

The five behind *Broken Trust*

By Sandi M. Skousen

Feb 8, 1998

Last summer, five people sat down together to pen a story of impropriety in the inner sanctums of Bishop Estate.

Much of what they had to tell was not new. But because of who they are and because they told it collectively, their story resonated with the power to effect change.

This is the story of co-authors Randy Roth, Walter Heen, Samuel King, Gladys Brandt and the late Charles Kekumano.

Paying the price

With family in tow, Kansas-native Roth arrived in the Islands in 1982. Hawaii, he felt, would be the ideal place to raise his children, retire and grow old with his wife.

His first reality check came through former Gov. John Waihee, one of many criticized in the Broken Trust essay.

In the late 1980s, Waihee appointed Roth to the Tax Review Commission. The group worked hard to put together a serious package of tax-related recommendations, but legislators and the administration dismissed them without reason.

"That was a real whack on the side of the head," Roth, 49, said.

He faced a crossroads. Roth, who once wanted to become a Jesuit priest, had grown increasingly frustrated with Hawaii's political games and realized he was falling to the trappings of cynicism. Roth decided he either had to make things better or move away.

He committed to stay and channeled his concerns into writing the "Price of Paradise" series, a collection of essays by prominent community members that examines issues affecting residents.

Roth, who is toying with the idea of a project to examine the role and responsibility of the press in Hawaii, also created and hosts the "Price of Paradise Radio Show" on Hawaii Public Radio. And since 1995, he has published about 180 newspaper articles.

Much of his work centers around the theme of government irresponsibility.

"We have a political culture that thrives on the absence of accountability," Roth said.

Roth also began scrutinizing Bishop Estate and throughout the years, used the estate in his lectures at UH law school.

When the students, alumni, parents and teachers of Kamehameha Schools raised their voices in May, Roth acted. His research grew more intense and in June, he interviewed about three dozen people, including former state Supreme Court justices, former masters of the state Probate Court and those involved in the judicial selection process.

In July, he recruited King, Brandt, Kekumano and Heen to help write Broken Trust. The point was to detail Bishop Estate trustees' abuse of trust placed in them and lack of accountability.

Part of the article criticizes Waihee for abusing the trustee-selection process to gain power and reward political supporters.

The writers

Controversy is familiar territory for Walter Heen.

His childhood was spent watching his father and uncles actively participate in politics. An uncle, William Heen, had represented the defendants in the tragic Massie Case of 1931.

He grew up knowing he would become a lawyer and politician.

As a state senator from 1966 to 1968, Heen helped pass land reform laws that created widespread fee-simple ownership and a lessee's bill of rights.

Heen, part-Hawaiian, former politician and former judge, understood well the "tremendous political pressures put on justices" in selecting Bishop Estate trustees.

"Just a cursory exam of trustees will tell you political pressures, in fact, worked," he said.

He had grown increasingly concerned over the estate's poor investments, narrow education program and tax-exempt status, as well as the public's negative perception of the trust.

But, Heen said, not all of the criticism directed at Bishop Estate is fair. As a trust, its objective in leasehold conversions is to sell properties at market price. Ironically, it is the trustees' pursuit of that fiduciary duty that has drawn a great deal of public backlash, he said.

Samuel King, 81, a judge for more than half his life, leaped at the chance to join Roth's team.

"Finally someone is doing something," King said. "This has been a festering sore in this community for decades."

A trusteeship at Bishop Estate, he said, "has been a nice place to rip off the Hawaiians."

King, who is part-Hawaiian and whose father was once a Bishop Estate trustee, stood alone in 1971 when he represented Curtis Kekoa and his son in a lawsuit challenging the appointment of Matsuo Takabuki as a Bishop Estate trustee.

"The Hawaiian community stayed away from me in droves," he said. "There was a loud silence."

The strength of Gladys Brandt, who declined to be interviewed, was her background in education and understanding of the needs of teachers, students and parents.

Described as strong-willed and wickedly humorous, she also kept the writing team laughing.

The 91-year-old Brandt has made history many times. Among the honors that have come her way over the years: named 1950 Woman of the Year by the Business & Professionals Women's Organization; won the 1960 UH Alumni Association's Outstanding Alumni Award; presenter of the statute of King Kamehameha to the Hall of Fame in Washington, D.C., in 1968; received an honorary doctorate degree from UH in 1982; and conveyed the Living Treasurer designation in 1985 from the Honpa Hongwanji Mission of Hawaii.

For 17 years, she was the only woman school principal in Hawaii, heading schools on Kauai.

Monsignor Charles Kekumano, who died Jan. 18 at age 78, also had a colorful career.

"Forthright, gutsy," Heen said of the Catholic priest. "He was a mentor."

Kekumano, born in Kona, attended seminaries in California and was ordained a priest in 1949. He retired in 1984 and was later appointed chairman of the Queen Liliuokalani Trust for destitute and orphaned Hawaiian children.

The authors agreed the "the group was greater than the sum of the equal parts." Each person, they said, brought a different perspective, another insight.

The writing sessions were "beautiful," Heen said.

The writers met a few times, but mostly communicated through Roth, who ran drafts to the members between meetings.

They had a sense of urgency -- the trustees had issued an official reprimand against Kamehameha Schools President Michael Chun, Roth said.

In June, Roth discussed the piece with editors at the Honolulu Advertiser with the hope of publishing it in July, but the newspaper, saying it needed more time to edit and polish the draft, stalled the publication date.

On Aug. 8, Roth took the essay to Honolulu Star-Bulletin editors who conferred for 30 seconds and agreed to publish the piece the next day.

Repercussions

Asked to describe the results of their piece, the writers said it has strengthened the hand of the Probate Court masters who monitor the trust and make recommendations. And, they said, it could lead to legal problems for past trustees.

But much of what happens now is in the hands of the state attorney general, they said.

Noted Roth: "There's nothing I've seen that involves a `smoking gun' of dishonesty, but multiple instances of stupidity. [Are the allegations of breaches of fiduciary duties] so far the tip of the iceberg? It may be. But the investigation may find that the sign on the iceberg is `stupidity,' not `dishonesty.' I don't know what's worse."