 states as follows: [See Page 3 of the Letter of September 17]:

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.
We understand the word “cognizable” in its ordinary and plain sense to mean—“capable of being judicially heard and determined” or “capable of being known.”

The memorandum is a state document contracted and paid for by the State of Hawaii based on the reputation of the author. The document presents evidence of the actual commission of “cognizable” felonies, “pillaging” under Section 2441 of the United States Code.

Section 4 requires reporting not judgment.

Section 4 applies to “whoever knows.” Once we had knowledge of memorandum we understand that we were obligated under Section 4 to report.

Our responsibility was to report, not to judge. The responsibility of prosecution and judgment belongs to others. Our responsibility is to provide prosecutors and judges the possibility to evaluate a prosecution.

I make the analogy to the crime of child abuse. If a fifth grade child with comes into a classroom day after day with serious bruises almost every jurisdiction has laws which requires that said student’s teacher, as well as others report the evidence of such bruises to the appropriate child protection authorities.

The teacher in such a case is not a trained child abuse specialist. The Teacher is not a doctor. Yet, the protection of children would not be effective if only trained doctors could report child abuse. Like child protection laws, Section 4 deems all [Whoever] to have a duty to report federal felonies that constitute war crimes.

I and others who signed do not claim to be experts in war crimes. We did, however, have evidence, in a state memorandum that remains un-refuted till this day, of the crime of pillaging, a felony cognizable by a court.

Our obligation was to report. This is what we have done through my letter.

Finally, I would like to say that the issues raised here are serious and critical issues to both Hawaii and the United States. These questions of legal responsibility and legal authority are the most fundamental in society. We, who filed this letter acted out of a legal duty under the criminal statutes of the United States. We seek guidance and information as to areas of law that are at this time unclear within the Hawaiian Islands. I, as a Professor of Law at the University of Hawaii filed under this reporting requirement under the belief, in part, that the University of Hawaii, particularly its law school and faculty has the resources and the diversity of expertise and viewpoints to professionally approach and eventually answer these questions. Naturally, we will also seek the input of international publicists and world renowned experts in these fields.
It is my intent that these issues be academically discussed openly and publicly at forums and symposia here in Hawaii and elsewhere. For far too long, these important questions have not been addressed for various reasons, mostly for reasons of fear. In the well known words of former President Franklin Delano Roosevelt, we, here in Hawaii, have nothing to fear but fear itself. I would like to proclaim today as the beginning of a new era: an era of knowledge, of learning, of cooperation, righteousness and above all truth. We have nothing to fear from the truth. After all these are the Hawaiian Islands, a place that has always been destined to serve as a model for living in aloha and pono.

Mahalo and thank you very much for coming.