

IN THE CIRCUIT COURT OF THE 1ST CIRCUIT

STATE OF HAWAI`I

**Electronically Filed
FIRST CIRCUIT
1CPC-19-0000564
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STATE OF HAWAI`I)
)
 Vs)
)
 ANDREA L. JUNE,)
)
 Defendant.)
)
 _____)

Case No. 1CPC-19-0000564

Defendant’s Supplemental Memorandum in Support of Motion to Dismiss
For Lack of Jurisdiction

COMES NOW, DEFENDANT ANDREA L. JUNE, THROUGH HER ATTORNEY Pōkā Laenui (Hayden F. Burgess) and respectfully submits this supplemental Memorandum in Support of its Motion to Dismiss for Lack of Jurisdiction, following the receipt and filing by the State of its Supplemental Memorandum in Opposition to Defendant’s Motion to Dismiss for Lack of Jurisdiction filed on July 25, 2019 and its Memorandum in Opposition to Defendant’s motions to Dismiss for Lack of Jurisdiction filed on 31 May 2019. Defendant respectfully requests the court accept and receive this supplemental Memorandum in view of the State’s recent filing and in the interest of keeping the record complete and thorough.

The State’s position, given the two memorandums it has filed, make the following arguments in summary:

1. A summarization of the judicial history of Hawaii tracking the formation of the first written constitution in 1840, followed by further constitutional changes in 1852, 1864 and 1887. (page 1 and 2 of State’s 1st Memorandum)
2. In 1893 and apologized to by the US and Hawaii State government, the Hawaiian monarchy was overthrown and replaced with a provisional government. (page 3, ibid)
3. In 1894, failing to annex the Hawaiian Islands to the U.S., this provisional government established the Republic of Hawaii. The Constitution of the Republic of

- Hawaii abrogated all prior constitutions and adopted all consistent statutes and laws in effect prior to the promulgation of the new constitution. (ibid)
4. In 1898, at the urging of the annexationists, the US Congress established the Territory of Hawaii as documented in the “Organic Act.”, bestowing US and Territorial citizenship upon citizens of the former Republic of Hawaii. (ibid)
 5. In 1959, the US Congress admitted Hawaii to the Union as the 50th state via the “Admission Act.” That Act provided for the newly formed State courts to assume the jurisdiction of all the Territorial courts. (p. 3 & 4, ibid)
 6. All territorial laws to continue in force in the State of Hawaii and subject to the repeal or amendment of the Legislature of the State of Hawaii. (ibid)
 7. Successive constitutions are consecutive rather than concurrent or cumulative, unless they expressly provide otherwise. The Constitution of the State of Hawaii is the only constitution, succeeding all others, and the Hawaii Revised Statutes is the successor body of law replacing all those previously in effect. (ibid)
 8. Jurisdiction over Defendant is vested in this court by virtue of the commission of the offense under the operative Constitution of the State of Hawaii and the Hawaii Revised Statutes. (ibid)
 9. The Supreme Court of the State of Hawaii is the lawful government over the territories of the State of Hawaii, including the island of O`ahu.

For over 40 years in Hawaii, leaders in the modern outcry for Hawaiian Sovereignty, when faced with the story of Hawaiian history and when questioning the legitimate basis for a transfer of jurisdiction from the Hawaiian nation to the State of Hawaii, coined the phrase, “a thief in judgment of itself.” Puanani Burgess, a Hawaii Living Treasure and a Hawaii poet Laurette, during the case of State v. Pulawa (1977 retrial). The State’s version as set out in the above 9 points give proof to that phrase.

Here, we will give a short version of the points of error to the State’s nine points, each built one upon the other and which crumbles any succeeding points when any one of the preceding points are shown to be a fallacy in historical fact or legal reasoning.

THE FALLACY OF THE STATE'S 9 POINTS ARGUMENT

Point 1. A summarization of the judicial history of Hawaii tracking the formation of the first written constitution in 1840, followed by further constitutional changes in 1852, 1864 and 1887.

This is a haole's (foreigner's) version of constitutional history of Hawaii which pretends that Hawaii had no constitution prior to the first written constitution in 1840. A constitution is not limited to a written document. Instead, it is the statement of the fundamental being of a people, a set of principles reflecting the fundamental rules, the deep culture, the cosmology of a people. Hawaii's Constitution was first and most clearly expressed during the waning years of his life and when on his deathbed, a close chief asked the father of the Hawaiian nation-state, Kamehameha the Great, what were the words he would leave for his people, and he said, "E Na`i Wale no `oukou, i ku`u Pono a`ole pau . . ." (Be undeterred for my Pono has not ended . . .) and he expired. Pono was again recited by his son, Kamehameha III (Kauikeaouli) when upon the restoration of the Hawaiian government to power in 1843, he closed his acceptance speech at Kawaiha`o Church with the words, "Ua mau ke `ea o ka `āina i ka pono." (The life force of the land (nation) is/has been preserved (to be preserved) in righteousness (pono).)

From the Hawaiian national's position, the first and remaining constitution of Hawaii is Pono. The subsequent written constitutions beginning in 1839 (Luaehu constitution) and every subsequent written constitution following, are merely amendments to the expression of Pono as best as can be expressed, given the changing times and circumstances of Hawaii. The phrase, "Ua mau ke `ea o ka `āina i ka pono" served not only as the motto of the Hawaiian nation but has persisted throughout, even till today as the motto of this "State of Hawai`i". It has survived, enduring this continuing period of Hawaii's victimization and loss of its ability to exercise self-determination since 1893 due in principle part to the invasion of U.S. forces in Honolulu in January 1893. (Blount Report, incorporated in the address of President Cleveland's address to

the joint houses of Congress, December 18, 1893; U.S. Confession (“Apology Act”), PL 103-150, and Defendant’s Exhibits in support of its motion to dismiss. Judicial notice of the Hawaii State motto.)

Furthermore, besides the changes in the written constitution of Hawaii from the years 1840 to 1887, Hawaii also underwent other fundamental changes. Hawaii entered the arena of international relations, engaged in international recognition of other nations and was also recognized as a member of the international community. It entered treaties and executive agreements with almost every independent state of the world community, obligating itself to the standards of international law as reflected in treaty laws, in customary international law, and in the learned treatises of the world community. Part of that fundamental law which now became part of the body of laws of Hawaii was the treaties with the United States of America, including the treaty of 1840 in which there was a commitment on both parties that there would be perpetual peace and amity between the two parties, and which was violated by the U.S. landing of its troops in Hawaii in 1893 and participated in the overthrow of the legitimate Hawaiian constitutional monarchy!

This too became part of the “constitutional framework” of the Hawaiian nation, just as it was for the United States of America through U.S. Supreme Court decisions such as the Paquette Habana and the Lola case finding that international common law was part of the domestic law of every civilized State, as well as the recognition of Article 6 of the U.S. Constitution which recognized that all treaties ratified pursuant to the U.S. Constitution was part of the law of the land, requiring every judge in every court to be obligated to such treaties.

International law, thus evolving with both Hawaii and the United States of America required that these two independent nations conduct themselves according to such laws as part of the foundational laws reaching constitutional heights in both societies. President Cleveland said in his address to the joint houses of Congress on December 18, 1893, that while international law does not have an enforcement arm, it was not an excuse to ignore international law but it placed the abiding of international law as an even greater call upon the honor and dignity of each nation to abide by it. (Paraphrase of the President’s comments, see Exhibit of Cleveland’s address to the joint houses.)

We can conclude this point 1's summarization by establishing two markers, the first is that an understanding of Hawaii's constitutional history is far more than merely tracking of the changes in the written constitution said to be that of the constitution of Hawaii for that understanding of Hawaii's history is shallow and is merely a tactic to avoid a deeper understanding of the implications of these changes, a tactic directed to a specific outcome under a pretense of a proper reading of constitutional history of Hawaii. It is part of the tactic to justify the theft of the independent Hawaiian nation!

The second marker is that as a result of the involvement of Hawaii in the international community and the increased obligations and commitments made with other nations during this period from the time of Kamehameha I and the U.S. invasion of Hawaii in 1893, Hawaii's fundamental law was far more than a written constitution. It became the full body of international law ratified or conceded by the nation, including the treaties and executive agreements with the United States of America.

Deviations from these fundamental laws of Hawaii which do not follow a proper form of amendments in respect to the right of self-determination of this Hawaiian nation are violations of such fundamental laws and such deviations will only constitute the purveyors of such deviant conduct as violators of the law. While such violators may take raw power, their power will at most never be able to attain the position of de jure status but be nothing more than the application of force. It this point, it is no longer pono, law, or justice but merely the tactics and techniques of thievery in whatever way one wishes to cover it with the thief's blemished history and rhetoric!

Point Two:

In 1893 and apologized to by the US and Hawaii State government, the Hawaiian monarchy was overthrown and replaced with a provisional government.

Indeed, the U.S. apologized for its invasion of Hawaii in 1893. The apology was made to the native Hawaiian people and not to the nation or those other citizens/subjects who constituted the Hawaiian nation who all suffered the loss of self-determination by the acts of the U.S.

government. Therefore, while the acts taken by the U.S. in 1893 is confessedly contrary to international law and a violation of the “law” between Hawaii and the United States, the apology was only extended to a select class of people, the lineal descendant of those of the Hawaiian race.

As President Cleveland said in his joint address to Congress, “a wrong has thus been done.” What is the value of an apology? 1st, the apology came one hundred years following Cleveland’s address to Congress. During that 100 year period, the U.S. took advantage of its aggression against Hawaii, engaged in the establishment of puppet governments, both the Provisional Government (established for the sole purpose of annexation of Hawaii to the U.S.) and when that failed, in the Republic of Hawaii which later accomplished the original conspiracy of “annexation”, albeit yet another set of violations of laws of Hawaii, of the U.S. Constitution, and of the laws of nations.

The State’s point 2 to 6 which attempts to legitimize the events which occurred in Hawaii according to its haole (foreign) view of history, has to be seen as part of the product of the illegal act and the reason for the apology of the United States to the native Hawaiian people. While it confesses to wrongs engaged in against the Hawaiian nation, the U.S. apology does nothing to undo the illegalities which occurred as a result of those wrong-doings. It leaves in place the stolen right of self-determination in the hands of the thief, the U.S. government and its puppet, the State of Hawaii created out of U.S. domestic law!

This court knows well the tactics of those who hope to escape liability and punishment by apologizing for their criminal activities but making no effort to institute an appropriate remedy for such criminal activity. In the Hawaiian healing practice of Ho`oponopono, there is a fundamental principle that mihi, (confession and apology) is an important starting point in the resolution of a hihia, pilikia or problem which has created the discord in human relationships. There must be accompanying the apology, a return of the object of the theft as well as a restoration of the injured party to the position in which they would have been had the injury not been committed in the first place. There must also be other amends, including for the continued violations and sufferings which occurred during the period in which the criminal activity remained outstanding.

Yet, the State makes a point of U.S. mihi, a confession and apology through a public law, but makes no effort to address the other aspects of mihi. Where is the restoration for the stolen right of self-determination? Where is the apology for all the people injured as a result of this theft of self-determination? Where is the restoration for the pain and suffering, the taking of years of service, of taxes, of use of lands of the Hawaiian nation without proper compensation to the Hawaiian nation and all its members, of all racial extraction?

In this U.S. confession and apology, where is the equal participation of the victim of the U.S. crime at the “table.” Instead, the U.S. apology was a manufactured statement reached among members of the U.S. political body, the Congress. The people of Hawaii were not treated as an equal party to the resolution of this hihia. This apology is insufficient. It does, however, establish the factual basis, uncontested, of the illegality of the U.S. invasion into Hawaii and the subsequent taking of its sovereignty as a direct result of said invasion.

If the U.S. and the State of Hawaii is truly part of the civilized world in which common international law and treaty law is part of the universe of laws by which they should operate, than the confession of U.S. invasion calls forth the application of the UN General Assembly Resolution on the Definition of Aggression (GA Res. 3314 (XXIX) of 4 December 1974) which defines aggression, inter alia, as “the attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State” (Article 3) That GA resolution further states, inter alia, “No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.” (Article 5)

Article 7 of that document sets forth the following:

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of the right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination, nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Hawaii's people qualify as being under colonial and racist regimes or other forms of alien domination, when in 1946, Hawaii had been placed on the list of places to be decolonized by Resolution 66 of the UN General Assembly.

Point 3:

In 1894, failing to annex the Hawaiian Islands to the U.S., this provisional government established the Republic of Hawaii. The Constitution of the Republic of Hawaii abrogated all prior constitutions and adopted all consistent statutes and laws in effect prior to the promulgation of the new constitution.

The State's summary of the events of 1894 fails to tell the full story which includes those parts which were absolutely in violation of the principles of pono and respect for the concept of self-determination. In the Defendant's original memorandum in support of its motion to dismiss for lack of jurisdiction, the following is said at paragraph 4:

A provisional government was formed for the explicit purpose of annexing Hawai'i to the United States. That attempt failed by the Presidential intervention of Grover Cleveland by his message to Congress. The provisional government converted itself into the Republic of Hawai'i. The Republic of Hawai'i was illegitimate and not the representative voice of the Hawaiian people. It instead, suppressed the voices of the people and proceeded on its project of annexation. Cleveland's Message; Apology Resolution; HSAC Report; SAC Report; Act 359 SLH 1993;

How exactly did this "change of clothing" occur from the puppet "provisional government" to the "Republic of Hawai'i"?

The Puppet Government Changes Clothes

Cleveland, in his address to congress closed with the following,

[T]he law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give

*additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace.*¹

Cleveland refused to forward the treaty to the Senate as long as he remained President. Lili`uokalani was advised of the President's desire to aid in the restoration of the status existing before the lawless landing of the United States forces at Honolulu if such restoration could be affected upon terms providing for clemency as well as justice to all parties. In short, the past should be buried and the restored government should reassume its authority as if its continuity had not been interrupted.² The Queen, first protesting that such a promise from her would constitute an unconstitutional act and was therefore beyond her powers to grant, later acceded to the demands for general amnesty upon the return of the powers of government.³

The Provisional Government was immediately informed of this decision and asked to abide by Cleveland's decision, yielding to the Queen her constitutional authority; to which it refused. In doing so, they protested Cleveland's attempt to "interfere in the internal affairs" of their nation, declaring themselves citizens of the Provisional Government, thus beyond Cleveland's authority. A short time before, they had relied upon their American citizenship and thus justified the landing of U.S. marines to protect their lives!

Cleveland, though filled with principled words, left the U.S. troops in Hawai`i's harbors to protect American lives.

The "provisional government" was under international criticism for being a government without the support of its people, existing, in fact, without a constitution or other fundamental

¹See "Cleveland's Address",

²Gillis, James Andrew, The Hawaiian Incident, Books for Libraries Press p.87-88, 1970.

³ Lili`uokalani, Supra note 22, p. 245-251

document to afford even the appearance of legitimacy. Faced with the predicament of an American administration which would not condone the conspiracy yet would not abandon American lives in Hawai`i evidenced by the remaining American war ships in Honolulu Harbor, they devised a plan to restructure themselves to appear as a permanent rather than a provisional government. When a new American president came to office, the restructured government would act as the vehicle to place the conspiracy back on course.

A constitution giving them permanence and validity had to be drafted. Dole, acting as President of the Provisional Government, announced a constitutional convention of thirty-seven delegates, nineteen, selected by him, and the remaining eighteen elected. The candidates and voters for these eighteen positions were first required to renounce Queen Lili`uokalani and swear allegiance to the provisional government.⁴ Less than 20% of the otherwise qualified voters participated in their election. A "Constitutional Convention" was held. A document substantially as submitted by Dole and Thurston was adopted. The constitution of the "Republic of Hawai`i" claimed dominion over all lands and waters of Hawai`i. It claimed all citizens of Hawai`i automatically its citizen. Foreigners who supported the new regime could vote; citizens loyal to the Queen could not; and because the Japanese and especially the Chinese supported Lili`uokalani, they were, as a group disenfranchised. Further, only those who could speak, read and write in English or Hawaiian and explain the constitution, written in English, to the satisfaction of Dole's supporters could vote.

On July 4, 1894 while Americans were celebrating their independence day by firing their cannons from their war ships in Honolulu Harbor, Dole ascended the steps of `Iolani Palace and proclaimed the Constitution and thus the "Republic of Hawai`i" into existence. In so doing, he declared all of the government lands and the crown lands and all the waters of the Hawaiian nation was now the Republic's. All Hawaiian citizens were automatically considered citizens of the Republic. No vote was taken on the matter.

⁴Daws, p 2 80-281, Kuykendall, Hawaii--A History p.183.

Lili`uokalani had lost her throne for considering altering the constitution by fiat, alleged the “missionary party.” Now, circumstances having altered the players, the conspirators invoked the name of liberty and did substantially the same thing.⁵

When William McKinley replaced Cleveland as President, Dole's group rushed to Washington to complete the conspiracy. With a "Constitution" in hand declaring they governed Hawai`i, the "Republic of Hawai`i" ceded "absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands. . ." A "treaty of annexation" was signed.

Realizing the "treaty" could not get the 2/3 Senate approval required of the U.S. Constitution,⁶ the conspirators circumvented that requirement and settled for only a joint resolution of Congress. The Newlands Resolution of July 7, 1898 was passed⁷ over the outcry of the vast majority of people in Hawai`i.⁸

⁵Daws p. 281.

⁶Article 2, §2 U.S. Constitution.

⁷Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895.

⁸Memorial Statement adopted by Mass Gathering on Oct. 8, 1897 to the President, the Congress and the People of the United States of America, **Attachment 3** to this document to members of the Special Committee on Decolonization, As well, note the mass petitions obtained by two civic organizations, Hui Aloha `aina and Hui Kalai`aina containing up to 39,000 names inscribed, protesting annexation of Hawai`i by the United States.

The United States now asserted its authority, backed by its military force, over Hawai`i. It soon established the government of the "Territory of Hawai`i"⁹ under which the President of the United States rather than the people of the territory, would select the territorial governor.

As these events were happening, Lili`uokalani engraved her plea to the American people:

Oh, honest Americans, as Christians hear me for my down-trodden people! Their form of government is as dear to them as yours is precious to you. Quite as warmly as you love your country, so they love theirs. [D]o not covet the little vineyards of Naboth's so far from your shores, lest the punishment of Ahab fall upon you, if not in your day in that of your children, for "be not deceived, God is not mocked." The people to whom your fathers told of the living God, and taught to call "Father," and whom the sons now seek to despoil and destroy, are crying aloud to Him in their time of trouble; and He will keep His promise, and will listen to the voices of His Hawaiian children lamenting for their homes.¹⁰

Her plea fell on a deaf people.

Let us briefly return to the State's 3rd point:

In 1894, failing to annex the Hawaiian Islands to the U.S., this provisional government established the Republic of Hawaii. The Constitution of the Republic of Hawaii abrogated all prior constitutions and adopted all consistent statutes and laws in effect prior to the promulgation of the new constitution.

We see now how invalid this stepped transaction is to the principles of pono, to principles of human rights and fundamental freedoms, to the principle of self-determination as established in international law by that grand American document known as the Declaration of Independence. These stepped transactions in 1894 should not obtain the approval of this court, the Hawaii judicial system, or the people of Hawaii. To do so would be to act in collusion with the violation of the father and mother of all human rights, the right to self-determination. It would be a shame to do so and should simply be refused!

⁹The Organic Act of April 30, 1900, C 339, 31 Stat 141.

¹⁰Lili`uokalani p.373-374.

Point 4:

In 1898, at the urging of the annexationists, the US Congress established the Territory of Hawaii as documented in the “Organic Act.”, bestowing US and Territorial citizenship upon citizens of the former Republic of Hawaii.

The establishment of the Territory of Hawaii was accomplished under U.S. colonial administration in 1900 under the “Organic Act”. That act foisted upon the ceded citizens of Hawaii to the United States in the act of cession under a “Treaty of Annexation” between the Republic of Hawaii and the United States, U.S. citizenship. That act was a violation of the standard of human rights which was reiterated by the Universal Declaration of Human Rights, (Gen. Assembly Reso. 217 of 10 December 1948) Article 15, declaring “1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

The nationals of the Hawaii nation had their citizenship simply changed by declaration of Sanford Dole on July 4, 1893 to that of the Republic of Hawaii by the adoption of the republic’s constitution. In the “cession” of Hawaii to the United States in the never-ratified treaty of annexation, ceded to the U.S. was all of the government and crown lands of Hawaii (hereafter known as “ceded lands” as well as the people of Hawaii, now ceded to the United States and endowed with U.S. citizenship, thereby claiming to remove them of their Hawaiian nationality!

How is this pono? How can this be another legitimate step in the conversion of Hawaii’s independent governance status to becoming part of the United States?

Point 5:

In 1959, the US Congress admitted Hawaii to the Union as the 50th state via the “Admission Act.” That Act provided for the newly formed State courts to assume the jurisdiction of all the Territorial courts.

This Admission Act by the U.S. Congress was a farce. See Exhibit Doc. 23, A Call for review of the Historical Facts Surrounding UNGA Resolution 1469 (xiv) of 1959 Which Recognized Attainment of Self-Government for Hawaii, hereafter, the Call.

Point 6:

All territorial laws to continue in force in the State of Hawaii and subject to the repeal or amendment of the Legislature of the State of Hawaii.

Given the review of the last five points above, point 6 is based on that long line of illegitimacy and is a sum of the illegitimate acts taken from the past. It has no independent basis for legitimacy. It is but a self-serving declaration that gains no additional claim of legitimacy by its repetition.

Point 7:

Successive constitutions are consecutive rather than concurrent or cumulative, unless they expressly provide otherwise. The Constitution of the State of Hawaii is the only constitution, succeeding all others, and the Hawaii Revised Statutes is the successor body of law replacing all those previously in effect.

The Constitution of the State of Hawaii, upon an examination of its foundation is no more legitimate than the predecessor points made by the State. In the introduction of the constitution, we find half truths and the footprint of colonization throughout. It states:

“The Hawaii Constitution was framed by a Constitutional Convention under Act 334, Session Laws of Hawaii 1949. It was adopted by the people at the election held on November 7, 1950, and was deemed amended when three propositions submitted to the people in accordance with the Act of Congress approved March 18, 1959, 73 Stat 4, Public Law 86-3, were adopted by the people at the election held on June 27, 1959. As so amended, it was accepted, ratified, and confirmed by Congress by the Act of March 18, 1959. It went into effect on August 21, 1959, upon the issuance of a presidential proclamation admitting the state of Hawaii into the Union.”

The people who participated in the formation of the constitution back in 1949 were limited to only U.S. citizens, including the U.S. military. The “people” who adopted the constitution were U.S. citizens living in Hawaii. It was not adopted by the majority of the people of Hawaii. The three propositions submitted to the people was not in accordance with international law, which was obligatory upon the U.S. (see Doc.23, The Call.) The Constitution of the State of Hawaii, therefore, is nothing more than a fraud upon the people of Hawaii as well as against the principles of self-determination and pono.

Point 8:

Jurisdiction over Defendant is vested in this court by virtue of the commission of the offense under the operative Constitution of the State of Hawaii and the Hawaii Revised Statutes.

Point 9:

The Supreme Court of the State of Hawaii is the lawful government over the territories of the State of Hawaii, including the island of O`ahu.

Given the review of all the previous points, points 8 and 9 is nothing but empty self-promotional justification of a theft of the rights of self-determination by the U.S. government

Finally, in closing, it should be clarified that our challenge to the State is its lack of jurisdiction over the Defendant. We do not claim the Defendant is immune from prosecution as a result of sovereign immunity. She makes no claim that she is a government official from a foreign government.

Further, Defendant does not claim the existence of a Hawaiian government or “state”. She instead claims that she is a Hawaiian national, a member of the Hawaiian nation. As a result of the U.S. aggression beginning in 1893, the Hawaiian state, i.e., the monarchical form of government does not now exist as a functional government. However, the nation continues to exist, but without a functional government to qualify as a “state.”

The lack of the existence of a state to represent a nation does not grant any other state to exercise its national jurisdiction over an individual member of that stateless nation. Jurisdiction does not work in a vacuum. It must have a positive basis upon which to operate, either a territorial, personal or subject matter basis. Members of a stateless nation, especially in the present case in which it was the U.S. government which caused that stateless condition to exist due to the U.S.’ aggression and colonial application over the Hawaiian state causing its destruction, the U.S. is estopped from now claiming that they have been so successful in committing this crime against the self-determining right of the Hawaiian state that it should be rewarded jurisdiction over the former state’s territory and people.

Conclusion

Jurisdiction must be shown to exist by the claimant of jurisdiction. When challenged, it cannot be merely assumed.

Defendant claims the State has neither personal nor territorial jurisdiction in this case.

The charge of driving without a driver's license is a domestic law within the U.S. through the State of Hawai`i. How can the domestic law of the U.S. apply over Defendant who is not a U.S. citizen and who acted solely within the territory of the Hawaiian nation? It should not.

Dated: Wai`anae, O`ahu, Hawai`i this 28th day of July 2019.

/s/ Pōkā Laenui (Hayden F. Burgess),
Attorney for Andrea L. June