

FOR IMMEDIATE RELEASE

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**COURT FINDS STATE ILLEGALLY DENIED FUNDS
TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

After an eight (8) day trial which concluded in July, First Circuit Court Judge Jeannette Castagnetti has ruled that the State violated its constitutional duty by its continuing failure to provide adequate funding to the Department of Hawaiian Home Lands (DHHL).

In a 40- page decision issued late Friday afternoon, the court concluded, “the legislature has failed to appropriate sufficient sums to the Department of Hawaiian Home Lands for its administrative and operating budget in violation of its constitutional duty to do so. This failure includes every fiscal year since at least 1992.” In her ruling Judge Castagnetti noted that the “DHHL suffers from a lack of funding and staffing, which adversely affects beneficiaries of the Hawaiian Home Lands Trust.”

Moses Haia, the Executive Director of the Native Hawaiian Legal Corporation applauded the decision. “This has been a long time coming. We are thankful that the Court has provided the State and the DHHL with a roadmap for making good on the State’s constitutional mandate and on both the State’s and the DHHL’s trust duties under the Hawaiian Homes Commission Act. We trust this ruling will ultimately result in a significant increase in the number of beneficiaries living on Hawaiian Home Lands.”

In fiscal year 2009, the legislature provided DHHL with less than \$900,000 in general funds for its administrative and operating budget. For the next four fiscal years, the legislature appropriated no general funds to DHHL. Funding was only restored after the Hawai’i Supreme Court ruled in 2012 that “the State has failed, by any reasonable measure . . . to provide sufficient funds to DHHL.”

For the last three years, the legislature has provided \$9.6 million to the department. Friday’s court’s ruling will require that the legislature appropriate at least \$28 million to the department for this coming fiscal year.

In her ruling, Judge Castagnetti also left no doubt about whom the Hawaiian Homes Commission and DHHL owe a duty of loyalty to. ““Insofar as the years of underfunding by the State continued to place DHHL in the intolerable position of having to use the Department’s own funds . . . to pay for its administrative and operating expenses, it was beyond the bounds of reasonable judgment for the DHHL Defendants to not take action, to not file suit against the State and to oppose Plaintiffs in this case . . .” She concluded that the Hawaiian Homes Commission has a “duty of loyalty to the beneficiaries of the Hawaiian Home Lands Trust – not the governor or the Department of Budget and Finance.”

Six native Hawaiians: Richard Nelson III, Kelii Ioane, Sherilyn Adams, Kaliko Chun, James Akiona and Charles Aipia, filed this lawsuit in 2007. Akiona and Aipia have since died.

According to Kaliko Chun, “This suit was filed on behalf of all native Hawaiians; to make the State live up to its constitutional obligation; to get DHHL the money it needs; to get Hawaiians off the waitlist and back on the land; and to get DHHL to act like a trustee.”

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About the Native Hawaiian Legal Corporation:

The Native Hawaiian Legal Corporation (Native Hawaiian Legal Corporation) is a 501 (c)(3) non-profit, public-interest law firm with a practice that is concentrated in the area of Native Hawaiian Rights law. NHLC provides legal assistance to families and communities engaged in perpetuating the culture and traditions of Hawai'i's indigenous people. Founded by several grass roots leaders in 1974, NHLC was initially a volunteer-run referral service. The high demand for direct help, especially from families in need of legal assistance to protect their ancestral lands, transformed NHLC into a law firm that now provides legal help to approximately 400 clients annually. For more information, visit www.nhlchi.org