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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservative)	Opposition to TMT International
District Use Application (CDUA) HA-3568 For)	Observatory's opposition to
The Thirty Meter Telescope at the Mauna Kea)	Kamahana Kealoha Motion
Science Reserve, Ka'ohe Mauka, Hamakua,)	Invoking Quo Warranto;
Hawaii TMK (3) 4-4-0015:009)	Memorandum of support; COS.
)	Hearing date: June 17, 2016
_____)	Hearings officer Riki May Amano

OPPOSITION TO TMT INTERNATIONAL OBSERVATORY'S

OPPOSITION TO KAMAHANA KEALOHA MOTION INVOKING QUO WARRANTO

Before addressing the matter captioned, there must be clear definitions of words used. The following definition comes from the 5th edition of Black's Law dictionary

PRO POSSE SUO means "*to the extent of his abilities*" which is different than *Pro Se* which state in part, One who does not retain a lawyer. I do not claim to have abilities as a lawyer and am not able financially to retain a lawyer.

QUO WARRANTO is "to inquire *by what authority* . It is directly related to the word *JURISDICTION..OF WHICH THERE ARE TWO TYPES, DE JURE AND DE FACTO.*

DE FACTO means "*a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate.*"

DE JURE means "Of Right; legitimate, lawful; by Right and just TITLE."

This opposition to TMT or TIO's opposition to the invoking of Quo Warranto by Kamahana Kealoha is another attempt to block issues of land ownership and Jurisdiction and is an essential, and imperative information that needs to be addressed immediately. **Jurisdiction may be raised at any**

time. "Once challenged, **jurisdiction** cannot **be** assumed, it **must be proved** to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389 . similar to PUEO's attempt to set issues, in that is tries to avoid the *GIANT ELEPHANT* in the room, **BY WHAT AUTHORITY DOES THE UNITED STATES/STATE OF HAWAII HAVE TO ASSERT THEIR JURISDICTION IN THE HAWAIIAN KINGDOM AND CLAIM FOR THEMSELVES PROPERTY THAT IS CLEARLY THAT OF THE HAWAIIAN KINGDOM.**

I DO NOT AGREE with the claims are made by TIO that the State of Hawaii is the lawful government of the Hawaiian Islands.

I do agree that this hearing officer does not have the authority to determine the existence of the Hawaiian Kingdom or if there is an answer to the question of jurisdiction and authority. However, it is the duty of this hearing officer to refer this matter back to the BLNR to notice them that a challenge to

the entire assertion of Jurisdiction is being made. Further that because this factor of jurisdiction and ownership is pivotal, that a Quo Warranto is appropriate.

It is in the ability of this hearing officer to receive information regarding all challenges to authority and Jurisdiction that becomes a part of the record. The hearings officer can also inform the BLNR that such a challenge needs to be properly addressed, and that this contested case hearing is not the correct venue where this question of authority and jurisdiction may be answered and that all references made by TIO is based on the questionable authority of the State of Hawaii/ United States to assert their authority in the Hawaiian Kingdom and manifest its claim to jurisdiction which is exactly what a QUO WARRANTO addresses.

"Once challenged, **jurisdiction** cannot **be** assumed, it **must be proved** to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211

P2d 389 .

Memorandum of Support

All of those supporters of TMT regardless of the names they use, such as the University of Hawaii, TMT, TIO, PUEO, and others (John Doe's) are relying on this assumption that the United States and its political subdivisions, the State of Hawaii is somehow not subject to the law, even their own laws like the US Constitution. That their entire position is based on their own projected self authority. Their entire line of thinking and projection is predicated on this idea that a Joint Resolution of the United State Congress, ie the Newlands Resolution has any lawful effect outside of the Continental borders of the United States, and that such a resolution has the power to annex a foreign country such as the Hawaiian Kingdom.

TREATIES ARE THE SUPREME LAW OF THE LANDS.

Without a Treaty of Annexation, there is no lawful means in which the United States or its political subdivisions can assert

their jurisdiction in the Hawaiian Kingdom. That “Authority” to assert is precisely what a Quo Warranto challenges. **WHO ARE YOU AND BY WHAT AUTHORITY.** For this question to be resolved, the burden of proof remains in the hands of those asserting jurisdiction.

Dated this day: August 11, 2016

Harry Fergerstrom