

## Checkmating Bishop: Hawaiian Defender, Dependant, Debilitated

The Bishop Estate name is well-known in Hawaii but rarely discussed—until recently. For decades, it was the nation's largest trust with a current net worth of over \$11 billion and 337,000 acres in land holdings (Purdum). Today, the Bishop name carries an infamous reputation after recent scandals thrust it into the center of media attention and controversy. Their board of trustees engaged in lavish spending and questionable business practices. They monopolize their vast land holdings and resist selling their land to homeowners. Non-Hawaiians are barred from admission to the academic institution the estate manages, the Kamehameha Schools. Big business, corruption, and perhaps even discrimination all seem to point to an estate of disaster—but that would be oversimplifying it. To understand the Bishop Estate's conflicting image of controversy and foremost role as steward of the Hawaiian people, I explored both the 1997 Bishop Trustees' scandal and the recent 2010 admissions dispute to understand how they together may impact future protections for Hawaii's indigenous people.

The history of the Bishop Estate dates back to its creation in 1884 by the will of Princess Bernice Pauahi Bishop "to educate the children of Hawaii" (The Associated Press), a mission today perceived to be largely unmet and inhibited by corruption. Through the Princess's will, the Bishop Estate was formed as a charitable trust that spawned the Kamehameha Schools to fulfill its founding purpose. A century later, the estate grew into a multibillion-dollar estate with a trove of investments that should have been directed towards Native Hawaiian education and community outreach programs. Instead, as Todd Purdum's 1997 article *Hawaiians Clash With Trustees of Estate-Run School* explains, the estate's all-powerful trustees interfered in "day-to-day school affairs" and engaged in "self-dealing and financial mismanagement." The trustee scandal unleashed furious backlash from angered native Hawaiians who demanded a judicial

inquiry into the estate's dealings, which writer Purdum emphasized in what he implied as a loss of faith between a trust and the very people it dedicated its existence to. Even today, Hawaiians reel from this oligarchic betrayal—the "40% of Native Hawaiians who are disabled" are not accepted into Kamehameha, which has "no special education program," and, as a population, continues to live at significantly higher poverty levels than Whites (Fujii). How is it that the Bishop Estate, which has wide jurisdiction to address these issues, has yet failed to use its billions to resolve them? The answer, for many local residents, appears to lie within the pocketbooks of the Bishop trustees.

While Randall Roth's *United States: Overview of the Bishop Estate Controversy* in the International Journal of Not-for-Profit Law agrees with Purdum from an ethical viewpoint, I would add that greater emphasis should have been placed on institutional reputation and its implications. Roth points to various abuses in his outline of the estate's corruption, highlighting an example where a trustee "had the [Kamehameha's] student body president pulled out of class...after hearing this student was planning to write a letter supportive of the school's president," whom the trustee opposed, and threatened to call Princeton, where he had just been admitted, and have them revoke his acceptance. From excessive interference in school policies to misuse of funds including "\$350 million" invested in corpus "rather than spent on the school as required by the will", Roth emphasizes the trustees' personal failures to meet the responsibilities of the Bishop Estate. Both Purdum and Roth share similar coverage of the controversy surrounding the Bishop Estate, and seem to advocate for closer legal scrutiny and structural reform—an opinion shared by most locals in Hawaii who recall the events. However, they fail to elaborate on the future impact of such reform on the ability of the Bishop Estate to carry out its founding purpose. The resultant loss of public faith in the institution was certainly not without

cause—but would this spark "solutions" that would actually undermine its future ability to safeguard its assets for the betterment of Hawaiians? I believe that these measures led to subsequent lawsuits levied against the Kamehameha Schools' admissions policies as part of a bigger plot to overthrow the estate.

Dan Slater's 2008 article *Kamehameha School Controversy Bubbles Up Again; Dueling Suits Filed* explains the controversy behind the school's private school admissions process, which gives preference to those with Native Hawaiian blood. As Judy Rohrer substantiates in a 2010 study *Attacking Trust: Hawaii as a Crossroads and Kamehameha Schools in the Crosshairs*, the schools were intended, in preference, for the benefit of Hawaiians. Being that there are "far more Kanaka Maoli children than the schools can accommodate," naturally, "admitting a non-Hawaiian student necessarily means taking a 'native slot,'" which serves as justification for the current admissions policy. She further argues that the 2003 and 2008 lawsuits brought forth by White students who were denied admission to the Schools on account of their race "undercut[s] indigenous claims and highlights...anti-Hawaiian sentiment" (Rohrer 2010). While the plaintiffs' motivations are unclear, Rohrer makes a compelling suggestion that individuals with more sinister intentions may capitalize on the current legal climate and seize the opportunity to decry the Bishop Estate as racist, or the Hawaiians as discriminatory. While Rohrer does not directly reference the Estate's scandal a decade prior, she and her contemporaries covering the racial admissions policies do tie into past sources' focus on the Bishop Estate's founding purpose.

It is clear that recent events have precipitated a clamp-down on the trust, which may jeopardize their ability to preserve affirmative action measures to right educational inequalities experienced by Hawaiians, who suffer socially and financially as an ethnic group. It wouldn't be far-fetched to consider the dangers of a "weakened estate" with future legal and legislative

restraints designed to both limit its financial and educational capacities. As these sources all seem to implicate, the Bishop Estate and its Kamehameha Schools coming under increasing fire will endanger the native Hawaiian community and further impede their access to better living conditions and collective educational achievement. *Still in the Blood: Gendered Histories of Race, Law, and Science in Day v. Apoliona* counters that the Kamehameha Schools entrenches its students "with white, American racial norms" that may raise the question of whether the estate and its institution actually benefit the Native Hawaiian community (Arvin). After all, why should a trust that contributes to the erosion of its beneficiaries' culture continue to exist if it seems to rather undermine its founding purpose? The reality is this—a disadvantaged population with significantly lower educational attainment compared to Whites (*Office of Minority Health*) and "death rates 4 times higher than all other ethnic groups in Hawaii combined" (Fuji)—Hawaiians need the Bishop Estate to champion their cause until their needs, as articulated in Princess Bishop's will, are met. Being that they alone possess the resources, institutions, and magnitude of potential to aid Hawaiians, an alternative that seems to hold favor among Hawaiians is to continue to rely on the trust. Until its vision is fulfilled, measures must be taken to eliminate potential adverse action taken against the trust, ones that call for controlled oversight of the trust without sacrificing its independence from government regulation.

Altogether, the consulted sources rely heavily on legal and contemporary public analyses surrounding the Bishop Estate, which serves well in explaining the circumstances of the racial admissions and financial scandals in their own right but fails in building a bigger picture by meshing them together. Though seemingly unrelated, my goal was to connect the struggle between affirmative action and the duty of an estate towards its own beneficiaries through the significance of its existence for the Hawaiian people. The Bishop Estate could be termed 'the

only ace up their sleeve' in the years to come, as its substantial assets and respected institution must, by mandate, be used towards Hawaiian empowerment. Around the world, racial tensions still exist and are on the rise—especially in regards to indigenous peoples—that manifest in similar ongoing struggles to preserve their independence. Native Americans fight pipelines to protect their rivers and cultural holy lands, the Rohingya people of Myanmar flee genocide, and the Ainu of Japan struggle to preserve their native language. The Hawaiians' Bishop Estate, however, is an entity that safeguards continued financial and educational security, making its existence, no matter how plagued by scandal, necessary as the embodiment of hope for a disadvantaged people. It is folly, however, to say that such an institution can do as it pleases—especially when it risks further harm to the very people it purports to stand up for. Whether through Hawaiian representation in government or public oversight on Bishop's budget, reform to the system must protect against corruption while also guarding against the tyranny of a national government that has long oppressed it so it can serve as a model for other indigenous groups to unite through education as a means to protect their cultural identity.

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