

The Institute for the Advancement of Hawaiian Affairs
86-641 Puuhulu Rd.
Wai`anae, HI
96792

Pōkā Laenui
November 6, 2024

THE HAWAIIAN INDIGENOUS NATION – HAWAII and the Decoupling from the United States, We make the road by walking it.

We are the Hawaiian indigenous nation.

Our nation traces our beginning back from time immemorial. Over our existence we have been called by various terms by various people, including Kingdoms during the times of Kamehameha ma or a Republic, a floating nation, a nation occupied, a non-self governing territory, etc. Too often, we are looked at merely from the perspective of Western law and Western history, through the eyes of Western contact and Western scholars and politicians especially due to a written constitution beginning in 1843. We are called a Kingdom because it carried some of the familiars of a Western model of what nations are supposed to look like, but by doing so, we are not seen in our full description of ourselves! We are far more than and have far more potentialities than to be limited by such Western models.

For example, just as we do have a written constitution in 1843, we have an unwritten constitution which is just as important for Hawaii. Sometimes it is called the deep culture of Hawaii, the traditional laws of Hawaii, or the make-up of the accumulated Kanawai of Hawaii. These were the laws of Hawaii which kept the rulers of Hawaii and the people of Hawaii "in line" with appropriate conduct and rule, or "pono". Kamehameha I, for example, did not have a written constitution that guided his conduct, but it was his recognition that he too was guided by those Kanawais - Ke Kanawai Mamalahoa, which defined what was pono and which even he was called upon to respect - not that he created this Kanawai but it was already part of the common law of the islands of Hawaii, this one originating in Lahaina, from the island of Maui. Another example, he was subject to a hierarchy of order such that he had one wife of greater rank than he and other wives of lesser rank, and his conduct to each of them was governed by those ranks.

There seems to be an interesting dance of society between our formal and non-formal constitutions, one in clear recognition as a written document that governs explicitly our daily rules of law, and the other pulls us one or another way by common-sense, by a feeling of humanity, a pull of aloha, a sense of what is "right" or pono. We get carried away at times by our denial that the non-formal constitution exists and so try to govern all our actions by the formal constitution. The pull of aloha, however, is too strong, and we are "forced" to kokua or obligated to help in times of disasters in other parts of the Pacific or the world, etc. Many other forces join in this unseen "pull", the sense of spirituality, the knowledge of a super-natural, the existence of being surrounded by guardian ancestrals, a respect for a universal humanity, all of

which pierce the veil of existence in many ways, such as the reflections of lights from the rainbow, the dreams which transport ancestors back and forth carrying messages, or the lessons from akua, aumakua, or unihipili in constant contact with descendants, especially to their native people.

Yes, Hawaii's first written constitution was an important entrance into the definition of nationhood, but it should not limit our understanding of our Hawaiian nation. We are more than a spot in time. As an Indigenous nation, we extended far before, and we have the potential to expand far beyond many more spots in this long range of time.

I will concentrate this talk not as the nation in full, but on that aspect of the decolonization of the Hawaiian nation from the current occupier, the United States of America, i.e. on -

“Decoupling from the USS America as we Make the road by walking it”

Many are the reasons for an independent Hawai`i of which I will not detail tonight. Nor will I go through the long and illegitimate history of the United States and of individuals who played roles in that history. Because of tonight’s limited time of an hour and a half, I will instead focus this talk on an approach to de-couple from the United States and emerge as an independent nation state, a sovereign entity in which we will be able to gain recognition in the international community in the status we had been prior to the American incursion into our sovereign status.

When Mahatma Ghandi proposed the independence of India from the grasp of Great Britain’s colonial embrace, the British responded by criticizing such a plan, saying, “How can you Indians be independent when you have so many groups and tribes amongst you, all disagreeing with one another, fighting among yourselves?”

Ghandi’s response was clear and certain. “Yes, but that is an India problem. But as to you Brits, you must go. We hope you go as friends, but you must go!”

Overcoming the fear of freedom!

A people, long incarcerated or captured, when facing the time of their liberation, comes across a psychological obstacle, fearing the freedoms they now face and which they have often spoken of. This fear can be seen in large and small ways – a couple facing a divorce which they have long bragged about and of their new-found freedoms often enter that freedom with hesitation, uncertainty, and fears due to economic, social anxiety, gossip by others, etc. A soldier facing discharge from military service, having spent a few or many years following orders within a military institution also faces some anxiety over how to “get along” on the “outside”, in civilian life. Long held prisoners now facing release also go through

some uncertainty of losing the protection of their prison cell and going into the public. So, it is with a people facing national liberation, entering this new phase of life with large and small “perturbations” over how and where to step forward in their new life. It can be seen as an elephant kept in chains at the local circus, held so long that he has forgotten his life and abilities in the wild when his capturers had to snare him with ropes and chains and a large cage because of his innate strength developed after years of freedom. This lost memory of freedom takes time to redevelop to overcome this fear of freedom.

Some of these fears may be overcome by a plan, a sense of certainty, by building a program of taking steps, reaching benchmarks, and seeing a guided path to a visual goal. Another approach is to see to what extent we will undergo changes from the present condition or situation, calling upon ourselves a sensibility for reasonableness as we look into the future. A third may be to establish some fundamental pillars of life’s certainties – i.e., a guaranteed security in the society in fairness to all, justice to all, equality of opportunity, protection of the natural environment, human rights and protection of fundamental freedoms, a special regard to the indigenous peoples, recognition of historical injustices, non-discrimination, preserving principles of aloha in the law, favoritisms to none, etc.

I hope to address some of these fears of freedom by suggesting some of the steppingstones of de-coupling from the United States, stepping on logical stone walk-ways which seem reasonable, logical, fair and just, holding on to things which are familiar, reaching a place of a sovereign and independent Hawaiian nation state, cognizable in the international arena.

Due to the limitations of time and page limits, (as well as my lack of knowledge and experience) there will have to be major chunks of this discussion which I cannot fully explore. Additionally, many others are well experienced and knowledgeable who should be consulted by you should you pursue this inquiry further. To all, consider this an invitation to join in this dreaming in a spirit of kūkākūkā, in which we welcome the views of one another as we build this nation.

For my limited examination of the question of an independent Hawai`i, I have tried to break down the question into two broad categories,

1: What is the international law foundation for recognition of an independent nation of Hawai`i?

2: What are some of the essential elements for this de-coupling from the United States to satisfy a domestic foundation?

1: International Law

What is the strong foundational basis to argue for recognition of independence in International law? There are many international law bases, one of which is the principle of the blue water theory where one finds blue water separating a controlling power and its controlled territory, the foundational principle of self-determination which form the root of international law today and the basis for decolonization founded specifically in the formation of the United Nations and explicitly in its Charter, in the U.N. declarations against colonization, its special committees, and the many findings by its judicial arm on the right to self-determination. This right of self-determination is repeated throughout the field on international law and has seeped into many national legal standards as a fundamental legal principle. In the Universal Declaration of Human Rights, adopted without a single detractor on the U.N. General Assembly in 1948, the document is replete with rights of self-determination in many specific way applicable to the world community. We can go through these many principles set forth in international law which would be merely repetitious ad nauseum.

The logic used in 1774 by a British citizen named Thomas Paine in his publication "Common Sense" applies equally as well to us today when he asked why should an island nation far across the Atlantic Ocean govern a continental reality thousands of miles across that ocean?

Another logic was posed by Abraham Lincoln, 16th president of the United States, when addressing the question of slavery said, "no man has the right to govern over another man without his consent." (this was the same argument used by President Nixon who asked the same historical question regarding attempting to govern Viet Nam by the French or the Americans!)

The American colonization over Hawai`i is probably the strongest case against colonization in the world. Here we have a well-established internationally recognized independent nation simply invaded and overthrown through force of arms by the United States, admitted to by the United States in its own admission (U.S. public law 103-150, popular name: The Apology Resolution to the native Hawaiian people (1998).

The tired Cost-Benefit analysis of those in power in the U.S. and Hawaii, why the Hawaiian side benefits far more under American governance, needs to be questioned as to who is doing the calculating and balancing, and how are values such as freedom and independence, self determination, governance over our own natural resources, valuing our Hawaiian lands, control over our own transmigration, governance over our own nation, all come into play.

2: What are some of the essential elements for this de-coupling from the United States to satisfy a domestic foundation?

The easiest proof here is to reflect that we had been an independent nation before the American invasion of Hawai`i in 1893, fully functional and meeting all the requirement of independence. Secondly, we have all the underlying foundations to constitute an independent nation. Let us examine this matter. What is needed for an independent nation to exist?

First, a recognizable population: Here, we have three sources to draw from. First is the native Hawaiian population who can easily show a direct line to the indigenous population who formed the Hawaiian nation. Secondly, we can show a population of Hawaiian citizens who can trace a direct line from the Hawaiian nation that pre-existed the nation prior to the American invasion of 1893. There is a third source to draw from, the population who have transmigrated to Hawai`i since 1893 and who consider themselves Hawaiian because of their self-identification.

Beside a cognizable population, a nation should have some definable location. For Hawai`i, we could begin with the geographical location of the Hawaiian Islands, and claiming the Hawaiian archipelago that stretches as far north and as far south as is normally defined in Pacific Island maps. We could also claim all the

islands and waters surrounding these islands which were included in the Hawai`i nation as far off as the Sinkian Islands of the Solomons which were part of the Hawaiian national territory (including the citizens who were Hawaiians before the overthrow). The territory would of course include the waters, following the Law of the Sea convention, of 200 miles (Exclusive Economic Zone) along the archipelagic line of the Hawaiian archipelago.

The third requirement would be a standing government representing the central government for the Hawaiian nation. This would be the resulting governing entity from this decolonization process. This is what tonight's discussion will further delve into. (See attached proposal for an independent nation, the preliminary product of the Native Hawaiian Convention.)

Fourth, a government with a standing capacity to interact with other nations.

These four points were originally set out in the 1933 Montevideo Convention on the Rights and Duties of States. Even now, these are the benchmarks used by the UN when judging whether to admit a new member.

First, a sufficient population ready to make the commitment. Second, a strong foundational basis justifiable in common sense, in historical evidence, and in international law. I don't think we should waste too much time arguing over what is enough in our population who will rally around this cause before we call it "enough". We would need to address the question of "who" are the people in our population do we consider to count, what are their basis to be considered the population to be considered, what are the issues of transmigration into Hawai`i as well as outmigration to be considered, what is the history of Hawai`i in the taking of Hawai`i and the original intent of the United Nations in the placement of Hawai`i among those areas to be authorized the right of self-determination under the U.N. "non-self governing" categories (see letter to the general assembly by Siu, Dudley, DeSayas and Laenui), concern of avoiding the practice of apartheid, and many more considerations must be made. Perhaps at some other time and place we can address those questions.

Now we come to the main topic of tonight's discussion, HOW DO WE DE-COUPLE FROM THE UNITED STATES?

We are closer than many of us think. Hawai'i already has much of the attributes of an independent state. It has a defined population, a specific location, a standing government, but no present capacity to interact with other nations, due to the interference of the United States government. Removing that interference will give us all the attributes of an independent nation. What is that interference and how do we remove it?

First is the political interference, the claim by the United States that the Constitution of the United States applies over and has sovereignty over the State of Hawai'i. Under the present thinking of the U.S., and the United Nations General Assembly, that mistaken belief still exists. It is a mistaken belief if one understands the double fraud taken in 1959 with the self-determination process which should have and was mis-taken. The first fraud was of switched identity such that the people who were to exercise "self-determination" were never allowed to get to the ballot boxes to vote. The United States, who conducted the "referendum" defined who could vote- only American citizens who lived in Hawai'i at least for one year, including all U.S. military stationed in Hawai'i for at least one year. The second fraud was the U.S. limited the choice of self-determination to incorporation of Hawai'i as a State of the United States or remaining a U.S. territory. There was no choice given for independence from the United States or to have a status of association with the United States. (See Dialogue transcript in which the testimonial statement of the last Territorial Governor William Quinn, the former Supreme Court Justice William Richardson, Mahealani Kama'u, and Attorney Poka Laenui, attached; See Letter to members of the U.N. General Assembly by Siu, Dudley, DeSayas, and Laenui attached.) Here we have a clear sample of how the violator of Hawaii's self-determination practice is placed in control of the very process of decolonization for which it is the primary violator! (The "Fox assigned to guard the hen house".) In being put in this place of the de-colonization process, it allows the very violator of self-determination to continue using colonial tactics to maintain control, -- an outrage to the very principles of fairness! "A thief in judgment of itself!" _

A simple declaration must be made, that the re-emerged government of Hawai`i shall no longer be bound by the limitations of the U.S. Constitution, shall be free of all American Constitutional restrictions, shall act as and be an independent nation, function as called for in the new Constitution, and make the necessary adjustments to meet the necessities of governance with the removal of the United States' laws, rules, and agencies!

Application

I: All Federal laws will not be applicable to Hawai`i or to Hawaiian nationals, including taxation, immigration, selective service, communication, investigative services, trade and other foreign interactions. Hawai`i State departments most closely associated with the Federal Departments and Offices, shall have jurisdiction over those functions and activities until the Hawaiian government is able to define new departments, offices and responsibilities as appropriate. For example, Federal enforcement of Federal laws will not operate in Hawai`i including the FBI, CIA, FAA, FCC, Federal Department of Agriculture, Federal Department of Education, Federal Department of Indian Affairs, Federal Fishing and Wildlife Administration, Federal Park Services, . . .

II: American military and civilian personnel are declared unwelcomed and called upon to remove themselves if they choose to remain U.S. citizens, be removed immediately in accordance with Hawaiian law. All lands and waters declared under the jurisdiction of the U.S. Federal government will be transferred to the respective Hawaiian national entity most closely associated with the Federal entity. This transfer is to be done under the direction of the Hawaiian government under its appropriate branch (probably the Department of lands and natural resources.)

Cooperative agreements will be permitted and encouraged between the Hawaiian national entity and the United States departments and agencies, but only for the purpose of this transition.

III: A transition period shall be established for which American citizens may elect Hawaiian nationality, pledging allegiance to the Hawaiian nation. Such election

period shall continue for one year following this declaration. After such election, American and other foreign citizens who have made such election shall be entitled to remain in all positions of employment and public office without discrimination and be entitled to all other benefits and responsibilities of Hawaiian nationality. Any person who has been a resident of Hawai`i, even those who have temporarily removed him or herself from the land of Hawai`i, often for schooling, family marital decision, military services, medical reasons, or employment requirements, after the one-year open election period may engage in a nationalization process without regard of future return to the Hawaiian Islands. Any person who has never resided in Hawaii but has a historical affiliation to Hawaii either due to a family history, racial claim or relations to Hawaiian citizens, may select to be a Hawaiian national. Any resident of Hawaii who remains in Hawaii and does not choose to convert his nationality to Hawaiian may remain in Hawaii and be subject to all the laws of the Hawaiian nation except the right to vote in Hawaiian public elections and to hold elective public office in Hawaii. The Hawaiian government may set special requirements for public offices or position which require Hawaiian nationality.

IV: Land titles and ownership shall remain in place, in principle. A distinction must be made between land titles and ownership from national jurisdiction over territory. While the Hawaiian nation would take jurisdiction over all lands and waters within its national territorial boundaries, ownership of lands and rights over water would remain as the property rights of such owners unless such rights are specifically designated to government sources and treated as individual rights. The Hawaiian nation will address itself to the matter of future land titles of Hawai`i for ownership rights left in question.

All lands held, either in lease or fee simple ownership by the U.S. government shall be transferred to the Hawaiian national government for retention or further distribution to its departments, agencies, or nationals. Questions of values for transfers of such titles shall take into consideration the basis for such titles and leases held by the U.S. government, the history of such titles currently held including the matter of "cession" assumed by the U.S. government from the former Hawaiian government, the assertion of American mandates including Presidential and Governor proclamations over private lands, and other actions and declarations made by judicial decisions and proclamations in which the U.S.

government has been involved in the transfer of land rights and titles. Generally, all titles or leases transferred by the United States by proclamation shall be given no value to the U.S. as those proclamations are rooted in the earlier act of “cession” and were essentially part of the root of the poisonous tree and illegal.

Hawaiian common law shall apply to land titles except to the extent as overruled by the laws of the nation of Hawaii.

Land titles held by private owners will, in principle, remain in place. However, as a public policy matter and considering large tracts of lands held in foreign non-resident hands, as well as the current circumstance of social and economic conditions of the Hawaii population, Hawaii reserves its sovereign rights of nationalization, assuring concerns for fairness and justice to those who hold title today. Land reforms taken during colonization may also be reviewed by the Hawaii governing authorities and adjustments may be employed.

V: The City and County laws such as traffic, fire safety, parks and recreation, refuse disposal, etc. shall remain in place.

Elected or appointed officials in the State of Hawai`i or of the City and County of Honolulu and of the Counties of Kau`i, Maui, and Hawai`i shall continue to carry out their responsibilities. There shall continue to be elected officials for the Nation of Hawai`i, in similar fashion as the State of Hawai`i, limited however to Hawaiian citizens. Those officials holding offices of the State or Departments shall continue to maintain their positions and offices until a transition of 6 months has taken place and the National government has been able to undertake a proper transition. All contractual obligations for retirement, employment, construction and general maintenance, education, etc. shall continue to be maintained by the corresponding governmental entity following this transition.

VI: Public Education, including the University of Hawai`i and its associated campuses are expected to continue its operations and to maintain its quality of education. Public employees of the State of Hawai`i and of the various city and counties are expected to transition to employees of the Hawaiian nation or of the City and Counties.

VII: The national judiciary personnel and employees are not to swear any allegiance to the United States Constitution or to follow the mandates of the U.S.

Federal courts, including the U.S. Supreme Court. The national judiciary shall maintain the judges and justices of the Hawai`i State judiciary for the year or until removed or replaced by the national legislature. In the event of personnel retiring from service or creating a need for new appointments to be made, the national government will develop a procedure for new appointments.

VIII: All incarcerated persons who are Hawaiian nationals, so incarcerated for violation of Federal laws are to be released from such incarceration with their release to be monitored to assure the health and safety of purported victims of their alleged criminal acts are protected. The records and files of those previously incarcerated under Federal laws shall be reclassified reflecting no further obligation to the U.S. Federal law for which they were incarcerated. Incarcerated persons in U.S. Federal institutions who are regarded as Hawaiian nationals and resident of Hawaii are to be returned to Hawaii.

IX: All contracts and agreements written with the expectation of continued enforcement by the State of Hawai`i are to continue to be enforced by the Hawaiian government. Contracts and agreements written with the expectation of continued enforcement by the U.S. government, including social security, veterans` benefits, disability contracts, etc. are to be untouched and unaffected, with the expectation that the U.S. Government shall continue to honor said contractual obligations. Contracts and agreements made between private individuals are expected to be carried out by such individuals unless entered into or coerced as a result of the American application of American law over the transaction.

X: The Hawaiian government shall negotiate and settle with the United States issues of past taxes forced to be paid by the U.S. government against Hawaiian nationals, prior unpaid use of Hawaiian lands called ceded by the U.S. government, damage to Hawaiian lands and waters, and other settlements to be made during the years of colonization of Hawai`i by the United States.

XI: The Hawaiian RAINBOW ECONOMY:

The concept of a rainbow economy is already represented somewhat by Hawai`i's economy of today, with a non-dependence on any singular source of income but

on a balanced economy of generally what we have now and expanding on certain additional promising sources of revenues. This rainbow economy would have a heavy Green aspect with emphasis on the environment including agriculture, oceans revenues and along with that aspect, a promise to protect that environment.

Another color of the rainbow economy would be a strong Red to Orange aspect which emphasizes the protection and preservation of the social support system in the economy including protection for the poor, health services for all, education services for life-long learning, elderly care services, etc.

The third color of the rainbow is a strong Blue, representative of the business, international transaction services, high valued educational services, international judiciary services, banking and financial services, etc.

In this rainbow economic model, the emphasis is on an appropriate distribution of concern for the protection of the sources of our revenues as well as for the idea of balance in the protection of the values of Hawai`i. No longer should we see an economy so dependent on a foreign government, much of which has been the militarization of Hawai`i's land, or of a set of foreign national economy dependent on tourism, or on the purchase of single crop agriculture, especially sugar and pineapple which held Hawai`i's political control.

One major change in this economy will be a reduction in the foreign spending by the United States for much of its military expenditures. But along with this change will be a reduction in land use by the American military, resulting in a turn-over to the Hawaiian nation for its subsequent use. There should also be a debt due for the colonial rent by the U.S. for the years of use and abuse of Hawai`i.

Sources of Revenue Generation

1. Agriculture and Environment
2. Lands and Seas – Royalties, Ocean mining, fisheries
3. Civilian Skills
4. Educational, Intellectual, Astronomical Development
5. Banking and Financing

6. Visitor, Tourism, Special Accommodations
7. Health Industry
8. Services
9. Security Services
10. Positionality and Location (Geographical, Political, Cultural)
11. Past debts due from the U.S. for prior use and damage –
12. Entertainment industry
13. Judicial Services: Extended especially under the concept of long-arm statutes and special international, maritime and war disputes which specifically identify the Hawai`i judiciary for resolution.
14. American governance of trade into Hawaii shall have no more control over Hawaii, whether by air or sea.

Conclusion:

Hawaii is on the verge of meeting all the attributes of a sovereign and independent nation recognized in the international community as such.

All that is necessary is to put the “parts” together and do so.

A declaration must be shouted loud, often, and again and again, “We declare our independence from the United State of America.”

We must conduct our affairs independent of the United States and possess our own control over our own affairs, even to the point of obstructing the continued operations of the United States in Hawaii. This may include protests, arrests, and overall preventing the functioning of the American government and State functions which support the American operations of government in Hawaii. This must be done all island wide and include the attention and support of the international audience.

The Hawaiian National Transitional Authority needs to step up and help to organize this transitional stages of de-coupling. This organization can be contacted at www.hawaiianperspectives.org.

QUESTIONS AND ANSWER:

Q and A:

*** Asked to distinguish between Hawaiian sovereignty from a civil right 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 Hawai'i 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 Hawai'i survive as an independent nation?**

To survive as an independent nation, Hawai'i 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, Hawai'i would take back Hawaiian lands and seas 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].

Another aspect to Hawaii's survival will be on developing alliances with countries across the world, including the United States of America, the Democratic Republic of China, France, Australia, New Zealand, The Pacific Islands independent nations, and all other nations of the world. Hawaii would join the United Nations immediately.

This paper is produced by Pōkā Laenui, plaenui@hawaiianperspectives.org

References and referred papers may be found at www.hawaiianperspectives.org

Speaker's background:

Poka Laenui is a licensed attorney in Hawaii in all of the Hawaii Courts since 1976. He has also been active at the United Nations General Assembly as well as other international bodies including the U.N. Working Group on Indigenous Peoples and selected as the Indigenous Expert before the International Labour Organizations Convention on the Declaration on Indigenous Peoples Rights (ILO Convention 169). He has been recognized as one of five pioneers in Indigenous peoples rights development in the international community at the U.N. General Assembly which he addressed in 1993.

Laenui has been selected as the Best attorney Hawaii in 2024 by the 100 Top Lawyers in America. His other selections include numerous listing in Marquis Who'sWho in American Law in repeated editions, listed in the field of International law,

He received his Juris Doctorate in 1976 from the William S. Richardson School of Law and admitted to the Hawai'i Bar in the same year.

He has challenged the Jurisdiction of the U.S. Constitution over Hawaii throughout his career, starting even before receiving his Law degree in 1976.

While still in the U.S. Airforce in 1971, he refused to salute the American flag at Hickam Air Force Base.

In the 1977-he challenged the State Circuit Court's American jurisdiction over Hawaiian nationals in the case of State of Hawaii v. Wilford K. Pulawa.

In 1980s he raised the issue of Hawaiian Sovereignty in numerous court cases including State v. numerous Sand Island Defendants, State v. numerous Defendants living at Makua Beach, State v. numerous defendants living along the beaches of Hawaii.

In 1982, he refused to stand and take pledge to support and defend the Constitution of the United States in assuming the position of Trustee of the Office of Hawaiian Affairs.

He has refused to declare himself a U.S. citizen and was challenged by U.S. District Court Judge Samuel King, threatening to take his law license and right to practice law in the U.S. Federal Court.

Mr. Laenui's career continued in and outside of court by challenging U.S. colonization in Hawai'i 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. 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.

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 and Canada, 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, weaving his law practice with his human rights advocacy in Hawai`i as well as different centers of the indigenous world has been tremendous. His work has and continues to make a difference. (Process of Colonization and Decolonization, Reclaiming Indigenous Voice and Vision (1999) Marie Baptiste, Editor, Vancouver, B.C. See his other multitude of writings at www.hawaiianperspectives.org) throughout his career, Mr. Laenui has been a strong advocate for the rights and interests of Hawaiians, utilizing his legal expertise to push 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 Hawai`i and worldwide. Born and raised in Hawaii, Mr. Laenui continues his legal career with a consistent focus on human rights, translated in the Hawai`i context as Hawaiian sovereignty and national independence.

As a public high school graduate (Waianae High School, class of 1964), he was challenged by a Japanese elder for choosing a career with the U.S. military service rather than seeking a college education and chiding him for choosing what he considered the “path” out of poverty. That challenge interrupted his plans for military service and 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.

In 1968, Mr. Laenui was elected from his Wai`anae community to serve as Delegate to the first State of Hawai`i Constitutional Convention. Following that brief experience in mainstream politics, he subsequently pursued his legal education, first at George Washington University Law Center in Washington D.C. Finding that D.C. too cold and expensive for his circumstance, he returned to Hawaii, joined the US Airforce during the war in Viet Nam, and while in that AirForce stationed at Hickam AF base, he discovered in the library, Queen Lili`uokalani’s Hawaii’s Story by Hawaii’s Queen. It told the history he had never heard of at the University of Hawaii.

He left the Air Force after four years and was accepted at the first class at the University of Hawai'i Law School. Shortly after, Mr. Laenui opened a sole general practice and soon represented clients before various courts, licensed in all Hawai'i 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 the modern-day Hawaiian Sovereignty movement. That 1978 criminal jury 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 Hawai'i 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!

Soon after the State of Hawai'i formed 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 of Hawaii.

Mr. Laenui's career continued in and outside of court by challenging U.S. colonization in Hawai'i 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 were tied to rallies and protests, or the homeless across the islands, or land title issues, and Mr. Laenui used these to highlight the hidden history of U.S. theft of 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 to 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 and peoples to focus on the unification of all Hawaii's people. He began broadcasting over Hawai'i Public Radio in a program titled "A Second 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 Hawai'i in 1941, comparing that attack to the first attack by American forces landing in peaceful Honolulu, against Hawai'i in 1893. He continued his radio broadcasting and moved into public television over a period of 18 years of weekly programming, 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 international 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 Hawai'i 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.

With regard to 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 Market, Tennessee, titled "We make the road by walking it." (His wife, Puanani Burgess, had previously held the Miles Horton Chair at Highlanders.) 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 Hawai'i in 2007, the Native Hawaiian Health Award for 2012 for Life-Time Achievement for improving the health and wellbeing of kanaka maoli (native Hawaiians) and for his advocacy for the rights of Indigenous peoples of Hawai'i 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 Hawai'i 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 process and 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.

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.