



Written by [Selwyn Duke](#) on April 23, 2025

Hawaii Supreme Court: “Spirit of Aloha” Trumps 2nd Amendment — and U.S. Supreme Court

Is this *Hawaii 5-No*? Some could wonder given that all five Aloha State Supreme Court justices have said no to gun rights — and the U.S. Supreme Court’s finding that they exist. That’s right: We incessantly hear about how President Trump is a Threat to Democracy™, that he’ll “ignore court rulings.” Ironically, though, it’s the leftists on Hawaii’s top court who’ve acted like kings and queens.

Moreover, the court cited the “spirit of Aloha,” a line from a TV show, and the alleged obsolescence of the “founding era’s ... understanding of the Constitution” to justify its ruling.



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The Hawaiian court opinion was actually issued last year. But *American Thinker* gave it some much deserved attention just this past Friday, [writing](#) that the Hawaii Supreme Court

tossed out decades of Supreme Court precedent in its ruling that found no state constitutional right to carry a firearm.

The Aloha State’s highest court ignored three landmark Second Amendment Supreme Court decisions, declaring that the U.S. Supreme Court “handpicks history to make its own rules.”

Which is, of course, precisely what the Hawaii Supreme Court did in its finding.

The Aloha State court’s decision reversed a lower court ruling that dismissed charges against Christopher Wilson for carrying a gun unregistered in the state, which Wilson correctly argued infringed on his Second Amendment rights.

Incredibly, the court’s ruling stated, “Conventional interpretive modalities and Hawaii’s historical tradition of firearm regulation rule out an individual right to keep and bear arms.” The court further stated that it rejects the “founding era’s” understanding of the Constitution, going so far as to quote a line from the cable T.V. series *The Wire*: “The thing about the old days, they the old days.”

“Conventional interpretive modalities?”

Pseudo-intellectualism

Now, leftists *have* recently gone full fantasy, openly citing fictional works as policy guides. A striking recent example was the [BBC interviewer](#) who called the counterfactual show *Adolescence* a “documentary.” She even implied that watching it was a necessary qualification for discussing “male violence.”



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And the Hawaii Supreme Court (HSC) has demonstrated no greater sophistication. Oh, while opposing federal Constitution-based dictates, one *could* challenge the “Theory of Incorporation.” (This is the judicial rationalization that applies the Bill of Rights to the states.) Except for one thing:

Hawaii’s constitution *mirrors* our federal one on gun rights.

So the HSC is left to [play a Humpty Dumpty](#) and say that a word “means just what I choose it to mean — neither more nor less.” As [its opinion’s](#) second sentence states, “We read those [Second Amendment] words differently than the current United States Supreme Court.”

“Good-idea-ism” — Without the Facts

The HSC decision reflects the judicial misfeasance I’ve called “Good-idea-ism.” This is the practice whereby judges play legislator (or even activist) and rule based not on the Constitution, but on whether they fancy a proposal a good idea.

For example, the HSC boasts that their state has “the nation’s second-lowest rate of gun deaths per year.” This proves, the justices say, that a “government by the people works” — ergo, to hell with the Constitution.

Yet, [as I’ve illustrated](#), there actually is no correlation between stricter gun-control laws and lower murder rates. In reality, too, much of Hawaii’s low murder (and gun-death) rate is attributable to demographics. That state’s largest racial group is Asian (close to 40 percent of the population). And Asian-descent Americans generally have very low crime-commission rates.

Moreover, excluding suicides (the HSC does not) from the statistics further clarifies matters. Hawaii is then still ranked ninth. Six of the eight states with even lower firearm-death rates, however, have *more lenient gun-control laws*. Why, the state with the lowest firearm-death rate, New Hampshire, has the *fourth-most-lenient* gun laws in the nation.

Aloha Spirit?

Then there’s the amusing matter of the “Aloha spirit.” While greenback-bearing tourists certainly are greeted with it, pre-European-contact Hawaii exemplified anything but. Not only was [brutal human sacrifice](#) practiced there, but warfare was frequent and savage. Here’s the kicker, too: It was King Kamehameha who finally united the Hawaiian Islands, in 1810, via conquest.

And he was able to do so because [he adopted](#) Western weapons — i.e., guns (and more).

Yeah, Aloha, dude.

(By the way, Christian missionaries were instrumental in Hawaiian human sacrifice’s elimination.)

More Dangerous Than Any Gun: The “Living” Constitution

But the HSC’s most unintellectual trespass is its notion that the Constitution can be interpreted to “suit the times.” As the justices wrote, it

makes no sense for contemporary society to pledge allegiance to the founding era’s culture, realities, laws, and understanding of the Constitution.

The HSC also complained that the SCOTUS “encases the right to bear arms in amber, frozen at a time



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when muskets and militias defined self-defense....” (Yes, and when moving lips and newspapers defined “speech.” So what?)

Actually, the Constitution is not frozen in time — it’s frozen in *law*.

Or it should be.

The whole point of having a constitution is to enshrine (hopefully) eternal principles in law. It that way provides a firewall against the mob-determined vagaries of any given time, those transient tastes that beget tyranny. And what if some of the principles aren’t eternal? What if they really are now a liability?

That’s what the amendment process is for. That’s the lawful way to alter the federal or a state constitution. Clearly, too, Hawaiians haven’t seen fit to amend their state constitution’s gun-rights provision.

The HSC dismisses the Founders and the past in deference to the “times.” The times, however, don’t actually say anything. The judges do, and they are, quite imperiously, just imposing their own biases from the bench. They are acting as a judicial oligarchy.

Speaking of the spirit of the age, there’s a reason these judges rule as they do: Relativism infects their thinking. And when that is so, shooting your mouth off can be far more dangerous than firing any gun.



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