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ATTORNEY
OF THE YEAR

**Pōkā
Laenui**

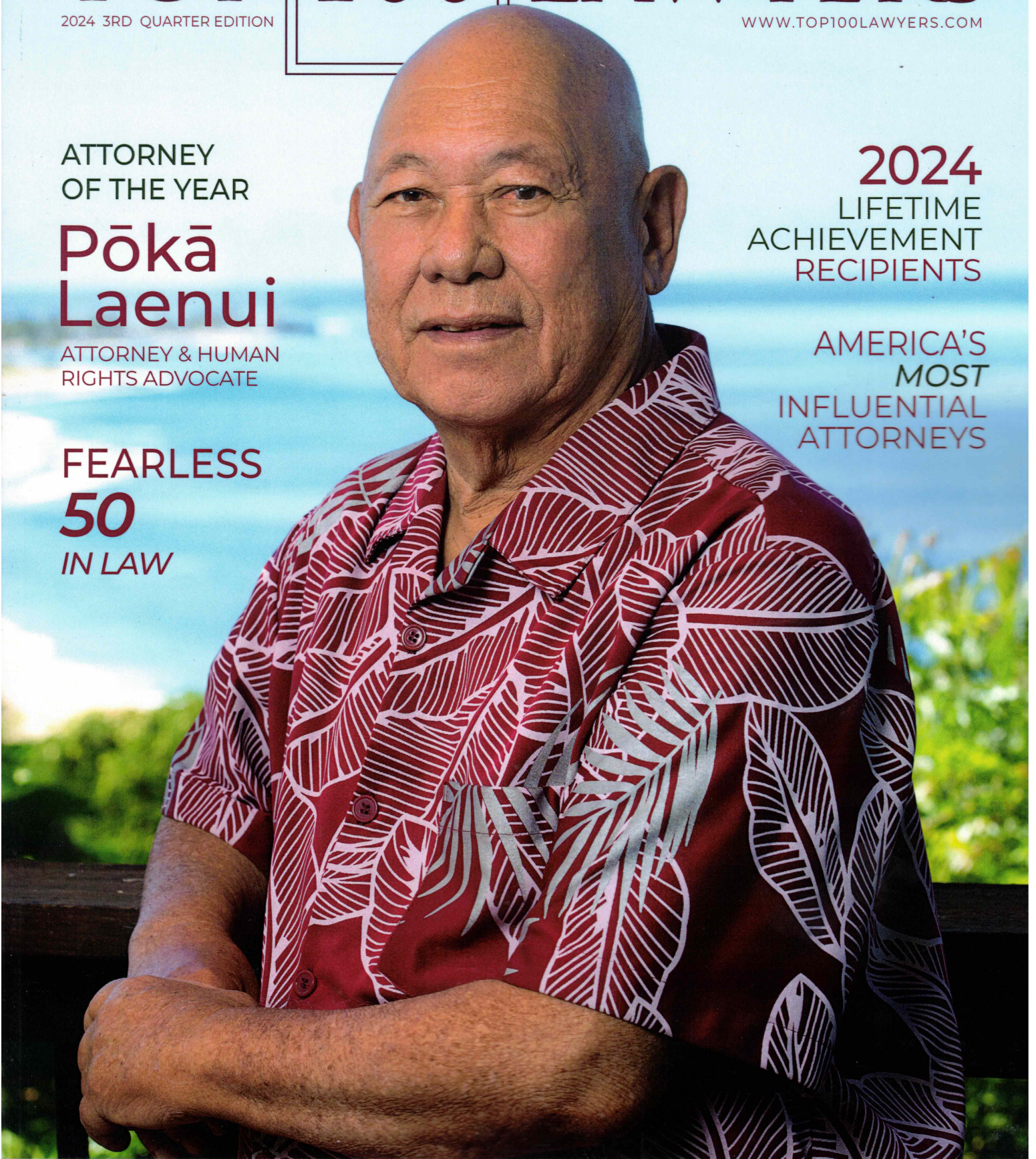
ATTORNEY & HUMAN
RIGHTS ADVOCATE

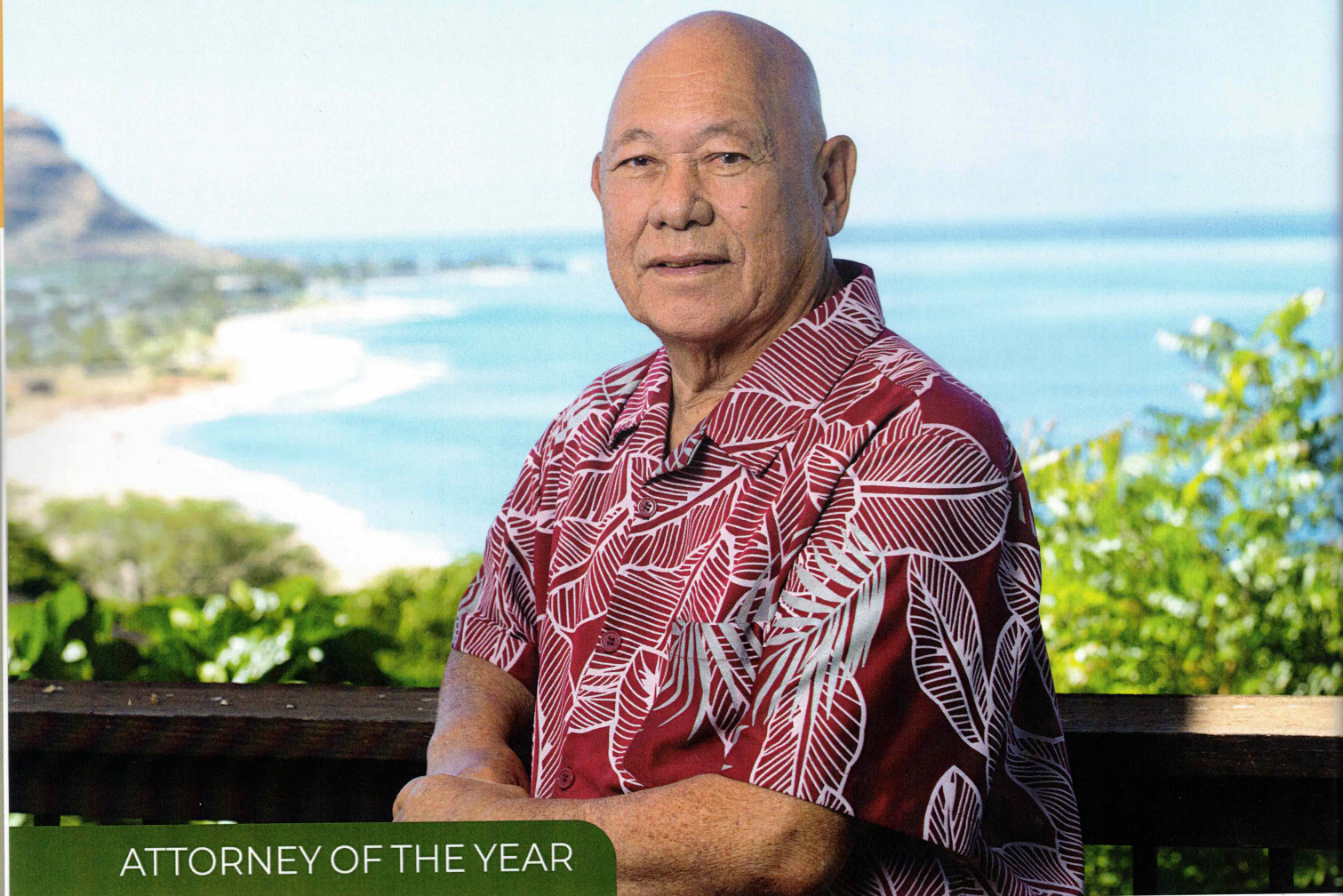
FEARLESS
50
IN LAW

2024

LIFETIME
ACHIEVEMENT
RECIPIENTS

AMERICA'S
MOST
INFLUENTIAL
ATTORNEYS





ATTORNEY OF THE YEAR

PŌKĀ LAENUI (HAYDEN F. BURGESS)

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Pōkā Laenui (Hayden F. Burgess), J.D., is a distinguished attorney and human rights advocate deeply committed to peace, justice, and fundamental freedoms of people throughout the world. While he is also native Hawaiian by ethnicity, his activism has been seen, mistakenly, as limited to native Hawaiian rights and to the welfare and culture of native people of Hawaii. He notes the coincidence that his being of native Hawaiian stock has skewed the understanding of his work as narrow and limited to Hawaii and things Hawaiian, whereas in fact it is much broader, and encompasses advocacy for the respect and dignity of all people, everywhere. In his Hawaiian geography and the emphasis on the indigenous people of this land, much of his advocacy has been focused on the plight of Hawaii's indigenous people and their fundamental human rights in their homeland. Yet, the expansive nature of his work has taken him to many other parts of the world, from Central and South America, North America including Alaska, Scandinavia, throughout the Pacific and to various parts of Asia and Europe in his advocacy and education efforts for the human rights of people downtrodden by cruel and dominating political and economic forces.

The public impact of Mr. Laenui's work, combining his law practice with his human rights advocacy in Hawaii as well as different corners of the indigenous world has been tremendous. His work has and continues to make a difference. Throughout his career, Mr. Laenui has been a strong advocate for the rights and interests of Hawaiians, utilizing his legal expertise to progress the cause of Hawaiian sovereignty and independence. He has approached the challenges of societal changes using various methods incorporating legal, historical, demonstrative, public policy, international engagement, media outreach, and an unwavering commitment to promoting Hawaiian sovereignty as well as advocating for indigenous peoples' rights on a global scale. He has impacted the shaping of the conversation on indigenous issues and played a crucial role in establishing international frameworks for the protection of indigenous rights and self-determination. His work continues to inspire and give hope to generations of advocates and indigenous communities in Hawaii and worldwide. Born and raised in Hawaii, Mr. Laenui

continues his legal career with a consistent focus on human rights, translated in the Hawaii context as Hawaiian sovereignty and national independence. As a public high school graduate (Waianae High School, class of 1964), he was insulted by a Japanese elder for choosing a career with the U.S. military service rather than seeking a college education and chiding him for his inability to choose what he considered the "successful path" out of poverty. That insult pushed him to embark on an academic journey at the University of Hawai'i, Manoa, where he earned a Bachelor of Arts in Political Science in 1968.

Mr. Laenui was elected from his Wai'anae community to serve as Delegate to the 1968 State of Hawaii Constitutional Convention. Following that brief stint in mainstream politics, he subsequently pursued his legal education, first at George Washington University. Finding that National Capitol too cold and expensive for his circumstance, he returned to Hawaii, joined the US Airforce during the war in Viet Nam, left the Air Force four years later, and was accepted at the first class at the University of Hawai'i Law School. He graduated with a Doctor of Jurisprudence in 1976 and was admitted to the Hawaii bar that same year. Shortly after, Mr. Laenui opened a sole general practice and soon represented clients before various courts, licensed in all Hawaii State Courts, the United States District Court and Court of Appeals for the Ninth Circuit, and the United States Tax Court.

Starting as a small country practice, Mr. Laenui was sought out to represent Hawaii's reputed underworld leader (State v. Pulawa) a year after opening his office. This case came to be the longest criminal trial in Hawaii's history, defending against double murder/double kidnapping charges brought by the State against Mr. Nappy Pulawa. With his client incarcerated at McNeil Island Federal Correctional Facility in Washington State, Mr. Laenui responded to the prosecuting charges by refusing to "dignify the court and answering the charges" and instead declaring that Hawaiian sovereignty continued to exist, and that Mr. Pulawa was not American, but Hawaiian. Mr. Laenui asked the court: "who are the real criminals in the courtroom, the Americans including the judge and the prosecutors, or the Hawaiian defendant?" Thus, was born was the modern-day Hawaiian Sovereignty movement. That 1978 criminal trial brought forth Hawaii's history of the overthrow of the Hawaiian nation by U.S. invasion in 1893, U.S. President Cleveland's refusal to go along with this theft in 1898, and the subsequent violations of international law, continuing violations of the rights of the Hawaii people, even up to the time of Hawaiian Statehood in 1959, to the present. Mr. Pulawa, in the end, was found Not Guilty of all charges!

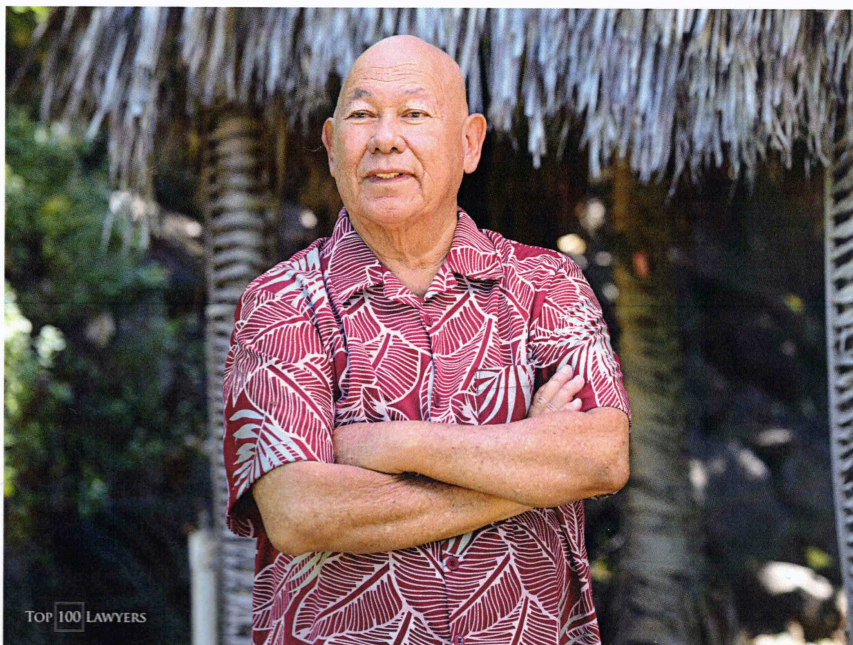
In 1982, soon after the State of Hawaii formulated an Office of Hawaiian Affairs within its State Constitution, Mr. Laenui was elected to the Trustee seat for the Island of Oahu, one of 9 seats for the Board of Trustees. At

the public swearing-in ceremony at the State Capitol, the Trustees were expected to take a public oath supporting the Constitution of the United States. Mr. Laenui refused to stand for such an oath-taking, creating a major uproar by challenging the legality of the U.S. constitutionality over Hawaii. This simple act of staying seated against the general expectation of conceding authority to the U.S. Constitution became another form of protest to Americanism in Hawaii.

Mr. Laenui's career continued in and outside of court by challenging U.S. colonization in Hawaii as an international crime and advocating for the restoration of Hawaii's independence. Using the courts as a platform for public education, he was instrumental in challenging Federal, State, and County application of law against Hawaiian nationals. Often such challenges are tied to rallies and protests, or the homeless across the islands, or land title issues, and Mr. Laenui uses these to highlight the hidden history of U.S. theft in Hawaii. His work has inspired others to join in the cause of Hawaiian sovereignty such that the word "sovereignty" has become embedded in Hawaii's public discourse. Calls for Hawaiian self-determination have become central in the political life of the State of Hawaii.

Mr. Laenui's career expanded into the international arena soon after his successful representation in the Pulawa case. Elected to the Office of Hawaiian Affairs in 1982, he traveled to Australia attending the Pacific region of the World Council of Indigenous Peoples (WCIP). Soon after he attended the General Assembly of the WCIP, in Panama City, Panama, where he was elected as the Vice President of three of its five regions: Scandinavia, North America, and the Pacific. He was soon promoted to Political Spokesperson for the WCIP in all international venues, including

the United Nations (UN), the International Labour Organization (ILO), the World Health Organization (WHO), and others. He played a key role in the drafting and promotion of the UN Declaration of the Rights of Indigenous Peoples. He also served as the ILO indigenous expert to the drafting of its Convention on the Rights of Indigenous Peoples (ILO Convention 169). In 1993, he addressed the U.N. General Assembly in a standing ovation and was recognized as one of five pioneers in the field of Indigenous Peoples' rights. During those active years in international work, he could also be found among indigenous struggles with Misurasata (Miskitu, Sumu, and Rama Indigenous Peoples), resisting the military forces of Daniel Ortega into the Atlantic Coast of Nicaragua. At other times he could be found on the battlefields of Burma consulting with various indigenous peoples and armies defending their homelands against Burmese military forces. He also consulted at various times with the Adivasi, the indigenous "mountain people" of India; among the nine "indigenous" tribes of Taiwan; the Utari Association representing the indigenous peoples (Ainu) of Japan; the Juma indigenous people of the Chittagong Hill tracts of Bangladesh; or the Veda people of the forests of Sri Lanka. He has been consulted by people from the Spice islands of Moluccas, the Montagnards of Vietnam, "uncontacted tribes" of the Philippines, as well as emerging nations across the Pacific as they achieved decolonization. He often acted as the indigenous voice for those who had not yet adequately organized or were unable to bring word of their peoples' struggles to the international community due to travel restrictions or threats to physical safety. In addition, Mr. Laenui helped keep indigenous peoples abreast of the developing international standards of rights of indigenous peoples.





In the early 1990s, Mr. Laenui found that the Hawaiian Sovereignty movement appeared to be focusing on the issue of racial superiority, rather than just racial pride and historical justice. He turned his attention back to Hawaii, helping to organize Hui Na'auao (Hawaiian Sovereignty Education Project) to gather like-minded organizations to focus on the unification of the Hawaiian people. He began broadcasting over Hawaii Public Radio in a program titled "A 2nd Glance." His objective was to call attention to American pollution in the Pacific through its dispersal of nerve gas munitions. In addition, he worked toward exposing the double standard behind the second "sneak attack" at Pearl Harbor by Japan on the shores of Hawaii in 1941, comparing that attack to the first attack by American forces landing in peaceful Honolulu, against Hawaii in 1893. He continued his radio broadcasting and moved into public television over a period of 18 years of weekly programing, with a call-in format, discussing issues of the day. In addition, he focused on exposing contradictions in underlying principles of American domestic laws as opposed to common sense and in-

ternational standards of law. For example, he would challenge the taxing authority of the Federal and State governments that were used against the Hawaiian people who declared they were Hawaiian nationals, asking "why should Hawaiians be forced to finance their own colonization by paying into this continued crime of colonization?" "It is not law or logic but merely the use or threat of use of force which, too often, resolves this legal question." Pay up or go to jail.

In 2001, the nuclear-powered submarine, the U.S.S. Greenville, shot out of the waters 10 miles offshore from Waikiki smashing into the Ehime Maru, a Japanese training ship, and killing 9 passengers aboard--students, teachers, and crew. The U.S. captain in command of the submarine refused to apologize to the families of those killed, causing great tension in the Hawaii community. Mr. Laenui organized a traditional Hawaiian ceremony that including the Royal Hawaiian Band, the voyaging canoe Hokule'a, an 'oli ceremony, and a gathering of Japanese mourners and Hawaiian supporters to send 9 lost spirits and the heavy weight of that tragedy out to sea.

Regarding indigenous and community health practices, in the mid-1990s, Mr. Laenui, while volunteering as legal advisor on the Wai'anae Community Mental Health board, was asked by the community to assume leadership as Executive Director of Hale Na'au Pono, the Community Mental Health Center. Untrained in the academics of Behavioral Health Services, he resurrected an earlier philosophy from the Highlanders Civil Rights Training Program in New Castle, Tennessee, titled "We make the road by walking it." It was an extremely successful program. Mr. Laenui served as Executive Director for over 17 years, bringing national recognition to this community mental health center for its style of integrating community practices and values into mental health services. He was named Outstanding Executive Director by the Mental Health Association of America in Hawaii in 2007, the Native Hawaiian Health Award for 2012 for Life-Time Achievement for improving the health and wellbeing of kanaka maoli and for his advocacy for the rights of Indigenous peoples of Hawaii by Papa Ola Lokahi. In addition, he received the 1999 Best in the Nation Organization for Hale Na'au Pono by the National Managed Health Care Congress. He has published recently in Psychology in Oceania and the Caribbean (Grant Rich), and in numerous other publications on Hawaiian National Re-emergence from U.S. Colonization: Community Strength, Mental Health and Traditions. Under his leadership, this organization became the first and most extensive servicing organization in Hawaii in behavioral health practices in both children and adult services, certified by the national organization CARF, that provides accreditation for health and human services providers. Mr. Laenui guided the development of Voyage to Recovery, a publication that incorporates indigenous, community, and modern practices of care, along with new understandings in psychiatry for the treatment of the mentally ill. Before his retirement from Hale Na'au Pono, the organization and Mr. Laenui received both State and National US recognition for a program that integrated indigenous, community and modern principles of treatment for the seriously mentally ill population. His five golden rules became a hallmark of social services practice: 1. He who has the Gold Rules 2. Do unto others as you would have them do unto you 3. Do unto others as they would have you do unto them 4. Help others do for themselves. 5. Transcend the differences between self and others.

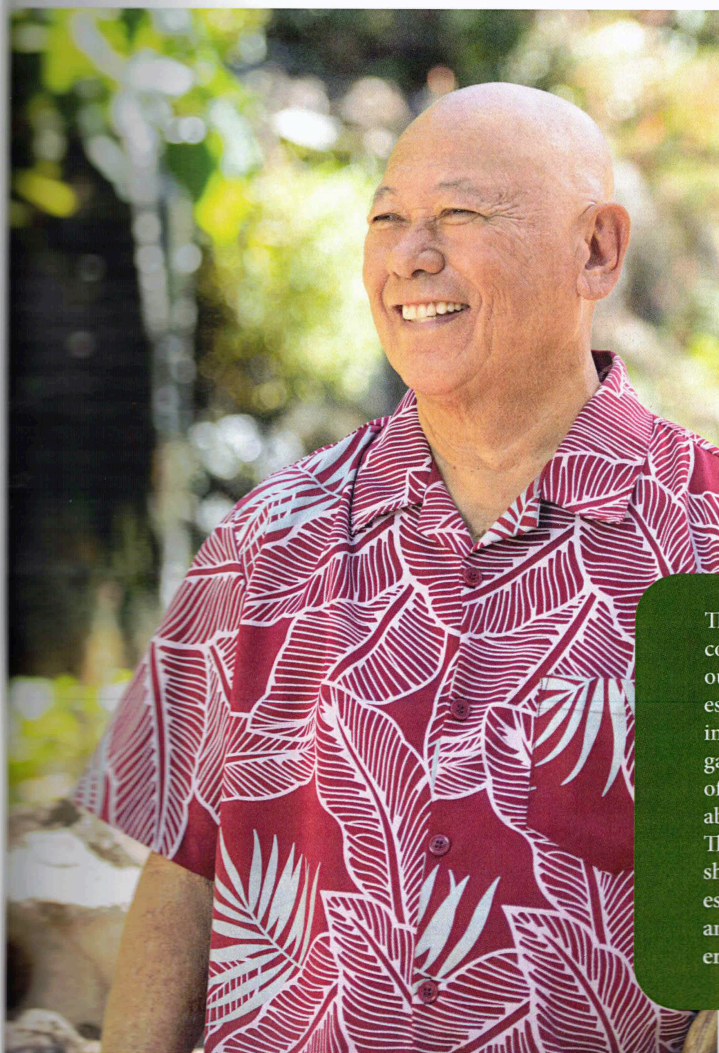
Mr. Laenui's dedication to and advocacy for Hawaiian sovereignty and indigenous rights are extensive and impactful. Appointed by Governor John Waihe'e in 1993, he served as a Commissioner to the Hawaiian Sovereignty Advisory Commission. This role allowed him to actively participate in shaping policies related to Hawaiian sovereignty. Mr. Laenui was elected to the Native Hawaiian Convention in 2002 from his Wai'anae community and currently serves as the convention's Chair. This position demonstrates his continued leadership and influence within the Hawaiian community.

Q & A:

Asked to distinguish between Hawaiian sovereignty from a civil rights as opposed to a human rights perspective, Mr. Laenui explained that a civil right is one defined from a civil society's perspective, i.e. the entitlement defined by a civil society and the equality of all people within that civil society. Human rights are more fundamental, the equality of all people within world society, the right of all peoples to self-determination, to be free and independent, and so on. It is the kind of distinction made between the Rev. Martin Luther King, Jr. and his work toward gaining equality for blacks and all others within American Society and Mahatma Ghandi's advocacy for independence for India and the ability of that country to stand on equal footing with all nations of the world. The Hawaiian struggle for national independence is a human right, to have the Hawaiian nation also treated equally, as with all nations. Within that Hawaiian society, the expectation would be that the civil rights of all people would be respected.

What is the most misunderstood thing about the Hawaiian Sovereignty movement?

Often, people treat Hawaiian sovereignty as a racial separatist movement, as a movement to elevate a race or ancestry above others. That is incorrect. Hawaiian sovereignty must be understood as a national movement, regardless of race. We, people of this Hawaiian nation, of all races, are entitled to be sovereign and independent over our own national territory, over our own destiny, to unfold into our futures as we determine, given our distinct cultures and history, without the interference of the United States or any other foreign country.



What do you see as the most challenging aspect in the development of a Hawaiian civil society?

Likely the most challenging aspect in developing a Hawaiian civil society will be the ability for Hawaii's people to understand the deep culture of Americanism: Domination, Individualism, and Exclusion (DIE). Too many of us in Hawaii, and that includes our institutional beliefs, are locked into a DIE culture because of our long domination by the United States. There is a need to shift to 'Olu'Olu, Lokahi, and Aloha (OLA), the deep Hawaiian spiritual culture of life and health. This transformation in deep culture, from DIE to OLA, is the hidden strength of the Hawaiian nation. [See paper by Mr. Laenui on Hawaiian Deep Culture at www.hawaiianperspectives.org/culture/On-Deep-Cultures-in-Hawaii].

How would an independent Hawaii defend itself in the current environment of international military tension?

What is required by the Hawaiian Nation to stand strongly in an environment of ongoing military threats, particularly by the United States, is a conversion from aggressive militancy to a security system based on Aloha. [See paper at www.hawaiianperspectives.org/national-security/], shifting from negative security based on aggression and defensiveness to positive security based on cooperation, openness, etc.].

Without the economic support of the United States, how would Hawaii survive as an independent nation?

To survive as an independent nation, Hawaii would adjust its economic policies, and, as a result, will flourish, free of U.S. constraints on international trade, control over our natural and national resources, Hawaii would take back Hawaiian lands now under confiscation by the U.S. government. [See paper on Aloha-Economy and A discussion on Sovereignty and the Hawaiian Economy both found at www.hawaiianperspectives.org/Economics].

Mr. Laenui's work has expanded across a large field of subjects but all touch on the concept of planning for Hawaii's future, including areas mentioned above, such as Economics, National Security, Deep Cultures, and including Prophesying or Planning, Behavioral Health, Education, Environment, Transitioning, Indigenous Rights, Decolonization, Legal Challenges in the Courts, Statehood Reviewed, Taxation and multiple issues before the United Nations. Mr. Laenui has utilized television and radio platforms to broadcast weekly call-in shows from 1991 to 2018. Through these programs, he provided a vital space for discussing such issues within the context of an independent Hawaiian nation, which further amplified his advocacy efforts.

PUBLIC IMPACT

The impact of Mr. Laenui's work, both internationally as well as in Hawaii, combining law with human rights advocacy, has been tremendous. Throughout his career, Mr. Laenui has been a strong advocate for the rights and interests of Hawaiians for sovereignty and independence. Using various methods incorporating legal, historical, demonstrative, public policy, international engagement, media outreach, and an unwavering commitment to pierce the veil of reality by political agreement and touch upon the reality of fact, he has been able to cut through much of the falsities in the local and world community. This commitment to seeking out and speaking out truth, he has impacted the shaping of the conversation on indigenous issues and played a crucial role in establishing international frameworks for the protection of indigenous rights and self-determination. His work continues to inspire and give hope to generations of advocates and indigenous communities in Hawaii and the world.