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July 1, 2024

Major General Kenneth Hara
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Department of Defense
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Honolulu, HI 96816
Email: kenneth.s.hara.mil@army.mil

Via electronic mail and by USPS certified mail no. 7021 0950 0000 1548 7320

Re: Notice to establish a Military Government of Hawai'i by 1200 hours on July 31, 2024

Major General Hara:

In my last communication to you, on behalf of the Council of Regency, dated February 10, 2024, I made a “final appeal for you to perform your duty of transforming the State of Hawai'i into a military government on February 17, 2024, in accordance with Article 43 of the 1907 Hague Regulations, Article 64 of the Fourth Geneva Convention, and Army regulations.” You ignored that appeal despite your admittance, on July 27, 2023, to John “Doza” Enos that the Hawaiian Kingdom continues to exist.

This communication is not an appeal, but rather a notice to perform your duty, as the theater commander in the occupied State of the Hawaiian Kingdom, to establish a military government of Hawai'i by 1200 hours on July 31, 2024. If you fail to do so, you will be the subject of a war criminal report by the Royal Commission of Inquiry (“RCI”) for the war crime by omission. The elements of the war crime by omission are the Uniform Code of Military Justice’s (“UCMJ”) offenses under Article 92(1) for failure to obey order or regulation, and Article 92(3) for dereliction in the performances of duties. The maximum punishment for Article 92(1) is dishonorable discharge, forfeiture of all pay and

allowances, and confinement for 2 years. The maximum punishment for Article 92(3) is bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

Despite the prolonged nature and illegality of the American occupation since January 17, 1893, the sovereignty has remained vested in the Hawaiian Kingdom. In 1999, this was confirmed in *Larsen v. Hawaiian Kingdom*, PCA Case no. 1999-01. In that case, the Permanent Court of Arbitration (“PCA”) recognized the continuity of the Hawaiian Kingdom as a State, under international law, and the Council of Regency as its government. At the center of the *Larsen* case was the unlawful imposition of American municipal laws within the territory of the Hawaiian Kingdom, which is the war crime of usurpation of sovereignty. This fact renders the State of Hawai‘i unlawful because it was established by congressional legislation in 1959, which is an American municipal law. *Ex injuria jus non oritur* (law does not arise from injustice) is a recognized principle of international law.

After the Council of Regency returned from the oral proceedings, held at the PCA, in December of 2000, it directly addressed the devastating effects of denationalization through *Americanization*. This effectively erased the national consciousness of the Hawaiian Kingdom in the minds of the Hawaiian population and replaced it with an American national consciousness that created a false narrative that Hawai‘i became a part of the United States. Denationalization, under customary international law, is a war crime.

The Council of Regency decided to address the effects of Americanization through academic and scholarly research at the University of Hawai‘i. The Council of Regency’s decision was guided by paragraph 495—*Remedies of Injured Belligerent*, FM 27-10, that states, “[i]n the event of violation of the law of war, the injured party may legally resort to remedial action of the following [...] a. [p]ublication of the facts, with a view to influencing public opinion against the offending belligerent.” Since then, a plethora of doctoral dissertations, master’s theses, peer review articles, and books have been published on the topic of the American occupation. The latest peer review articles, by myself as Head of the RCI, and by Professor Federico Lenzerini as Deputy Head of the RCI, were published in June of 2024 by the *International Review of Contemporary Law*:

Professor Federico Lenzerini, “Military Occupation, Sovereignty, and the ex injuria jus non oritur Principle. Complying with the Supreme Imperative of Suppressing “Acts of Aggression or Other Breaches of the Peace” à la carte?,” 6(2) *International Review of Contemporary Law* 58-67 (2024).¹

Dr. David Keanu Sai, “All States have a Responsibility to Protect their Population from War Crimes—Usurpation of Sovereignty During Military Occupation of the

¹ Online at [https://hawaiiankingdom.org/pdf/IRCL_Article_\(Lenzerini\).pdf](https://hawaiiankingdom.org/pdf/IRCL_Article_(Lenzerini).pdf).

Hawaiian Islands,” 6(2) *International Review of Contemporary Law* 72-81 (2024).²

In addition, legal opinions on this subject were authored by experts in the various fields of international law:

Professor Matthew Craven, “Continuity of the Hawaiian Kingdom as a State under International Law,” in David Keanu Sai (ed.) *Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* 125-149 (2020).³

Professor William Schabas, “War Crimes Related to the United States Belligerent Occupation of the Hawaiian Kingdom,” in David Keanu Sai (ed.) *Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* 151-169 (2020).⁴

Professor Federico Lenzerini, “International Human Rights Law and Self-Determination of Peoples related to the United States Occupation of the Hawaiian Kingdom,” in David Keanu Sai (ed.) *Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* 173-216 (2020).⁵

Professor Federico Lenzerini, “Legal Opinion on the Authority of the Council of Regency of the Hawaiian Kingdom,” 3 *Hawaiian Journal of Law and Politics* 317-333 (2021).⁶

Professor Federico Lenzerini, *Legal Opinion of Civil Law on Juridical Fact of the Hawaiian State and the Consequential Juridical Act by the Permanent Court of Arbitration* (December 5, 2021).⁷

Notwithstanding your failure to obey an Army regulation and dereliction of duty, both being offenses under the UCMJ and the war crime by omission, you are the most senior general officer of the State of Hawai‘i Department of Defense. And despite your public announcement that you will be retiring as the Adjutant General on October 1, 2024, and resigning from the U.S. Army on November 1, 2024, you remain the theater commander over the occupied territory of the Hawaiian Kingdom. You are, therefore, responsible for

² Online at [https://hawaiiankingdom.org/pdf/IRCL_Article_\(Sai\).pdf](https://hawaiiankingdom.org/pdf/IRCL_Article_(Sai).pdf).

³ Online at [https://hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_\(2020\).pdf](https://hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_(2020).pdf).

⁴ *Id.*

⁵ *Id.*

⁶ Online at [https://hawaiiankingdom.org/pdf/3HawJLPol317_\(Lenzerini\).pdf](https://hawaiiankingdom.org/pdf/3HawJLPol317_(Lenzerini).pdf).

⁷ Online at https://hawaiiankingdom.org/pdf/Lenzerini_Juridical_Fact_of_HK_and_Juridical_Act_of_PCA.pdf.

establishing a military government in accordance with paragraph 3, FM 27-5. Article 43 of the 1907 Hague Regulations and Article 64 of the 1949 Fourth Geneva Convention imposes the obligation on the commander in occupied territory to establish a military government to administer the laws of the occupied State. Furthermore, paragraph 2-37, FM 41-10, states that “commanders are under a legal obligation imposed by international law.”

However, since paragraph 3 of FM 27-5 also states that you also have “authority to delegate authority and title, in whole or in part, to a subordinate commander” to perform the duty of establishing a military government. The RCI will consider this provision as time sensitive to conclude willfulness, on your part, to not delegate authority and title, thereby, completing the elements necessary for the war crime by omission. Therefore, you will delegate full authority and title to Brigadier General Stephen Logan so that he can establish a Military Government of Hawai‘i no later than 1200 hours on July 31, 2024. BG Logan will be guided in the establishment of a military government by the RCI’s memorandum on bringing the American occupation of Hawai‘i to an end by establishing an American military government (June 22, 2024),⁸ and by the Council of Regency’s Operational Plan for transitioning the State of Hawai‘i into a Military Government (August 14, 2023).⁹

Should you fail to delegate full authority and title to BG Logan, the RCI will conclude that your conduct is “willful,” and you will be the subject of a war criminal report for the war crime by omission. Military governments are under an obligation, under international law, to prosecute war criminals in occupied territory, and the Army National Guard is obligated to hold you accountable, by court martial, for violating Articles 92(1) and (3) of the UCMJ. The war criminal report for your war crime by omission will be based on the elements of the offenses of the UCMJ. Thus, your court martial will be based on the evidence provided in the war criminal report. Military law provides for your prosecution under the UCMJ, while international law provides for your prosecution for war crimes. One prosecution does not cancel out the other prosecution. Furthermore, war crimes have no statutes of limitations. In 2022, Germany prosecuted a 97-years old woman for Nazi war crimes.¹⁰

I am aware that you stated to a former Adjutant General that State of Hawai‘i Attorney General Anne E. Lopez, who is a civilian, instructed you and Brigadier General Stephen Logan to ignore me and any organization calling for the performance of a military duty to establish a military government. This conduct is not a valid defense for disobedience of an

⁸ Online at [https://hawaiiankingdom.org/pdf/RCI_Memo_re_Military_Government_\(6.22.24\).pdf](https://hawaiiankingdom.org/pdf/RCI_Memo_re_Military_Government_(6.22.24).pdf).

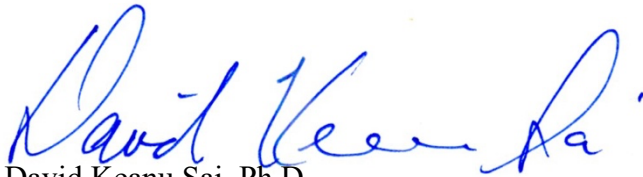
⁹ Online at https://hawaiiankingdom.org/pdf/HK_Operational_Plan_of_Transition.pdf.

¹⁰ Reuters, *Former concentration camp secretary, 97, convicted of Nazi war crimes* (Dec. 20, 2022) (online at [https://www.reuters.com/world/europe/germany-convicts-97-year-old-woman-nazi-war-crimes-media-2022-12-20/#:~:text=BERLIN%2C%20Dec%2020%20\(Reuters\),for%20World%20War%20Two%20crimes.](https://www.reuters.com/world/europe/germany-convicts-97-year-old-woman-nazi-war-crimes-media-2022-12-20/#:~:text=BERLIN%2C%20Dec%2020%20(Reuters),for%20World%20War%20Two%20crimes.)).

Army regulation and dereliction of duty because Mrs. Lopez is a civilian interfering with a military duty.

This is tantamount to a soldier, under your command, refusing to follow your order given him because a civilian instructed him to ignore you. For you not to perform your military duty is to show that there is no such military duty to perform because the Hawaiian Kingdom does not continue to exist as an occupied State under international law. There is no such evidence. The RCI considers Mrs. Lopez's conduct and action to be an accomplice to the war crime by omission and she will be included in your war criminal report should you fail to delegate your authority to BG Logan.

Once the war criminal report is made public on the RCI's website,¹¹ BG Logan is duty bound to immediately assume the chain of command and perform the duty of establishing a military government. The RCI will give BG Logan one week from the date of the war criminal report to establish a military government. Should BG Logan also be "willful" in disobeying an Army regulation and of dereliction of duty, then he will be the subject of a war criminal report. Thereafter, the next in line of the Army National Guard shall assume the chain of command. This will continue until a member of the Army National Guard performs the duty of establishing a military government.



David Keanu Sai, Ph.D.

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¹¹ Online at <https://hawaiiankingdom.org/royal-commission.shtml>.