

Stability versus Change: Compliance and the Rule of Law

Dr. Keanu Sai



Academic Qualifications

- High School Diploma—Kamehameha Schools (1982)
- A.A. degree (Pre-Business)—New Mexico Military Institute (1984)
- B.A. degree—(Sociology) University of Hawai‘i (1987)
- M.A. degree (Political Science)—University of Hawai‘i (2004)
- Ph.D. degree (Political Science)—University of Hawai‘i (2008)

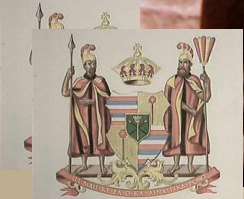


Admitted as Expert Witness in 7 Civil and Criminal Cases

- Admitted as an expert witness on the subject of the continued existence of the Hawaiian Kingdom, State sovereignty and international law
 - *Fukumitsu v. Fukumitsu*, case no. 08-1-0843 RAT
 - *Onewest Bank v. Tamanaha*, case no. 3RC10-1-1306
 - *State of Hawai‘i v. English*, case no. CR 14-1-0819(3)
 - *State of Hawai‘i v. Kinimaka*, case no. 5DCW-16-0000233
 - *State of Hawai‘i v. Larsen*, case no. 3DTC08-023156
 - *State of Hawai‘i v. Larsen*, case no. 3DTC08-023156
 - *State of Hawai‘i v. Maluhia-Fuller*, case no. 1 DTC-15-028868



Military Service—Field Artillery Officer



Personal Ties to the Hawaiian Kingdom

The Mookuauhau

MOOKUAUHAU ALII.

Na Iwikuameo o Hawaii Nei
Mai Kahiko Mai.

[Mai ka Heb. 9 mai.]

KO LUCY POHJIALI KOHI MA

36. Piilaniwai k noho ia Lue-
lohelohe w, loa o Kiha-a-Pii-
lani k.

37. Kiha-a-Piilani k noho ia
Koleamoku w, loa o Kekauhi-
akalani k.

kanaka o ka mokukaua Amerika
Balatimoo, koe wale no ka hele
makaikau ana o kahi poe Italia
ma na mea eha, pela i kekahi

ma na mea eha, pela i kekahi

Ki Poka ia ka Halealii

Kakahiaka hana 9 o ka la 27

KO MRS. LAAAPANA SIMERSON MA.

1. Liloa k noho ia Akahi-
akuleana w, loa o Umi-a-Liloa k.

2. Umi-a-Liloa k noho ia
Kapulani w, loa o Keawenui-a-
Umi k.

3. Keawenui a-Umi k noho ia
Koihalawai w, loa o Kanaloa-
kuaana k.

4. Kanaloakuaana k noho ia

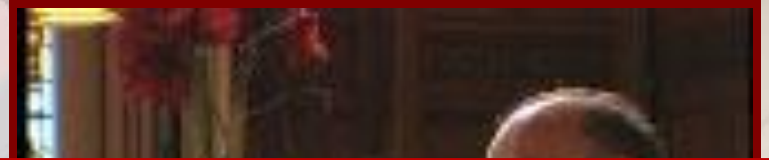
aku he mau kokua nui ia Saida
Kalida mai na poe piepiele kau-
wa kuapaa, e pipili la hoi maho-
pe ona, no ka mea, ina e kau
pono ae sua ka hae Pelekane

mai na wahi i kaula ai.

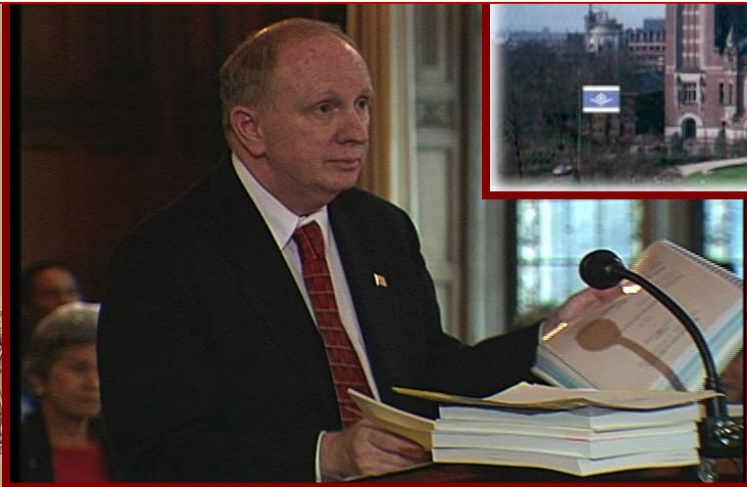
Aohe i akaka ka nui o ka
poino o ka enemi, na koho wale
ia aku nae ua hele a nui launa
ole, o ka oi loa aku iwaena o na



Permanent Court of Arbitration Recognized Council of Regency (1999-2001)



The Permanent Court of Arbitration acknowledged the continued existence of the Hawaiian Kingdom as an independent State and the Council of Regency as its provisional government.



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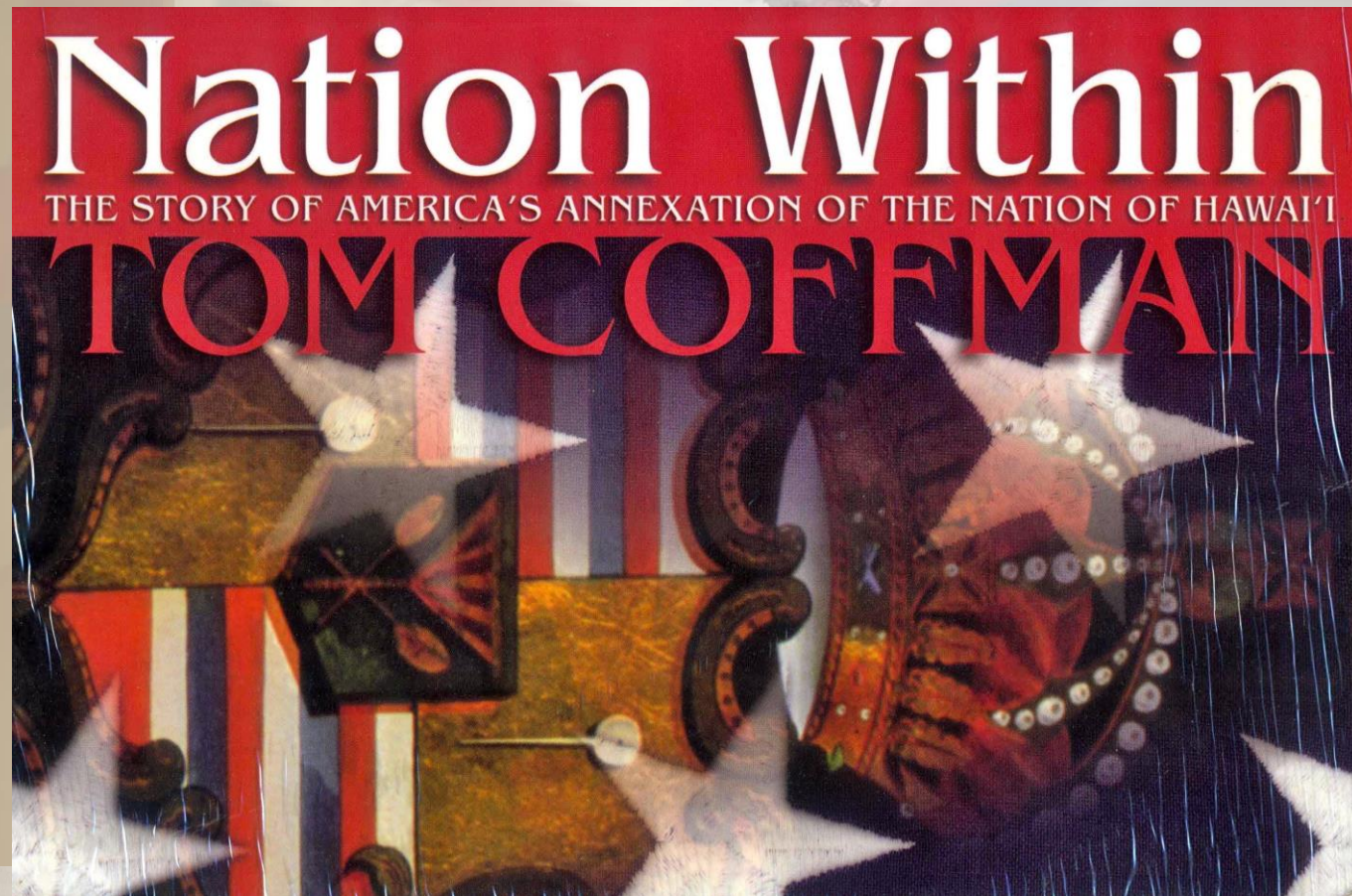
Sovereignty Endures:

An Overview of the Political and Legal History
of the Hawaiian Islands

David Keanu Sai, Ph.D.

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Correcting Revisionist History



Correcting Revisionist History

A NOTE ON THE SECOND EDITION

I am as pleased as any writer with a second edition and grateful to my new publisher, Arnold Kotler, for his commitment and interest.

I am compelled to add that the continued relevance of this book reflects a far-reaching political, moral and intellectual failure of the United States to recognize and deal with its takeover of Hawai'i. In the book's subtitle, the word *Annexation* has been replaced by the word *Occupation*, referring to America's occupation of Hawai'i. Where annexation connotes legality by mutual agreement, the act was not mutual and therefore not legal. Since by definition of international law there was no annexation, we are left then with the word *occupation*.

In making this change, I have embraced the logical conclusion of my research into the events of 1893 to 1898 in Honolulu and Washington, D.C. I am prompted to take this step by a growing body of historical work by a new generation of Native Hawaiian scholars. Dr. Keanu Sai writes, "The challenge for ... the fields of political science, history, and law is to distinguish between the rule of law and the politics of power." In the history of Hawai'i, the might of the United States does not make it right.



EDUCATORS IN ACTION

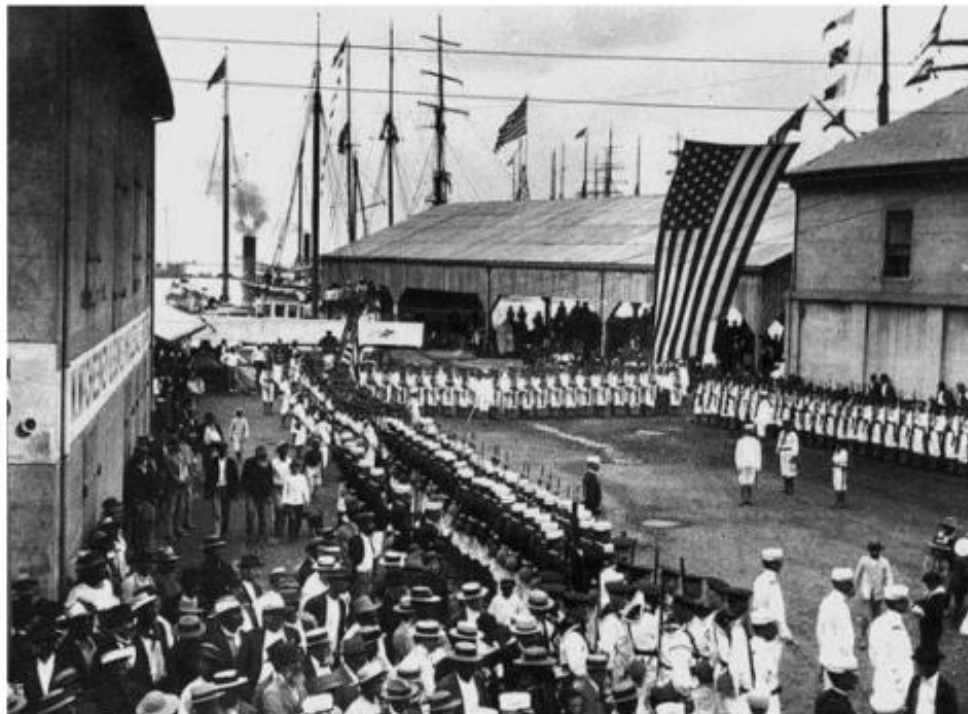
MINORITY COMMUNITY OUTREACH

OCTOBER 13, 2018 • 2:36PM



The Impact of the U.S. Occupation on the Hawaiian People

BY KEANU SAI PH.D.



Perfect Title Creates Firestorm 1996-98

A-24 □ Friday, December 19, 1997 •

Honolulu Star-Bulletin

Published by Liberty Newspapers Limited Partnership

▲▲▲

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Courts should probe land title scam

FAILING to persuade judges in civil court to accept a proposition that current land titles in Hawaii are tainted by the alleged illegality of the U.S. annexation of the islands, co-founders of a title-searching company face criminal charges. Perfect Title Co. principals Donald A. Lewis and Michael Rowland were indicted by a state grand jury on charges of attempted theft. The indictment came a year after they began luring homeowners down a fool's gold.

As the Star-Bulletin's Rob Perez reported in April, Lewis, charging \$1,500 for a title search, would convince homeowners that their titles were invalid, and that courts established after the overthrow of the 1893 lacked authority to probate wills and approve property.

Perfect Title's challenge of the state's ownership of a federal detention center was viewed five months ago by Judge David Ezra as "utterly and completely wrong." Ezra added: "I don't like to see the people of Hawaii and that's what's happening here."

Michael and Carol Simafranca also face attempted burglary charges. The Simafrancas lost possession of their home through foreclosure, then attempted to regain it based on a title search by Perfect Title. They hired Perfect Title to gain entry to the house, moved back in and charged the family that had bought the foreclosure. The new owners eventually obtained a restraining order against the couple.

Undeterred by defeats in civil court, Perfect Title has continued to cause havoc in the state's real estate industry for families that have seen their home investments evaporate. The company has gone so far as to file a lawsuit with the U.S. Supreme Court that is as half-baked as a lying premise. Criminal prosecution appears to be the only way to bring an end to this incredible scheme and prevent people from creating more victims.

JULY 17, 1997

Perfect Title

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state Attorney
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says is still in effect, and by searching property

records dating to the 1840s.

Even though the industry dismisses Perfect Title's work as worthless, the company's reports are filed at the state Bureau of Conveyances, casting clouds on ownership of hundreds of parcels throughout the

PLEASE SEE PROBE, A-6

"Perfect Title has created chaos in Hawai'i's real estate industry with its claims that current land titles are no good. The company reaches those conclusions using 19th century Hawaiian Kingdom law, which it says is still in effect, and by searching property records dating to the 1840s."

B2

EDITORIALS

Sunday, July 20, 1997

We must do more to stabilize titles

Members of a company called Perfect Title say they are acting legally under the laws of the Hawaiian Kingdom, but that's a non

actors, Keanu Sai and Donald Lewis, want to return to the 19th century, when Hawaiian law was in force, and the business — as long as it doesn't harm

ately, the harm is serious and it's a mystery to the state has let it go

Lewis have angered sellers of real estate by using today's land

transactions aren't valid because they ignore the laws of the monarchy. Critics say they are filing bogus liens on properties at the state Bureau of Conveyances and some clients have cited the firm's

research in refusing to make mortgage payments.

Of course, mortgage lenders are operating under today's laws, so failure to make mortgage payments on one's home ultimately results in loss of the home.

Perfect Title's business consists of charging a property owner around \$1,500 to research a title's bona fides under monarchy law, making various claims and filings that might make perfect sense under monarchy law, calling hundreds of titles into question and creating general havoc.

Of course, it's the state's responsibility to ensure the stability and validity of the transfer of real estate. Until the unlikely day that a judge or some other authority validates Perfect Title's theories, the state is deficient in failing to protect consumers from its activities.

SEE TIT

Perfect Title Company Raided

A-6 □ Saturday, September 6, 1997 ●

Star-Bulletin

FROM PAGE ONE . . .

TITLE: Judge bars firm's filing of title searches

FROM PAGE A-1

The title searches, based on 19th-century Hawaiian kingdom law, basically conclude that waii's existing land titles are good — a claim that has caused havoc in the real estate industry.

Some Perfect Title clients are on the verge of losing their homes because they have used the company's reports — which cost \$1 each — as justification to not paying mortgages.

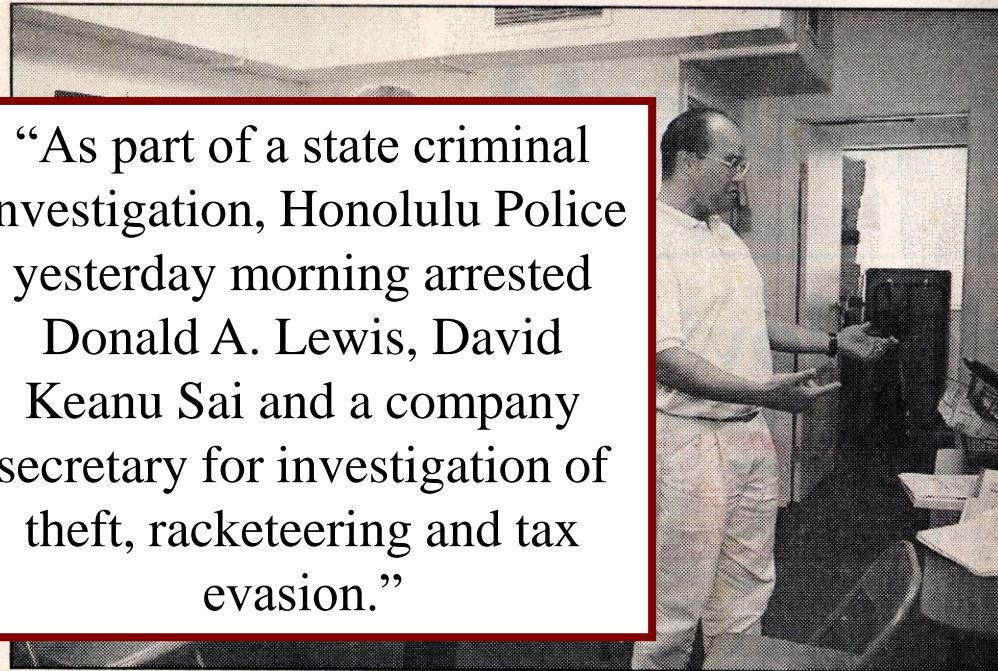
As part of a state criminal investigation, Honolulu police yesterday morning arrested Donald Lewis, David Keanu Sai and a company secretary for investigation of theft, racketeering and tax evasion.

Lewis and Sai said they would figure a way to complete title searches they were hired to do.

They were taken from Perfect Title's downtown office in handcuffs and were questioned and jailed for several hours before being released. No charges were filed.

Lewis and Sai, who as Hawaiian kingdom subjects claim not to rec-

“As part of a state criminal investigation, Honolulu Police yesterday morning arrested Donald A. Lewis, David Keanu Sai and a company secretary for investigation of theft, racketeering and tax evasion.”



BY KEN SAKAMOTO, Star-Bulletin

Don Lewis and David Keanu Sai, co-founders of Perfect Title, show their downtown office. The men were arrested and their records and equipment confiscated yesterday as part of a state investigation.

says all government entities since the 1893 overthrow of the monarchy have been illegal and therefore cannot convey property.

Bronster said the company's liens create problems when affected properties are put up for sale.

would prevent future filings and her office would seek court approval to expunge past filings affecting state land.

She said the petition seeking the expungement can be filed by anyone whose property has been af-

fects searches they were hired to do. The company has more than 100 clients.

Bronster, however, said it would be improper for the company to continue operating and telling people it can file reports.

By virtue of the prerogative of the Crown provisionally vested in us in accordance with Article 33 of the 1864 Constitution, and to ensure a full and thorough investigation into the violations of international humanitarian law and human rights

Under its mandate, the Royal Commission of Inquiry will put together a collection of contributions by experts in the legal, humanitarian, human rights, political and historical fields. Experts in these fields from Europe have already committed to providing expert opinions that will form the basis of the Commission's report.



Royal Commission of Inquiry, hereinafter "Royal Commission," on the consequences of the belligerent occupation of the Hawaiian Kingdom by the United States of America since January 17, 1893.

War Crimes Committed in Hawai'i

- Denationalization
- Pillaging
- Unlawful appropriation of property
- Depriving a protect person of a fair and regular trial
- Destruction of property
- Unlawful confinement of a protected person
- Removing protected persons from the country



- Involuntary conscription into the U.S armed forces

regularity of its relations



the title of Protectorate, or

Co-existence of Two Legal Orders

- Inherent in the law of occupation is the co-existence of two legal orders, being that of the occupying State and that of the Occupied State
- The failure of the United States to comply with the law of occupation, for over a century, has created a humanitarian crisis of unimaginable proportions
- This failure will prompt deliberate and bold steps to be taken toward a remedial prescription
- These necessary steps must keep in mind *stability* as opposed to *change*



In *Texas v. White* (1868), the U.S. Supreme Court held that:

“acts necessary to peace and good order among citizens, such for example, as acts sanctioning and protecting marriage and the domestic relations, governing the course of descents, regulating the conveyance and transfer of property, real and personal, and providing remedies for injuries to person and estate, and other similar acts, which would be valid if emanating from a lawful government, must be regarded in general as valid when proceeding from an actual, though unlawful government; and that acts in furtherance or support of rebellion against the United States, or intended to defeat the just rights of citizens, and other acts of like nature, must, in general, be regarded as invalid and void.”

Sources of International Law

- Treaties
- International Customs
- General Principles of Law
- International and National Judicial Decisions
- Scholarly Writings



OXFORD

The International Law of Occupation

EYAL BENVENISTI

Second Edition

Law of Occupation



Chapter 4: International Law of Occupation

- Article 4.1.1—Article 43: “A seeming legal paradise”
 - The occupant is expected to fill the temporary vacuum created by the ousting of the local government and maintain its bases of power until the conditions for the latter’s return are mutually agreed upon (p. 69)
 - The administration of the occupied territory is required to protect two sets of interests: first, to preserve the sovereign rights of the ousted government, and second, to protect the local population from exploitation of both their persons and their property by the occupant (p. 69, n. 6)



Chapter 4: International Law of Occupation

- Article 4.1.2—Article 64 GCIV: Focusing on human welfare
 - The failure to set up military administration would not relieve the occupant of its duties under the law of occupation: after all, the definition of occupation does not depend on the establishment of an occupation administration (p. 73)
 - Article 42 of the Hague Regulations defines occupation as territory that is in “effective control” of the Occupied State




Chapter 4: International Law of Occupation


- Article 4.1.3—The human rights dimension
 - Civil and political rights receive extensive treatment in human rights instruments, yet are ignored by the GCIV and the Additional Protocol I of 1977 (p. 75)
 - If the political process is lawfully halted for the duration of the occupation, the suspension of political rights seems to be a sensible consequence (p. 75)
 - But the law of occupation does not prevent the halting of political rights, e.g. participation in government

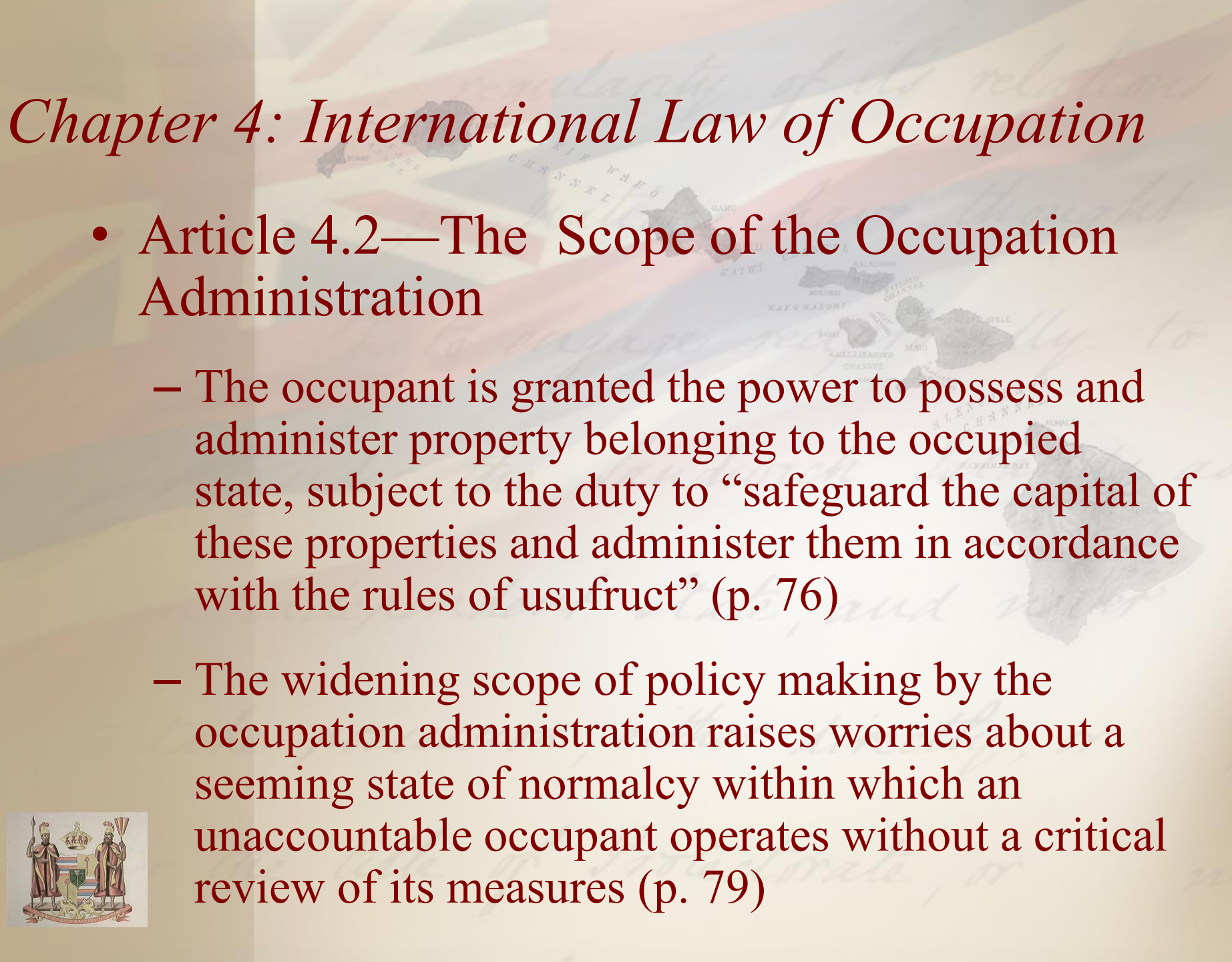


Chapter 4: International Law of Occupation

- Article 4.2—The Scope of the Occupation Administration
 - The occupant is granted the power to possess and administer property belonging to the occupied state, subject to the duty to “safeguard the capital of these properties and administer them in accordance with the rules of usufruct” (p. 76)
 - The widening scope of policy making by the occupation administration raises worries about a seeming state of normalcy within which an unaccountable occupant operates without a critical review of its measures (p. 79)



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- 



Chapter 4: International Law of Occupation

- Article 4.2.2—The management of natural resources
 - The occupant may use some of those resources but must also protect them (p. 81)
 - Most critically, the occupant is authorized, and in fact is required, to assume control over natural resources in the area, protect them against over-use and pollution, and allocate them equitably and reasonably among various domestic users (p. 81)



Chapter 4: International Law of Occupation

- Article 4.2.3—The external relations of the occupied territory
 - From the perspective of the law of occupation, it would seem that to the extent that public order and civil life depend on complying with formal international obligations and informal ‘soft law’ commitments that the ousted government had assumed prior to the occupation, the occupant should regard itself as bound by those obligations (p. 83)
 - International obligations are treaties and soft law are policies



Chapter 4: International Law of Occupation

- Article 4.2.4—The occupant’s forward-looking and post-occupation obligations
 - Present-tense obligations of the occupant toward the occupied population should be interpreted as also entailing obligations to ensure as much as the occupant possibly can the continuation of “public order and civil life” during and immediately after the termination of the occupation and the transition to indigenous rule (p. 87)
 - The law of occupation refers to “indigenous rule” not in an ethnic way but rather refers to the original government before the occupation began



Chapter 4: International Law of Occupation

- Article 4.3—Stability versus Change: The Level of Respect for the Legal Status Quo
 - The occupant must not seek to effect long-term changes that would complicate the re-establishment of authority by the legitimate government (p. 93)
 - For this reason, for example, institutional changes that modify the indigenous political institutions must in principle be avoided (p. 93)



Chapter 4: International Law of Occupation

- Article 4.3.2—Article 64 GCIV
 - The occupant may subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfill its obligations under the [Geneva] Convention, to maintain orderly government of the territory, and to ensure the security of the Occupying Power (95)



Chapter 4: International Law of Occupation

- Article 4.3.3—Human Rights
 - Complying with human rights obligations also imposes a rather rigorous legislative discipline on the occupant (p. 103)
 - Compliance with human rights obligations stipulates adherence to the rule of law (p. 103)
 - The term “rule of law” is the restriction of the arbitrary exercise of power by subordinating it to well-defined and established laws



Chapter 4: International Law of Occupation

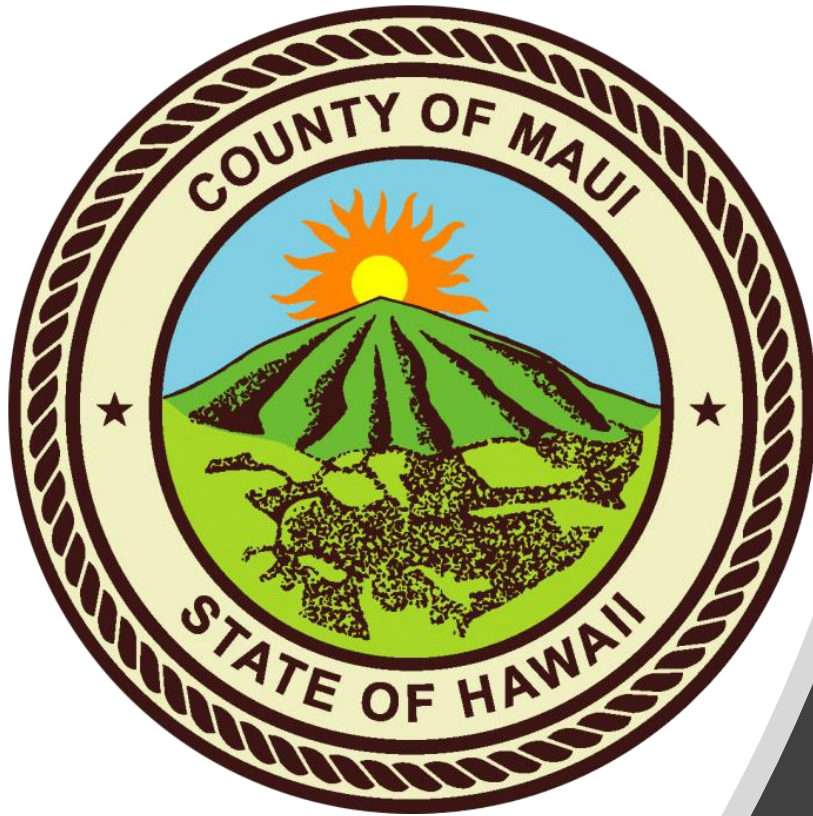
- Article 4.4—The Rights and Duties of the Ousted Government
 - The occupant should give effect to the sovereign's new legislation as long as it addresses those issues in which the occupant has no power to amend the local laws, most notably in matters of personal status (p. 104)



Chapter 4: International Law of Occupation

- Article 4.5—Nationals of the Occupying Power
 - With regard to nationals of the occupant who are not related to the latter's forces, the legal situation is not as clear (p. 107)
 - Some authorities support the territorial principle, according to which the state has no jurisdiction to prescribe, adjudicate, or enforce its laws over its citizens in the occupied area (p. 107)
 - Accordingly, these nationals are subject to the jurisdiction and laws of the occupied State



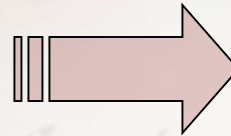


Legal Status of the County of Maui



Hawaiian State & Government

State Sovereignty
Hawai'i (1843)



Illegally
Overthrown
Hawaiian
Kingdom
1893
Government



Legal Status of the Provisional Government

- President Cleveland concluded:
 - “The provisional government was neither a government *de facto* nor *de jure*”
 - “In this state of things if the Queen could have dealt with the insurgents alone her course would have been plain and the result unmistakable”
 - “I believe that a candid and thorough examination of the facts will force the conviction that the provisional government owes its existence to an armed invasion by the United States”



United States Legation,

Private

Honolulu, Jan. 19 1893

Judge Cole: I would
advise not to make
recognition of my recognition
of the de facto Provisional Government
until said Government
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STEVENS,
United States.

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Authority of the Provisional Government

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ACT 2.

RELATING TO OFFICIAL OATHS.

Be it Enacted by the Executive and Advisory Councils of the Provisional Government of the Hawaiian Islands :

SECTION 1. All persons holding office under, or in the employ or service of the Government shall take within twenty days after the publication of this Act, the following oath, to wit :

I hereby solemnly swear that I will support and bear true allegiance to the Provisional Government of the Hawaiian Islands, and faithfully perform the duties appertaining to the office or employment of.....

Signed.....

Title of office.....

Sworn and subscribed to before me this.....day of.....

A. D.

who



Mele Aloha 'Aina (Patriot's Song)

No. 33.

HAWAIIAN ISLANDS,

Island of Oahu } ss.
District of Honolulu.

I, William Larsen aged
35, a native of Denmark residing
at Honolulu in said District, do solemnly
swear in the presence of Almighty God, that I will support the Provisional Gov-
ernment of the Hawaiian Islands, promulgated and proclaimed on the 17th day
of January, 1893. Not hereby renouncing, but expressly reserving all allegiance
to any foreign country now owing by me.

Subscribed and Sworn to before me
this 7th day of March
A. D. 1893.

Antonio Perry
Notary Public.

W. Larsen



Authority of the Republic of Hawai‘i

CONSTITUTION OF THE REPUBLIC OF HAWAII.

ADOPTED BY CONSTITUTIONAL CONVENTION, JULY 3RD, 1894.

RIGHTS OF PERSON AND PROPERTY.

ARTICLE 1.—RIGHTS OF THE PERSON.

SECTION 1. God hath endowed all men with certain inalienable Rights, among which are Life, Liberty and the Right of acquiring, possessing and portecting Property, and of pursuing and obtaining Happiness.

SECTION 2. The Government is conducted for the common good, and not for the profit, honor or private interest of any one man, family or class of men.

- The Republic of Hawai‘i was not a government, but a U.S. installed insurgency that was self-declared



Authority of the Territory of Hawai‘i

CHAP. 339.—An Act To provide a government for the Territory of Hawaii.

April 30, 1900.

TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled “Joint resolution to provide for annexing the Hawaiian Islands to the United States,” approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

“Civil Laws” and “Penal Laws,” respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-

- The 1900 *Territorial Act* is a municipal law of the United States enacted by the Congress



Formation of the County Governments

- On April 14, 1905, the Territorial Legislature overrides Governor George Carter's veto of a bill to establish (5) County Governments—Hawai'i, Kalawao, Kaua'i, Maui, and O'ahu
- The Legislature was comprised of Hawaiians who at the time held the majority of the voting population
- Under the *1900 Organic Act* the Governor was appointed by the U.S. President not elected
- Under the *1905 Act*, the heads of the Counties would be elected by the people who at the time were Hawaiians



It was resistance by Hawaiians to U.S. Territorial control

Authority of the State of Hawai‘i

Public Law 86-3

March 18, 1959
[S. 50]

AN ACT

To provide for the admission of the State of Hawaii into the Union.

Hawaii, state-
hood.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled “An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor”, approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Territory.

SEC. 2. The State of Hawaii shall consist of all the islands together



- The 1959 *Statehood Act* is a municipal law of the United States enacted by the Congress

Limitation of U.S. Municipal Laws

- United States Supreme Court:
 - “Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory...
 - and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law” *U.S. v. Curtiss-Wright Export*, 299 U.S. 304, 318 (1936)



United Nations Human Rights Expert



As a professor of international law, the former Secretary of the UN Human Rights Committee, co-author of book, *The United Nations Human Rights Committee Case Law 1977-2008*, and currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order, I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).

To: Honorable Gary W. B. Chang, and
Honorable Jeannette H. Castagnetti, and
Members of the Judiciary for the State of Hawaii

Re: The case of Mme Routh Bolomet



362. Necessity for Military Government

368. Nature of Government

It is immaterial whether the government over an enemy's territory consists in a military or civil or mixed administration. Its character is the same and the source of its authority the same. It is a government imposed by force, and the legality of its acts is determined by the law of war.

par. 354, dealing with civil affairs administration.)

Veiled Admissions of Illegality

- 1988 U.S. Department of Justice, Office of Legal Counsel:
 - “It is therefore unclear which constitutional power Congress exercised when it acquired Hawaii by joint resolution”
 - “Accordingly, it is doubtful that the acquisition of Hawaii can serve as an appropriate precedent for a congressional assertion of sovereignty over an extended territorial sea”



Veiled Admissions of Illegality

- 1994 Intermediate Court of Appeal (ICA) in *State of Hawai‘i v. Lorenzo*:
 - The ICA stated, “The essence of the lower court’s decision is that even if, as Lorenzo contends, the 1893 overthrow of the Kingdom was illegal, that would not affect the court’s jurisdiction in this case”
 - However, the ICA admitted its “rationale is open to question in light of international law”
 - The ICA also admitted the “illegal overthrow leaves open the question whether the present governance system should be recognized”



Veiled Admissions of Illegality

- 2012—Judge Hara, Third Circuit Court in *Wells Fargo Bank v. Kawasaki*:
 - After defense attorney Dexter Kaiama presented irrefutable evidence of the Hawaiian Kingdom’s existence, Judge Hara stated:
 - “What you’re asking the court to do is commit suicide, because once I adopt your argument, I have no jurisdiction over anything. Not only these kinds of cases where you may claim either being part of—being the Hawaii, um, a citizen of the kingdom, but jurisdiction of the courts evaporate. All of the courts across the state, from the supreme court down, and we have no judiciary. I can’t do that”



Veiled Admissions of Illegality

- 2013 Supreme Court in *State of Hawai‘i v. Kaulia*:
 - “Whatever may be said regarding the lawfulness’ of its origins, the State of Hawai‘i is now, a lawful government”



Veiled Admissions of Illegality

- 2017 Hawai‘i Supreme Court in *Office of Disciplinary Counsel v. Kaiama*:
 - “We conclude the Respondent’s accusations were not opinion based upon fully-disclosed facts, but were mere allegations, based upon tenuous legal analysis of broad statutory provisions which do not survive analysis”
 - “We conclude Respondent Kaiama’s allegations ‘imply a false assertion of fact’ which could ‘reasonably be interpreted as stating actual facts about their target’ which are not true”



State of Hawai‘i under International Law

- The State of Hawai‘i is not an Occupying Power established according to international law in order to administer the laws of the Hawaiian Kingdom
- As a successor to the provisional government, it “owes existence to an armed invasion by the United States”
- Under the law of occupation, the State of Hawai‘i is an Armed Force and not a government



Council of Regency under International Law

- The Council of Regency was formed in 1996 in similar fashion to the Belgian Council of Regency after King Leopold was captured by the Nazis in 1940
- As the Belgian Council was established under Article 82 of the Belgian Constitution of 1821, the Hawaiian Council of Regency was established under Article 33 of the Hawaiian Constitution of 1864
- The Council of Regency is the successor to the government prior to its unlawful overthrow on January 17, 1893



Now, therefore, We, the acting Council of Regency of the Hawaiian Kingdom, serving in the absence of the Monarch and

And, We do hereby proclaim that from the date of this proclamation all laws that have emanated from an unlawful legislature since the insurrection began on July 6, 1887 to the present, to include United States legislation, shall be the provisional laws of the Realm subject to ratification by the Legislative Assembly of the Hawaiian Kingdom once assembled, with the express proviso that these provisional laws do not run contrary to the express, reason and spirit of the laws of the Hawaiian Kingdom prior to July 6, 1887, the international laws of occupation and international humanitarian law, and if it be the case they shall be regarded as invalid and void;



and other acts of like nature, must, in general, be regarded as invalid and void;

*P
th*

Now, therefore, We, the acting Council of Regency of the Hawaiian Kingdom, serving in the absence of the Monarch and temporarily exercising the Royal Power of the Kingdom, do hereby recognize the State of Hawai'i, and its Counties, as the administration of the Occupying Power whose duties and obligations are enumerated in the 1907 Hague Regulations the 1949 Geneva Convention, IV, and international humanitarian law;

as

And, We do hereby further proclaim that the State of Hawai'i, and its Counties, shall preserve the sovereign rights of the ousted government, and protect the local population from exploitation of their persons and property, both real and personal, as well as their civil and political rights under Hawaiian Kingdom law.



Illegality Remedied by the Regency

- 2013 Supreme Court in *State of Hawai‘i v. Kaulia*:
 - “Whatever may be said regarding the lawfulness’ of its origins, the State of Hawai‘i is now, a lawful government”
- 2019 Proclamation of the Council of Regency:
 - “Whatever may be said regarding the lawfulness’ of its origins, the State of Hawai‘i is now, a lawful government”





Origin of Land Titles throughout the Hawaiian Islands



Claim N^o 433 William Crowningburgh ✓

This is a claim to a Land in Waikapeu, Island of Maui, known by the name of "Pohatoui".

From the Evidence it appears, that the claimant, owning in right of his Wife, a small land in Waikapeu, by the name of Tili-pili, exchanged the same with Pupa-hoe-hoe, in the Year A D. 1832 for "Pohatoui," the Land now Claimed; and that he has Continued to occupy the same in peace down to the present time.

This Title is made Clear by the first Rule of the Board; and we do therefore award to the aforesaid Claimant - William Crowningburgh, a freehold title less than allodial; or in other words a life Estate in said Land; which he may Commute for a fee simple title as prescribed by law.

The Survey of the above awarded Land is as follows: -



Royal Patent

N^o 950 ✓

325

ROYAL PATENT.

KAMEHAMEHA III., By the grace of God, King of the Hawaiian Islands, by this His Royal Patent, makes known unto all men, that he has for himself and his successors in office, this day granted and given, absolutely, in Fee Simple unto *Robert Robinson*, his faithful and loyally disposed subject for the consideration of *three hundred and nineteen dollars*, paid into the Royal Exchequer, all that certain piece of Land, situated at *Maunaloa*, in the Island of *Hawaii*, and described as follows:

Commencing at the N.W. angle of said lot in the middle of the ravine

Reserving the rights of Native, Servants,

middle of the ravine, thence along the boundary of Oamama up the East branch of the ravine S. 47° W. 140 feet, S. 3° E. 132 feet, S. 50° E. 355 feet, S. 9° W. 450 feet, S. 17½° W. 1448 feet, to a kukui tree, thence S 10° W. 2300 feet to a stake on the top of a hill, near an ancient ditch, thence N. 82° W. 3570 feet, across to the ravine which forms the Western boundary of this land, thence down the middle of said ravine, along the boundary of Nakaalaea and Paikii N. 20° E. 568 feet, N. 47° E. 748 feet, N. 12½° E. 300 feet, N. 12½° W. 328 feet, N. 13½° E. 455 feet, N. 22½° E. 466 feet, N. 4½° E. 415 feet, N. 15½° E. 370 feet, N. 52½° E. 370 feet, N. 28½° E. 800 feet, N. 31½° E. 615 feet to the point of commencement,

Reserving the rights of Native, Servants,



Kekiekie v. Dennis.

world. Moreover, said the Court, even if the King had not made this reservation, the plaintiff's title would be good; for the people's lands were secured to them by the Constitution and laws of the Kingdom, and no power can convey them away, not even that of royalty itself. The King cannot convey a greater title than he has, and if he grants lands without reserving the claims of tenants, the grantee must seek his remedy against the grantor, and not dispossess the people of their kalo patches.

A Land Commission *kuleana* award, held good as against a Royal Patent of anterior date, which expressly reserved the rights of native tenants.

Law of Sepulture

accessory thereto, either before or after the fact, shall be punished by imprisonment at hard labor for not more than two years, or by a fine not exceeding one thousand dollars.

SECTION 2. This Law shall take effect from and after the date of its passage.

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.



ORDINANCE NO. 4457

BILL NO. 127 (2016)
Draft 2

A BILL FOR AN ORDINANCE ESTABLISHING A

SECTION 1. In accordance with international humanitarian law, Article 43 of the 1907 Hague Convention, IV, and Article 64 of the 1949 Geneva Convention, IV, the council is authorized to legislate or the territory of Maui County as a duly recognized administration of the occupying Power, the United States of America. This bill for an ordinance is subject to the rights of native tenants and the law of sepulture.

The council finds and declares that, to protect the County's unique environment and the health and welfare of its marine and avian life, polystyrene foam food service containers must be regulated.



For More Information:

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