

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

August 21, 2019

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez (in 9:07 a.m.)

EXCUSED: VOTING MEMBERS:
Councilmember Kelly T. King
Councilmember Yuki Lei K. Sugimura

STAFF: James Krueger, Legislative Analyst
Clarita Balala, Committee Secretary

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Scott Teruya, Director, Department of Finance

Seated in the gallery:

William "Bill" Medeiros, Administrative Assistant, Office of the Mayor

OTHERS: Dr. David Keanu Sai
Kenneth O'Keefe
Nelson K. Armitage, Minister of Foreign Affairs, Lawful Hawaiian Government
Jacee Lau
(23) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*
Ben Cohn, Integrative Media Co-operative
Brian Rothstein, Integrative Media Co-operative

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PSLU-1(3): UPDATE ON LAND USE AND PLANNING IN CONSIDERATION OF HAWAII'S STATUS UNDER INTERNATIONAL LAW

CHAIR PALTIN: . . .*(gavel)*. . . The time is 9:03. Will the Planning and Sustainable Land Use Committee of August 21st come to order. I'd like to ask everyone in the Chambers if they can please silence any noise-making devices. My name is Tamara Paltin, I'm the Chair of this Committee. And I have with me this morning, my Vice-Chair, Member Sinenci.

VICE-CHAIR SINENCI: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. We have Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha, Madam Chair.

CHAIR PALTIN: Aloha. We have Councilmember Alice Lee.

COUNCILMEMBER LEE: Good morning, Chair.

CHAIR PALTIN: Good morning. It looks like Member Rawlins-Fernandez will be joining us little bit later, and Councilmember King requested to be excused, and Councilmember Yuki Lei Sugimura also requested to be excused. We have non-voting members, Riki Hokama and Tasha Kama, who are welcome to join us at any time. Today, from Corporation Counsel we got Deputy Corporation Counsel, Michael Hopper. And from the Administration, we have Director of Finance Scott Teruya. Our other resources, we have Dr. David Keanu Sai. For Committee Staff, we have Committee Secretary, Clarita Balala, and Legislative Analyst, James Krueger. Our District Office Staff, we got Zhantell Lindo from Molokai Office, Denise Fernandez from Lanai Office, and Mavis Oliveira-Medeiros from the Hana Office. Today, we have one item on the agenda, PSLU-1(3), Update on Land Use and Planning in Consideration of Hawaii's Status under International Law and this is part three of the workshop regarding Hawaii land titles. For individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with the District Office Staff. Testimony will be limited to the item on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. We have established a connection to the Council District Offices. Hana Office, Ms. Oliveira-Medeiros, do you have anyone wishing to testify at this time?

MS. OLIVEIRA-MEDEIROS: Good morning, Chair. This is Mavis from the Hana Office and there is nobody here waiting to testify.

CHAIR PALTIN: Thank you, Ms. Oliveira-Medeiros. Lanai Office, Ms. Fernandez, do you have anyone wishing to testify?

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MS. FERNANDEZ: Aloha, Chair. This is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR PALTIN: Thank you. Molokai Office, Ms. Lindo, do you have anyone wishing to testify?

MS. LINDO: Good morning, Chair. This is Zhan at the Molokai District Office and there are no testifiers.

CHAIR PALTIN: Thank you. At this time, I would like to recognize Council Vice Chair Rawlins-Fernandez. Aloha kakahiaka.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR PALTIN: For individuals in the Chamber, we have the first testifier, Kenneth O'Keefe. He is testifying on behalf of the Hawaiian National, signed Kenneth O'Keefe, Counselor, his title is Counsel.

. . . BEGIN PUBLIC TESTIMONY. . .

MR. O'KEEFE: Aloha. Thank you. The first thing to make clear is that despite the fact that I have not one ounce of kanaka maoli blood, this is not an indicating factor of my status under the law. As a matter of fact, I am a Hawaiian national. I have lawfully naturalized as a Hawaiian national. I have actually formally renounced my U.S. citizenship on several occasions. This is all verifiable. I have established in law that I, Kenneth O'Keefe, am not an American citizen. I am in fact a Palestinian citizen, an Irish citizen, and a Hawaiian national/citizen. So, let us make a distinction despite my appearances and the fact that I am technically, to put it in street language, a haole. I take no offense. Now, with regard to land, it is critical that everyone here understand that we are already making a mistake operating within this jurisdiction other than to notify you that you do not hold any lawful title at all with any of the national lands and it is important to make a distinguishment here. The national lands don't just involve the contiguous eight islands. It is the entire Hawaiian archipelago. This is the jurisdiction and the territory, land territory of the Hawaiian nation. Furthermore, that extends out to international borders. There are territorial waters and many are operating within those territorial waters without proper permits, licensing, and authority. Now, that's another matter and it will be dealt with. But, right now, those who are, whether they like it or not, of Hawaiian ancestry but have never repatriated back to their nation nor recognized in their own way or in law the existence of this nation are nothing more than American citizens of which they have rights, but they do not represent the Hawaiian nation despite what they may think in terms of the law. So, I do represent the nation as a counselor and I know a thing or two about law, and in fact, Dr. Curtis Doebbler, a dear friend of mine and an attorney who offered his services to me pro bono for life is also behind this process. So, let it be known here to all involved that you are potentially liable for criminal matters including espionage, conspiracy, and if you are a Hawaiian National and you're playing this game wrongly even treason. So, it is very important. There are not just civil matters

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here, criminal matters are taking place, and notifications will be served promptly to inform you of this. So, beware because it's not just notice at this point. There are arrests that are going to take place under the law. Thank you.

CHAIR PALTIN: Thank you, Mr. O'Keefe. Members, any questions? Member Lee? Mr. O'Keefe, there's a question for you.

COUNCILMEMBER LEE: Thank you, Madam Chair. Mr. O'Keefe, I...this is the first time we're seeing you, at least for me.

MR. O'KEEFE: I'm sorry, where...oh, there you are. Sorry.

COUNCILMEMBER LEE: Yeah. That's me.

MR. O'KEEFE: Yes, hello.

COUNCILMEMBER LEE: Okay, so where...how do you derive your authority? Were you elected or appointed?

MR. O'KEEFE: Very good question and I thank you for that. I, first off, in order to even qualify for this position, I'm a Hawaiian national, so I've already made that distinction. I am also appointed by the Minister of Foreign Affairs, who, according to the laws of the Hawaiian Kingdom, has the authority to assign me in this position. Now, he could withdraw me and that is his right to do so, but until such time as he does, I shall represent my position accordingly with regard to the law, which is paramount and again, I restate the jurisdiction of this national territory --

COUNCILMEMBER LEE: Okay. Mr. O'Keefe...

MR. O'KEEFE: --is Hawaiian Kingdom law.

COUNCILMEMBER LEE: Mr. O'Keefe, where did he get his authority?

MR. O'KEEFE: Another good question and an important one that the de facto State of the United States need to understand that according to the laws of the Hawaiian Kingdom, there is a process that is very well laid out and it has been adhered to with 100 percent accuracy and, therefore, under the laws of this nation there is a government. It is comprised of citizens who have either repatriated back to their nation or in my case, naturalized. Now, these citizens have elected a democratic body, which is the Hawaiian Kingdom government to represent their interest. And in fact, the Hawaiian nation has a government, which has an obligation as part of its inherent duties to exercise all lawful measures to protect its citizens, and this body here and individuals within it are responsible for taking possession of property unlawfully and thereby committing theft, which is another crime that those who are partaking in this can be and will be charged with and there are many others, a formal list is forthcoming in the next couple of days. So, let us deal with the criminal nature and the civil matter which also involves damages, liability, and restitution and the figures

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for that are very high considering we're talking over 100 years of unlawful dispossession, theft of national lands. In absolute defiance, not only of the law but what the laws of the United States, it self-obligates representatives of that nation. I understand a bit about their law too, given that I was a U.S. citizen.

COUNCILMEMBER LEE: Okay. Mr. O'Keefe, 'cause I'm sure others want to ask you questions that I have to be a little brief. So, I don't think anybody disputes the fact that there have been injustices, but we're wondering, you know, wherein lies the supreme authority representing the Hawaiian nations because there seems to be a number of groups, you know, identifying themselves as the leaders but, you know, there doesn't seem to be a whole lot of cohesion.

MR. O'KEEFE: Indeed. And this is a problem, a challenge rather, that the nation has to deal with. It is the reality. And with all due respect to Keanu Sai, he is nothing more than an American citizen. That is what he is according to law. He has not repatriated or naturalized. And an American citizen has rights as I've already clarified. However, they do not represent the nation of Hawaii. Now, the supreme authority, it's a good question. Actually, at the end of the day, whether you believe it or not, we answer to God, but God has provided us free will and within that free will we have exercised rights of a nation, sovereign rights, perfect rights. The law of nations is also mentioned in your own laws. In fact, there are crimes against "the law of nations" within your laws and Black's Law Dictionary also clarifies exactly what they are. So, the law of nations when we look at that, well, we're talking about the rule of postliminium, it's one that you would want to take a look at. It says very clearly that if a nation has its land dispossessed, stolen, that it never has forfeited the rights to reclaim its nation unless, of course, it somehow willing did so. Now, that gets us back to your question about who is what and what is their standing and so on. Keanu Sai is an American citizen. He has a right to voice his opinion as an American citizen, but he is still, according to the law, an American citizen. Whereas I, with not an ounce of kanaka maoli blood, am a Hawaiian national. I cannot be prime minister according to their laws. I agree with that. I would vote against any change in that law. But nonetheless I have all the rights barring that and maybe a couple of others and I'm absolutely fine with that.

COUNCILMEMBER LEE: Thank you. Thank you. Thank you, Madam Chair.

CHAIR PALTIN: Members, any further questions for the testifier?
Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. O'Keefe. I think I wanted to hear the answer to Member Lee's question. So, I'll ask it in a different way. What makes your argument for the Hawaiian Kingdom government...what makes your argument supersede other arguments?

MR. O'KEEFE: Important question. Well, it depends. Are we operating under law? May I ask that question? Are we operating under the law?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry, testifiers answer questions and Councilmembers ask them.

MR. O'KEEFE: Well, I will answer my own question. I operate under the law. My opinion, not that it matters, but in terms of law, is it consistent with the law? It is actually and the law makes very clear that the jurisdiction of the national lands within the Hawaiian nation are Hawaiian Kingdom law. Now, if somebody would like to dispute that, not only would I do it here in the court, I would be happy to do it publicly in a fair and balanced way in which we each express both our opinion and support it with evidence and the evidence makes clear that there is a lawful and unlawful form of law being practiced here. This courtroom is part of the unlawful aspect because you do not have the right to apportion land nor commit fraud and falsely represent the nation. If you are part of the nation and you represent it properly according to law, love and respect. If, however, you fit into a category in which you are misrepresenting yourself by all of these groups you're talking about because they are groups. Let us make a distinction between groups. In fact, in your own form, it says are you part of an organization. I crossed out organization and I put that I'm a counselor, a counselor of the Hawaiian Kingdom. I am not part of an organization and even if I was, it doesn't matter. It is the nation that matters because law is what is supposed to be being practiced here and it is not. It is what's called the color of law and under the color of law criminal matters become issues such as liability and false representation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response. I'll ask the question in a different way.

MR. O'KEEFE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so the group that you're with is the...

MR. O'KEEFE: It's not a group, it's a nation.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. The nation that you're with is the Hawaiian Kingdom government.

MR. O'KEEFE: Yes, indeed.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. Okay. And then there's the lawful Hawaiian government.

MR. O'KEEFE: That is the same government, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay.

MR. O'KEEFE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then Dr. Sai's group...

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MR. O'KEEFE: Dr. Sai, I apologize but I'm not sure if he has any kanaka maoli blood. If he does, then he would simply repatriate back to his nation. If, however...

COUNCILMEMBER RAWLINS-FERNANDEZ: No, no, no, I mean, the organization that Dr. Sai is with.

MR. O'KEEFE: He's with an organization and by your words and, I believe, his, he acknowledges that he's part of an organization. It doesn't mean that he doesn't deserve the same respect that I do. However, in terms of the law, he is in a very different category.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I guess it's the law...

MR. O'KEEFE: You understand right that...may I put it this way --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. O'KEEFE: --the reason why I renounced is that under the terms of citizenship, which is a social contract, it's a contract. If I buy a car, I sign a contract. I am obligated to pay under the terms of the contract of which I willingly participated. Now, at birth, do we have the opportunities to say, yes, I agree to the terms of citizenship of my nation? No. You do not. You are made a citizen. That is why I renounced my citizenship because under citizenship, which is a social contract you have not only rights, you have obligations. One of those obligations as an American citizen is to pay taxes. I know and the evidence makes self-evident that the United States uses those taxes to commit crimes including genocide, war crimes, crimes against humanity, and various other matters, which are very serious in nature.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So...

MR. O'KEEFE: And therefore, I am not going to pay taxes to a nation which commits such crimes and which I've met people in lands like --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. O'Keefe?

MR. O'KEEFE: --Palestine, Iraq, --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mr. O'Keefe?

MR. O'KEEFE: --and many others. Yes, I'm only being comprehensive to make clear for the record because the court transcripts will make this very clear.

COUNCILMEMBER RAWLINS-FERNANDEZ: But I'm sorry. It's not really making it clearer, and so I'm trying to phrase it in a way that will make it clear for the questions that we're trying to ask you.

MR. O'KEEFE: Okay. Wonderful. Thank you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. Okay. So, what distinguished...what law distinguishes your organization from other sovereignty organizations?

MR. O'KEEFE: Now, I am going to clarify every single time you say this. I am not part of an organization.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's fine. Your nation.

MR. O'KEEFE: Yes, thank you. The law. That's what makes the...

COUNCILMEMBER RAWLINS-FERNANDEZ: What law?

MR. O'KEEFE: The Hawaiian Kingdom law.

COUNCILMEMBER RAWLINS-FERNANDEZ: So that's what Member Lee was, I think, was trying to ask.

MR. O'KEEFE: There cannot be two competing forms of law in a sovereign nation. You can have a debate democratically...

CHAIR PALTIN: Excuse me, Mr. O'Keefe, maybe she's asking, like, which law 'cause there was plenty laws.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, because other organizations...I mean, if you're saying that the Hawaiian Kingdom government that Dr. Sai is a part of is invalid but the nation that you belong to is valid...

MR. O'KEEFE: Does he even claim that he's part of a government?

COUNCILMEMBER RAWLINS-FERNANDEZ: His website says the Hawaiian Kingdom.

MR. O'KEEFE: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, the Hawaiian Kingdom...

MR. O'KEEFE: So, the Hawaiian Kingdom has...may I ask, am I unaware of a form of law that the Hawaiian Kingdom practices? Is there a form of law that they practice perhaps that I'm unaware of?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. O'KEEFE: Is there...Hawaiian Kingdom law makes clear that in order for an agent of that nation to represent the nation, then they have to be a national. And according to the law, because of the overthrow which has been acknowledged many times as unlawful that this government was in suspension. It was reinstated on March 13, 1999. That's a very important date for you.

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COUNCILMEMBER RAWLINS-FERNANDEZ: I think you did your best to answer my question, but --

MR. O'KEEFE: I am answering it.

COUNCILMEMBER RAWLINS-FERNANDEZ: --it hasn't been answered.

MR. O'KEEFE: I'm answering it.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm trying my hardest to phrase it in a way that will get an answer that we're looking for.

MR. O'KEEFE: That you're looking for the truth 'cause they may be different. I will give you the truth.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. O'Keefe. Mahalo, Chair.

CHAIR PALTIN: Okay. Thank you. And just wanted to clarify on terminology, this is isn't a courtroom, it's like a Council Chambers. A courtroom is like a court building next door.

MR. O'KEEFE: Thank you.

CHAIR PALTIN: Thank you. Thank you for your testimony and thank you for being here today.

MR. O'KEEFE: Thank you.

CHAIR PALTIN: Our next testifier is Nelson K. Armitage and he's testifying on behalf of the following organization, Lawful Hawaiian Government, and his title is Minister of Foreign Affairs.

MR. ARMITAGE: Good morning, Members of the Council. The question, my name is Nelson Armitage, Minister of Foreign Affairs of the Lawful Hawaiian Government. You know, the answers that we're looking for today, it should be well known by you folks, Admissions Act. I don't know how many of you read your State Admissions Act. Mike, have you ever read your...Alice? You read your State Admissions Act, State of Hawaii, 1959, August 21st. A lot of the answers and questions that you guys asking today absolutely sits in the framework of Title 48, the creation of the State of Hawaii. Now, with that State of Hawaii claims absolutely outlines all of your answers really, truly and really, okay, because under Section 1(7)(c) of its entirety, it clearly states that the State of Hawaii is just an acting state until this form of body is recognized by the United States to be accepted into the union and all because of that is because of international law. International law plays a role on the treaty obligations between both parties. As we all know what a contract is right. A contract is a contract. It's like an automobile contract, it doesn't matter. International law holds that same

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credence between two parties of nations of agreements. Now, when a party, one of the party breaches really important to understand how do you go back and correct this breach. There's only one authority in this State if you read your Admissions Act first, then you would understand what Mr. O'Keefe was trying to say. There's only one authority. So, the State of Hawaii...let me ask you a question. Where did the State of Hawaii and how did they derive of using the Kingdom's authority and where does that authority come from? HRS. Correct? Hawaii Revised Statutes. You need to answer yourself that question. Where does HRS come from? You know, we're the only country in the world living on a revised statute, 24/7, 365. I mean, talk about being surreptitiously blind, that's basically the idealistic way of what imperialism looks for. You know, the weak, to capitalize on the weak. And unfortunately for all of us, you know, being a fool is a fool, but being played a fool is exactly where we at because the State of Hawaii has no jurisdiction based on the authority of the United States of America. You find that under Section 9, 10, and 11 on Title 48 because the State of Hawaii runs full authority only under Title 28. So, you cannot supersede the Federal government, not at all. We can because there's only one authority. The State of Hawaii is not the proper authority. I don't care how you look at it, cook 'em, burn 'em, wash 'em, put 'em on the grill, still come out the wrong party. That was exactly written in the first initial periodic report of 1993. Now, you guys remember what took place in 1993, what they also wrote? The apology resolution.

CHAIR PALTIN: Thank you, Mr. Armitage. Members, is there any questions for the testifier?
Ms. Lee?

COUNCILMEMBER LEE: Aloha, Nelson.

MR. ARMITAGE: Alice, good morning.

COUNCILMEMBER LEE: Good to see you. I know you have been involved with this for many years and I respect all of your efforts and your dedication to this, but I would be the first to admit I am not familiar with all the legalese of this.

MR. ARMITAGE: Yeah.

COUNCILMEMBER LEE: You know, the government and who is the right authority, who's not the right authority. It's very confusing.

MR. ARMITAGE: It is.

COUNCILMEMBER LEE: But you know why because there isn't just one. Everybody makes claims to being the leader of the Hawaiian nation and so the rest of us even though we are Hawaiian but we're also Americans too, yeah. So, to people like me we follow both, yeah. We honor both. So, can you tell me what is your goal, your top goal?

MR. ARMITAGE: That's a good question. End result, end game, whatever, in reality since 1893 leading up to today with all the weapon of mass confusion going on, how do you go back and correct what was absolutely torn apart and you can never fix that, it's

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irreparable. You can never fix something that my children cannot never experience anymore. My grandkids cannot. Because why? It was surreptitiously done beyond repair. Now, the only end result we looking at is how does the law affect everybody. You know, so Title 48 plays a key note on how to correct, readjust who has the authority. Where does all this civil and criminal matters relate to? And so, to get to that end result, it's almost impossible to say what I can say here today when first of all it's up to the people who was part of the whole illegal process. Confusion is the perfect example of what America lives on, you know, and I hate to say that because America is a great country. It's the people who running it, you know, that absolutely blows it out of proportion. But the reality I look at is that in law that's the only remedy that every country stands on, law. So, if the State of Hawaii is using Hawaii Revised Statute, you got to think logic, you know, revised. What is revised mean, you know? A statute but yet you cannot supersede the Federal government. What does that mean? And you can be punished under Title 28 for major problems and that's where we at. We met with Mayor Mike Victorino yesterday to bring him his legal notices behind the scenes because you continue to ignore the rules that was written. International law, you cannot extract one or two matters out of one of the conventions that they wrote or the covenants that they wrote because it comes full gamut with it. So, the United States is totally responsible for the stuffs that you folks don't understand. And by being misled in the informational process, that's one of the biggest problems that we all sitting here today trying to figure out because we lack clear understanding who's who, who's what to answer the question about a group. The Mayor today cannot even validate his jurisdiction. The Governor cannot. So, every group in the State of Hawaii has no authority. There's only one proper authority in this State that holds credence to everything that we talking about and that's the original authority of the Kingdom of the Hawaiian islands. Those treaties that was absolutely put in exile holds serious consequences whether you believe it or not because lacking understanding is the...I can see the principles right on the table here from day one. And that's one of the most important things that I take for reality because I know how to stand on the rule, and I'm not here to force or kick anybody out of the country. No. First of all, education is lacking, serious education is lacking. You know, so without educational format of understanding who's who, who's what, who possesses all these matters, who has the authority is the biggest key. Just because you born and raised here without the koko doesn't mean you have one right because you're not a citizen originally. I...can we all go to Japan and just participate in their election and call ourselves Native Hawaiian Japanese? Of course you cannot. You cannot even do that. International law, there's an agreement between two parties. If my...if our people go to their country and hanaino their government over there, according to their rule, they can punish what...at the certain level, they can put their penalties on the people, but if it's just a minor thing about buying marijuana from some street guy or something like that send my people back home and we punish 'em.

CHAIR PALTIN: Member Lee, was your question answered?

COUNCILMEMBER LEE: Pretty much. I mean you confirmed that there is a lot of confusion and there is a --

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MR. ARMITAGE: Yeah.

COUNCILMEMBER LEE: --huge need for education.

MR. ARMITAGE: True story, Alice, because the only reason is it's hard to...if I can tell you my end result but it won't make sense to you. It won't make sense to none of you because you don't understand the process. That's the problem. But the end result is real clear. It's exactly what Keanu Sai is trying to say in reality, but in truth the law prevails and supersedes just about anybody's status. So, understanding how to get to the end result, I think the most important thing is understanding the rule because without the rules and the format that's where the confusion comes from and, you know, your Governor knows very well, yeah, that he has no authority to continue to deprive people their nationalism. Okay. HRS holds no merits. I would suggest to the Council, never use HRS against Hawaiian nationals because that brings serious consequences under international law. You cannot be a citizen of a country and then claim to be a citizen of the country yet you not even recognized. Go read Section 1(7)(c) of your guys Title 48. You cannot punish original peoples as you claiming to be a cross-petitioner. You can look that up on the Arakaki versus Lingle, 2004, okay.

COUNCILMEMBER LEE: Okay, Nelson. Thank you so much. Thanks for coming.

CHAIR PALTIN: Members, any...Mr. Sinenci?

VICE-CHAIR SINENCI: Thank you, Chair. Mahalo, Mr. Armitage, for being here.

MR. ARMITAGE: You're welcome.

VICE-CHAIR SINENCI: You know, at the last time that Keanu was here, you know, he went to, he mentioned that he went to the Hague --

MR. ARMITAGE: Yes.

VICE-CHAIR SINENCI: --to address some of these issues and I was thinking would some of these issues, you know, and I thank the Chair for bringing it up because that was a question about, you know, us sitting on the Council and addressing some of these Hawaiian issues. So, is it...would it be, like, imperative that we work outside of this system or...I know you guys been trying to work within this system and how is it that working or should we be working outside, like how Dr. Keanu Sai did outside into the international arena to have our issues, you know, come to light?

MR. ARMITAGE: That's a good question, you know, a real good question. Only because when I went to the international criminal courts, I went to validate jurisdiction and it's not an easy thing to do and it's something that's so important of understanding and I did get clarification, my status as Minister of Foreign Affairs. To get that...and I'm not here to say I'm better than any or above everybody, no, I'm here to absolutely work within the framework of the law and help those understand that there are limited powers, there are limited things that can be done and done right within the

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frameworks and nobody absolutely gets cited for violations of international criminal law, not only that, against the treaties of 1847, the treaty of Amity and the treaty of friendship, it goes on and on, and the conventions that all comes along with all of this. Nobody else can absolutely use that authority except the people who elected the people of this country back into, from exile into his power. So, I'm pretty sure Mike remembers that we lawfully asked the assistance from the Mayor over and over to run our elections properly and people there taking that...and that was the time...we have another one coming up. That is the time to sit and join and find out what the information is all about. Continuing to move forward and being labeled as a group, I don't take it to no offense 'cause ignorance does play a big role in this whole thing, you know, lacking information that's the key point of the ignorance. So, for me, I don't take it personally but I do have a position to take care, I have a job to fulfill, making sure that the people don't get continue derive, deprived from the State's unlawful claims of authority, the improper--how do you say it--land taking from people that...first of all, you take land and yet you don't even acknowledge the owners of the property. That's criminal. So, and then you go take it and then when you take a royal patent and your, this Committee has a history of it and you put it to TMK. You know what you call that? Counterfeiting. You cannot take somebody else's identity and the authority and just believe because somebody said that you have the right to do this and you go do these things without having full knowledge is dangerous. It's like giving a child a gun or a red button, either one. It's dangerous. That's how dangerous this matters are, and I'm here to just help to inform the Council that this is real. And if you being misled by anybody else, you should question the integrity of the person because the reality is if you don't have information about Title 48, how the State was created and what jurisdiction it falls under, under paragraph 9, 10, and 11, that brings serious consequences because you all acting under color of law and that's under the United State of America who has the right under Title 18 through 41 to punish every single person who violates international law. And believe it or not, everyday it's happening, every single day. I'm not here to watch anybody be punished because that'd be wrong on my part. I'm here to help prevent this thing from happening. I'm here to help support and bring knowledge that be careful. If you guys going be misled it's not my problem, you know. I'm trying to help you folks. I try to reach out many times and we already pass the rule in 2010, Resolution House Number 1079, absolutely helps you understand exactly how international law works. And so, I cannot believe since Mike Victorino was a councilmember then 'til today we still get this oppression and under false belief of the State's authority and County authority --

CHAIR PALTIN: Member Sinenci, was your question answered?

MR. ARMITAGE: --that continues to be played out.

CHAIR PALTIN: Okay. Thank you very much. Members, any further questions for the testifier?

VICE-CHAIR SINENCI: Mahalo.

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MR. ARMITAGE: Mahalo.

CHAIR PALTIN: Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Armitage.

MR. ARMITAGE: Good morning.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your testimony. Okay, I'm going to try to ask you the same question I asked Mr. O'Keefe, and we'll see if we get an answer. Okay. So, obviously, you believe that your argument for authority for this nation is a stronger argument than any other argument by anyone else. What gives your claim for this authority or what makes it stronger than any other claims to lead the nation?

MR. ARMITAGE: First of all, there is no argument, to be honest. The only thing I see...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. We'll not say argument, we'll say your claim.

MR. ARMITAGE: No, no, there is no argument about jurisdiction, okay. That's the point you trying to get to. Who has the proper claim to this authority?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. We have the Hawaiian Kingdom, we have the Lawful Hawaiian Government, and I think it's the same thing as the reinstated Kingdom of Hawaii and then the Hawaiian Kingdom Government led by Mahealani Kahau, Nou Ke Akua Aupuni O Hawaii, and I'm not sure if that's the same.

MR. ARMITAGE: Perfectly said, perfectly said. Here's the unique thing about authority, again, you need to validate your authority, okay. In the State of Hawaii, again, go read Title 48, can never meet that requirement. The Lawful Hawaiian Government...

COUNCILMEMBER RAWLINS-FERNANDEZ: Not compared to the State.

MR. ARMITAGE: No, I'm trying to show you how the authority works, how do you derive through receiving this authority.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, if other groups use your same argument of the Admissions Act in their own authority, what gives you more authority than someone else using that same claim?

MR. ARMITAGE: The elections of our country is the authority. The people who votes for this country and their people has that authority. Again, this is the wrong side and the right side of it all. Can the County prove and the State prove that they have jurisdiction to put on such authority?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Right, but I'm not comparing your authority to the State's authority. I'm asking about your authority versus other Hawaiian national authority.

MR. ARMITAGE: That's my point. That's my point and you need to have them validate authority. We can.

COUNCILMEMBER RAWLINS-FERNANDEZ: No, but I'm asking about your validation, your authority compared to...

MR. ARMITAGE: I just...I said it. It's done by our people in...through the election.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, your elections --

MR. ARMITAGE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --is your authority?

MR. ARMITAGE: And that is used...

COUNCILMEMBER RAWLINS-FERNANDEZ: So, if other groups have elections and claim, use the same foundational claim as you use, then what makes your claim stronger than someone else's claim who also holds elections?

MR. ARMITAGE: First of all, you cannot use somebody else's authority. That's the most important thing you need to understand. You cannot just...another group or another person who, again, misleading individuals cannot just use the Kingdom's constitution without clarification. The State of Hawaii has been doing this since August 21, 1959. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, but I'm not comparing your argument to the...

MR. ARMITAGE: No, but you are comparing groups against groups against groups against us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right, and so that...right.

MR. ARMITAGE: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

MR. ARMITAGE: Correct?

COUNCILMEMBER RAWLINS-FERNANDEZ: That's correct.

MR. ARMITAGE: Now, again...

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COUNCILMEMBER RAWLINS-FERNANDEZ: And not the State.

MR. ARMITAGE: Real simple. Have them validate their jurisdiction. Have them validate how they got their authority. I can prove our authority's done through the elections.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. ARMITAGE: There's only one authority and there's only one thing we all can do is the right thing and now that authority possessed is absolutely within the framework of the government's authority. Who has that authority? The heirs of this country has that authority to reinstate its country, to put back its political authority without any interference from other countries until that authority it manifests so that they can reach the international courts and bring charges against the breach of the contracts.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Armitage.

MR. ARMITAGE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR PALTIN: Thank you. Members, any further questions? Seeing none, thank you for your testimony --

MR. ARMITAGE: Thank you for your time.

CHAIR PALTIN: --and for being here today. Is there anyone else in the gallery wishing to testify at this time? Mr. Lau, come on down. If you can introduce yourself and fill out some papers after, that'd be awesome.

MR. LAU: My name's Jacee Lau. That's how you say it, Lau.

CHAIR PALTIN: Lau.

MR. LAU: So, I'm kind of...I'm glad you...I'm glad we're having this discussion 'cause I've been wondering some stuff too. I come from the United States. I never got, like, sworn in. I was in the military. The military actually...I wouldn't say that you were in the military even though I respect you, Colonel. That's like, I would, I'll put that on the bad list although they do teach you good stuff like discipline and stuff, yeah. So, I'm kind of, I'm watching you. I'd like to see you in uniform. When I read...I've been trying to figure this whole thing out, too, and in the Bible says, a guy asks Jesus, what's the law, and Jesus said, number one, and number two, you got to love your father but maybe mother for you girls, like Pele, she was a girl. But, and then number two law is love your neighbor. And so, as far as the agendas going on land use I think about and speaking of Jesus and stuff. There's two churches in my neighborhood when I go up there who have a lot of land and they're not using it to help anybody that I can see. Thank you for your time.

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CHAIR PALTIN: Thank you, Mr. Lau. Any questions for the testifier? Seeing none, any further testifiers? Seeing none, if there are no objections, I'll close public testimony at this time.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR PALTIN: So PSLU-1(3), Update on Land Use and Planning in Consideration of Hawaii's Status Under International Law, and this section we'll be dealing with Hawaii land titles. Pursuant to Rule 7B of the Rules of the Council, the Committee intends to receive a presentation from Dr. David Keanu Sai relating to an update on land use and planning in consideration of Hawaii's status under international law and other related matters. The related matters would be the land titles and seized lands. So, the reason that I scheduled this item is it's a continuation of the first question on the first workshop. I knew that we're probably going to have to make decisions and hear about issues dealing with what I thought was ceded lands and then after the first and second workshop we learned it's actually unceded lands because there's no treaty of cessions, so you can't have ceded lands. So, you can call 'em seized lands or unceded lands and then that information, I guess, led to the issue with most all titles because of the illegal annexation and occupation. So, this is just the continuation on that theme and us as decision makers not being grown up, taught this kind of history of ceased lands, annexation, and like that in regular public school or most private schools, thinking that we need a workshop to make informed decisions from all the testifiers and the presenter and, you know, even your own background work that you choose to do. So, I have here today Dr. David Keanu Sai and Dr. Sai has a PhD in Political Science specializing in international law, state sovereignty, international laws of occupation, United States constitutional law, and Hawaiian constitutional law from the University of Hawaii at Manoa. Because of his expertise in these subject areas, the Chair will ask he be designated as a resource person pursuant to Rule 18A of the Rules of the Council, if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: So, no objections, Dr. Sai, can you proceed with your presentation at this time?

DR. SAI: Thank you, Madam Chair.

CHAIR PALTIN: Thank you.

DR. SAI: Aloha. It's good to be back here again. Aloha. Well, it's good to be back here again. A lot of things happening on the mauna. Wow, that thing is really galvanizing

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a lot of people. I think what it's also doing is getting people to start ask...ask the right questions. That's what's starting to happen and that's good. To me, I don't take it as what side you're on, just really the questions. And these questions are going to lead to answers and no doubt as we covered before in the last two presentations that would open it up for more questions and that means we're on the right path, right. We need to try to understand what's going on. Now, my background that I bring to the Council here is my background as a political scientist. My law journal articles, my publications, in fact I just got word this past month that *Oxford Press* asked if I could write one chapter on the Hawaiian Kingdom, which is a book of non-European powers in the age of empire. So, word is even getting out beyond Hawaii, right, with regard to how we are tackling Hawaii's history, okay. Now, this presentation that I'm going to be giving is going to be focusing on land titles and I'm going to touch upon the so-called ceded lands and why they're not ceded, and then also as it ventures into private lands, private lands that are not ceded but were held in a private capacity, okay. So, just to recap, as far as the why the Hawaiian Kingdom still exists, I'm talking about the Hawaiian Kingdom as a country. I'm not talking about the Hawaiian Kingdom as a sovereignty group. My great grandfather was born in 1880 in the country called the Hawaiian Kingdom, so that's what I'm referring to is the country, not the government, right. Well, that country received its recognition of independence in 1843, specifically November 28. That day, November 28, La Kuokoa is Independence Day. That was a national holiday in the Kingdom. So, my great grandfather in 1880 would probably be celebrating on November 28, 1893, the 50th anniversary of Hawaiian independence. In fact, it was going to be celebrated across all the islands. Now, that country called the Hawaiian Kingdom was represented by a government called the Hawaiian Kingdom Government and it was a constitutional monarchy, okay. Now, in 1893, we know that that government was illegally overthrown by the United States military, but by overthrowing the government that did not mean the country ceased to exist and we covered that in the last two presentations, the workshops. So, just as Saddam Hussein went into Kuwait in 1990 and overthrew the Kuwaiti government. That did not mean Kuwait ceased to exist. Kuwait was still a country, it was called occupation. Now, how I know that, just from my military experience. In 1990, I was in Fort Sill, Oklahoma as a captain going through officer's advance course. We knew the country still existed despite the government being overthrown militarily, despite the fact that Saddam Hussein in Baghdad unilaterally annexed Kuwait and called it an Iraqi province. We knew Kuwait still existed. Our job back then was to get the Iraqis out of Kuwait, not to restore the country. The country never left but getting the Iraqis out and then the Kuwaiti government comes back in. That's exactly what happened in 1893. What was overthrown in 1893 was the Hawaiian government, which the President of the United States, Cleveland said was illegal. He said that the existence of the provisional government is tied directly to an armed invasion by the United States, despite that the country called the Hawaiian Kingdom still exists. It's just that there's no government there speaking on behalf of the country, okay. So, now that we know that the Hawaiian Kingdom continues to exist but it has no government, how does the United States or how did the United States acquire the country called the Hawaiian Kingdom? Well, according to Professor Oppenheim, leading expert in international law, he says, cession of state territory is the transfer of sovereignty over state territory by the owner state to another state. So, when you hear

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the word "state," they referring to country, right, sometimes called nation state. And the only form in which a cession can be effected is an agreement embodied in a treaty. So, you need a treaty where one country through its government is going to cede its territory to another government. So, here we have two sovereign entities, two countries represented by their, being represented by their government, one government will cede territory to another country, right, and it can happen either during peace, a voluntary transfer--see, this is where the word "cede" comes from or ceded lands from cession--or actually involuntary cession called a Treaty of Peace, which ends the war. So, here's the United States just to recap what we covered the last workshop. The United States acquired its first cession from France in 1803 called the Louisiana Purchase, that is called ceded lands, right, and America actually bought those land for \$14½ million at that time. The place we call Florida was transferred by the Spanish in 1819, ceded lands. So, prior to 1819, Spanish law applied over that territory; after 1819, American law. The Pacific Northwest transferred by the British in 1846. Now, way up north in Alaska 1867, Russia ceded the Alaskan territory to the United States, which gave the Congress the ability to create a territorial government for Alaska in 1912. And then in 1959, Alaskans who were Americans voted through a plebiscite to change the name from a Territory of Hawaii to the state...sorry, the Territory of Alaska to the State of Alaska, but you need the treaty first. Now, those were all transferred voluntarily. We have an example here involuntary transfer. Well, actually it was voluntary 'cause they signed a treaty called a Treaty of Conquest, Treaty of Peace, and that's 1848 Treaty of Guadalupe Hidalgo, that ended the Mexican-American War and all territory north of the Rio Grande then became U.S. territory. Prior to that, Mexican law applied. So, what is the authority of the annexation of Hawaii, right? We can't jump straight to statehood 1959 'cause there was a plebiscite. We need to find out whether or not there was a treaty. Well, in 1898, July 7, instead of a treaty, what we have is a joint resolution to provide for annexing the Hawaiian islands to the United States. It's not a treaty. It's an American law. American laws apply to U.S. territory. Treaties apply outside of your territory. If you notice also in that joint resolution, it says that the Republic of Hawaii cedes and transfers to the United States the absolute fee and ownership of all public government or crown lands. This is where we get the idea of ceded lands. The problem is that's not a treaty, that's legislation. That's as if Maui County Council passed an ordinance annexing Hawaii County. You have to have an agreement between Hawaii County and Maui County. That agreement in international terms would be called a treaty, but Maui County can't create an ordinance annexing Hawaii, Hawaii island. Now, what's interesting is here's a little tidbit from Maui itself, *The Maui News*, October 20, 1900. G. B. Robertson is the editor and he's going to be giving...he's writing an editorial with regard to Thomas Clark, who's a candidate for territorial senator from Maui, 1900. So, he writes, Thomas Clark, a candidate for territorial senator from Maui, holds that it was an unconstitutional proceeding on the part of the United States to annex the islands without a treaty, and that as a matter of fact, the islands are not annexed and cannot be, and that if the democrats come into power they will show the thing up in its true light and demonstrate that the islands are de facto independent at the present time. Obviously, Thomas Clark knew there was no treaty, but he also knew Hawaii's still independent. It's not part of the United States. So, the response by G. B. Robertson, the editor says, Thomas, necessity knows no law, and it was

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absolutely necessary to annex the islands at the time it was done. And further, Thomas, if it becomes necessary to annex Cuba, it will be done quicker than a wink. It is but fair to give you credit for being honest in your views, Thomas, but you don't quite understand the American people just yet, hence you are very misleading. He did everything except for answering the question, asking, answering a question as to how did Hawaii get annexed without a treaty. But the point he's making though, obviously he's making a reference, one, Thomas knows there's no treaty. Why does he not know? Why does he know there's no treaty? Also, when he says he doesn't understand the American people, that means Thomas is not American. Who's this guy, Thomas Clark? Folks, remember the signature petitions, the 28,000 signatures, the Hui Aloha Aina Hawaiian Patriotic League, that was signed and it was submitted to the Senate and it killed the treaty? Well, here's the petition for the heir of Wailuku, Maui, there's Thomas Clark right there, age 42. Next to his name, you see the word Hawaiian. That means Thomas Clark was a Hawaiian subject. Actually, Thomas Clark was actually haole but Hawaiian. You guys see how that term is used. One is a citizenship, the other is ethnicity. Hawaiian is actually ethnic, not ethnic, it's actually nationality, yeah. So, he knew there was no treaty. Now, why is it that we don't know what Thomas knew? That's 1900. Today, it's 2019. He obviously knew there was no treaty, so he wouldn't refer to anything being ceded, right. Something happened to us, and I covered that before, and that's called denationalization. Okay. We're led to believe something that's not true. So, not only Thomas, who else knew that a joint resolution cannot annex anything? Well, Senator William Allen in 1898, he actually put this on the record, regarding the joint resolution of annexation of Hawaii, he says, the Constitution and the statutes are territorial in their operations, that is, they can have no binding force or operation beyond the territorial limits of the government in which they are promulgated. In other words, the Constitution and statutes cannot reach across the territorial boundaries of the United States into the territorial domain of another government and affect that government or persons or property therein. So, he's admitting you can't pass the law annexing a foreign country. That's the, that's a senator, and there are a bunch of them that said that, Senator Pettigrew, Senator Thomas Ball from Texas. Senator Allen also concludes, the joint resolution is ipso facto, null and void. He just said it's nothing. So, why is it that we don't know this? Obviously, Thomas knew it and he's from Maui, this guy's a senator in the Congress. And then, in 1900, United States Congress passed another law, an act to provide a government for the Territory of Hawaii, and this is where they're going to change the name of the Hawaiian Government to the Territory of Hawaii. And then in 1959, Public Law 86-3, the Congress passes another law transforming the territory into a state. Now, let's use Alaska as an example again; 1867, there was a treaty that transferred Alaska to the United States from Russia. In 1912, the United States Congress passed a law creating the Territory of Alaska, and then in 1959, had a plebiscite on whether or not they should transform the territory into the State of Alaska, and it was, became the 49th state of the United States. So, here we are at Statehood Act, 1959, which derived from a territorial act in 1900 which derived from no treaty, except for a joint resolution. And then, in 1993, United States Congress passed a law...okay, you know what, this thing always happens on a PC. James, can I switch my computer?

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CHAIR PALTIN: I'm just gonna take a quick recess at the call of the Chair for technical matters. . . .(gavel). . .

RECESS: 10:02 a.m.

RECONVENE: 10:16 a.m.

CHAIR PALTIN: . . .(gavel). . . Will the Planning and Sustainable Land Use Committee meeting of August 21st return to order. The time is 10:16. Thank you.

DR. SAI: Okay. Apologize for the technical difficulties. So, if anybody wants to get some advice, if you have a PowerPoint from a Mac and you try to play it on a PC, it'll throw the slides off. So, just as a future reference in case you're going to try to do what I did. Okay. So, what we were covering up to this point was the issue of ceded lands, right, you need a treaty. Without a treaty, nothing is ceded. And what's amazing here is Thomas Clark from Wailuku, Maui in 1900 knew exactly that, and that Hawaii was still independent. He wasn't making a political statement. He was actually making the point that he knew 'cause he was one of those who signed off on the Hui Aloha Aina signature petition, which killed the treaty, right. So, you talking...this guy Thomas Clark was informed, was well informed of information. In fact, the newspapers back then, they all knew, they all knew. The problem is we don't know now, right. So, we have to recover our memory, alright, we have to recover, and that's what we're doing right now. Well, in 1993, the...I'm pointing out here, under Public Law 103-150, they apologize for the illegal overthrow of the Hawaiian Kingdom. Question here for the Councilmembers. What was overthrown in 1893?

UNIDENTIFIED SPEAKER: The monarchy.

DR. SAI: The monarchy or the government, but it's difficult to say monarchy because Hawaii was a constitutional monarchy and you had, it was shared represent, a represented democracy. That's what it was. If you say, overthrow of the monarchy, it kind of implies that it was an absolute monarchy. It was actually very progressive, yeah, very constitutional, very limited. In fact, one of the provisions in the Hawaiian Kingdom Constitution says and applies to those who are going to be the monarch, serve in that office of the monarch or serve as a representative or even serve as a noble. It says, no one should sit upon the throne who has been convicted of an infamous crime, insane, or an idiot. Yeah, that's actually in the Hawaiian Constitution. That's limiting authority, right. But they having...Hawaii is having experienced the insanity of King George III when Kamehameha I became a part of the British empire. King George III lapsed into insanity, right, and he was replaced by the, his son, the Prince Regent who later came to be known as King George IV.

CHAIR PALTIN: Member Lee?

DR. SAI: Yes?

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COUNCILMEMBER LEE: Can I ask a quick question? Okay. So, you said something about they cannot serve if, you know, you committed a crime. Did you say if they didn't have the proper lineage? Did you say that? No?

DR. SAI: No.

COUNCILMEMBER LEE: Oh, I didn't hear, okay.

DR. SAI: Under Hawaiian Constitutional law, the monarch has to be aboriginal stock, the chief, 'cause you also had chiefs back then who weren't aboriginal or native, but it did limit the monarchy to the native blood, aboriginal stock, that's actually the term they used.

COUNCILMEMBER LEE: Well, because the reason I'm asking is Queen Liliuokalani was adopted. She was hanai'd, right?

DR. SAI: Yeah, well, actually King Kalakaua who named Liliuokalani as his successor in 1877 after the brother died, right, they're actually not Kamehameha line.

COUNCILMEMBER LEE: Yeah, so that...

DR. SAI: Yeah, so you don't have to be from the Kamehameha line.

COUNCILMEMBER LEE: I see.

DR. SAI: Yeah. But they were elected, so King Kalakaua was elected by the Legislature in 1874 as a successor to King Lunalilo who was elected by the Legislature in 1873 because King Kamehameha V did not name a successor to the throne. But, yeah, Prince Albert Kunuiakea, he's supposedly the illegitimate child of Kamehameha I, Kamehameha III, sorry. He was living at the same time in 1893, he's of the so-called Kamehameha line, he wasn't the monarch. Liliuokalani and Kalakaua were, and they're not of the Kamehameha line. So, this idea of being a Kamehameha has nothing to do with Hawaiian Kingdom law. It's actually being of a nobility, and then being elected to ensure you're not an idiot, you're not insane, and that you haven't been convicted of an infamous crime, that's the phrasing in the Hawaiian Constitution, right. Good point. So, here we have Public Law 103-150, where they apologize for the overthrow of the government, not the Hawaiian Kingdom. But what they also have in there, it says, whereas the Republic of Hawaii also ceded 1.8 million acres of crown, government, and public lands of the Kingdom, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government. Well, actually, nothing was ceded, and by them saying the unconsented, that means, if anything, the Hawaiian government, if it's government land, it's supposed to consent to any transfer. They're admitting they didn't consent. You have a problem with the title there. They're acknowledging at least there's a cloud. But when you see that it was done without a treaty, then it's not a cloud, nothing was ceded, period. Like Thomas Clark succinctly stated there's no treaty. So, United States laws have limitations just as Senator Allen was saying, they're limited to U.S.

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territory. So, you have borders and U.S. laws have no effect beyond the borders of the United States. So, if that is the case, then the joint resolution of annexation has no effect of any cession. 'Cause cession is not supposed to come from the entity that's receiving it, cession is supposed to come from the entity that is transferring it. And the apology resolution admitted it happened without their consent, so obviously, they're agreeing that a joint resolution of annexation didn't annex anything, let alone cede. Now, the United States Supreme Court, what do they say about American law? Well, it says the laws of no nation can justly extend beyond its own territories. They can have no force to control the sovereignty of any other nation. Then it goes on to state in U.S. v. Curtiss-Wright in 1936, neither the Constitution, the Federal Constitution, nor the laws passed in pursuance of it, Federal laws, 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. What we've been trying to do is explain Hawaii's situation through the American Constitution and Federal laws, 'cause we're assuming Hawaii's a part of the United States. Once we identified the fact that Hawaii is not part of the United States, we're supposed to be using international law, international understandings to understand Hawaii's situation, and that's my area in my PhD in Political Science. So, what we have are national laws and international laws. So, we got to the left the United States of America with its territory, to the right the Hawaiian Kingdom with its territory. The United States Congress passed the law in 1898 called the Joint Resolution of Annexation. Two years later, the Territorial Act was enacted in 1900, and then in 1959, the territory was changed to the State of Hawaii called the Statehood Act, and then in 1993 the Congress apologizes for the illegal overthrow. And then under the Hawaiian law, you have the 1864 Constitution, oops, you have the 1850 Criminal Code, you have the 1859 Civil Code, and the 1894 Compiled Laws. Hawaiian laws apply to Hawaiian territory, American laws apply to U.S. territory. They're separated by international law. You need a treaty in order for all those American laws to be applied in Hawaii. We don't have a treaty. That's the problem. But yet, we've been led to believe there's a treaty and the evidence of that is we keep saying ceded lands. Ceded implies something was transferred when in fact it wasn't. That was part of the propaganda that started in 1906 under the program for patriotic exercises, which we covered in the first workshop, right. So, we're led to believe something that's not true. What does apply to Hawaii's situation is international law. In particular, the 1907 Hague Convention and the 1949 Geneva Convention, so they regulate states that are occupied.

CHAIR PALTIN: Member Sinenci, did you have a question?

VICE-CHAIR SINENCI: Yeah, thank you. I just had a quick question. Did the government of the Republic of Hawaii have a right to enter into any treaties or agreements with the U.S. at the time?

DR. SAI: No. By the United States President's own admission, where he said the provisional government when he told Congress was neither de facto nor de jure but self-declared, and then one year later on July 3rd, these individuals changed their name to the Republic of Hawaii. They're still neither de facto nor de jure, right. And what they're

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trying do is trying to get recognized from other countries around the world. Well, those recognitions of the Republic of Hawaii that took place in 1894, that is actually evidence of intervention, evidence that other countries are intervening in the internal affairs of another country by supporting a puppet regime of the United States that the president said owes its existence to an armed invasion by the United States. Now, now, the one thing about the Republic, as they were trying to get recognition, you know, they're trying to get some sense of legitimacy, which they didn't have, they did enter into a so-called treaty in 1897 with President McKinley. Queen Liliuokalani was in Washington, D.C. at that time and filed a diplomatic protest, right, in the summer of 1897, July, saying that this treaty is illegal, it's a violation of international law. And she basically said, you must follow what you already committed to with James Blount's findings and President Cleveland's conclusions. Well, James...well, President McKinley refused to take heed of the Queen's protest and he still intended to submit the treaty to the United States Senate for approval called ratification, and the Senate was not going to be reconvening until December of 1897. This is the summer of 1897. That is what activated in September, the Hawaiian Patriotic League to gather 21,000 signatures against annexation. It also got the Hui Kalai`aina, the Hawaiian political association to get 17,000 signatures against annexation. So, they arrived in Washington before the Senate was going to convene in December and they met with Senator Hoar from Massachusetts who agreed to read in the petitions against annexation to make the record, but they chose to only use the Hui Aloha Aina's petition, not the Hui Kalai`aina 'cause the Hui Kalai`aina was restoration of the monarchy and against annexation. Well, their decision back then was made to only go with the Hui Aloha Aina, 'cause all it was was protesting annexation in any way, shape or form, that's all, and the U.S. Congress was very anti-monarchies. So, that was the decision they made for the 21,000 signatures. And then they were told by Liliuokalani who was in Washington at that time, that these officers of the two organizations namely David Kalauokalani, a sheriff from Molokai, he was the head of the Hui Kalai`aina, and James Kaulia, an attorney head of the Hui Aloha Aina, their job was to pound the pavement and go to every senator who voiced an opinion that they're going to ratify the treaty 'cause you need two-thirds of the senators. They chiseled it down. Because of their activity, not just because of the petition, because of their pounding the pavement they were the ones who killed the treaty. So by March of 1898, the treaty's dead. They can't ratify it. Spanish-American War breaks out the very next month in April and that's when Francis Newlands introduces the joint resolution of annexation. So, they were trying to do it by a treaty but it got killed, not because of their good graces, but because of the activism by Hawaiians who killed it. That story is covered by Noenoe Silva in her book, right, that was the topic of her doctoral dissertation. She's now a professor in political science up at UH. So, again, we don't know this history but it's now starting to unveil itself with profound ramifications. So, we have here is really a governmental infrastructure that started in the Kingdom era separation of powers, right, legislative, executive, judicial. All we had from 1893 was the same governmental structure but name change from Hawaiian Kingdom to provisional government, provisional government to Republic of Hawaii, Republic of Hawaii--oh, sorry--Republic of Hawaii to the Territory of Hawaii, and from Territory of Hawaii to the State of Hawaii. In fact, everything here goes back to 1845, yeah. This is not a creation of the United States. This was called a hijacking. Change the head,

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keep the car. If anything, they painted the car red, white, and blue, but it's a different car. And now after 100 years, the paint is chipping, and now people are starting to ask the right questions. Wait a minute, I see a different color of this car. Now, in 1988, 90 years after the so-called annexation of Hawaii by joint resolution, the Office of Legal Counsel from the Department of Justice came out with an opinion. That opinion hasn't changed. Now, this is the same Office of Legal Counsel that Robert Mueller was relying on that the, a sitting president cannot be indicted. This is the same office, different subject though. What they're looking at and what they stumbled over was Hawaii's situation. So, Douglas Kmiec, Assistant Attorney General, stated in his opinion, despite these constitutional objections, Congress approved the joint resolution and President McKinley signed the measure in 1898. Nevertheless, whether this action demonstrates the constitutional power of Congress to acquire territory is certainly questionable because Congress has no effect beyond its borders. Then he concludes, it is therefore unclear which constitutional power Congress exercised when it acquired Hawaii by joint resolution, 'cause you can't, but they even stumbled on this information and that's in Washington, D.C. What I find ironic is five years later the apology resolution came out and now it's going to steer this issue into making it native and an issue of self-determination, right, and Native Hawaiians are indigenous people, similar to Native Americans. That's called the bait and shift, right, or what I would call the red herring or Hawaiians from Lahaina is called throwing the akule over here as opposed to throwing the red herring over there. Look over here. No, no, stay focused. In 1988 they said, we don't know how Hawaii was annexed. Now, this information is very complex. This is not something that people can just get, right. Well, Matthew Craven, Dr. Matthew Craven, who later became the Dean of the University London Law School in Great Britain authored this opinion, and you folks have a copy of that. This is in 2002 being a portion of a legal brief provided for the acting Council of Regency. If we weren't the Council of Regency, we wouldn't get this legal opinion from this expert, and he covers why the Hawaiian Kingdom still exists, covers it in detail. Any claim that the United States may make over Hawaii, he covers it. He states, the implications of continuity of the Hawaiian Kingdom in case of Hawaii are several, a) that authority exercised by United States over Hawaii is not one of sovereignty, i.e., that the U.S. has no legally protected right to exercise that control and that it has no original claim to the Territory of Hawaii or right to obedience on the part of the Hawaiian population. Furthermore, the extension of U.S. laws to Hawaii apart from those that may be justified by reference to the law of belligerent occupation would be contrary to the terms of international law. It's all laid out here in this legal opinion. Now, remember the last meeting, this is after we got back from the Netherlands, from the Permanent Court of Arbitration. We needed people to be educated. Why not access an international law expert from the University of London? And he was actually recommended to me by James Crawford, who now currently sits as a judge on the International Court of Justice. James Crawford was one of the arbitrators in Larson vs. the Hawaiian Kingdom arbitration case. Now, what we also have is this just came out last month, and this is a legal opinion on war crimes related to the United States occupation of the Hawaiian Kingdom since January 17, 1893, and it was done by William Schabas, he's a professor of international law and you folks also have this copy, he's the leading expert on international criminal law and war crimes. So, he writes, this legal opinion is made at the request of the head of the

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Hawaiian Royal Commission of Inquiry, Dr. David Keanu Sai in his letter of May 28th, requesting of me a legal opinion addressing the applicable international law, main facts, and the related assessment, allegations of war crimes, and defining the material elements of the war crimes in order to identify mens rea, the guilty mind, and actus reus, the conduct or action tied directly to a crime. It is premised on the assumption that the Hawaiian Kingdom was occupied by the United States in 1893 and that it remained so since that time. Reference has been made to the expert report produced by Professor Matthew Craven--which is the opinion you folks have--dealing with the legal status of Hawaii and the view that it has been and remains in a situation of belligerent occupation resulting in the application of the relevant rules of international law, particularly those set out in the Hague Conventions of 1899 and 1907 and the fourth Geneva Convention of 1949. So, you're getting experts looking into these areas. This is not people giving unqualified opinion. These are legal opinions coming from recognized experts internationally. He also states that statutory limitation of war crimes is prohibited by customary law. What he's referring to is when you commit a war crime there's no statute of limitation, there is none, and that's what people have to be careful about. In fact, they're still hunting Nazi's in South America. The prohibition of statutory limitation for war crimes has been proclaimed in several resolutions...resolutions of the United Nations general assembly. In a diplomatic note to the Government of Iraq in 1991 regarding Iraq's occupation of Kuwait, the government of the United States declared that under international law violations of the Geneva Conventions, the Geneva protocol of 1925 or related international laws of armed conflict are war crimes and individuals guilty of such violations may be subject to prosecution at any time without any statute of limitation, this includes members of the Iraqi armed forces and civilian government officials. That's the direct quote from the United States diplomat to Iraq. So, it's a pretty heavy statement to make. No statute of limitations, don't commit the war crimes. So, what is the international law of occupation? Well, the first rule is to maintain the status quo of the occupied state, its territory laws, and citizens. You not supposed to change it, because occupations are not supposed to last over 100 years. And the only why it lasted over 100 years is because we were brainwashed into believing we're American. We were brainwashed into believing this is America. That's how it lasted, 'cause we didn't know because we were denationalized. That doesn't make, change anything. It's just that we're all evidence of the war crime, of denationalization. The second rule is for the occupying country to administer the laws of the occupied country through a military government, similar to the occupation of Japan from 1945 to 1952. A military government takes over an already existing government in the occupied country by establishing a military governor. Third rule...sorry. Third rule is that occupations are regulated by international law and not the laws of the occupying country because they are limited to U.S. territory in this case. So, what are Hawaiian laws? What existed back then in 1893? Well, this is the compiled laws of the Hawaiian Kingdom, which is the civil code. Section 6 of the Hawaiian Civil Code says, the laws are obligatory upon all persons, whether subjects of this kingdom, or citizens or subjects of any foreign state, while within the limits of this kingdom. The property of all such persons, while such property is within the territorial jurisdiction of this kingdom, is also subject to the laws. That's for everybody, everyone in Hawaii. So, in this context, I would like to share with you about land titles, land titles in the kingdom, right. So, the idea of

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crown lands, okay, what are they? Well, crown lands were identified as crown lands in 1848. After listing all the lands, which is about a million acres, all the different ahupuaa, in this statute it says, to be, these lands are to be the private lands of His Majesty Kamehameha III, to have and to hold to himself his heirs and successors forever; and said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants, 'cause in Hawaiian law native tenants still have rights in that land to get a fee simple title. Now in 1965, the United, the Hawaiian Kingdom Legislature passed an act establishing the crown land estate or the crown land commissioners and made all crown lands inalienable. In particular, I want you to...I'm going to read this part at the bottom. And whereas, by the proper construction of the statute the words heirs and successors, they're referring to the 1847, 1848 statute, it means the heirs and successors to the royal office. It doesn't mean his family. That's why Queen Liliuokalani was a successor in that office even though Liliuokalani was not a Kamehameha. And this is what created the crown land commissioners who are in control of the crown lands and you can only get from 1865 a 30-year lease, you can't get a fee simple ownership on crown land, according to the statute. Now, government lands were about 1½ million acres identified at that time on all the islands by the Statute of 1848 and it says, that these lands are made over to the chiefs and people, which is the House of Nobles and Representatives, by our Sovereign Lord the King, and we do hereby declare these lands to be set apart as the lands of the Hawaiian Government, subject always to the rights of tenants. Again, native tenant rights are in all government lands, okay. And we do hereby appoint the minister of the interior and his successors in office, to direct, superintend, and dispose of said lands. So, remember the ceded lands, so called ceded lands? Well, first of all, you would need consent for government lands from the Minister of the Interior. They didn't get it. If you're going to get consent for the crown lands, you got to get it from the crown land commissioners. They didn't get it. The United States just said, we have it. That's not ceded lands. You just took control of other lands that other people or entities have control over, title to, but that didn't create a title for the United States who would then transfer it supposedly to the State of Hawaii in 1959. And then Hawaiian Homes currently has crown lands and the Department of--what department is that--Land and Natural Resources is in control of government land, right. Now, all land titles in Hawaii originate from land commission awards and royal patents. And on this royal patent, even though the title was given to this individual, it still has reserving the rights of native tenants. So, you can't take that condition out, that secures and locks in native tenant rights so that they could possibly get a fee simple title or have access to gathering, okay, but it's still there. That is something unique only under Hawaiian Kingdom law. You don't have that in any other country. If anything in other countries, it's the aristocrats that own the land and the others were considered peasants that worked on the land.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Was anything lost in translation with regard to the Hawaiian language, English language?

DR. SAI: No, no.

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COUNCILMEMBER LEE: So, there's no disputes there?

DR. SAI: No, no. So, in the Hawaiian language, when they refer to fee simple title, it's called ma ke ano alodio. Alodio is a Hawaiianization of the word allodial which the Hawaiian Kingdom identified as fee simple. The words ma ke ano alodio ma lalo iho o ke...no, ma lalo iho o ke ano alodio is less than allodial or in other words a life estate. And ho`o lia mulima is the leasehold property. So, in the Hawaiian law was in both Hawaiian and English, yeah. Now, conveyances under Hawaiian law, once you acquire property, Section 1262, all deeds, leases for a term of more than one year or other conveyances of real estate within this kingdom shall be recorded in the Office of the Registrar of Conveyances. You know that Bureau of Conveyances that we have today, that's from 1845, remember they just changed the control of an already existing system. And every such conveyance not so recorded shall be void. So, you have to make sure that the registrar is a valid officer of the court, I mean, sorry, of the country, the Hawaiian Kingdom. Also, Section 1267, no person who is not a subject of this kingdom shall be eligible to the office of notary public. So, before you can file a deed or a lease or a mortgage in the Bureau of Conveyances, you have to get it notarized by a Hawaiian Kingdom notary. You can't get it notarized by an American notary. You can't get it notarized by an Iraqi notary. You have to get it notarized if you're in Hawaii a Hawaiian Kingdom notary. Can you see we're going to run into a problem with the United States not administering Hawaiian Kingdom law? This is called a domino effect. This is not just a native issue. This is the whole system is now going to be operating on a false premise, and the only way you can maintain that is through denationalization and keep everybody saying ceded lands or this is America or this is not occupation. So, deeds of conveyances of real property and mortgages after January 17 cannot be considered lawfully executed because the Registrar of Conveyances and notaries were insurgents. Yeah, President Cleveland referred to the provisional government not only as neither de facto nor de jure as a government, but self-declared. He specifically referred to them as insurgents. President Cleveland in his message to the Congress on December 18 stated, when our minister recognized the provisional government the only basis upon which it rested was the fact that the Committee of Safety declared it to exist. It was neither a government de facto nor de jure. So, who's the notaries that are notarizing deeds after January 17? And the whole point about a notary, a notary is supposed to ensure that the person conveying the property is of sound mind and body. Did you know that if the notary smells liquor on you, they can't notarize the document? They'll say come back tomorrow. That's what a notary's for, to acknowledge, right. Knowing that President Cleveland identified them as insurgents, how do I know that this guy didn't have a gun to his head with the notary? I don't, but I do know the notary was an insurgent, not a notary. Yes, Mike?

COUNCILMEMBER MOLINA: Sorry for the interruption, doctor. Just a quick clarification, who made up the Committee of Safety? Was it mostly outside residents that just recently moved to Hawaii at the time or they made up of a majority of existing residents?

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DR. SAI: That's a good point. So, the Committee of Safety was made up of 13 people, okay, and actually 6 of them were Hawaiian subjects, including Samuel Damon. Samuel Damon is haole but he's Hawaiian, right, a Hawaiian subject. You had six Hawaiians, five Americans, one British subject, and one German, that was the Committee of Safety.

COUNCILMEMBER MOLINA: On what basis were there...they were just...they just formed this amongst themselves or were they put in by...

DR. SAI: They were actually...they actually took that name, Committee of Safety, from the French Revolution and gave the impression they're taking over a queen who's tyrant. It was all part of the propaganda. That's why they called themselves the Committee of Safety. It's all propaganda. That's what this whole thing was all about back then. Now, propaganda cannot get you too far unless you're protected by the U.S. Marines and then to ensure their protection start brainwashing all the children in the schools starting in 1906, which is why we've come to this point where we don't know who were in the Committee of Safety when that should be a part of our classes that we learn. These are insurgents. But we do teach that now at the university, yeah, people are now coming out being aware of what happened. But good question, yeah. Now, the Hawaiian Kingdom law was to be administered by the president through military government in accordance with the Hague and Geneva Conventions. Now, somebody might say, oh, but that's 1907 Hague Convention. What happened in Hawaii was 1893. Actually in 1907, it's a codification of customary law of war that existed in 1893. To codify something is not to create the law, they're just putting it in treaty form. So, when they law says, you're supposed to administer the laws of the occupied state, that's a customary law. After 1899 and 1907, all you have to say is Article 43, Article 64 of the Geneva Convention. That's the codification of existing laws of war. Now, the United States failed to administer Hawaiian Kingdom laws, which is an obligation under international law. That's why we're in the problem we're in today. It's their fault, it's not our fault. It's the McKinley administration, a former administration. It's not the administration of today no matter how much we may dislike or like it. They did it back then. They didn't follow the law, and we're the consequence of it. Consequently, this failure renders all conveyances of real estate and mortgages securing the repayment of loans within Hawaiian territories since January 17, 1893 to the present null and void. Whoa. Now everything is affected by the fact that who's the notary. Where's the notary? Very simple. All titles today, if you look at a tax map key--you see number 21, you got 19 over there, I believe, 40--they all come from land commission awards or royal patents. That's the origin of titles in Hawaii. So, what you're supposed to do is your title is merely derivative of what was there in the past. That's how it works. So, here we have a chain of title. Kamehameha III began to formalize land titles in Hawaii in 1845 with the formation of the Bureau of Conveyances as well as the Board of Commissioners to quiet land titles. Let's say this person here received a Royal Patent #1225, Daniel Calyer. In order for him to transfer that property to whoever he wanted whether a portion of that royal patent, maybe five acres, or maybe the whole five acres itself, you got to get it notarized and then you record it in the bureau. So, let's say, 1874, a warranty deed is recorded in the Bureau of Conveyances, then that person conveyed it in 1884, which

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was later conveyed in 1894...boy, this thing is kind of not...sorry. Hold on. Got to change the batteries. Okay. Then in 1894, there was a conveyance #3, which is later conveyed in 1897, 1975, and somebody today owns the property. What you have there is a chain of title, okay. And that person claiming the property today can only claim what the person conveyed to him, and that person who conveyed it to him can only claim what that previous person conveyed to him. So, you would have to do a title search to determine whether or not that owner today is valid. Let's say, he might be claiming to own Kahoolawe. Well, you got to have a chain of title that shows you have a vested interest in Kahoolawe. So, what we have is a break in the chain of title. No treaty in 1898. All we had was a joint resolution. Well, that notary in 1975 was a State of Hawaii notary. Well, that just took that entity out. And then what we have January 17, 1893, U.S. fails to administer Hawaiian Kingdom law. So, the conveyance in 1894 and 1897 are taken out. So, what you have there is a problem. The person today cannot claim to have a clear title. Now, when does all this come into play? During escrow. Many of you may have had mortgages, I'm going to cover that, and you're going to see the title companies are hooked on this and they made some bad decisions. So, what I need to do is explain some terminology, which is very important to understand how the escrow process works. A promissory note. A promissory note is a written document where you promise to pay back the money. That's called a loan, right. A mortgage. A mortgage is a lien, which is a right to hold onto the property to ensure the repayment of the loan. People constantly misuse the term mortgage by saying, I pay a mortgage. No, you don't pay a mortgage. You pay a loan secured by a mortgage. A mortgage is a lien. It's a security instrument. In fact, the mortgage is what you convey to the bank to hold on to to ensure the repayment. After you pay off the loan, the bank releases the mortgage back to you. So, to say that you pay a mortgage would be incorrect. Whether or not you have a mortgage, you still got to pay the money back. And you have a deed, which is a legal instrument that is used to assign ownership of real property. So, here's an example of a promissory note, okay. Borrowers promise to pay \$290,000, okay. That's a loan, that's a contract. This is a mortgage. Oh, boy. This is a mortgage. And you notice it's a security instrument. That's all it is. It's what you give to the bank to hold on to and authorize them to foreclose on you if you default on the loan. The foreclosures take place because of the mortgage. You authorize the bank to do that, okay. So, there's nothing wrong with the mortgage. 'Cause if you going sign a note to me borrowing \$290,000 from me, how do I guarantee you going pay that money back? I need something to hold on to. It's called a lien. And this is a deed, and if you notice it's recorded in the Bureau Conveyances and it's notarized, okay. Another term that needs to be understood is title insurance. So, title insurance is a policy issued by a title company after searching the title, representing the state of that title and insuring the accuracy of its search against claims of title defects. Okay, so when you go to escrow, before the bank accepts your mortgage, they have to verify you own the land. So, they do a title search. Based upon that title search that's supposed to go back to 1845, you have a title insurance company agent there, and that agent will underwrite the title report and it would be in the amount of money you are borrowing from the bank. The reason is the bank has to make sure they're protected 'cause if they take the mortgage, accept the mortgage by Title Guaranty's, use them as an example, Title Guaranty's title report it says the title is valid, that's a risk for them, because what if it's not valid, somebody

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didn't do a good title search. What you have there is an invalid lien, the bank cannot foreclose. They got to find another way to collect and what they do is in order to collect when the mortgage is invalid, title insurance, that's what pays off the loan. Title insurance is an indemnity contract that does not guarantee the state of land titles but covers loss incurred from a defect in land titles. You got to be an expert title abstractor to do a title search enough for an insurance company to underwrite it. And a defect is the want or absence of some legal requisite, like a notary. So, the lender's title insurance policy, did you know that when you go to a bank, I mean, go to the bank, you want to borrow the money, the bank says go to escrow, which is a third party, open up an account, they'll put the money in there, that you're gonna borrow, but it won't close until you achieve certain things. One of them, you get title insurance called a lender's policy. A policy that protects the lender from losses incurred as a result of a defect in title. Then you also are going to get what is called an owner's policy, if you so choose. So, a lender's policy is in the amount of the money you borrowed. An owner's policy is the appraised value of the property. So, if you find out that your title is defective, you have an owner's policy that can pay off, pay out you the appraised value of that property. And each of these policies is a one-time premium, not monthly, a one-time premium. Now, when you go to escrow, you have what is called the lender's instructions, okay. So, it says here, number one, title policy requirements, the title policy must insure the mortgage as a good and valid lien. That's why you do a title report just to make sure I'm not trying to mortgage Kahoolawe today to Bank of America to borrow \$290,000. And this is what a lender's title insurance policy looks like, which is in the amount of the money borrowed and this is an owner's policy that protects the owner of the property. So, if something is wrong with the title, you can file a claim, and it pays you if it's an owner's policy, and it pays off your loan if it's a lender's policy. So, this is your HUD-1 statement, your closing costs. It's all in there. Go to Section 1,100, title charges. You see where it says lender's coverage and owner's coverage, that's the amount of money that has a coverage of the policy. Money owed to the bank in case there's a defect in the title, money owed to you in case there's a defect in title. So, in the lender's title insurance policy covered risks, a defect in title caused by forgery, fraud, undue influence, duress, incompetency, incapacity, impersonation, also notarized, to the right, a document not affecting title properly created, a document not properly filed, like in the Bureau of Conveyances. Obviously, it hits all the covered risks regarding Hawaii's occupation. The registrar is not valid and the notaries are not valid. Now, for complete loss of title because a deed was not properly notarized, it puts everyone today in a position. What about my title, right? Is somebody going to come and take it? No, they won't. You actually have what is called an equitable interest. So, in this court case, the Ohio Supreme Court stated, the legal title to a parcel of real property did not pass where the grantors signed the deed outside the presence of both witnesses and did not appear before the notary public who certified the acknowledgement. Thus, the purchasers at most had an equitable interest in the property still titled in the grantors that was not created upon the payment of consideration. So, everyone who owns property today or thinks they own property today, you provided valuable consideration for that, right. You paid somebody for it. What you have is an equitable interest. All you got to do is fix the notary, then it's okay. But up to this point, nobody's following Hawaiian Kingdom law, but yet Hawaiian land titles, all land titles today come from the

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Hawaiian Kingdom. Everyone admits that. Now, the owner's policy, it also has a provision in there like it has in the lender's policy proof of loss or damage. The proof of loss or damage shall describe the defect in, or lien, or encumbrance on the title, or other matter insured against by this policy like defective notary. So, you would have to, let's say, get a copy of my PowerPoint and send a claimant to your insurance company, and say here's the evidence of the defect, and they're supposed to investigate it, and they, and the insurance company, the title insurance company will have to try to show that Hawaii was annexed by a treaty. They would have to try to show that President Cleveland didn't say these individuals were insurgents, which we know they can. Can you see what chaos this would create? This is huge. So, put it all together here. You get the borrower, and the lender, and the title insurance. The borrower signs a promissory note, okay, a contract for money borrowed, the borrower gives a mortgage to the bank to hold on to and purchase title insurance to protect the bank in case the mortgage is invalid, in case the title report was not accurate. Once they find out today that all titles stopped in 1893, well there went the mortgage. The bank cannot collect. What happens is the title insurance pays off the loan, that's how it works. Very simple with profound ramifications. A lot of pressure on the title insurance. Let me show you how profound it gets. Remember the laws of the Hawaiian Kingdom got to be followed, according to the 1880 Co-Partnership Statute, if you want to have a co-partnership under Hawaiian Kingdom law, you got to register your articles of agreement with the Bureau of Conveyances. They weren't only registering titles, they were actually registering co-partnership agreements. Whenever any two or more persons shall carry on business in this Kingdom in co-partnership, it shall be incumbent for such persons to file in the Office of the Minister of the Interior, the Bureau of Conveyances, their articles of agreement. In 1995, Perfect Title Company was established under Hawaiian Kingdom law in accordance with a co-partnership firm. So, this deed of general partnership was filed in the Bureau of Conveyances. Now, how do you get around the notary problem and the registrar problem? Actually, where it says notary, that the partners are doing this under duress, that this is not the appropriate notary, so they're making a record of it but they need to get it recorded. So, they're acknowledging we're going through an illegal management, but we need to get it into the Bureau, so the partnership was formed. The abovementioned parties have agreed to form a general partnership under the firm name of Perfect Title Company in the business of researching, manufacturing and selling of land title reports. It's going to be like a Title Guaranty, right, we're going to do title reports and we're going to prove nobody owns land 'cause we're going to give you the evidence so you file your insurance claims with the insurance company for them to refute. That's how it's supposed to work. And if they can prove our title reports are wrong, then we're all good. And then in 1996, everything hit the fan, front page. People still make reference to this today like we're bilking people back then. No, we was doing title reports. Title firm disdains land claims made since end of monarchy. Now, watch when you read what is up there then with what you now know you're gonna go, yeah, that makes sense. Imagine reading what they said back then, back then it sounds ludicrous. Perfect Title considers any certificate transferred after the 1893 overthrow of Queen Liliuokalani to be invalid because it passed through individuals or institutions treasonous to the crown. That makes perfect sense now, right, 1996, that's crazy talk. What do you mean? And then the firestorm. Now, this

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happened, there was a seminar put on by the Hawaii Developers Council in July of 1997, and it was at the Hawaii Prince Hotel, 500 people showed up, and the title of it was Perfect Title, Scam or Restoration. That was the title that the Hawaii Developers Council put to it, not us. On this panel is going to be David Pietsch, President of Title Guaranty Escrow, Bruce Graham from Ashford and Wriston, he's also, he also teaches land titles at the University of Hawaii Law School, Neil Hulbert from Alston and Hunt law firm, representing Chicago Title Insurance Company, myself, Donald Lewis, my partner, and an attorney from Bank of Hawaii to moderate. It was like taking candy away from kids. They thought we were sovereignty activists. We had a slideshow, back then no PowerPoint, slideshow showing the original documents, names crossed out, title insurance, native tenant rights, people walked out of that seminar dumbfounded. I was approached by Bruce Graham...question? Sorry.

COUNCILMEMBER LEE: Dr. Sai, didn't you own that company?

DR. SAI: Yeah, I was a partner of it.

COUNCILMEMBER LEE: You own half of that company?

DR. SAI: Yeah, with Donald Lewis. And Donald Lewis was a former principal, retired of Locations, Inc. which now is Prudential Locations. So, he had a definite real estate background as well. I came in contributing to the partnership my expertise in land titles. So, I trained title abstractors to do title reports. But yeah, I was a 50 percent partner. Now, after the presentation, Bruce Graham comes up to me, okay, and he says, you know, Keanu, we need to talk. I said, okay, what's wrong. He says you're taking these people down the wrong road. People are going to get hurt. I said, Bruce, I'm not here to argue with you, this is a title report, and I sent you an example of a title report from our company. And I said, all you have to do is to go line by line and refute it, and if you can refute it, get us on fraud. It's just a title report. He said, I looked at it, it is historically and factually correct. So, I said, so what's the problem? He said, well, America's here and that's just the way it is. I said, I didn't know America's involved with title insurance 'cause that's what it is. So, we left, I knew our title reports were solid, nobody can refute it, but you don't hear Bruce Graham saying it in public, right. One week later, we get arrested, our offices get raided by the Honolulu Police Department, white collar crime unit, which I'm going to show you. Leading up to that is a drive from Title Guaranty and John Jubinsky, legal counsel for Title Guaranty. Their starting the sound bites. They're saying that Perfect Title and Keanu Sai are telling elderly people not to pay their mortgages. That was the sound bites, yeah. In fact, Joe Moore from channel 2 news says that I'm a charlatan. Did you know I had to look that up? 'Cause I didn't know what a charlatan was. I went that's a shyster. Wow. Where's the evidence of this stuff? Barbara Marshall came into the office. She asked me, you remember she was with Action Line, if you folks remember back then, Channel 2 News, she says, are you telling people don't pay their mortgages? I say, you don't say that 'cause that's a lien. Now, are you telling people, we're telling people don't pay their loan? Of course not, they got title insurance. That's what covers their debt. She didn't put that on the news. Joe Moore called me a charlatan. So, there's the drumbeat, title disputes bring trouble to isle homes.

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Court's should punish land title scam artist. State must do more to stabilize titles. Perfect Title focus of criminal probe, right. It says, Perfect Title has created chaos in Hawaii's real estate industry with its claim 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 1840's. Again, today, that makes perfect sense, right, in 1997, that's lunacy, crazy people, ripping people off. Office get raided as I told you from the Honolulu Police Department, white collar crime unit. As part of a state criminal investigation, Honolulu Police yesterday arrested Donald Lewis, David Keanu Sai and a company secretary for investigation of theft, racketeering and tax evasion. You see how hard it's coming down, 'cause it's a threat all driven by the title companies. That's what's going on. So, what happens is the white collar crime unit, CID, is the one who raided the office. We're on the corner of Merchant and Richard Street. They blocked the street off. They're making a big spectacle. I'm coming down in handcuffs, right, waiting outside in the van, the police van is Detective Jill Kauai, she's from the white collar crime unit, she's crying. She comes out, she hugs me, she says, Keanu we weren't investigating you, this came from the top, that's why she refused to participate. I said, it's okay, Jill, it's fine. Now, why is Jill saying that, because two months earlier I was asked, 'cause I'm a Kamehameha grad, my classmates and friends are police officers. One of the sergeants from the SSD, the SWAT team, they're watching what's going on in the news. He calls me, he says, Keanu, what the hell is going on? I said, brah, this is all made up stuff. He goes, they saying you committing crimes, you ripping people off, do you mind if you come and give a presentation to the SSD on the Beretania Street, the substation. So, I went into the basement, saw my friend, I not going say his name, right, so who's there, Detective Jill Kauai from the white collar crime unit. I do a presentation. They all said, this is land titles, this is not criminal activity. I said, exactly, it's just land titles. That's why she refused to participate, but remember, this is what happens when you share the truth. Then they get us on attempted theft after they smear us, right. What they're trying to do is get everybody to not listen to us. That was the whole point. And who's at risk over here? The title companies, the title insurance. And I did hear that there was a meeting with Mazie Hirono with landowners who said if you don't take Perfect Title down, you're going down with us, called the State of Hawaii, 'cause everybody's all tied to land titles all over. And that's what prompted the call for the white collar crime unit to raid us. Yeah, Hawaii's too small, right. So, they can't get us on racketeering, yeah. They get us on, a so called, attempted theft of property. We attempted to steal land by doing a title report. How come you not arresting Title Guaranty? It's ludicrous. You can only...well, you'll see. Perfect Title Company executives Donald Lewis and David Keanu Sai and two other people indicted on theft charges this week can expect to be arrested within days if they don't turn themselves in, the Attorney General's Office said today. Now, according to criminal law, okay, Cook and Marcus, the subject of theft at common law is personal property. Interest in real property is not included, what that means is personal property, which is movable, is the subject of theft or attempted theft. Real property, which is immovable, you can't steal it, you might trespass on it, right, but you can't steal it. A theft prosecution can be possible where the criminal actor, having power as a trustee, attorney, or otherwise to dispose of another's real estate, does so in his own benefit in violation of his trust. I'm not a trustee for that property. It was a subject of a title report. I have no

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connection to that property. What I did find out was the person who claimed the property that the previous owner did a title report on, he was an attorney for the Department of Commerce and Consumer Affairs. Yeah, that's where the complaint came from. And then, I'm over there in the trial, I'm going, I'm gonna get railroaded, nobody's listening, I better get ready go prison, I better call my friends, who, Kamehameha, we not just police officers, we also ACOs, you know, hey, I think I might be coming in, facing ten years in prison, class B felony, this is all trumped up. Comes out, three found guilty of attempted theft. I'm sitting there, I'm getting railroaded. I'm getting railroaded. And did you know, when that started to happen that's when I took my ring off. Nobody knows who's my family. Nobody's gonna go know my wife and my two kids. All of a sudden, I became the maverick. Good. Focus attention away from my family. Now, that I'm a doctor and I'm saying the same thing, I put the ring back on. But actually it never fit, so last year I had to go get it resized. So, here we go, three found guilty of attempted theft. *Star Advertiser* says, the verdict culminates the state's investigation into the now defunct company, which stirred widespread anxiety in the real estate industry when it challenged property titles based on the laws of the Hawaiian Kingdom before the 1893 overthrow of Queen Liliuokalani. Again, makes perfect sense now, it was crazy talk back then. Now, this whole thing was manufactured. So remember that war crimes, the legal opinion, there's no statute of limitation for war crimes. Is there a particular war crime that was committed against me? It's called the elements of war crime of deprivation of a fair and regular trial. That's a war crime, and there's no statute of limitation for that. And you know what's good about the courts, it preserves the records. Oh, it's all there. Remember the Royal Commission of Inquiry that I shared with you folks, that's one of the investigations. A lot of them were coming out of the courts, so people got to be really careful in addressing these issues and don't jump the gun. So, in light of the craziness and the attacks that have had happened when you expose. Today's a different time. Very different from the 1990's. But yet, people today still try to bring that up, they were telling elderly people don't pay their mortgage. Was all lies, complete lies. I should be in prison right now if all these things are true with what I, with what they're saying I did, right. So, today's different, people are educated, people are asking the right questions, right. One particular question that was asked by the Chair asking me what are my thoughts on Mauna Kea, TMT. And I said, the issue with Mauna Kea is the lease. The lease, not the Governor, not anybody else, the lease. So, here's the lease, 1968, from the State of Hawaii, Board of Land and Natural Resources, to the University of Hawaii. That is for Mauna Kea, the summit, right. And then the Board of Regents subleased properties to the other telescopes that were built and then also subleased it to TMT which has contracted Goodfellow to do the construction. All of that stems from an invalid lease. So, take a look at that word right there, Kaohe, that is the ahupuaa of Kaohe on the Big Island. First question is who owns Kaohe? That's government land. There it is from 1848, controlled by the Minister of the Interior. Did the Minister of the Interior in 1893 transfer anything to anybody? No. In fact, in 1993, the apology resolution acknowledged it was done without consent from the sovereign government. That means that lease is invalid. The lease not just to UH but also to the subleases to the previous telescopes and also to TMT right now. And you got Goodfellow operating on the assumption that the sublease is valid and it is a contract to do jobs which is good but it's based upon an

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invalid lease. Can you see who's really trespassing on Mauna Kea? It's not the people who are trying to stop it from happening. It's actually the ones that are trying to make it happen. So, the Hawaiian government did not consent to any conveyance of the ahupuaa of Kaohe. Now, I'm talking 1893. Whether we have a government today is irrelevant. We're talking 1893. We're not talking about a sovereignty group. The University of Hawaii cannot claim to have a valid lease from the State of Hawaii in 1968. TMT cannot claim to have sublease from the University of Hawaii. Goodfellow company cannot claim to have a valid contract to build TMT. And building the TMT without the consent of the Hawaiian Government is the war crime of destruction of property and pillaging. Remember the legal opinion from the guy from London, the renowned expert. Elements of the war crime of confiscation or destruction of property. First element, the perpetrator confiscated or destroyed property in an occupied territory, be it that belonging to the State or to individuals. Kaohe belongs to the Hawaiian state under the Minister of the Interior. The confiscation or destruction was not justified by military purposes of the occupation or by the public interest, and that's true. Did you know that the 13 telescopes that were built already, that's called destruction of property? That comes under that, those war crimes, that war crime. Now, Haleakala, the telescope up there, I believe it's on the ahupuaa of Pulehunui. Pulehunui is government land, just like Kaohe, but the area up there was actually by executive order of Quinn back in 1961 established it for the University of Hawaii. But it's...I believe it sits within the ahupuaa of Kaohe, that means that's a war crime, destruction of property because it happened without the consent of the proper owners. Can you see the impact that this is having? Nothing is hidden. Now, the question is, how do you fix the problem, right? But have I done a good job explaining the problem?

UNIDENTIFIED SPEAKER: Yeah.

DR. SAI: Yeah. Now, now what? And how do we fix it 'cause you folks here have a particular role in fixing the problem and that was our, the last presentation, remember, the last workshop that the County Council actually has the ability to do things now that it is recognized as an occupying power under the laws of occupation. Whereas prior to that, no. So, remember the proclamation, the provisional laws, that's one way to fix the notaries. The notary problem, first step, notaries and registrar from 1893 to the present. This proclamation, which we covered in the first or the second workshop says, and we do hereby proclaim that from the date of this proclamation, 2014, all laws that have emanated from an unlawful legislature since the insurrection began on 1887 to the present, to include United States legislation, shall be the provisional laws of the realm, okay, with the express proviso that these provisional laws do not run contrary to the expressed reason, spirit of the laws of the Hawaiian Kingdom prior to 1887, the international laws of occupation and international humanitarian law, and if it be the case they shall be regarded as invalid and void. So, that was done in 2014, so that provides a transition. The problem is the Council of Regency is not in effective control. So, the last workshop that we did, the second one, remember I gave you guys that copy from Eyal Benvenisti. He authored the Law of Occupation, I provided you chapter four. The relationship between the occupier and the occupied governments, that's what he's referring to. Because the occupied

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government has no effective control, they can issue proclamations but it's up to the occupying power to implement it, until then it's just a proclamation, there's no effectiveness, no enforcement. So, even though the proclamation was made in 2014, the notaries are still invalid until the State of Hawaii and the counties do something to make 'em valid. So, how do you implement? Well, county councils to include Maui County Council enact legislation implementing the proclamation of provisional laws for each of their county ordinances. But the notaries are not from the counties, right. The notaries are from the State. The State of Hawaii...oh, shoot, sorry. The State of Hawaii also needs to enact legislation implementing the proclamation of provisional laws for the State of Hawaii statutes. See, you got ordinances and you got statutes. Oh, boy, sorry. State of Hawaii works with the regency to resolve all land titles that derive from government and from the crown lands, because we are the ones that represent provisionally the government and the crown land commissioners. So, we could consent if we had that authority in order to fix that problem, so let's say people in Leialii, the Leialii project in Lahaina. That's actually crown land in Hawaiian Homes. It's supposed to be 30-year leases, but remember the, their native Hawaiians. Remember native tenant rights, they get a fee simple title. So, those estates over there would actually be fee simple, not 99-year lease because that's an American law. But if you're a non-native and you're living on crown lands today, let's say in Waimanalo, that fee simple cannot be given but it can be transformed into a 30-year lease. It's to fix the title. So, we have here is looking into what the laws are and what are consistent and what are inconsistent. That's what's important. So, the County Council, all of them, which includes you folks, you don't have to wait 'til the others, you can start that process to look into what laws are consistent and what laws are not inconsistent and get Corporation Counsel to look at it. That's how it works. Utilize people in positions to do their job. That's how everything works. It's not like I'm trying to tell you how to do things, but how to work within the system that we have already in light of our dire situation and realizing this whole thing is all blown up.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Yeah.

DR. SAI: Oh, I'm sorry.

COUNCILMEMBER LEE: Dr. Sai, you not only made your case. I mean, it seems like you've given us an encyclopedia of information. And it all comes down to none of us own our lands legally, that's the assertion. So, according to your proposition, even the protestors on Mauna Kea are violating the law. All of us are violating the law because we received our lands illegally. So, that is where I think people would see that there could be pure chaos if this notion were to be accepted by everyone.

DR. SAI: Well, let me just correct you on two points. First is everyone who has property that they think they own has what is called an equitable interest, not legal title. That was that Ohio Supreme Court Case that I'm referring to. Not that that applies here but it's instructional for us to understand our situation, 'cause even in the Hawaiian Kingdom they were looking at Supreme Court decisions in America, as well as Great Britain, to

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inform them on how to address issues that there is no case law in Hawaii for. So, what happens is everybody in Hawaii who has a piece of property, right, they have an equitable interest in the property, they just still have a defect because where's the notary. Once you fix the notary, you have title. That's why...did you know escrow, when they find out that the notary of, let's say in a chain of title back in 1970 the commission expired, all the escrow company would say is get another notary to notarize the deed.

COUNCILMEMBER LEE: Yeah. Yeah, but the notary has to be from the, a native from the Hawaiian Kingdom.

DR. SAI: No.

COUNCILMEMBER LEE: That's what you said earlier.

DR. SAI: No, the proclamation. Remember the proclamation, all laws in Hawaii, which includes Hawaii Revised Statutes and county ordinances will be considered the provisional laws of the Hawaiian kingdom so long as it doesn't run contrary. So, it's not our fault that the United States was not administering Hawaiian kingdom law. We're stuck holding the bag. So, that provision actually allows the notaries to actually have de facto status. Now, that would ultimately have to be approved. I mean, that was brought up by you in the first workshop, Alice, by a lawfully convened legislative assembly to enact into statute these provisional laws. Right now, this whole process and what applies is what is called the doctrine of necessity. That's actually part of the law of occupation, but the necessity cannot go beyond what the law of occupation provides. If we're looking at fixing problems, that allows it. It allows a lot of leeway and that, that's why we have experts that I'm reaching out to along with my expertise but these guys are from Europe, so they don't have a vested interest, they're outside. They're going to help us put this together. That's what our job was when we returned from the Hague, we saw how big this problem is, but you know what we needed first was education.

COUNCILMEMBER LEE: Well, I think you need a lawsuit. I think you need the courts to establish what is correct and what the direction should be for the lower governmental entities like us. I mean, you know, we are a political subdivision of the State.

DR. SAI: Right. No, I totally understand.

COUNCILMEMBER LEE: You know, and so our authority is very, very limited.

DR. SAI: That's why it begins with asking the right questions. See, it's seeing the crisis but not reacting to it, rather you're responding to it. And how you respond to crisis, which is part of crisis management, we were trained in Army with that, you get more information before you make decisions. That's what crisis management is all about. You go...you walk into the crisis; you don't run from the crisis. You folks are in positions to make hard decisions, but decisions have to be made and be informed. So, that's why information is there. You're not getting it all today. I'm just pointing out

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the big problem and you saw exactly what happened to Perfect Title back then. Under this legal system of the law of occupation you don't need a court to make a decision on this. It doesn't work that way, 'cause if that was the case, I wouldn't be getting all of these guys involved. It's applied to a factual situation. That's what the law of occupation is. It's not a question of law, it's a question of fact. Who's in effective control? What are the rules that regulate? Now, the other point that I wanted to bring up though, Alice, was the second point, the people up at Mauna Kea. All those people up there, I can see it as them trying to stop a crime from being committed, the war crime of destruction of property because they already know the former 13 telescopes have already been built. And if we're looking at who has more interest, any of those kiai up there that are native have native tenant right, remember. That's conditional in the land of not just the government, the crown, but even private lands. So, if anybody has more right to be up there would be native tenants under their rights under Hawaiian law, and the ones that are preventing them from going up there can be aiding and abetting in a possible destruction of property.

COUNCILMEMBER LEE: Yeah. Well, I'm really not trying to debate that issue because I have lots of relatives that go up there and are part of the movement, so that's to me irrelevant. What I'm concerned about is you come to us on our level, yeah, and our jurisdiction is Maui County.

DR. SAI: Right.

COUNCILMEMBER LEE: Yeah. And all of us live on or rent land and you have concluded that we are occupying our lands illegally because of the transfer of title --

DR. SAI: No, no.

COUNCILMEMBER LEE: --or lack of legal transfer of title.

DR. SAI: No, I have to correct you. You're not illegally occupying it. What ties it is what is called an equitable interest because there was money exchanged. That is an equitable right. It's just that legal title wasn't transferred because of a technicality. That's different.

COUNCILMEMBER LEE: Well, who wants to be illegal, I mean, you know. Who wants to own your house on a technicality?

DR. SAI: Well, Alice, I'm trying to make it so that we can fix your title. I'm not trying to get you off your property. I'm saying the rules are there to actually allow us to fix things, but there's certain things that we have to do first in order to fix it. See, that's really what this is. So, those questions are good, Alice, but that's what would prompt more research. Get people tasked to do certain things because now you're starting to ask the right questions. Up to this point was the wrong questions.

COUNCILMEMBER LEE: But listen, you know, the other thing too is what we are tasked with as part of our responsibilities has very much to do with land --

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DR. SAI: Yeah, I know.

COUNCILMEMBER LEE: --and transfer of land --

DR. SAI: Right.

COUNCILMEMBER LEE: --so we are perpetuating all this illegal stuff. And at our level is, like I said, we come under the State, who comes under the Federal government. You may not like that process or that hierarchy but that's the way it is and when we occupy these seats, we pledge to defend and protect the Constitution which you, you know, you bring into question whether that's legal. But again, that's another issue. Our jurisdiction is more having to do with ordinances that, like for instance, speed limits and all these kinds of lower level law making, yeah. But you're asking us at our level to forget the other steps above us and just go for it and accept your conclusions and your theories and almost to the point of disregarding what State and Federal laws are, you know, established laws.

DR. SAI: Okay, so let me just be clear. It's not an issue of liking or not liking the situation. I didn't pick a side. I'm just explaining to everyone here what happened. Consider me an intel officer. Okay. I'm just giving you the facts. I didn't come up with a battle plan. This is called intel. You know that right, Mike, right. That's the job of the G-3 operations. I'm just giving intel to show that what you need to look at before you come up with the plan. We haven't come up with any plan here. I'm just explaining to you what happened. Obviously, it's very serious, I agree. But it's not like I may not agree or I don't like. No, those are all position statements. I've never taken a position. I've always just explained things and these things that I explain have consequences. So, you're dealing with the problem with being the County and I'm not saying you run Hawaii. I'm only talking about Maui County. I'm not talking about Mauna Kea. I'm just pointing out that that's government land. That's all it is, right. What goes on on Mauna Kea is subject to Hawaii County, right, that's different. You folks are here to address the issue of land because you have correctly stated, Alice, you folks deal with that in the Land Use Committee, but you now have questions that you can ask. Do you guys have title insurance? Is this government? Is it crown? Is it private? You know, you're starting to ask the right questions, maybe we should bring Title Guaranty in here.

COUNCILMEMBER LEE: I think that's a good idea.

DR. SAI: Yeah. That...but, see, now you're asking questions and that's good 'cause that's what you guys supposed to do. You got to ask the hard questions that people who elected you cannot. And that's where this is at. But before you ask the question, make sure you know what questions to ask and do your diligent, due diligence before that. So, this is...I'm not trying to get you running. If anything, I'm just trying to get you to crawl. You know, crawl, walk, run. But this is heavy information and the learning curve is steep because things are serious, but you just got to ask the right questions. Bring in Title Guaranty, bring in the abstractors, you know. Ask them,

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can I see a title report for this particular property. Where's the HUD-1 Statement? See, now you can, look, eh, Section 1,100, and start identifying things. That's what this is all about. Now, as far as legislation, if you folks refuse or continue to legislate knowing or believing that this is America and not an occupied territory, remember that war crime, legal opinion, elements of war crime of usurpation of sovereignty during occupation. The perpetrator imposed or applied legislative or administrative measures of the occupying power going beyond those required by what is necessary for military purposes of the occupation. So, as long as you can justify that the legislation you folks are enacting is in line with being an occupied state and addressing issues that need to be addressed, you're good.

COUNCILMEMBER LEE: Yeah. But didn't you propose that we adopt some kind of language for all land use ordinances?

DR. SAI: Because that allows you to stay away from this, yes. It makes the record that you are not just making legislation believing this is America but dealing with the fact that you just realized we're under the laws of occupation. So, it's really a disclosing, yeah, and saying, hey, this is what is until somebody can tell us otherwise. Corporation Counsel, maybe they can refute any of this stuff. That'll be great, right. I don't think they can with all due respect 'cause we're dealing with the experts on these areas. But if they can, they can. But if they can't, it'll put you folks in a position. So, these issues are serious and the purpose of today was merely presenting the consequences of land titles with regard to Hawaii as an independent state. And you noticed it's been done in increments, yeah, the first workshop, the second workshop, and now this one. It's like this is the crescendo. Boom. But now we have to start asking the right questions.

COUNCILMEMBER LEE: I totally agree, and we appreciate, I appreciate the information that you're sharing with us. But we need to get all sides of the story and, you know, all points of view and although yours has been probably the most substantial and probably nobody can top that because you had three sessions and, you know, the information you have given to us has been voluminous and there's no way we can retain all of it, you know. Don't forget, you know, I'm not trying to make light of what you're doing --

DR. SAI: I totally agree. I understand.

COUNCILMEMBER LEE: --but, you know, you looking at Councilmembers who deal with complaints about too many cats, you know, complaints about all kinds of different things, you know, coconuts falling on our parks and things like that and now you talking about something really deep that almost requires an attorney's license, you know. You have to understand international law. You have to understand constitutional law. You have to understand Hawaiian law. All of these things are really, really important and I acknowledge that.

DR. SAI: Yeah.

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COUNCILMEMBER LEE: And, but just remember who your audience is, yeah.

DR. SAI: I totally agree with everything you said because I'm not expecting any of you folks to know this like how I know it. And I didn't say that, but my recommendation is reach out to people for you to get advice who you know they know what they're talking about. Because if you make the wrong decision based upon information that may be erroneous, it incurs criminal liability. See, now we're playing that game. So, that's why what we have here is not like we need to try to work it out. What we got is we got criminal law, international criminal law now getting involved. That's what's starting to come into play. So, before anybody can make a decision, I would say just get more information and just make sure you get the right information and not try to get information that you want to believe. See, that's what is called confirmation bias. It's also called cherry picking. Dick Cheney made it very famous with the first gulf war, no, the second gulf war. Remember when Dick Cheney said, Iraq has weapons of mass destruction, remember that. Did you know what he told the intel people, find me information that confirms what I just said. Yeah, so what they did was they found information that confirmed what he said which was actually wrong. When they went into Iraq, there was no weapons of mass destruction but thousands and thousands of people were killed because of that decision, that's Dick Cheney. Follow lessons learned. Don't seek confirmation bias. Don't seek cherry picking. Ask the hard questions and if they can't answer it, obviously they don't have that expertise, let's go find somebody else that has that expertise who is willing to put their name on it 'cause if they put their name on it, guess what, they're now liable. See, it's the issue of liability here and we have to be careful how we say things. So, for myself, I'm here as a resource, yeah, for the Council and I am, I've been privileged to share this information with you folks and I really appreciate you folks sitting here and actually learning things that are quite difficult and hard to swallow. In fact, we start classes next week. I teach a graduate course, introduction to the Hawaiian Kingdom at the College of Education. I'm teaching up at Kamehameha Schools Kapalama, the graduate course, and it's going to be televised to the other three campuses and they got 28 students already in the three campuses because my history book Ua Mau is the history book at these campuses. They're going to be learning how to teach Hawaii's history. Teach the good, the bad, and the ugly, provide the context, promote critical thinking. You see, that's what this whole thing is about. Not just yes, yes, yes. No, can I explain why with all due respect or how did this happen. So, the graduate students that are in the class only number eight, I believe eight, it was so well received by the faculty at the Kamehameha campuses, Kamehameha Schools actually offered it as a P credit, professional development. So, that's how they're coming in to take the class. I also teach Hawaiian Studies 255 at Windward Community College, writing intensive, introduction to the Hawaiian Kingdom. Education is ongoing. It has to be, right, and it never should stop. And I can assure you I'm not the only one teaching this stuff, but this is my area of expertise and that's what I offer you folks and I just want to thank the Chair here for allowing me to be a resource for these three workshops. And with that, I just want to say mahalo. Any other questions? We're good?

CHAIR PALTIN: Member Molina?

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COUNCILMEMBER MOLINA: First, thank you for the presentation, Dr. Sai. We received an e-mail, about a 20-page document from a gentleman by the name of Kenneth Conklin.

DR. SAI: Yeah.

COUNCILMEMBER MOLINA: Yeah, I guess he's refuting some of your statements with regards to history, and he just feels that this body should ask you, or as he put it, cross examine you and so forth. So, without going into any specifics, now I know you...are you still, my first question is are you still involved in active litigation right now?

DR. SAI: No.

COUNCILMEMBER MOLINA: Okay. Alright, so just to make that point clear. So, you know, he refutes some of your version of history as it relates to the overthrow. I just would like to give you a chance to respond to...

DR. SAI: Yeah, I read it.

COUNCILMEMBER MOLINA: Yeah. You did. Okay, good, good. So, I just wanted to get some comments. Your side.

DR. SAI: Sure. No, absolutely. Oh, what's the...well, I mean, he had a lot of things in there.

COUNCILMEMBER MOLINA: You said it...yeah, no, well, I'll just read...

DR. SAI: Okay, so let me...before you ask the question, let me just say, yeah, first of all who this person is and see I'm into qualifying, qualified opinions so the first question is does he have any published articles, peer review, law review, what's his PhD in. I think he's a math PhD.

COUNCILMEMBER MOLINA: Yeah, he states in this e-mail that he has a math degree and he's, did some publications and so forth.

DR. SAI: Okay. Which I guarantee is not peer review or law review. That's self-published. I saw it.

COUNCILMEMBER MOLINA: So, yeah.

DR. SAI: So, pose the questions.

COUNCILMEMBER MOLINA: Yeah, I guess the one question is he disagrees with your view of the overthrow and he also just basically he's saying in this e-mail that you're not giving us accurate information. So, I just wanted to give you an opportunity to respond to that.

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DR. SAI: Sure. No, absolutely. And I actually covered that in the, I believe, was the second workshop. I think you weren't there.

COUNCILMEMBER MOLINA: Yeah.

DR. SAI: Yeah, yeah. But let me bring that up because what he's bringing up is what is called the Morgan Report, right. You may have seen that in there. He says, the Morgan Report refutes the Blount Report, blah, blah, blah, right. Okay. Just coming from a separation of powers standpoint which he wouldn't understand 'cause he's a math guy, he's not political science. Executive, legislative, judicial branches. So the executive branch is where the Blount Report came from, that's under the president. That's a special commissioner appointed by President Cleveland who traveled outside of U.S. territory to investigate what's going on and he provided his reports to the Secretary of State Walter Gresham from April 1st when he initiated the investigation until July 17th or July 16, 1893. These periodic reports that he's sending over to Secretary of State Walter Gresham have come to be known as the Blount Reports, plural, not the Blount Report, right, singular, Blount Reports. James Blount served as a fact finder, he's gathering information, he does not make decisions. The President will ultimately have to make the decision, so as this information is being presented to the Secretary of State Walter Gresham who by the way was a judge from New York, so he has a law background. He was putting it together for his report given to James...to President Cleveland and that was on October 18th, October 18, 1893. And he basically concludes that by a threat of war, a government of a peaceful people has been taken over by us, and we need to return the situation back to the queen, it's our fault, that's what he concluded. Then, that report was given to the president. Now, President Cleveland on December 18th, two months later, gives his message to the U.S. Congress and that's the reference. So, whenever you reference 1893, you reference President Cleveland, that's the ultimate determination of what happened. And his statements in U.S. constitutional law are dispositive without question unless another president refutes it. We don't have that, okay. So, that's where I was drawing that information from that you folks saw from President Cleveland's investigation. Now in that investigation it was a scathing indictment of Captain Wiltse of the USS Boston and John Stevens the ambassador, meaning but for them this wouldn't have happened, putting them right in the middle, that's what Cleveland said, right, which means they committed treason in the Hawaiian Kingdom by attempting to overthrow the government. Now, because they had diplomatic immunity, they can't be prosecuted like how Sanford Dole could be prosecuted in Hawaii after the takeover. Diplomatic immunity requires in international relations the sending state to prosecute under a similar statute that was committed in the state that the crime was committed. So, he was supposed to be prosecuted for treason under U.S. Federal law, John Stevens and Captain Wiltse. Now in order to not have that happen, Senator Morgan from the Senate Foreign Relations Committee, okay, now that's the legislative branch. The legislative branch has, is not an executive branch. They don't execute any law. That Senate Foreign Relations Committee, its purpose was to vindicate John Stevens and Captain Wiltse. That was the purpose so that they don't have to prosecute them, okay. So, they started their investigation, their committee investigation in January of 1894, right. First, one of the first persons to come up, John Stevens. John Stevens

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was asked by Senator Morgan on the record, did your actions have the intention of intervening in the internal affairs of another country. He said, absolutely not, no, this was a lawful revolution, these revolutionaries were true revolutionaries and gave that story, right. More people were called in to take testimony and then the decision came out. Half the committee could not agree that Wiltse and Stevens should be vindicated. I think was the Democrats. Morgan was the deciding vote. So, you have a majority report and a minority report, right. They agree that Stevens should be held accountable but not Captain Wiltse. The majority report said both of them. Now, the problem with that, the Morgan Report is limited to U.S. territory. It's, it has no effect outside of the United States, right, because it's the legislative branch. It's President Cleveland message that is dispositive. He's the president, he's the chief executive. That's where international law looks at. So, coming from that standpoint, the Morgan Report is cancelled but its purpose was to vindicate. Now, what's interesting is John Stevens ending, ended up dying one year later, right. Karma, I guess. Now, just three years ago, the family of William O. Smith had all this records from 1890's and it was in a safe or something. I'm not too sure the details behind it. But the family took all these records and gave it to the Hawaiian Mission House, the archives, and Ron Williams, who is, he has PhD in History from UH, he's a good friend of mine, inquiring minds wanted to know so he's going through everything. When Queen Liliuokalani made the letter of protest, yielding her authority to the United States, the condition was the President of the United States, Benjamin Harrison, would be given that through the ambassador. That's why when Cleveland looked at it, Cleveland was like, did President Harrison know and he still submitted the treaty because this Queen's protest clearly said U.S. troops were involved. This wasn't about American businessmen. Come to find out, the first thing he found in there was the original protest of Queen Liliuokalani. They didn't take it. That means Harrison didn't know. Wow. We just found that out in 2016. The other thing that Ron found was a smoking gun. The smoking gun that James Blount was trying to find that the U.S. Ambassador intervened 'cause you're not supposed to recognize a revolutionary entity called insurgents until they are in effective control of all governmental machinery, right, that means a successful revolution. James Blount couldn't find it. He could only go by affidavits and a timeline. The smoking gun on the letterhead of the U.S. legation called the Embassy. John Stevens specifically writes to Sanford Dole, do not tell anybody that I recognize you as the de facto government until after you're in control of the police station. That's exactly what Senator Morgan asked him. That proves he intervened in the overthrow of the Hawaiian government. He orchestrated it. But we just found that today, I mean, three years ago. It's on the record in the Hawaiian Mission House. You can go online in the archives. It's all there. It's amazing what's coming out, this, it's like the ground is opening and documents are surfacing that is basically changing Hawaii before the whole world. We're now ready for that. So, when people keep pushing this Morgan, Morgan, Morgan...first of all, that's, he, that person doesn't understand political science or how government operates. He's a math guy. So, I don't try to pretend I know calculus. I defer to those experts, possibly him. But don't have him ask me about my law journal articles that was law reviewed, peer reviewed, and my PhD in this area specializing in international relations. I appreciate an opinion, but it's not a qualified opinion.

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COUNCILMEMBER MOLINA: Okay. Thank you, Dr. Sai. I think you've certainly responded well to the individual's, I guess, inquiry about your information. And lastly, on the Statehood issue, you know, in your opinion, should that vote for Statehood in 1959 be invalidated 'cause I know there were some concerns about that?

DR. SAI: Right.

COUNCILMEMBER MOLINA: Thoughts?

DR. SAI: Okay. So, within the context of the law of occupation, number one, you're supposed to administer Hawaiian Kingdom law, right. So, let's entertain the idea that they're gonna have a plebiscite. So, let's use the example of Iraq, Saddam Hussein's Iraq. The Kurds, right, and I believe the...I think Saddam was Sunni or Shia, I think it was Shia, yeah. Okay, so the Sunni and the Kurds were pretty much controlled by one part of the population and it was really oppressive, right. So, what the United States military had to do, the coalition provision authority was to allow those people to decide what they want. So, they had a vote, the Kurds, the Sunni, the Shia, and they agreed to a sort of a...well, they agreed to the form of a provisional government, right. But in that case what justified it was human rights violations, so they couldn't continue to administer anti-Kurdish law, which called for its Kurds from being, called upon Kurds to be executed. They couldn't execute that even though it was Iraqi law. So, they did have a vote, right, but the point is in that particular situation it was only Iraqi nationals that were voting, not U.S. troops with the Iraqis, not American contractors with the Iraqis. So, when you look at what happened in Hawaii in 1959, yes, there was a vote, the question is who voted? Americans and Hawaiians who believed they was Americans 'cause they thought we were ceded, right, and we're still dealing with that. But then the key here is who orchestrated the vote, was is the military government out of the executive branch like in Iraq under the coalition provision authority or was it the U.S. Congress that is limited to U.S. territory? So, when you go to the source of the Statehood vote, it's tied directly to the Congress, which has no effect in a foreign country, so that this legal opinion here by Professor Craven, he addresses one of the issues there, he addresses the plebiscite. So, information here has been addressed, questions have been looked into, we just got to know what has already been looked into and does this cause more research and more questions. But yeah, so that's why the vote would be not relevant because it violates the law of occupation.

COUNCILMEMBER MOLINA: Okay. Thank you very much for the history lesson and, you know, as I look at the overthrow of the Hawaiian monarchy, I guess it was part of the mindset of the Manifest Destiny acquiring lots of land and expanding westward, yeah.

DR. SAI: Right.

COUNCILMEMBER MOLINA: But thank you.

DR. SAI: Yeah, no problem.

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CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: I have another quick question.

DR. SAI: Yes.

COUNCILMEMBER LEE: Okay. Say you're not able to convince any legislative body to do, to pass legislation, which, you know, supports what you're --

DR. SAI: I'm just recommending.

COUNCILMEMBER LEE: --your contentions, okay. So, what about alternatives? What about...because these injustices were committed over 100 years ago, yeah --

DR. SAI: Yeah.

COUNCILMEMBER LEE: --so that there is something realistic that can be done like just as an, I'm just throwing this out as, let's say, separate lands recognized to become the Hawaiian Kingdom or the Hawaiian nation or something like that, so that it would be a nation within a nation or possibly a separate nation. Wouldn't that be more realistic --

DR. SAI: No.

COUNCILMEMBER LEE: --as a solution?

DR. SAI: It's...so, Alice, what you're doing is without knowing it, you using baseball rules to try to do a football play. We have to use the football rules to come up with the football play. I don't know exactly what play that is, I'm just giving you ideas of this is what the defense is, this is what you're going to have to deal with. But...

COUNCILMEMBER LEE: No, no, but the point is you haven't been able to get to first base in over 100 years.

DR. SAI: No, we're actually...I think we're at third base already.

COUNCILMEMBER LEE: So, so, well, my point is do you have realistic, reachable, alternatives?

DR. SAI: Yeah, absolutely.

COUNCILMEMBER LEE: I just threw that out, but it could be something else.

DR. SAI: Absolutely. We do.

COUNCILMEMBER LEE: Okay. What would that be?

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DR. SAI: Yeah. Well, it's like I've been explaining at the last three workshops 'cause we actually teach it in class. The issue first is not to create something into the future. The issue first is to get educated on what actually happened 'cause right now we're just throwing things on the wall and see what sticks, right. The fact is we're throwing things on the wall, now it becomes evidence of a possible war crime. See, now we got to stop throwing things on the wall. So, education is crucial. Now, the number one thing that we found that needs to be done through our research and through consultation with other experts, the reason why we're in our position that we are today is because of the noncompliance to the rule of law, that's really why, in the past. That's why we are where we are now. They screwed that up. They did it. For whatever reason, to maintain Hawaii as an occupied state to maintain 118 military bases here, to develop Pearl Harbor, that was their justification. But they did not comply with the law. So, as people get educated on what the laws are, so what is a football game, first step is to comply. What is the law and how do we be in compliance, begin compliance, because in the laws of occupation, what is inherent in the laws of occupation is bringing the occupation to an end. Occupations are not supposed to last for over a century. Occupations normally last maybe in the case of Japan after the Treaty of Surrender was from 1945 to 1952, seven years, occupation in Japan where General MacArthur was complying with the law of occupation and what those rules are. That's the stuff that we need to understand, what other people were doing already in similar situations. In order to look to the future on what we think we should do, we should always look to the past of what happened and we need to know what was the Hawaiian Kingdom. So, if we're talking about the economy, it's not what I think we should do. What was the economy in 1893 that was supposed to have been maintained? What are the elements of that political economy? What is the type of theory that they use with regard to commerce and trade? Well, did you know in the Hawaiian Kingdom, the type of economy that existed was not the American capitalism. In fact, it was a different type of capitalism called cooperative capitalism and that was called No Ke Kalaiaina. There's actually a book that was published in Lahaina in 1840's called No Ke Kalaiaina, Elements of Political Economy. We now have that. When you look at that, did you know that capitalism in this political economy is infused with values and morality? How's that? That's not the laissez-faire, Adam Smith version of capitalism. And every country has their own economy. Everybody thinks capitalism is America and it's all over the world. Each country is different. We need to know we have a different economy, so we need to know that should inform us on decision making. Did you know that Joseph Nawahi, he was a representative in Hawaiian legislature from 1872 to 1892, for 20 years represented Hilo, right? He was an attorney. He ran the boarding school. He was an artist. He also served a short time as Minister of Foreign Affairs under Queen Liliuokalani, right. Did you know his interest was economics? He was a driving force in organizing our people back then in his district to form general partnerships called hui, even corporations, 'cause remember back then you don't have 501(c)(3), yeah, tax write off. No, you got to work, you got to come up with something. And that was all part of the economy. Did you know when he contracted tuberculosis when he was arrested by the insurgents, I believe 1896, if I'm not mistaken, he traveled to San Francisco to try to get well. You know what he was looking at San Francisco while he was there even though he was suffering from tuberculosis? The banking system. He wanted to bring

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that home, not the capitalist system, the banking. That's how our people were thinking back then. It wasn't like trying to defend Hawaii. They wanted to come home and make Hawaii even better. Hawaii had a universal healthcare, natives, healthcare at no charge at Queen's Hospital. Did you know other countries didn't have that? The Scandinavian countries like Norway, Sweden, people talk about their health system. Did you know that only came out after World War II? Here's Hawaii, 1880's, 1890's, 1860's, 1870's, universal healthcare, compulsory education. The Hawaiian Kingdom had compulsory education before the United States, 40 years earlier. That's how education was important. There was a group from the University of Hawaii, Native Hawaiian Student Services. They just came back from London and Italy visiting where Hawaiian young men and women were travelling and getting educated 'cause Hawaii had a study abroad program. Men and women, young, were sent off. They visited, I believe the University of Turin, Maile Boyd [sic], a wahine was actually up there learning sculpture, yeah, from the best sculpture teacher, right. You had Robert Wilcox Wilikoki, went to the military academy in Turin. He's a field artillery officer. You see his picture he got cross cannons. I'm a field artillery officer too. This group went to go visit the academy, which is like West Point, and they were actually recognized as a Hawaiian delegation by the commandant. Then they traveled to Naples, went to Naples military academy. Some Hawaiians were there. It's like a high school military academy. They actually received the University of Hawaii students as representatives from the Hawaiian Kingdom and said we hope our relations will be better in the future. Wow. They're doing their research too. And then they went to a person who had...they wanted to find the old consulate, the Hawaiian consulate in Naples. So, they went there, found the address, but they found the building was destroyed during World War II, was bombed. In its place was a shop that was put up. They went and told the shop owner about this is the area where the Hawaiian consulate was. The shop owner tripped out. He was amazed. Did you know that he now has a Hawaiian flag in the front of his shop? This is where the Hawaiian consulate was. So, this awakening is happening not just here, it's happening internationally, and that's what's exciting. So, we have to be mindful that this is not parochial, this is not just us, it's the international community who are also awakening to this new information or should I say old information, yeah. So, things are happening and it's good, but people like you that are in positions of power, you got a steep learning curve as opposed to somebody sitting in the gallery 'cause you guys decisions affect people. And that's why, again, I'm here as a resource for anything. This is not just for the Chair to contact me if she needs a question answered. You folks can contact me. I got an e-mail. I got a cell phone, right. Have audience will travel.

CHAIR PALTIN: We're at 12:07, but Member or Vice-Chair Rawlins-Fernandez had a question if that's alright.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll make it a quick question. I just wanted to follow up on the questions that I was asking the testifiers earlier. You know and I realize perhaps I made a wrong assumption. So, from the outside it looks like there's like a competition for who wants to head the restoration of the Hawaiian

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Kingdom. And so, it looks like there's a conflict. In your perspective, is there a conflict with those, you know, the Lawful Hawaiian Government and other efforts?

DR. SAI: Well, I don't...to me, I don't see a conflict. It's just really a matter of complying with the law and that's really all it is. For what I do, I have a background for that and there is a basis as to how the Council of Regency was formed. It's called the Doctrine of Necessity. That's a recognized principle. Governments in exile, that's how they were formed. They weren't elected. You can't have an election in occupied territory 'cause the first thing is who's registering voters. See, a registration of voters is a governmental issue. In the Hawaiian Kingdom, it comes out of the Minister of the Interior. And then who paid their taxes in order to vote, that's the Minister of Finance. So, you need an operating government first before you can have a vote. That's why governments in exile were not established by voting, it was established by what is called necessity. That's a legal doctrine. There's actually court cases on that on how civilians can assume the role because the Doctrine of Necessity is important to know because it has to be proportionate. 'Cause if it's not proportionate, it could be treason. See, that's when it gets where the rubber hits the road. So, those questions as to how the Council of Regency was formed, it was formed under the Doctrine of Necessity. The Permanent Court of Arbitration verified that. If we weren't the Council of Regency, we wouldn't have been able to represent the Hawaiian Kingdom as a party in these proceedings, right. So, when we came back home to educate people, we purposely did not want to make the Council of Regency the focus. The focus is the country. The Hawaiian Kingdom as a state. So, you might say metaphorically the Council of Regency which was formed in 1995 drove the Hawaiian Kingdom car to the Netherlands, showed its I.D., got through the gate, had the hearing, returned home. When we came home, we didn't want the focus to be on the council. We wanted the focus to be on the car. So, metaphorically we started to drive the car backwards and the only way you can see who's driving is you only see the rear-view mirror. We're making sure the car becomes the issue. So, when we talk about the law of occupation, we talk about compliance. You don't need a government and there's no representing the country to restore. It's based upon compliance. Even a private person who would know the law of occupation can ensure compliance, that's called human rights. They can make those claims. There's bodies to do that. But to represent a state, you got to be a government. So, our formation of the Council of Regency bore a striking resemblance to the Belgian Council of Regency formed after King Leopold was captured by the Germans and this Belgian Council of Regency was formed in London. That was not by a vote. And that was the same case with the other countries. One particular country that did vote that needed to...they were arguing that they had the authority, that was the Czechoslovakian government. But at first, the other countries wouldn't recognize them 'cause they weren't following the laws of Czechoslovakia. They were following laws they thought could apply in London. So, for us, we had to really look at precedence. This idea of becoming an acting Council of Regency cannot be done or could not be done in a vacuum. It had to point to precedence. That's why people like these experts who get involved with us they wouldn't do legal opinions for the Council of Regency if it was self-declared. It had to have some status under international law under the laws of occupation. So, that's really what it is.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your response. Mahalo, Chair. And mahalo for your presentation.

DR. SAI: Thank you.

CHAIR PALTIN: Thank you. I just had a couple questions if it's alright.

DR. SAI: Okay.

CHAIR PALTIN: What...

DR. SAI: My flight's at 1:45, so maybe 5 minutes.

CHAIR PALTIN: Okay. Maybe you can give us some questions if we have the title companies come down, like what types of questions we should be asking them.

DR. SAI: Okay. How's about I recommend this, each of you have this PowerPoint and you can go over it. Try to come up with questions on your own and then I can look at it then, and then kind of steer you into an area where I can give you more information. 'Cause what I don't want to do is to give you questions for you to ask when you folks should be asking it. But I can assist you folks in how to frame the question, what to make reference to, but it's your folks' question. So, I'm just going to give advice, not I'm going to tell you how to answer or what to answer. But I would really love to see you folks' thoughts on what you think you should ask based upon reviewing the PowerPoint, yeah. Is that good?

CHAIR PALTIN: Yeah. Members, any further questions? Okay. If there is no objections, the Chair will defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KTK and YKS)

ACTION: DEFER PENDING FURTHER DISCUSSION.

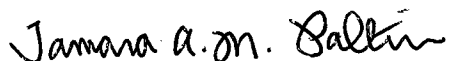
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CHAIR PALTIN: This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members. Thank you, Dr. Sai. The time is now 12:12 and this meeting is adjourned. . . .(gavel). . .

ADJOURN: 12:12 p.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:min:190821:mb

Transcribed by: Michelle Balala

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CERTIFICATE

I, Michelle Balala, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 9th day of September, 2019, in Kihei, Hawaii

A handwritten signature in cursive script, reading "Michelle Balala", is written over a horizontal line.

Michelle Balala