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August 7, 2024

Brigadier General Stephen F. Logan
State of Hawai'i Deputy Adjutant General
Department of Defense
3949 Diamond Head Road
Honolulu, HI 96816
Email: stephen.f.logan3.mil@army.mil

Via electronic mail

Re: Your duty to establish a military government by 12 noon on August 12, 2024

Brigadier General Logan:

As you are aware, yesterday, I notified the Commander of the 29th Infantry Brigade and the Commanders of its component battalions apprising them as to the circumstances of their possible implication, of performing the duty to establish a military government of Hawai'i, should you fail to perform your duty. I closed the letter with:

As senior Commanders in the chain of command of the Army National Guard, I implore you all to take this matter seriously and to demand, from the Attorney General or the JAG, a legal opinion that concludes there is no duty on you to establish a military government because the Hawaiian Kingdom does not continue to exist, and that this is the territory of the United States and the State of Hawai'i under international law. With the legal opinion in hand, there is no duty to perform. Without it, there is the military duty to perform, and failure to perform would constitute the war crime by omission.

The demand for a legal opinion, by you, of the Attorney General, Anne E. Lopez, or of the JAG, LTC Lloyd Phelps, is not outside your duties as a military officer. Your duty is to adhere to the rule of law. According to section 4-106, FM 3-07:

The rule of law is fundamental to peace and stability. A safe and secure environment maintained by a civilian law enforcement system must exist and operate in accordance with internationally recognized standards and with respect for internationally recognized human rights and freedoms. Civilian organizations are responsible for civil law and order. However, Army forces may need to provide limited support.

According to the *Handbook for Military Support to Rule of Law and Security Sector Reform* (2016), the most frequently used definition of the rule of law “in the US government is one put forth by the UN.”¹

United Nations Definition of the Rule of Law

The rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.

Demanding a legal opinion that refutes, with irrefutable evidence and law, the continued existence of the Hawaiian Kingdom as a State, under international law, is not a political act but rather an act to ‘ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.’ Under international law, legal title to territory is State sovereignty and it is a jurisdictional matter. As the Permanent Court of International Justice, in the *Lotus* case, stated:

Now the first and foremost restriction imposed by international law upon a State is that—failing the existence of a permissive rule to the contrary—it may not exercise its power in any form in the territory of another State. In this sense jurisdiction is certainly territorial; it cannot be exercised by a State outside its territory except by virtue of a permissive rule derived from international custom or from a convention [treaty].

¹ *Handbook for Military Support to Rule of Law and Security Sector Reform* I-3 (2016).

In other words, without a treaty, where the Hawaiian Kingdom ceded its sovereignty to the United States, the United States and the State of Hawai‘i have no sovereignty over the Hawaiian Islands. However, if the Attorney General is confident, that the State of Hawai‘i is lawfully the 50th state of the United States, she would have no problem providing you a legal opinion that the Hawaiian Kingdom ceases to exist under international law. To have instructed you, and Major General Hara, to simply ignore the call to perform a military duty, the Attorney General revealed that she has no legal basis for her instruction to you. To quote Secretary of State Walter Gresham regarding the status of the provisional government, he stated to President Grover Cleveland:

The earnest appeals to the American minister for military protection by the officers of that Government, after it had been recognized, show the utter absurdity of the claim that it was established by a successful revolution of the people of the Islands. Those appeals were a confession by the men who made them of their weakness and timidity. Courageous men, conscious of their strength and the justice of their cause, do not thus act.²

The same can be said of the Attorney General, whose office is a direct successor of the lawless provisional government. An Attorney General, conscious of her lawful status, does not thus act.

The call upon you, to perform your military duty, is not an attack on you and on the men and women you command in the Hawai‘i National Guard. It is a call upon you because of the respect the I have, as a former Army Field Artillery officer, of your position as the United States theater commander in the occupied State of the Hawaiian Kingdom.

I recommend that you view a recent podcast I did with Kamaka Dias’ *Keep It Aloha* (<https://www.youtube.com/watch?v=PvEdNx2dynE>) where I share my history and my time as a military officer, and how I got to where I am as a member of the Council of Regency. Since the podcast was posted on August 1, 2024, it has received over 6,700 views. I also recommend that you watch my presentation to the Maui County Council (<https://www.youtube.com/watch?v=Hh4iVT77MG8&t=8s>) on March 6, 2024, where I explain the legal basis of the American occupation and the duty of the Adjutant General to transform the State of Hawai‘i into a military government. Since the Kamehameha Schools’ Kanaeokana posted the video on April 1, 2024, it has received over 16,000 views. I recommend that you also watch an award-winning documentary on the Council of Regency that premiered in 2019 at the California Film Festival (<https://www.youtube.com/watch?v=CF6CaLAMh98>). Since the video was posted on August 13, 2019, it has received over 42,000 views.

² Secretary of State Gresham to President Cleveland 462 (Oct. 18, 1893) (online at [https://hawaiiankingdom.org/pdf/Gresham_Report_\(10.18.1893\).pdf](https://hawaiiankingdom.org/pdf/Gresham_Report_(10.18.1893).pdf)).

Since my meeting with MG Hara on April 17, 2023, I have given him the latitude and time to do his due diligence with his JAG, LTC Phelps, who acknowledged that Hawai'i is an occupied State. For MG Hara to simply ignore my calls on him to perform his duty is a sign of disrespect to a government official of the Hawaiian Kingdom whose conduct and action are in accordance with the rule of law. I implore you to not follow the same course MG Hara took, which led him to committing the war crime by omission.

You have until 12 noon on August 12, 2024, to perform your duty, of establishing a military government for Hawai'i, in accordance with the Law of Armed Conflict—international humanitarian law, U.S. Department of Defense Directive 5100.01, and Army Regulations—FM 27-5 and FM 27-10. The eyes of Hawai'i and the world are upon you.



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