INTRODUCTION TO APPROACH OF HAWAIIAN NATIONALISM IN THE U.S. JUDICIAL SYSTEM

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Aloha Kakou:

Hawaiian nationals are sometimes caught between a “rock and a hard place” when faced with the U.S. legal system and courts. One reason is a misunderstanding of exactly what is the court and legal system of the U.S. A well-known Federal judge, Learned Hand, once interrupted an attorney addressing the court and told him, “young man, this is not a court of justice, this is a court of law!”

Too many people caught in the grasp of the judicial system, whether Federal or State make the mistake that they can go into the courts and argue justice and instead get slapped around, chewed up and spat out by the law! That’s why it’s difficult for some who are not trained in the law, but has a clear sense of justice, continue to fight a mostly loosing battle. At times, the law may line up with justice. But they are generally coincidental.

When a Hawaiian national comes to me for advise on how to contend with the judicial system, knowing of my outlook regarding the illegality of the U.S. system operating in Hawaii over our Hawaiian nationals, as well as my licensure and practice in that system since 1976, before me are several choices:

Do I suggest a path of Hawaiian nationalism by asserting a lack of jurisdiction of the government or,

Do I suggest a path of challenging the accusations or allegations in accordance with the systems laws?

That is really a matter for the seeker of advice or client to decide. My general approach is to begin looking at the case from neither approach. The first and principle consideration is to look at the advice seeker.

Does the seeker really understand the position, history, and challenges of the Hawaiian national argument, or is the seeker merely trying to find a way of avoiding responsibility and this Hawaiian national argument may be a way out of responsibility? Is the seeker so committed to the Hawaiian national position that the seeker is willing to serve the time in jail or the fine if found guilty by the judicial system, or will he “punk out” and so at the end, say “O.K., I’ll just pay the fine, and acknowledge your jurisdiction?”

Some are uncertain and are trying to avoid the penalty the court may impose as the priority. They may want to be able to stay out of jail or continue to drive a vehicle and keep working to support family. They may have mixed motives or believe in Hawaiian sovereignty issues but not ready to undertake the battle at this time. These are all maters to consider in advising a path to take within the judicial system.

My usual advice is generally to attack jurisdiction of the government, but at the same time, to be ready to use the statutes, constitutions, rules of court and of evidence, and fight with all the tools available within the system to defend oneself. Throw everything into the contest, including the “kitchen sink!”

In a current case, this is an approach I am taking. First is by filing a motion challenging the jurisdiction of the US in Hawaii, using many historical materials and mixing it with Hawaiian laws, U.S. laws, and international laws and principles. A copy of the motion and memorandum in support of the motion is being posted on this website here.

A second approach is by using the U.S. legal system to contest the process being taken. At all times, I would study the specific law applicable, study the facts, and construct legal arguments to apply the facts to the law. Here is an example of a challenge to the jury selection process that I am now raising, essentially arguing that the types of juries now being selected are not a fair cross-section of our community. You can find that memo here as well.

Part of the evidence to show the court of the improper method of jury selection is to have a declaration filled out and filed with the court, of people who are not registered voters in Hawaii, who are not licensed drivers, and who do not file State income tax returns. If one does not participate in any of those three categories, they can’t get on the Master Jury list! Every party in a case before a jury is entitled to have a fair cross-section of the community from which they come have a chance to be represented on the jury! I am now looking for individuals who are willing and able to make such a declaration (see this web site for a copy), sign and send it to me for filing! My address where it should be sent is Poka Laenui, 86-641 Puuhulu Road, Wai`anae, HI 96792. Send me separately your contact information.

All three documents are available on this site in the present page location:

1) challenging the jurisdiction of the U.S. government in Hawaii,

2) challenging the array of e jury, and

3) a Declaration of \_\_\_\_\_\_\_\_\_\_\_\_\_ (regarding qualification to serve on a jury).

Good luck in whatever approach you take. Feel free to share with others.

Aloha a hui hou,

Poka Laenui, Hawaiian National, Juris Doctor