

**H.E. DAVID KEANU SAI, PH.D.**

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September 23, 2024

Lieutenant Colonel Michael I. Rosner  
Executive Officer, 29th Infantry Brigade  
Email: [michael.i.rosner.mil@army.mil](mailto:michael.i.rosner.mil@army.mil)

*Via electronic mail*

Re: Military duty to establish a military government

Lieutenant Colonel Rosner:

In my letter to you dated September 23, 2024, I apprised you of Senator Cross Makani Crabbe's formal request, under §28-3 Hawai'i Revised Statutes, of Attorney General Anne Lopez for a legal opinion on this question:

Considering the two legal opinions by Professor Craven and Professor Lenzerini, that conclude the Hawaiian Kingdom continues to exist as a State under international law, which are enclosed with this request, is the State of Hawai'i within the territory of the United States or is it within the territory of the Hawaiian Kingdom?

I also explained in that letter the presumption of continuity of a State, under customary international law, despite its government being overthrown by military force. Case in point was that the military overthrow of Saddam Hussein's government in 2003, during the Second Gulf War, did not affect the continuity of the Iraqi State. Thereafter, United States forces established a military government by taking over the Iraqi civilian government, later to be called the Coalition Provisional Authority. Having been deployed to Iraq during the Second Gulf War you would know this.

When the Hawaiian Kingdom government was unlawfully overthrown by United States forces, the Hawaiian State continued to exist despite the failure of United States troops to establish a military government, to administer the laws of the occupied State, until a treaty of peace is established. Unlike Iraq, there is neither military government nor a treaty of peace that would have brought the American occupation of the Hawaiian Kingdom to an

end. The illegality of the overthrow was acknowledged by President Grover Cleveland in his message to the United States Congress on December 18, 1893.<sup>1</sup> In his message, President Cleveland concluded:

The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.

But for the notorious predilections of the United States Minister for annexation, the Committee of Safety, which should be called the Committee of Annexation, would never have existed.

But for the landing of United States forces upon the false pretexts respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government.

But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would never have proclaimed the provisional government from the steps of the Government building.

And finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Steven's recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and her Government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.<sup>2</sup>

The continuity of Hawaiian Statehood is a matter of customary international law and not the domestic laws of the United States. In 1999, the Permanent Court of Arbitration recognized that the Hawaiian Kingdom continued to exist as a State under customary international law. This provided the basis for the establishment of the arbitration tribunal on June 9, 2000. Furthermore, the continuity of Hawaiian Statehood under customary international law was explained in two legal opinions, one by Professor Matthew Craven<sup>3</sup> and the other by Professor Federico Lenzerini.<sup>4</sup> In addition, war crimes that are being committed, by the imposition of American municipal laws over the territory of the

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<sup>1</sup> *Larsen v. Hawaiian Kingdom*, Annexure 1—President Cleveland's message to the Senate and House of Representatives dated 18 December 1893, 119 *Int'l L. Rep.* 598 (2001).

<sup>2</sup> *Id.*, 607-608. President Grover Cleveland's message to the Congress also constitutes evidence of acceptance as law (*opinio juris*). See *Yearbook of the International Law Commission*, Conclusion 10. Forms of evidence of acceptance as law (*opinio juris*) 104, commentary n. 5.

<sup>3</sup> Matthew Craven, "Continuity of the Hawaiian Kingdom," 1 *Haw. J.L. & Pol.* 508 (2004) (online at [https://hawaiiankingdom.org/pdf/1HawJLPol508\\_\(Craven\).pdf](https://hawaiiankingdom.org/pdf/1HawJLPol508_(Craven).pdf)).

<sup>4</sup> Federico Lenzerini, "Legal Opinion on the Authority of the Council of Regency of the Hawaiian Kingdom," 3 *Haw. J.L. & Pol.* 317 (2021) (online at [https://hawaiiankingdom.org/pdf/3HawJLPol317\\_\(Lenzerini\).pdf](https://hawaiiankingdom.org/pdf/3HawJLPol317_(Lenzerini).pdf)).

Hawaiian Kingdom, is also a matter of customary international law. This is explained by the legal opinion of Professor William Schabas.<sup>5</sup>

Article 38 of the Statute of the International Court of Justice identifies five sources of international law: (a) treaties between States; (b) customary international law derived from the practice of States; (c) general principles of law recognized by civilized nations; and, as subsidiary means for the determination of rules of international law; (d) judicial decisions; and (e) the writings of “the most highly qualified publicists.” These writings by these academics are from “the most highly qualified publicists,” and are, therefore, a source of customary international law.

According to Professor Shaw, “[b]ecause of the lack of supreme authorities and institutions in the international legal order, the responsibility is all the greater upon publicists of the various nations to inject an element of coherence and order into the subject as well as to question the direction and purposes of the rules.”<sup>6</sup> Thus, “academic writings are regarded as law-determining agencies, dealing with the verification of alleged rules.”<sup>7</sup> As the U.S. Supreme Court explained in the *Paquete Habana* case:

International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination. For this purpose, where there is no treaty, and no controlling executive or legislative act or judicial decision, resort must be had to the customs and usages of civilized nations; and, as evidence of these, to the works of jurists and commentators, who by years of labor, research and experience, have made themselves peculiarly well acquainted with the subjects of which they treat. *Such works are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is* (emphasis added).<sup>8</sup>

As a source of international law, the legal opinions establish a shift in the burden of proof. The presumption of State continuity shifts the burden of proof as to what is to be proven and by whom to rebut this presumption. Like the presumption of innocence, the accused does not prove their innocence, but rather the prosecution must prove, beyond a reasonable doubt, that person’s guilt. Likewise, the Hawaiian Kingdom need not prove its continued existence, but rather, the Attorney General must prove, beyond a reasonable doubt, that the Hawaiian Kingdom had been extinguished as a State under international law. Such proof would make the State of Hawai‘i legitimate.

In other words, the Attorney General need not prove the State of Hawai‘i lawfully exists, but rather, it must prove, beyond any reasonable doubt, that the Hawaiian Kingdom does not exist, as a State, under the rules of international law as evidenced by the legal opinions

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<sup>5</sup> William Schabas, “Legal Opinion on War Crimes Related to the United States Occupation of the Hawaiian Kingdom since 17 January 1893,” 3 *Haw. J.L. & Pol.* 334 (2021) (online at [https://hawaiiankingdom.org/pdf/3HawJLPol334\\_\(Schabas\).pdf](https://hawaiiankingdom.org/pdf/3HawJLPol334_(Schabas).pdf)).

<sup>6</sup> Malcolm N. Shaw QC, *International Law*, 6th ed., 113 (2008).

<sup>7</sup> *Id.*, 71.

<sup>8</sup> *The Paquete Habana*, 175 U.S., 677, 700 (1900).

of Professor Craven and Professor Lenzerini. Evidence of a valid demonstration of legal title, or sovereignty, by the United States would be an international treaty, particularly a peace treaty, whereby the Hawaiian Kingdom would have ceded its territory and sovereignty to the United States. Examples of foreign States ceding sovereign territory to the United States, by a peace treaty, include the 1848 *Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico*<sup>9</sup> and the 1898 *Treaty of Peace between the United States of America and the Kingdom of Spain*.<sup>10</sup>

In this case, there is no such treaty. There only exists a congressional joint resolution of annexation, purporting to have annexed a foreign State in 1898. This is an American municipal law limited in its effect to the territory of the United States. As the Department of Justice's Office of Legal Counsel ("OLC"), concluded in its 1988 legal opinion, "[i]t is unclear which constitutional power Congress exercised when it acquired Hawaii by joint resolution,"<sup>11</sup> and "[t]here is a serious question whether Congress has the authority either to assert jurisdiction over an expanded territorial sea for purposes of international law or to assert the United States's sovereignty over it,"<sup>12</sup> because only the President "has the authority to assert the United States's sovereignty over the extended territorial sea."<sup>13</sup> This legal opinion also stated that "[o]nly by means of treaties [...] can the relations between States be governed, for a legislative act is necessarily without extraterritorial force—confined in its operation to the territory of the State by whose legislature it is enacted."<sup>14</sup>

Absent the evidence of a treaty, the Hawaiian Kingdom continues to exist, as an occupied State with its sovereignty intact, despite the prolonged nature of the American occupation. Therefore, to restate paragraph 358, U.S. Army Field Manual 27-10, "military occupation confers upon the invading force the means of exercising control for the period of occupation. *It does not transfer the sovereignty to the occupant, but simply the authority or power to exercise some of the rights of sovereignty* (emphasis added)."

Do not wait for the Attorney General to provide Senator Crabbe with a legal opinion because, under customary international law, there is the presumption that the Hawaiian Kingdom, as a State, continues to exist. Moreover, the Attorney General does not have the same legal status as Professor Craven, Professor Lenzerini or Professor Schabas, under international law, because she is not a source of international law. Her only offer of proof, that the State of Hawai'i is lawful, is to provide a treaty of cession where the Hawaiian Kingdom ceded its territory and sovereignty to the United States.

Senator Crabbe's letter begins with the presumption that the State of Hawai'i is within the territory of the Hawaiian Kingdom. Unless the Attorney General can provide rebuttable evidence, in her legal opinion, that the State of Hawai'i is within the territory of the United

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<sup>9</sup> 9 Stat. 922 (1848).

<sup>10</sup> 30 Stat. 1754 (1898).

<sup>11</sup> Douglas W. Kmiec, "Legal Issues Raised by Proposed Presidential Proclamation To Extend the Territorial Sea," 12 *Office of Legal Counsel* 238, 252 (1988) (online at [https://hawaiiankingdom.org/pdf/1988\\_Opinion\\_OLC.pdf](https://hawaiiankingdom.org/pdf/1988_Opinion_OLC.pdf)).

<sup>12</sup> *Id.*, 238.

<sup>13</sup> *Id.*

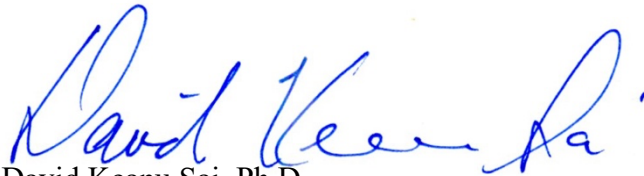
<sup>14</sup> *Id.*, 252.

States, then Senator Crabbe's presumption remains as a matter of customary international law. The military duty to establish a military government is obligatory because the State of Hawai'i is not within territorial boundaries of the United States.

More importantly, LTC Phelps was unable to refute the information and evidence I provided MG Hara at our meeting at the Grand Naniloa Hotel on April 13, 2023. Then MG Hara acknowledged to a mutual friend, on July 27, 2023, that the Hawaiian Kingdom is an occupied State. Subsequently, Attorney General Lopez interfered with MG Hara's military duty by instructing him to ignore me.

From a legal standpoint, the Attorney General has been silenced by Senator Crabbe's letter. Consequently, since MG Hara failed, as the Head of the Department of Defense to perform, as Senator Crabbe did, which resulted in the failure to transform the State of Hawai'i into a military government, then MG Hara, Brigadier General Stephen Logan, Colonel Wesley Kawakami, Lieutenant Colonel Fredrick Werner, Bingham Tuisamatatele, Jr., Lieutenant Colonel Joshua Jacobs, and Lieutenant Colonel Dale Balsis, have all been made the subject of war criminal reports for the war crime by omission. As a result, you are, now, the most senior officer in the Army National Guard.

I strongly urge you to reach out to Lieutenant Colonel Phelps, as the Staff Judge Advocate, on this matter of transforming the State of Hawai'i into a military government, by developing an Operations Order from the Hawaiian Council of Regency's Operational Plan for Transitioning the State of Hawai'i into a Military Government.<sup>15</sup> The Council of Regency is prepared to meet with you on this matter because, as Professor Lenzerini explains in his legal opinion, "the working relationship between the Regency and the administration of the occupying State,"<sup>16</sup> is paramount. I am enclosing my *curriculum vitae*.



David Keanu Sai, Ph.D.

Head, *Royal Commission of Inquiry*

Enclosure

cc: Professor Federico Lenzerini, Deputy Head, Royal Commission of Inquiry  
([federico.lenzerini@unisi.it](mailto:federico.lenzerini@unisi.it))

Brigadier General Stephen F. Logan, Adjutant General  
([stephen.f.logan3.mil@army.mil](mailto:stephen.f.logan3.mil@army.mil))

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<sup>15</sup> Council of Regency, "Operational Plan for Transforming the State of Hawai'i into a Military Government," 5 *Haw. J.L. & Pol.* 152-268 (2023) (online at [https://hawaiiankingdom.org/pdf/HK\\_Operational\\_Plan\\_of\\_Transition.pdf](https://hawaiiankingdom.org/pdf/HK_Operational_Plan_of_Transition.pdf)).

<sup>16</sup> Lenzerini, 333.

Lieutenant Colonel Lloyd Phelps, Staff Judge Advocate  
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Colonel Wesley K. Kawakami, Commander, 29th Infantry Brigade  
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Lieutenant Colonel Dale R. Balsis  
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**Enclosure “1”**

## Curriculum Vitae

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**DAVID KEANU SAI**



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### **EXPERTISE:**

International relations, state sovereignty, international laws of occupation, United States constitutional law, Hawaiian constitutional law, and Hawaiian land titles.

### **ACADEMIC QUALIFICATIONS:**

- Dec. 2008: Ph.D. in Political Science specializing in international law, state sovereignty, international laws of occupation, United States constitutional law, and Hawaiian constitutional law, University of Hawai‘i, Manoa, H.I.
- Doctoral dissertation titled, “American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.”
- May 2004: M.A. in Political Science specializing in International Relations, University of Hawai‘i, Manoa, H.I.
- May 1987: B.A. in Sociology, University of Hawai‘i, Manoa, H.I.
- May 1984: A.A. in Pre-Business, New Mexico Military Institute, Roswell, N.M., U.S.
- May 1982: Diploma, Kamehameha Schools, Honolulu, H.I.

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## ACADEMIC POSITIONS:

Aug. 2017 – present: Affiliate Faculty, University of Hawai‘i College of Education, graduate program

Aug. 2010 – present: Senior Lecturer, Hawaiian Studies and Political Science, University of Hawai‘i Windward Community College

Aug. 2009 – 2010: Lecturer, Political Science, University of Hawai‘i Kapi‘olani Community College

### Doctoral Committee Membership:

- Willy Daniel Kauai, Ph.D., political science, University of Hawai‘i at Manoa (2011-2014)
- Brandi Jean Nalani Balutski, Ph.D. student, education, University of Hawai‘i at Manoa (2019-2024)

Referee, *Law and History Review*, Cambridge University Press

Referee, *Hawaiian Journal of Law and Politics*, University of Hawai‘i

## GOVERNMENT POSITIONS:

March 1, 1996: Appointed Regent *pro tempore* by the Hawaiian Kingdom Trust Company that served in place of the absentee government—the Hawaiian Kingdom government.

Sep. 26, 1999: Resumed the office of *acting* Minister of the Interior, and Chairman of the Council of Regency, after the vacancies for the office of the Minister of Foreign Affairs and Minister of Finance were filled on September 7, 1999, and the office of the Attorney General was filled on September 9, 1999.

1999-2001: Served as lead Agent for the Hawaiian Kingdom in *Larsen v. Hawaiian Kingdom*, Permanent Court of Arbitration, PCA Case no. 1999-01.

April 17, 2019: Appointed Head of the Royal Commission of Inquiry by the Council of Regency

Nov. 11, 2019: Appointed *acting* Minister of Foreign Relations *ad interim* after the death of H.E. Peter Umialiloa Sai on October 17, 2018.

## PANELS AND PRESENTATIONS:

- *Myth Busting—Hawai‘i is not the 50th State, but rather an Occupied State*, NCORE—National Conference on Race & Ethnicity in Higher Education, Hawai‘i Convention Center, Honolulu, May 29, 2024.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, 2023 Class of the National Defense University, East-West Center, University of Hawai‘i at Mānoa, May 2, 2023.
- *The Royal Commission of Inquiry—Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* with Dr. David Keanu Sai, Professor William Schabas, and Professor Federico Lenzerini, the Hawaiian Society of Law and Politics Symposium at the University of Hawai‘i at Mānoa, February 11, 2023.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, Central Connecticut State University, April 25, 2023.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, St. University of Saint Joseph, Connecticut, April 25, 2023.
- *Paradise Lost: A Conversation about Hawai‘i and the United States* with Dr. Keanu Sai and Professor Williamson Chang, webinar, American Constitution Society, Stetson University’s College of Law, March 2, 2022.
- *Hawaiian Kingdom, United States and International Law*, webinar, Centre for International Legal Studies, Jindal Global Law School, and Addis Ababa University IHL Clinic, April 8, 2021 (online at <https://hawaiiankingdom.org/blog/dr-keanu-sai-to-present-on-the-hawaiian-kingdom-united-states-and-international-law-on-april-8/>).
- *War Crimes and the U.S. Occupation of Hawai‘i* with Dr. Keanu Sai and Professor Federico Lenzerini, webinar, International Association of Democratic Lawyers and the National Lawyers Guild, on January 9, 2021 (online at <https://iadllaw.org/2021/01/video-webinar-on-war-crimes-and-the-u-s-occupation-of-hawaii-with-dr-keanu-sai-and-professor-federico-lenzerini/>).
- *The Law of Occupation—Hawai‘i, Iraq, Afghanistan and Palestine*, National Lawyers Guild International Committee online Continuing Law Education. Webinar panelists along with Professor Federico Lezerini, University of Siena, Italy, Professor Marjorie Cohn, Thomas Jefferson Law School, and Dr. Valentina Azarova, Global Legal Action Network, September 21, 2020.
- *The United States Prolonged Occupation of Hawai‘i: War Crimes and Human Rights Violations*, presentation at Middlesex University School of Law, London, U.K., October 15, 2019.

- *Status of the Hawaiian Kingdom under International Law*, (3) workshops for the Maui County Council’s Planning and Sustainable Land Use Committee, May 15, 2019, June 5, 2019, and August 21, 2019.
- *Permanent Court of Arbitration: International Commission of Inquiry—Larsen v. Hawaiian Kingdom*, presentation with Professor Federico Lenzerini, Kamehameha Schools at Kapalama, Honolulu, January 30, 2017.
- *Hawai‘i Reloaded, The Matrix Alive*, Smithsonian Asian Pacific American Center—A Culture Lab on Imagined Futures, New York City, November 12-13, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presentation at University of Torino, Department of Anthropology, Italy, October 21, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presentation at University of Siena Law School, Italy, October 18, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presenter at a conference, “eVenti Nativi 2016,” Ravenna, Italy, October 14, 2016.
- *Hawai‘i—Let the Truth be Told: Genocide Through Denationalization*, presentation at New York University, New York City, June 11, 2016.
- *Hawai‘i—Let the Truth be Told: Genocide Through Denationalization*, presentations at Smithsonian National Museum of the American Indian, Washington, D.C., June 6, 2016.
- *Sovereignty and Imperialism: Non-European Powers in the Age of Empire*, invited presenter at an academic conference, University of Cambridge, UK, September 10-12, 2015.
- *The Aftermath of the U.S. Department of Interior Proposals Regarding Federal Recognition: Clarification*, American Constitution Society’s William S. Richardson School of Law Student Chapter and ‘Ahahui o Hawai‘i, University of Hawai‘i at Manoa, Presenter-Panelist with Professor Williamson Chang and Dr. Willy Kauai, September 2, 2014.
- *Alternative Visions of Sovereignty*, American Constitution Society’s William S. Richardson School of Law Student Chapter, University of Hawai‘i at Manoa, Presenter-Panelist with Professor Williamson Chang and former Governor John Waihe‘e, III, April 17, 2014.

- *The Hawai‘i-Connecticut Missionary Connection: Rumors and Realities*, Hartford Seminary, Panellist-Discussant with Aolani Kailihou, Dr. Stephen Blackburn, and Dr. Clifford Putney, April 10, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Central Connecticut State University, April 10, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, University of Massachusetts Boston, April 8, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Harvard University, April 8, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, New York University, April 7, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Swiss Diplomats—Zurich Network and Foraus, University of Zurich, Switzerland, November 11, 2013.
- *Puana Ka `Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “1893 Executive Agreements and their Impact Today,” March 15, 2013.
- *Why the Birthers Are Right For All The Wrong Reasons*, Harvard University, Massachusetts, October 12, 2012.
- *Why the Birthers Are Right For All The Wrong Reasons*, University of Massachusetts, Boston, October 12, 2012.
- *Puana Ka `Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “1893 Executive Agreements and their Impact Today,” March 16, 2012.
- “The American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.” *Sustainability for Biological Engineers Lecture Series*, University of Hawai‘i at Manoa, Agricultural Science Bldg. 219, December 7, 2010.
- “1893 Cleveland-Lilu‘uokalani Executive Agreements and their Impact Today.” Presentation at the *Annual Convention of Hawaiian Civic Clubs*, Sheraton Keauhou Bay Resort & Spa, Island of Hawai‘i, November 9, 2010.
- “The History of the Hawaiian Kingdom.” Presentation at the annual convention of the *Victorian Society of Scholars*, Kana‘ina Bldg., Honolulu, October 28, 2010.

- “Pu`a Foundation: E pu pa`akai kakou.” Joint presentation with Pu`a Foundation of an educational package and curriculum I authored for teaching Hawaiian history, *Healing Our Spirit World, The Sixth Gathering*, Hawai‘i Convention Center, September 7, 2010.
- “Evolution of Hawaiian land Titles and the Impact of the 1893 Executive Agreements.” Sponsored by the County of Maui, Real Property Tax Division, HGEA Bldg, Kahului, June 28, 2010.
- “Evolution of Hawaiian land Titles and the Impact of the 1893 Executive Agreements.” Sponsored by the City & County of Honolulu, Real Property Assessment Division, Mission Memorial Auditorium, June 9, 2010.
- “Hawai‘i’s Legal and Political History.” Sponsored by *Kokua A Puni Hawaiian Student Services*, UH Manoa, Center for Hawaiian Studies, UHM, May 26, 2010.
- “Ua Mau Ke Ea: Sovereignty Endured.” Joint presentation with Pu`a Foundation of an educational package and curriculum I authored for teaching Hawaiian history, *Native Hawaiian Education Association Conference*, Windward Community College, March 19, 2010.
- *Puana Ka `Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “Evolution of Hawaiian Land Titles and its Impact Today,” March 12, 2010.
- “1893 Cleveland-Lili`uokalani Agreement of Restoration (Executive Agreement).” Sponsored by the Haloa Research Center, Baldwin High School Auditorium, February 20, 2010.
- “1893 Cleveland-Lili`uokalani Agreement of Restoration (Executive Agreement).” Sponsored by Kamehameha Schools’ Kula Hawai‘i Teachers Professional Development, Kapalama Campus, Konia, January 4, 2010.
- “The Legal and Political History of Hawai‘i.” Sponsored by House Representative Karen Awana, National Conference of Native American State Legislators, State of Hawai‘i Capital Bldg, November 16, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by Hawaiian Studies, Ho‘a and Ho‘okahua (STEM), Maui Community College, Noi‘i 12-A, November 2, 2009.
- “The Legal and Political History of Hawai‘i.” Presentation to the *Hui Aloha `Aina Tuahine*, Center for Hawaiian Studies, University of Hawai‘i at Manoa, October 30, 2009.

- “The Legal and Political History of Hawai‘i.” Presentation to *Kahuewai Ola*, Queen Lili‘uokalani Center for Student Services, University of Hawai‘i at Manoa, October 23, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by Kamehameha Schools Ka‘iwakiloumoku Hawaiian Cultural Events Series, Ke‘eliokalani Performing Arts Center, Kamehameha Schools Kapalama campus, October 21, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by ASUH and Hawaiian Studies, Paliku Theatre, Windward Community College, September 10, 2009.
- *Puana Ka ‘Ike Lecture Series (Imparting Knowledge)*, Kohana Center/Kamehameha Investment Corporation, Keauhou II Convention Center, Kona, Hawai‘i. A presentation entitled “The Myth of Ceded Lands: A Legal Analysis,” March 13, 2009.
- “American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.” Briefing for Colonel James Herring, Army Staff Judge Advocate, 8th Theater Sustainment Command, and his staff officers, Wheeler AAF Courthouse, U.S. Army Pacific, Wahiawa, Hawai‘i, February 25, 2009.
- *Ka Nalu: Towards a Hawaiian National Consciousness*, Symposium of the Hawaiian Society of Law and Politics, University of Hawai‘i at Manoa, Imin Conference Bldg (East West Center). Presented a portion of my doctoral dissertation entitled “The Myth of Ceded Lands: A Legal Analysis,” February 28, 2009.
- *Manifold Destiny: Disparate and Converging Forms of Political Analysis on Hawai‘i Past and Present*, International Studies Association Annual Conference, San Francisco, California, March 26, 2008. Presented a paper entitled “A Slippery Path Towards Hawaiian Indigeneity: An Analysis and Comparison between Hawaiian Nationality and Hawaiian Indigeneity and its Use and Practice in Hawai‘i today,” March 26, 2008.
- *Mana Kupuna Lecture Series*, University of Waikato, New Zealand. A presentation entitled “Legal and Political History of the Hawaiian Kingdom,” March 5, 2008.
- *Indigenous Politics Colloquium* speaker series, Department of Political Science, University of Hawai‘i at Manoa. Presented an analysis and comparison between Hawaiian State sovereignty and Hawaiian indigeneity and its use and practice in Hawai‘i today,” January 30, 2007.
- Conference at Northeastern Illinois University entitled *Dialogue Under Occupation: The Discourse of Enactment, Transaction, Reaction and Resolution*. Presented a paper on a panel entitled “Prolonged Occupation of the Hawaiian Kingdom,” Chicago, Illinois, November 10, 2006.
- The 14<sup>th</sup> Biennial Asian/Pacific American Midwest Student Conference, “Refocusing Our Lens: Confronting Contemporary Issues of Globalization and Transnationalism.”

Presented article “American Occupation of the Hawaiian State: A Century Unchecked” on Militarization Panel, Oberlin College, Ohio, February 18, 2006.

- 2005 American Studies Association Annual Conference. Panelist on a roundtable discussion entitled, “The Case for Hawai‘i’s Independence from the United States - A Scholarly and Activist Roundtable Discussion,” with Keala Kelly and Professor Kehaulani Kauanui. Renaissance Hotel, Washington, D.C., November 4, 2005.
- Kamehameha Schools 2005 Research Conference on Hawaiian Well-being, sponsored by the Kamehameha Schools *Policy Analysis & Systems Evaluation* (PACE). Presented article “Employing Appropriate Theory when Researching Hawaiian Kingdom Governance” with two other presenters, Malcolm Naea Chun and Dr. Noelani Goodyear-Kaopua. Radisson Prince Kuhio Hotel, Waikiki, October 22, 2005.
- 1<sup>st</sup> Annual Symposium of the *Hawaiian Society of Law & Politics* showcasing the first edition of the *Hawaiian Journal of Law & Politics* (summer 2004). Presented article “American Occupation of the Hawaiian State: A Century Gone Unchecked,” with response panellists Professor John Wilson, Political Science, and Kanale Sadowski, 3<sup>rd</sup> year law student, Richardson School of Law. Imin International Conference Center, University of Hawai‘i at Manoa, April 16, 2005.
- “A Symposium on Practical Pluralism.” Sponsored by the *Office of the Dean*, William S. Richardson School of Law. Panelist with Professor Williamson Chang and Dr. Kekuni Blaisdell, University of Hawai‘i at Manoa, Honolulu, April 16-17, 2004.
- “Mohala A‘e: Blooming Forth,” *Native Hawaiian Education Association’s 5<sup>th</sup> Annual Conference*. Presented a workshop entitled “Hawaiian Epistemology.” Windward Community College, Kane‘ohe, March 23, 2004.
- “First Annual ‘Ahahui o Hawai‘i Kukakuka: Perspectives on Federal Recognition.” Guest Speaker at a symposium concerning the Akaka Bill. Sponsored by the *‘Ahahui o Hawai‘i* (organization of native Hawaiian law students), University of Hawai‘i at Manoa Richardson School of Law, Honolulu, March 12, 2004.
- “The Status of the Kingdom of Hawai‘i.” A debate with Professor Didrick Castberg, University of Hawai‘i at Hilo (Political Science), and moderator Professor Todd Belt University of Hawai‘i at Hilo (Political Science). Sponsored by the *Political Science Club*, University of Hawai‘i at Hilo, Campus Center, March 11, 2004.
- “The Political History of the Hawaiian Kingdom: Past and Present.” A presentation to the *Hawai‘i Island Association of Hawaiian Organizations*, Queen Lili‘uokalani Children’s Center, Hilo, February 13, 2004.
- “Globalization and the Asia-Pacific Region.” Panel with Dr. Noenoe Silva (Political Science). *East-West Center Spring 2004 Core Course*, Honolulu, February 4, 2004.

- Televised symposium entitled, “Ceded Lands.” Other panelists included Professor Jon Van Dyke (Richardson School of Law) and Professor Lilikala Kame‘eleihiwa (Center for Hawaiian Studies). Sponsored by the *Office of Hawaiian Affairs*, Wai‘anae, August 2003.
- “Hawai‘i’s Road to International Recovery, II.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, September 25, 2003.
- “An Analysis of Tenancy, Title, and Landholding in Old Hawai‘i.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, September 26, 2002.
- “The Hawaiian Kingdom in Arbitration Proceedings at the Permanent Court of Arbitration, The Hague, Netherlands.” A presentation at the 6th World Indigenous Peoples Conference on Education, Stoney Park, Morley, Alberta, Canada, August 6, 2002.
- “The Hawaiian Kingdom and the United States of America: A State to State Relationship.” *Reclaiming the Legacy*, U.S. National Archives and Records Administration, University of San Francisco, May 4, 2002
- “Hawai‘i’s Road to International Recovery.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, April 11, 2002.
- “Hawai‘i’s Road to International Recovery,” a presentation to the Officers Corps of the 25<sup>th</sup> Infantry Division, U.S. Army, Officer’s Club, Schofield Barracks, Wahiawa, February 2001.
- “Lance Larsen vs. the Hawaiian Kingdom,” presentation to the *Native Hawaiian Bar Association*, quarterly meeting, Kana‘ina Building, Honolulu, 2001.
- “Hawaiian Political History,” *Hawai‘i Community College*, Hilo, March 5, 2001.
- “The History of the Hawaiian Kingdom,” A guest speaker at the *Aloha March* rally in Washington, D.C., August 12, 1998.
- Symposium entitled, “Human Rights and the Hawaiian Kingdom on the occasion of the 50th anniversary of the Universal Declaration of Human Rights.” Other panelist included Francis Boyle (Professor of International Law, University of Illinois), Mililani Trask (Trustee, Office of Hawaiian Affairs), Richard Grass (Lakota Sioux Nation), and Ron Barnes (Tununak Traditional Elders Council, Alaska). University of Hawai‘i at Hilo, April 16, 1998.
- Symposium entitled, “Perfect Title Company: Scam or Restoration.” Sponsored by the *Hawai‘i Developers Council*, Hawai‘i Prince Hotel, Honolulu, August 1997.



## PUBLICATIONS:

Chapter 21, “Hawai‘i’s Sovereignty and Survival in the Age of Empire,” in David Motadel and Houchang-Esfandiar Chehabi (eds.) *Unconquered States: Non-European Powers in the Imperial Age* (Oxford University Press) (forthcoming)  
([https://www2.hawaii.edu/~anu/pdf/Hawaii\\_Sovereignty\\_and\\_Survival\\_\(Sai\).pdf](https://www2.hawaii.edu/~anu/pdf/Hawaii_Sovereignty_and_Survival_(Sai).pdf)).

Article, “All States have a Responsibility to Protect its Population from War Crimes—Usurpation of Sovereignty During Military Occupation of the Hawaiian Islands,” *International Review of Contemporary Law* (June 2024)  
([https://hawaiiankingdom.org/pdf/IRCL\\_Article\\_\(Sai\).pdf](https://hawaiiankingdom.org/pdf/IRCL_Article_(Sai).pdf)).

Article, “Backstory—Larsen v. Hawaiian Kingdom at the Permanent Court of Arbitration (1999-2001),” *Hawaiian Journal of Law and Politics*, vol. 4 (Spring 2022), online at  
[http://www2.hawaii.edu/~anu/pdf/Backstory\\_Larsen\\_case\\_Sai\\_\(HJLP\)\\_Vol\\_4.pdf](http://www2.hawaii.edu/~anu/pdf/Backstory_Larsen_case_Sai_(HJLP)_Vol_4.pdf).

Article, “Setting the Record Straight on Hawaiian Indigeneity,” *Hawaiian Journal of Law and Politics*, vol. 3 (Spring 2021), online at  
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Book Review for Paul D’Arcy’s “Transforming Hawai‘i: Balancing Coercion and Consent in Eighteenth-Century Kanaka Maoli Statecraft,” *Journal of American History* (December 2019), online at [http://www2.hawaii.edu/~anu/pdf/Book\\_Review\\_D'Arcy\(Sai\).pdf](http://www2.hawaii.edu/~anu/pdf/Book_Review_D'Arcy(Sai).pdf).

Chapter with Thomas A. Woods and M. Puakea Nogelmeier “Charting a New Course for the Ship of State: Hawai‘i Becomes a Constitutional Monary” in Thomas A. Woods (ed.), *Kokua Aku, Kokua Mai: Chiefs, Missionaries, and Five Transformations of the Hawaiian Kingdom* (2018), online at  
[http://www2.hawaii.edu/~anu/pdf/Woods\\_Nogelmeier\\_Sai\\_Charting\\_New\\_Course.pdf](http://www2.hawaii.edu/~anu/pdf/Woods_Nogelmeier_Sai_Charting_New_Course.pdf).

Article, “The Impact of the U.S. Occupation on the Hawaiian People” October 13, 2018 (National Education Association), online at <http://neatoday.org/2018/10/13/us-occupation-of-hawaii/>.

Article, “The U.S. Occupation of the Hawaiian Kingdom” October 1, 2018 (National Education Association), online at <http://neatoday.org/2018/10/01/the-u-s-occupation-of-the-hawaiian-kingdom/>.

Article “The Illegal Overthrow of the Hawaiian Kingdom Government” April 2, 2018 (National Education Association), online at <http://neatoday.org/2018/04/02/the-illegal-outright-of-the-hawaiian-kingdom-government/>.

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Book Review for Tom Coffman’s “Nation Within: The History of the American Occupation of Hawai‘i,” *The Hawaiian Journal of History*, Vol. 51 (2017), online at <http://www2.hawaii.edu/~anu/publications.html>.

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- “The Hawaiian Kingdom: A Constitutional Monarchy”
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- “What does TWA Flight 800 and the Hawaiian Kingdom have in Common”
- “American Migration to the Hawaiian Kingdom and the Push for State into the American Union”
- “Hawaiian Nationality: Who Comprises the Hawaiian Citizenry?”
- “The Vision of the *acting* Council of Regency”

## **VIDEO/RADIO:**

*Keep it Aloha* Podcast with Kamaka Dias, “Dr. Keanu Sai—International law, sovereignty, and Hawaiian Kingdom talk continued, Part 2 (August 29, 2024), online at <https://www.youtube.com/watch?v=YBSFZQdC5bU>).

*Keep it Aloha* Podcast with Kamaka Dias, “Dr. Keanu Sai—The Hawaiian Kingdom, sovereignty and 131 years of illegal occupation, Part 1 (August 1, 2024), online at <https://www.youtube.com/watch?v=PvEdNx2dynE>).

Video Interview: “O‘ahu man addresses the UN on transgressions against the Hawaiian Kingdom,” *KITV Island News*, KITV television, March 23, 2022.

Video Interview: “Dr. Keanu Sai discusses existence of Hawaiian kingdom,” *Hawai‘i News Now*, KGMB television, July 11, 2014.

Video: “Ka‘apuni Honua, KS Song Contest Preshow,” *Kamehameha Schools Song Contest*, KGMB television, March 21, 2014.

Video: “Hawai‘i and the Law of Occupation.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, March 11, 2009.

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Video: “Hawaiian Kingdom Law and Succession.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, November 16, 2008.

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Internet Radio: “The Gary Baumgarten Report News Talk Online: Hawai‘i ‘Kingdom’ Proponent Makes Case For An Independent Hawai‘i.” Guest on a daily talk internet radio show, <http://garybaumgarten.blogspot.com/2008/04/hawaii-kingdom-proponent-makes-case-for.html>, April 11, 2008.

Radio: “Talk Story with Uncle Charlie.” Guest on a weekly talk radio show. *KNUI AM 900*, Kahului, January 23, 2004.

Radio: “Perspective.” Co-host with Keaumiki Akui for a weekly talk radio show concerning Hawaiian political history. *KCCN AM 1420*, Honolulu, 1999-2001.

Video: “Hawaiian Kingdom Law a Presentation.” *Na Maka o ka Aina*, 1999.

Video: Segments of *Aloha Quest* (six-hour broadcast), KFVE television, Honolulu, December 19, 1999.

- “The Hawaiian Kingdom”
- “What is a Hawaiian subject”
- “Attempted Overthrow of 1893”
- “The Annexation that Never Was”
- “Internal Laws of the United States”
- “Supreme Courts and International Courts”
- “U.S. Senate debate: Apology resolution, Oct. 1993”

#### **EXPERT WITNESS IN CIVIL AND CRIMINAL PROCEEDINGS:**

1. *Fukumitsu v. Fukumitsu*, case no. 08-1-0843 RAT
2. *Onewest Bank v. Tamanaha*, case no. 3RC10-1-1306

3. *State of Hawai'i v. English*, case no. CR 14-1-0819
4. *State of Hawai'i v. Dudoit*, case no. CR 14-1-0820
5. *State of Hawai'i v. Kinimaka*, case no. 5DCW-16-0000233
6. *State of Hawai'i v. Larsen*, case no. 3DTA08-03139
7. *State of Hawai'i v. Larsen*, case no. 3DTC08-023156
8. *State of Hawai'i v. Maluhia-Fuller*, case no. 1 DTC-15-028868
9. *State of Hawai'i v. Asam*, case no. 1DCW-17-0000364
10. *State of Hawai'i v. Asam*, case no. 1DCW-18-0000395

**MILITARY:**

- Aug. 1994: Honourably Discharged
- Dec. 1990: Diploma, *U.S. Army Field Artillery Officer Advanced Course*, Fort Sill, OK
- May 1990: Promoted to Captain (O-3)
- Apr. 1990: Diploma, *U.S. Air Force Air Ground Operations School*, Hurlbert Field, FL
- May 1987: Promoted to 1<sup>st</sup> Lieutenant (O-2)
- Sep. 1987: Diploma, *U.S. Army Field Artillery Officer Basic Course*, Fort Sill, OK
- Sep. 1984: Assigned to *1<sup>st</sup> Battalion, 487<sup>th</sup> Field Artillery*, Hawai'i Army National Guard, Honolulu, H.I.
- May 1984: Army Reserve Commission, 2<sup>nd</sup> Lieutenant (O-1), Early Commissioning Program (ECP) from the New Mexico Military Institute, Roswell, NM

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