

Return Address:

To: County Council Member: Jennifer Kagiwada  
 25 Aupuni Street suite 1402  
 Hilo, Hawaii 96720

Date:

### **AFFIDAVIT/DECLARATION OF TRUTH**

I, \_\_\_\_\_(name), am a living, breathing, flesh and blood \_\_\_\_\_(man/woman) on the land, one of We the People, not a “U.S. citizen”, not a “municipal citizen”, not a “person”, not a “corporation”, not a “vessel”, an American Citizen, with and claiming all of my inherent, unalienable Constitutionally-secured rights, with my name properly spelled only in upper and lower case letters, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of this state, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is a lawful notification to you, Jennifer Kagiwada have overstepped the reach of the Government. It is hereby made and sent to you pursuant to the national Constitution, specifically, in the Bill of Rights, in particular the 1st Amendment relating to free speech and the right to petition the government with redress of grievances, and the Fifth Amendment the right to due process; and The Bill of Rights of the Hawaii Constitution, in particular, Article I, section 1, 2, and 7, Article XVI, section 4, and section 13. With moving forward Bills 121, 122, 123 you have violated these Constitutional Amendments and Articles and perjured your oath of office.

This affidavit requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration. You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. *U.S. v. Tweel*, 550 F. 2d. 297. “Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”

The original organic Constitution for the United States of America, circa 1787 as amended with The Bill of Rights in 1791, established the United States of America as a Constitutional Republic and this Constitution as the supreme Law of the Land. Your unConstitutional actions, as herein described, clearly demonstrate that you do not act within this Constitution, or act within the

Constitutional Republic the Constitution created, but instead, flagrantly act outside the Constitution, the supreme Law of this Land, and outside of our Constitutional Republic. Article VI, Clauses 2 & 3, of the Constitution bind you, as an oath taker, to this Constitution and thus you are Constitutionally-mandated to uphold the Constitution as the supreme Law of this Land, which supersedes any other lesser law, including federal and state statutes, codes, regulations, rules and policies.

You have blatantly evaded your sworn Constitutional duties and unlawfully uphold lesser "law" superior to the Constitution; thus, as stated above, you act OUTSIDE of the Constitutional Republic, outside the Constitution, outside your limited delegated authority, and war against the Constitution and the people, therefore you are a domestic enemy to this nation and her people. Pursuant to the self-executing Sections 3 & 4 of the 14th Amendment, you have vacated your office upon the commission of your crimes, cannot conduct any business of office, and all of your actions are null and void, without force and effect whatsoever. Further, you have forfeited all benefits of your former office, including salary and pension. You are Constitutionally-prohibited from receiving public funds and can no longer hold any public office in this nation.

This Affidavit/Declaration states the truth of this matter, under oath. If you disagree with this truth, then, as stated above, rebut, in kind, by means of your own sworn, notarized Affidavit/Declaration of Truth, anything with which you disagree, supported by truth, fact, valid law and evidence. If you fail to rebut by Affidavit, then, you admit to and agree with all of the truth, facts, valid law and evidence set forth in this Affidavit/Declaration of Truth, and since you so admit, there is no controversy for any court or any public body to adjudicate.

The following is a list of some, but not necessarily all, of the violations of the Constitutions and other valid laws which you have committed. You have no Constitutional authority, whatsoever, to violate the very documents to which you swore or affirmed your oath.

**#1 of The First Amendment to the original national Constitution (The Right of Free Speech):** You violated two positions secured in the 1st Amendment. First, you are not listening to the grievances contained in the people's free speech. Second, pursuant to the right to petition the government for redress of grievances, and have those grievances resolved, you are violating this other position of the 1st Amendment. You let the people speak, but you do not take their words seriously and take no action to resolve the matter in accordance with the will of the people and have thus perjured your oath of office. You're an elected official. You're in office to be the voice of the people. If you will not do that, you forfeit your right to be in office and must step down.

**#2 The Fifth Amendment (The Right To Privacy):** This Amendment secures people in their houses, papers, and effects, against unreasonable searches and seizures; The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of **all states**. Due process guarantees protected individual rights by limiting the exercise of government power. Bills 121, 122 and 123 are an extreme overreach of government.

**#3 The Hawaii Constitution Article 1 (Political Power), Section 1:** Article 1 Section 1: All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority [Am Const Con 1978 and election Nov 7, 1978]. There was over four hours of testimony on January 23rd, 2024 with the majority of the people telling you to vote no against Bills 121, 122 and 123. The people have spoken. Your oath of office demands that you follow the will of the people or remove yourself. It is also stated in The Declaration of Independence: *Governments are instituted among Men, deriving their just powers from the consent of the governed.*

**#4 The Hawaii Constitution Article 1 (Political Power), Section 2:** Rights of Individuals; All persons are free by nature and are equal in their inherent and inalienable rights. [Ren and am Const Con 1978 and election Nov 7, 1978] Bills 121, 122 and 123 is a complete overreach of government and violates not only this section in the Hawaii Constitution but also the first sentence of The Declaration of Independence: *We hold these truths to be self-evident, that all men are created equal, that they are endowed **by their Creator** with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*

**#5 The Hawaii Constitution Article 1 (Political Power), Section 7:** The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches seizures and invasion of privacy shall not be violated. [Am Const Con 1968 and election Nov 5, 1968: ren and am Const Con 1978 and election Nov 7, 1978] Bills 121, 122 and 123 is an absolute invasion of privacy. Invasion of privacy involves the infringement upon an individual's protected right to privacy through a variety of intrusive or unwanted actions [Legal Information Institute.].

**#6 Article XVI (General and Miscellaneous Provisions), Section 4 (Oath of Office):** Before entering office you took the following oath: "I (full name) do solemnly swear )or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as (Governor) to best of my ability." [Ren and am Const Con 1978 and election Nov 7, 1978; am SB 1440 (1992) and election Nov 3, 1992] You must honor this oath and be a stand for the will of the people or you have perjured your oath and must remove yourself from office.

**#7 Article XVI (General and Miscellaneous Provisions), Section 13 (Plain Language):** Insofar as practicable, all governmental writing meant for the public, in whatever language, should be plainly worded, avoiding the use of technical terms. [Add Const Con 1978 and election Nov 7, 1978]. The wording in Bills 121, 122 and 123 are complex and beyond the means of the general public understanding. In regards to Bill 121, Hawai'i County Council Chair Heather Kimball stated, "We've been working on this bill for a year and half, and it's still imperfect. We are aware of that. **We will also acknowledge that it's very complicated.** We understand that as a result of that, there **may be significant misunderstandings** about what the bill does and doesn't do."

Kimball also stated, "As long as you're not violating some other law, you are **probably** gonna be able to just keep on operating. We were **not ever intending** to shut that down." The words "probably" and "not ever intending" do nothing to gain people's trust. In fact, the exact opposite is true. These bills are a complete overreach of the government and must be killed immediately!

I am a living \_\_\_\_\_(man/woman), dwelling on Hawaii Island in the United States of America and, as such, it is my right and duty to inform you that by your actions described herein show you have violated the national Constitution and Hawaii Constitution and perjured your oath of office. Further, it is my right and duty to stop and correct your unlawful, unConstitutional actions in order to restore Hawaii to Constitutional governance.

- Any act committed by you, acting as a member of the Hawai'i County Council Policy Committee, either supports and upholds the Constitutions, national and state, or opposes and violates them.
- You have taken an oath to support and uphold the national and state Constitutions and are constitutionally **mandated** to abide by that oath in the performance of your official duties.
- You have no constitutional authority, or any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and under which you were delegated by the people the limited authority to conduct the duties of your office.
- The above three positions are true, factual, lawful and Constitutionally-ordained.
- If you maintain that you have Constitutional authority to violate the Constitutions, the inherent rights of the people guaranteed therein and due process of law, then, cite the specific Article(s) and Amendment(s) that authorize you to do so, which is a Constitutional impossibility, since the Constitutions do not authorize unConstitutional actions committed by an oath taker bound to the Constitutions.

However, despite the above-stated factual, lawful positions, your unConstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14<sup>th</sup> Amendment to the national Constitution, thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension. Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, then, you tacitly admit to them, and these admissions will be lawfully used against you. By disregarding the will of the people you have violated trust and disrespected your elected office.

Lawful notification has been provided to you stating that if you do not rebut the statements, charges and averments made in this Affidavit/Declaration, then, you tacitly agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut to me that with which you disagree, with particularity, within 15 days of receipt thereof, by means of your own written, notarized affidavit of truth, based on specific, true, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of Hawaii. An unrebuted affidavit stands as truth and fact before any court. Your failure to respond, as stipulated, is your tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your

