

Judge: DHHL Failed to Meet Trust Obligations to Native Hawaiians

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Monetary damages are yet to be calculated, but they could be substantial for plaintiffs who'd waited for land and homes, some since statehood.

Caroline Bright filed for a Hawaiian Homestead lease in 1959, and lived the decades that followed in wait.

"It's been all that time, it's been years that I was struggling," said Bright. "My husband died in 1965 and I had to support my four children all the way."

Bright and 2,700 others filed suit ten years ago against the state over the lack of access to homelands. For Leona Kalima, the wait began in 1972, slowed by records management issues that were a factor in the legal action.



"I was adopted and I couldn't prove I was Hawaiian, check this out yeah," said plaintiff Leona Kalima. "I had no help and I lost 20 years of being on the proverbial waiting list."

Irene Cordeiro-Vierra applied in 1984 and lived on the beach for much of her wait.

"Now I am 82 years old, I get letters from Hawaiian Homestead now saying I have homes you can apply for, I am not capable anymore," said Cordeiro-Vierra.

And now a step toward restitution. In ruling the state violated its fiduciary duty to Native Hawaiians, First Circuit Court Judge Eden Hifo said

"breaches were a substantial factor... of eligible Native Hawaiians not being placed on the land" between the years 1959 through 1988.

Major changes have happened since then. DHHL builds nearly 500 homesteads a year versus the 70 or so annually during the breach period.

"Had it done so sooner these people would not be sitting here today and they would be in a position to be handing down their homesteads to their children or their grandchildren," said the plaintiffs' attorney Carl Varady.

And the state would not be handing down what could soon be steep monetary damages to be determined in a separate trial.

"If only they had done their fiduciary duties, I know the expenses would not have been as much as it is today for the state of Hawaii, we would not have been in this predicament," said plaintiff Cordeiro-Vierra.

Plaintiffs' attorneys say they'll propose a dollar amount that will apply to everyone equally to speed up the the monetary damages phase.

The attorney general's office said the state is reviewing the decision to determine its next steps.

