

Modern Hawaiian History

“Broken Trust”

Nonfiction Book Unit

Strand: Historical Understanding

Standard: Inquiry, Empathy, and Perspective

Use the tools and method of inquiry, perspective, and empathy to explain historical events with multiple interpretations and judge the past on its own terms.

New Benchmark: Describe the multiple social, political, and economic causes and effects of change in modern Hawai'i.

New Benchmark 2: Analyze significant contemporary issues that influence present day Hawaii, such as the Hawaiian Renaissance, the sovereignty movement, current land issues, and the influx of new immigrant groups.

Resources: “Broken Trust: Greed, Mismanagement & Political Manipulation at America’s Largest Charitable Trust,” www.brokentrustbook.com, www.ksbe.edu, www.hawaiireporter.com

PROJECT OVERVIEW:

There are seven parts to this project

1. Reading the book “Broken Trust: Greed, Mismanagement & Political Manipulation at America’s Largest Charitable Trust.”
2. Vocabulary Charts – learning and using new words
3. Document Based Question (DBQ) Essays (Homework) – 1 per chapter
4. Note-taking worksheets – taking notes while reading to help when you write your DBQ essay.
5. Discussions – whole-class discussions based on DBQ essay questions.
6. Reflection worksheets (Homework) – reflecting on the classroom discussions
7. Summative Assessment Essay (Homework) – Final essay

Why should I participate in this project?

1.

2.

What are my assumptions about Kamehameha Schools and the Bishop Estate Trustees?

Who are the authors of this book and what are their possible biases? (Their biographical sketches can be found at the very end of this packet of materials.)

What is a Foreword?

What is an Afterword?

What is a primary resource? Name or describe two examples.

What is a secondary resource? Name or describe two examples.

VOCABULARY CHART

- a. Word from book – while reading the book, write each unfamiliar word in the first box on the vocabulary chart.
- b. Sentence it came from – write the sentence from the book where the word appears.
- c. Definition of word – write the word's dictionary definition.
- d. Connection to book – explain how the meaning of this word helps readers understand the book's content.
- e. Use the word – write a new sentence that includes the word and shows an understanding of its meaning.
- f. Representation of the word – sketch a picture that represents the word

DOCUMENT BASED QUESTION (DBQ) ESSAYS

- a. Select a question from the list at the end of this packet or get your teacher's permission to use a question that you've created.
- b. Read the chapters assigned and takes notes with the question in mind.
- c. You only need to do one essay per due date.
- d. You will use your note-taking worksheets when writing an essay that responds to your chosen question.
 - Each essay should be:
 - At least one page
 - Typed
 - Times New Roman
 - Font pt. 12
 - Double spaced
 - Correct referencing/citation format
 - Explicit connections to social, political and/or economic issues
 - Essay format (introduction with thesis, body and conclusion)
 - Essays will be graded in accordance with the Hawai'i State Assessment Writing Rubric

DISCUSSIONS

- a. After each chapter and DBQ essay (homework), your class will have a group discussion.
- b. The teacher will chose a soft, light object (for example, a white-board eraser, stuffed animal, paper ball, etc.) to indicate whose turn it is to speak.
- c. You will write your DBQ essay question on the board.
- d. Your teacher will facilitate the following voting process to determine which question the class will discuss first:
 - each student get two votes
 - each student may cast one vote for each of two separate questions, or two votes for a single question
- e. The question that receives the most votes will be discussed first.
- f. You should sit in a circle so that everyone can participate fully.

Before we start a discussion, let's create ground rules. Write what you think should be the ground rules for our discussions:

Here are the groundrules the class agreed upon:

HOMEWORK: After each discussion, I will give you a Reflection form to be completed as homework.

SUMMATIVE ASSESSMENT

- a. Final Essay
 - Focus Question: "What are several of the most important issues or events in the Broken Trust book, and what are their social, political, and/or economic implications to the future of Hawai'i?" Use evidence (for example, quotes from the book or other sources) to support your answer. Include and discuss a perspective other than your own and other than those of the book's authors (such as a former trustee's point of view). Remember to cite sources and provide a bibliography.

TIMELINE

(TEACHER SHOULD INCLUDE THE DEADLINE DATES HERE)

Vocabulary Chart

Word from Book	Sentence it came from	Definition of word	Connection to book	Use in a new sentence	Draw a representation of the word

Word from Book	Sentence it came from	Definition of word	Connection to book	Use in a new sentence	Draw a representation of the word

Name _____

Date _____

Period _____

Note-taking worksheet

Chapter: _____

DBQ Focus Question: _____

Page Number	Quote	Who said it?	Relationship to Focus Question

Broken Trust Summative Essay Assessment Rubric

CRITERIA	EXCEEDS THE STANDARD	MEETS THE STANDARD	ATTEMPTS TO MEET THE STANDARD	DOES NOT MEET THE STANDARD
OVERALL ESSAY	Fully presents an analysis of the social, political and economic causes and effects in a clear, concise essay that demonstrates and understanding of the <u>Broken Trust</u> book.	Presents an analysis of the social, political and economic causes and effects in an essay that demonstrates and understanding of the <u>Broken Trust</u> book.	Attempts to presents an analysis of the social, political and economic causes and effects in an essay that demonstrates and understanding of the <u>Broken Trust</u> book.	Presents an essay that does not analyze the social, political and economic causes and effects and there is some to little understanding of the <u>Broken Trust</u> book.
HISTORICAL UNDERSTANDING <ul style="list-style-type: none"> • Concepts and Principles • Misconceptions • Justification & Arguments from the Text 	Essay includes: <ul style="list-style-type: none"> • Social, political and economic causes and effects the <u>Broken Trust</u> had on Hawai`i clearly and accurately • Used appropriate evidence to support thesis with no misconceptions • Effectively used other perspectives to prove a point 	Essay includes: <ul style="list-style-type: none"> • Social, political and economic causes and effects the <u>Broken Trust</u> had on Hawai`i • Used appropriate evidence to support thesis with no major misconceptions • Used other perspectives 	Essay includes: <ul style="list-style-type: none"> • One or two of the following (social, political and/or economic) causes and effects of the <u>Broken Trust</u> Book had on Hawai`i • Attempts to use evidence that supports thesis with misconceptions • Attempted to use other perspectives 	Essay does not include: <ul style="list-style-type: none"> • The social political and/or economic causes and effects of the <u>Broken Trust</u> book had on Hawai`i • Evidence to support thesis • Other perspectives
HISTORICAL VOICE	No shifts in: <ul style="list-style-type: none"> • Third person • Objective • Past tense 	Minor shifts in: <ul style="list-style-type: none"> • Third person • Objective • Past tense 	Major shifts in: <ul style="list-style-type: none"> • Third person • Objective • Past tense 	Does not use: <ul style="list-style-type: none"> • Third person • Objective • Past tense
ORGANIZATION <ul style="list-style-type: none"> • Introduction • Body • Conclusion Note: in compare and contrast essays there needs to be a transition phrase between the two topics discussed	<u>Introduction</u> <ul style="list-style-type: none"> • Gives in depth background and underlying assumptions of Kamehameha Schools Bishop Estate. • States thesis as a controlling element of the essay 	<u>Introduction</u> <ul style="list-style-type: none"> • Gives necessary background • States thesis as a controlling element of the essay <u>Body</u>	<u>Introduction</u> <ul style="list-style-type: none"> • Attempts to give necessary background • States thesis as a controlling element of the essay <u>Body</u>	<u>Introduction</u> <ul style="list-style-type: none"> • Does not give necessary background • Does not state thesis as a controlling element of the essay <u>Body</u> For each body

CRITERIA	EXCEEDS THE STANDARD	MEETS THE STANDARD	ATTEMPTS TO MEET THE STANDARD	DOES NOT MEET THE STANDARD
	<p><u>Body</u> For each body paragraph:</p> <ul style="list-style-type: none"> there is a topic/concluding sentence that justifies a clear line of reasoning between examples, thesis and transitions to the next idea there are more than two relevant details or supporting evidence that support the topic sentence <p><u>Conclusion</u></p> <ul style="list-style-type: none"> clearly synthesizes all evidence in a fully developed summary and states the significance which shows sensitivity to the implications and consequences of the <u>Broken Trust Book</u>. 	<p>For each body paragraph:</p> <ul style="list-style-type: none"> there is a topic/concluding sentence that connects to the thesis and transitions to the next idea there are two details or supporting evidence that support the topic sentence <p><u>Conclusion</u></p> <ul style="list-style-type: none"> summarizes evidence and states it's significance 	<p>Not all body paragraphs have:</p> <ul style="list-style-type: none"> a topic/concluding sentence that connects to the thesis and transitions to the next idea less than two details or supporting evidence that support the topic sentence <p><u>Conclusion</u></p> <ul style="list-style-type: none"> attempts to summarize evidence and state it's significance 	<p>paragraph:</p> <ul style="list-style-type: none"> there is no topic/concluding sentence that connects to the thesis and transitions to the next idea there are no details or supporting evidence that support the topic sentence <p><u>Conclusion</u></p> <ul style="list-style-type: none"> Does not summarize evidence or state it's significance
<p>CONVENTIONS Grasps standard writing conventions of grammar, capitalization, punctuation, spelling and paragraphing, There may be deliberate use of non standard dialect to enhance meaning of the writing or to show a particular perspective. Fragments, if used are</p>	<ul style="list-style-type: none"> Grammar or usage are almost always correct and contribute to clarity and style Punctuation guides the reader throughout the text Spelling is almost always correct with the exception of a very few 	<ul style="list-style-type: none"> Errors in grammar or usage are few and not serious enough to distort meaning Punctuation supports readability Spelling is correct on common words and on some difficult words Paragraphing is simple, sound and 	<ul style="list-style-type: none"> Errors in grammar are typical of first draft response but do not prevent readability and understanding Spelling errors are few and typical of first draft writing; the writing may contain some errors as a result of 	<ul style="list-style-type: none"> Errors in grammar or usage affect readability End of sentence punctuation is almost always correct but internal punctuation may be missing and is often incorrect Spelling is usually correct on common words

CRITERIA	EXCEEDS THE STANDARD	MEETS THE STANDARD	ATTEMPTS TO MEET THE STANDARD	DOES NOT MEET THE STANDARD
effective and promote cadence, rhythm or emphasize a point or mood.	<p>commonly misspelled words</p> <ul style="list-style-type: none"> • Paragraphing reinforces design or structure of the piece. • If text is quoted, source is referenced with in text citation. 	<p>consistent with some relationship to design and structure to the piece as whole.</p> <ul style="list-style-type: none"> • If text is quoted, source is referenced. 	<p>word choice risk taking</p> <ul style="list-style-type: none"> • Paragraphing is fairly consistent throughout the piece 	<p>and reasonably phonetic on more difficult words</p> <ul style="list-style-type: none"> • Paragraphing is fairly consistent throughout the piece but sometimes runs together or begins in the wrong place
WORKS CITED	There are no mistakes in format and there are more than the required number of resources present	There are no mistakes in format and there are the required number of resources present	There are some mistakes in format and the required number of resources hasn't been met	There are many mistakes in format and the required number of resources hasn't been met

Name _____

Date _____

Period _____

Discussion Assessment Note Taking Worksheet

Discussion Question that was chosen:

Reflective Questions	Specific Examples from the Discussion, including specific quotes from classmates
COMMUNITY – Was I listening closely and respectfully to others? Did others listen closely and respectfully to me?	
COMMUNITY – Did most people participate?	
COMMUNITY – Was it a positive and respectful environment?	
INQUIRY – Did we stay focused on the chosen question?	
INQUIRY – Did our discussion merely “scratch the surface,” or did it promote a better understanding of the subject matter?	

INQUIRY – Did I learn something new?	
INQUIRY – Did I challenge my own thinking or “work hard” at it?	
INQUIRY – Was the discussion interesting?	
Any additional comments or questions left unsaid?	

Hawai`i State Assessment – Writing Rubric for Grades 8 and 10

INSERT WRITING RUBRIC

List of possible questions for DBQ essays

Questions Relating to the Entire Book:

- Is there an important lesson to be learned from this book? If so, what is that lesson?
- Which person in the story do you admire the most? Why?
- Describe the kind of person you think would make a good Bishop Estate trustee. Do you think others view you now, or someday will view you, as that kind of person?
- If you could change anything about Kamehameha Schools, what would it be and who would benefit from that change? Would anyone be adversely affected by the change?
- If Princess Pauahi were alive today, what do you think she would be like? Is there anything that you would want to ask her?
- If Princess Pauahi were alive today, do you think she would want to change anything about Kamehameha Schools? Is there anything in her Will that she might want to change? Why?
- What is the most important thing you learned by reading this book? What makes it so important?
- What is the most interesting thing you learned by reading this book? What makes it so interesting?
- There is an old saying: “Power tends to corrupt, and absolute power corrupts absolutely.” Do you agree with the saying? Do you think it is relevant to this book? Explain.
- In the Afterword, Jan Hanohano Dill says the book triggered in him a feeling of *kaumaha* (heaviness and grief), and also pride. How did the book make you feel?

Foreword:

- Why do you think the book’s authors asked Gladys Kamakakuokalani Brandt to write the Foreword for this book?
- Mrs. Brandt described herself in the Foreword as part of the Kamehameha Schools ‘*ohana*. What is an ‘*ohana*?
- Brandt wrote that she had a *hanai* mother. What does that mean?
- Who do you think is more likely to have the greatest influence on a child, the child’s birth parent or a *hanai* parent? Why?
- Mrs. Brandt wrote that there were great changes over the course of her lifetime in what it meant to be Hawaiian. What does that mean? Whether or not you are Hawaiian, what are some things about being Hawaiian that you think might change during your lifetime?
- Mrs. Brandt refers to “acts of moral courage and civic responsibility.” Have you ever witnessed or heard about anything like that? If so, describe it.
- Mrs. Brandt referred to the turmoil at Bishop Estate as “painful but necessary.” She was in her nineties when she helped organize the march and co-author the Broken Trust essay. Those activities were physically taxing and emotionally “painful.” Why would a person like Mrs. Brandt act as she did, knowing that it would be taxing and painful to her?
- Mrs. Brandt wrote that certain leaders “did not seek leadership positions out of ego or a desire for self-gain,” and that they tried to make things *pono* (right) despite “threats to their personal interests.” Does it make sense for someone to take personal risks just to benefit others? Do you know of anyone who has ever done that? If so, what do you think of that person?

Introduction:

- The book’s authors tell the Broken Trust story in the third person, but Shapiro uses the first person in the book’s introduction. What is the difference between the first- and third-person styles of writing?
- According to Shapiro, there was danger in criticizing Bishop Estate trustees. What did people fear? Why did so many people hesitate to speak their opinions on something important? If you had been in Shapiro’s position, would you have published the Broken Trust essay like he did?
- According to Shapiro, Hawaiians were fiercely protective of Bishop Estate trustees for many years, but then something changed that. In your own words, explain what caused the change.
- According to Shapiro, the Broken Trust essay was powerful primarily because of the reputations of the four *kupuna* who help write it. Why would the public be so influenced by the authors’ reputations? What is your reputation? If you wanted a different reputation, how would you go about changing the one you currently have?

- Shapiro briefly describes how judges are chosen. If it were your job to select judges, what would you look for in candidates? Who among your friends and classmates would make the best judge? What is it about that person that causes you to say that?
- According to Shapiro, it is good for a community to have competing newspapers. Why do you think he believes that? Do you agree with him?
- Shapiro wrote, “Before the Bishop Estate trustees fell, corrupt officials felt confident they could act with impunity; after, they had to seriously fear being caught and punished.” What does “impunity” mean? What is the best way to make sure that government officials are always honest and effective?

Chapter 1: Princess for a New Hawaii

- In 1819 the ruling chief “gave up on the gods.” What does that mean? Would you have done the same thing if you were the chief? Explain.
- What is a princess? Were there advantages or disadvantages to being a princess during Bernice Pauahi’s lifetime? Explain.
- According to the book, “Hawaiians never fought back against the aggressions of foreigners the way other Polynesians did. Instead, Hawaiians relied upon diplomatic means—treaties and negotiations with foreign powers—in their effort to maintain independence.” Why did Hawaiians choose to use diplomatic means? What would have happened if Hawaiians had chosen to “fight back” instead of relying upon diplomacy?
- During most of her childhood, Bernice Pauahi lived at the Royal School where *haole* adults were teachers and role models. Her cousin Ruth Keelikolani never attended the Royal School. How were the two cousins alike? How were they different? In what ways did Bernice Pauahi’s Western education influence her thinking and behavior?
- Bernice Pauahi’s parents wanted her to marry an *alii*. They were displeased when she did not do so. They refused to attend her wedding when she married a *haole*. Did Bernice Pauahi do something wrong? Did her parents? What would you have done under those circumstances?
- Why did the king want Bernice Pauahi, and not Ruth Keelikolani, to be his successor? Why did Bernice Pauahi not want to be queen?
- According to the book, Bernice Pauahi’s husband, Charles Reed Bishop, wanted a reciprocity treaty with the United States and later wanted annexation. What is “reciprocity?” What is “annexation?” Why did Charles favor these? Why did many Hawaiians not favor them? What do you think was Bernice Pauahi’s thinking on these issues? What would have been yours at that time? Explain.
- How did Bernice Pauahi come to own so much land? Why did she decide to write a will? If you owned valuable property, what would you want done with it at your death? Explain.

Chapter 2: A Culture Suppressed

- Why did the authors tell us that Princess Ruth Keelikolani wrote her will in Hawaiian and signed it “R. Keelikolani,” and that Princess Bernice Pauahi Bishop wrote her will in English and signed it “Bernice P. Bishop?” Are those facts relevant to the Broken Trust story?
- In her Will, Princess Pauahi stated that the gifts to married women were for their “sole and separate use free from the control of their husbands.” Why do you think she added those words to her Will?
- Princess Pauahi gave the bulk of her estate to five individuals “in trust,” subject to “fiduciary duties.” What is a trust, and what are fiduciary duties? If you were a rich person about to die, would you take the time to write a Will? If you wanted to make sure that your wealth would always be used to support a particular charitable activity, such as educating Hawaiian children, how would you arrange for that to happen?
- Explain the meaning of the cartoon on page 99.
- Why do you think Princess Pauahi called for education in “the common English branches,” and said nothing about Hawaiian culture and language?
- Why would Princess Pauahi require that teachers and trustees always be members of her religion, but not require that they be Hawaiian or say anything in her Will about preserving Hawaiian culture or language?
- During Princess Pauahi’s lifetime, the number of full-blooded Hawaiians dropped from 124,000 to less than 50,000. Perhaps at the time she wrote her Will she expected the number of full-blooded Hawaiians to keep going down. If so, how might that have influenced her thinking?
- The authors describe students at the time of the Overthrow as “instinctive royalists,” and as “reverential to alii nui.” What does that mean? Why might someone favor a monarchy over another form of government?
- Why do you think the counterrevolution did not last long and only one life was lost?

- For many years, the boys at Kamehameha Schools wore military uniforms to class and spent an enormous amount of time engaged in military training. Was that a good thing, or a bad thing? Why?
- Based on the quote at the bottom of page 37, Ida May Pope apparently did not hold Hawaiian culture in high regard. Why do you suppose she felt that way?
- For many years at Kamehameha the girls cared for real babies at the Senior Home Management Cottage. Do you think that was a good idea? Why or why not?
- Prohibited from speaking Hawaiian at school and at home, Gladys Brandt concluded that anything Hawaiian must be “junk.” Why do you think both a school for Hawaiians and Hawaiian parents would prohibit Hawaiian children from using the Hawaiian language?
- The authors explain that vocational education was thought to be a “forward-thinking approach to education.” Do you see merit in young students learning a vocation instead of, or in addition to, taking academic courses in preparation for college?
- According to the authors, “the trustees did not see Hawaiians as becoming anything more than workers—certainly not leaders.” Why would the trustees have such low expectations for Hawaiians? Why did that later change?
- This chapter ends with a story about a Kamehameha alumna, Johanna Wilcox. Why do you think the authors included this story, and why would they put it at the very end of a chapter entitled, “A Culture Suppressed”?

Chapter 3: “Where Are All the Hawaiian-Looking Ones?”

- On page 45 the authors write, “Most people agreed that Kamehameha should be exclusively for Hawaiians, but in a Hawaii in which each generation of children had a lower quantum of Hawaiian blood, who was Hawaiian?” Do you agree that Kamehameha Schools should be for Hawaiians only? If so, how would you define “Hawaiian?”
- Even in the early years there was considerable disagreement over the kind of children who should be admitted to the Kamehameha Schools. The following question appears on page 45: “Should it be the top tier of potential students, the ones who were likely to do well in any event, or the bottom tier, the children who had little going for themselves?” What is your opinion on this issue, and do you think Princess Pauahi would agree or disagree with you if she were alive today?
- The following question appears on page 45: “Should there be relative few students, to whom many resource would thus be devoted, or as many students as possible, with resources spread more thinly among them?” What is your opinion on this issue, and do you think Princess Pauahi would agree or disagree with you if she were alive today?
- The following question appears on page 45: “Most perplexing of all for an institution founded upon the sacred Will of a revered benefactress: what if the preferred approach in the modern world differed from the one Bernice Pauahi described in her Will?” What is your opinion on this issue?
- Charles E. King and a group of other alumni complained that Kamehameha Schools were not demanding enough of the students, that the standards needed to be raised. What are academic standards, and what difference do they make to the school or its students? Why would graduates of a school continue to care about that school’s academic standards?
- The Kamehameha president is quoted in the middle of page 47. In your own words, what was he trying to say? Do you agree with his message?
- The new principal in 1934 threatened to flunk students who did not show enough improvement. What do you think a school should do with students who do not work hard, or who appear not to be learning much?
- From page 48: “Under Midkiff and Barnes, the number of applicants and their test scores increased significantly, and the school’s academic reputation rose dramatically. There was serious talk about Kamehameha’s becoming a school of the very highest quality, as good as any in the country, one that would produce great leaders.” This may sound good, yet Senators Heen and Trask were very critical. Why?
- Why do you suppose Senator Trask asked, “Where are all the Hawaiian-looking ones?” Was he looking for an answer, or was he making a point by asking the question? If the latter, what was his point?
- Senators Heen and Trask thought the trustees were paying themselves too much money in 1943. The trustees’ compensation at the time—\$10,250 per year—was six times the average full-time wage in Hawaii, and some of the trustees had full-time jobs elsewhere. Who do you think should decide the amount of a trustee’s compensation, and what factors should be considered?
- Senators Heen and Trask demanded that changes be made at Kamehameha Schools. In your own words, what were some of the things they wanted changed, and why do you think they felt so strongly that these changes needed to be made?
- Because of Senators Heen and Trask, Kamehameha Schools stopped using IQ tests and started admitting more students, hiring more of its own alumni, expanding vocational training, and working hard to build up pride in Hawaiian heritage. In your opinion, were these good changes? What might critics say about these changes?

Chapter 4: Newfound Wealth, Cultural Rebirth, Seeds of Discontent

- Statehood and jet airplanes brought newfound wealth to Hawaii. In your own words, explain why these changes would have such a profound difference to Hawaii's economy. Then, explain whether these differences have been good or bad for the people of Hawaii.
- Faced with a huge increase in resources, the Bishop Estate trustees hired a mainland consulting firm to make recommendations. Would you have done the same thing, or something different?
- The mainland consulting firm recommended making Kamehameha Schools an elite institution with a highly selective admissions policy, and helping other Hawaiian children by adding extension programs that would complement what the public schools already were doing and promote Hawaiian culture. Does this sound like a good plan to you? If now, what would you have recommended?
- When the trustees combined the separate boys' and girls' schools into one school, they called that one school, "Kamehameha Schools." According to the authors, "calling it Kamehameha School might have highlighted that the trustees had ceased to honor Pauahi's instruction to maintain 'two schools'." What do you think of the decisions to merge the two schools into one, and to call the resulting school, "Kamehameha Schools"?
- The Kamehameha baby cottage was gone by the end of the 1960s. The authors imply that this was related to the women's liberation movement. What was "the women's liberation movement"? Was it a good or bad thing when the baby cottage closed? Why?
- In your own words, why did the missionary dislike *hula* so much?
- Why do you think the trustees forbid the dancing of the standing *hula* at Kamehameha Schools for so long?
- Gladys Kamakakuokalani Brandt grew up thinking that anything Hawaiian must be "junk," yet she was the one who convinced the trustees to allow standing *hula* at Kamehameha Schools. Why do you think she did what she did? What might have caused her to become proud of her Hawaiianness?
- Trustee Murray did not want to change the rule against dancing standing *hula* at Kamehameha Schools, yet he eventually agreed to do so. Why do you think he changed his mind?
- On page 60 the authors explain why many homeowners on Bishop Estate land were "filled with apprehension and fear," and "blamed Bishop Estate for their predicament." In your own words, what was the problem? Whose fault was it?
- The legislature eventually passed a law that forced landowners like Bishop Estate to sell land to the people who had built homes on that land. Do you think this was a good law? Why?
- Beginning on page 61 the authors describe the development of Hawaii Kai and the turmoil it caused. On page 63 you can see photos of protestors. In your own words, exactly what did the protestors want, and why was Bishop Estate unwilling to give them that?
- What would Hawaii be like today if there had not been housing developments at places like Hawaii Kai, Mililani, or Kapolei? In what ways do you think your life would be different? Is this kind of development a good, or bad, thing? Why?

Chapter 5: The Trust Plays Politics as Activism Grows

- The first sentence of this chapter quotes someone who thinks politics was "at the core of Bishop Estate's many problems." What does that mean? Do you agree with this person?
- For many years Republicans dominated politics in Hawaii, then, virtually overnight, it was the Democrats. Slow change is sometimes called "evolution," and fast change is sometimes called "revolution." Many people call the switch from Republican to Democrat control in Hawaii, the "Democratic Revolution." In your own words, what caused such a dramatic change? When it comes to political change, what is better: evolution or revolution? Why?
- In your own words, why did his critics not want Matsuo Takabuki to be a Bishop Estate trustee?
- Reverend Akaka often spoke up on political matters, especially when the issues directly affected Hawaiians. Some people think religious clergy like Reverend Akaka should talk publicly only about religious matters. Others expect their religious leaders to provide guidance and leadership on political as well as spiritual matters. What do you think?
- Why did Reverend Akaka say of Hawaiians, "We are now a nobody as far as the government is concerned?" Do you basically agree or disagree with the quote? Why?
- On page 70, the attorney general is quoted as follows: "Neither the trustees nor the staff could explain why they chose certain developers or how they arrived at the terms of development agreements." Do you think trustees should be able and required to explain their decisions? Why?
- Beginning on page 70, the authors tell a story about a person who almost became a Bishop Estate trustee—Larry Mehau. Another person—Rick Reed—called Mehau the "godfather" of organized crime in Hawaii. Mehau proclaimed his innocence and no one—not even Reed—ever proved that Mehau was guilty of any wrongdoing.

Was it wrong for Reed to make serious accusations that he could not prove? Was it wrong for the newspapers and TV stations to report what Reed had said? Was it wrong for the authors of this book to retell the story?

- Oz Stender is referred to as the “accidental trustee.” In your own words, what does that mean?
- Trustee Stender described the justices’ way of selecting Bishop Estate trustees as “appalling” and “irresponsible.” What did they do that was so bad? Was it brave of Stender to criticize the justices publicly, or was it rude? What would you have done if you were Stender?
- On the bottom of page 75, the authors tell the story of an aggressive reporter who got trustee Stender to admit that the trustee-selection process was “rigged.” What would you have said if you had been in Stender’s position? How do you think it made the other trustees feel to read in the newspaper that Stender thought they had been the beneficiaries of a “rigged” system? Did the reporter do anything wrong? Did Stender?
- On page 76, the authors describe how trustee Stender grew disillusioned and came close to quitting as a Bishop Estate trustee. In your own words, explain what made Stender decide to stay. What would you have done if you had been in his position?
- According to the authors, Hawaiian protest “became a powerful mix of historical insult and modern-day grievance.” In your own words, explain what that means.
- Parts of the “apology resolution” are quoted on pages 78-79. In your own words, explain the legal and moral significance of that resolution. Do you think the apology resolution was a good, or bad, thing? Why?
- Professor Trask, an American citizen, shouted to a large group of Hawaiians, who also were American citizens, “We are not Americans! We will die Hawaiians!” If she did not literally mean that they were not Americans, why did she say it? What message do you think she was trying to convey?

Chapter 6: Shell-Shocked Lottery Winners

- Why did the Bishop Estate trustees argue that mandatory leasehold conversion was “not just unconstitutional, but un-American?” Do you agree with them?
- In our own words, explain why many homeowners chose to pay what they believed to be excessive prices for the land under their homes rather than to go to court.
- Bishop Estate’s investment consultant recommended that the trustees “diversify” their investments. What does it mean to “diversify,” and why would consultants recommend that?
- Bishop Estate trustees invested heavily in “private deals that offered the potential of large gains somewhere down the road, with the likelihood of little or no income in the meantime.” Was this a good idea, or a bad idea? Why?
- What was the Wall Street Journal’s point in describing Bishop Estate trustees as having the look of “shell-shocked lottery winners?”
- Was it good or bad that the trustees invested their own money in some of the deals in which they also invested Bishop Estate money? Why?
- Why do you think the other trustees neglected to tell trustee Stender that they had invested personally in some of Bishop Estate’s business deals?
- On page 84, the authors describe how trustee Peters “recused” himself as a Bishop Estate trustee so he could represent the buyer in a transaction where Bishop Estate was the seller. What does it mean to “recuse?” Assuming that the negotiated sales price was fair to both the buyer and the seller, did Peters do anything wrong? Explain.
- A section of Princess Pauahi’s Will is quoted at the top of page 85. Princess Pauahi wanted her trustees always to operate openly, yet for many years they did just the opposite. How could they just ignore such a clear provision of the Will? What if they had good reasons to keep secret Bishop Estate’s financial affairs?
- Trustee Stender wanted the trustees to adopt a “CEO-based governing structure.” In your own words, what is that and why would that be better than having each trustee act like a Chief Executive Officer (CEO)?
- On page 88, Bishop Estate staff members criticize the way the trustees behaved during meetings. One said, “We dreaded going in there. No one wanted to give them bad news. We knew we’d get hammered.” If you were in a leadership position, would you want others to tell you what they really think, or only what they think you want to hear? If you worked for bosses who did not like to hear bad news, would you tell them only good news? Explain.
- One Bishop Estate trustee described board meetings as a time where the trustees should be able to “yell and scream,” without anyone outside the meeting knowing about it. Do you agree?
- If it were your job to write some rules of conduct for trustees, what would you say about conduct at trustee meetings? Would your rules include a requirement that everything be kept confidential? What would be some reasons for, and against, a rule that prohibited anyone from telling others about things that go on at trustee meetings?

Chapter 7: The “Black and Blue” Panel

- On page 89 the authors describe a number of connections between the Judicial Selection Commission and Bishop Estate, and describes it as “a bit too cozy.” What are they suggesting? Why would anyone be critical of a close connection between those two organizations?
- The authors strongly imply that the Supreme Court justices decided ahead of time that they wanted to select John Waihee to be the next Bishop Estate trustee. Do you agree? Why or why not?
- Assuming that the justices wanted to select John Waihee as the next Bishop Estate trustee, why didn’t they just do it? Why would they form a blue-ribbon screening panel to create a short list of candidates if they already knew who they wanted to appoint?
- Advisors to the new UH President told him to turn down Chief Justice Moon’s invitation to serve on the blue-ribbon panel because it would be “too political.” What does “political” mean in this context? Is it necessarily bad when something is “political?”
- Why do you think others on the panel wanted Gladys Brandt to serve as its chairperson? What does a chairperson actually do? To what extent does a chairperson affect how a group will function?
- Gladys Brandt suggested that the list be limited to people who had the support of a majority of panel members. She wanted to avoid “horse trading.” What does that mean? Is it fair to require majority support just to put a name on a short list? Why?
- Bobby Pfeiffer wanted to know if the justices would pick from the panel’s list even if it had only one name on it. Why was this important to Pfeiffer? What was his concern?
- Gary Rodrigues was an exceptionally powerful person at the time of the blue-ribbon panel, yet when he threw a tantrum the chairperson did not budge. In fact, she chided him for acting like a child. Do you think most chairpersons would have reacted the same way? If you had been the chairperson of the panel, how would you have handled the situation?
- When Brandt handed the panel’s short list to the justices, they asked, “Where’s his name?” and Brandt just assumed that they were referring to John Waihee. Why do you think she assumed that?
- When Pfeiffer heard that the justices threw out the panel’s list he swore that he would never again serve on a government panel in Hawaii. Similarly, Brandt started referring to the panel as the “black and blue” panel, as if they had been abused. Why were Pfeiffer and Brandt so upset?
- Beginning on page 94 the authors describe a secret, “smoking gun” memo to Chief Justice Moon. They say it is “evidence of behind-the-scenes manipulation?” In your own words, what is a “smoking gun” memo, and why are the authors so troubled by this particular memo?
- The final paragraph of this chapter says there was a chance that someone would sue the justices “for breaching the fiduciary duties they accepted when they agreed to select trustees.” What is a fiduciary duty, and in what way might the justices have breached their duties?
- The authors write that the justices had “a strong personal incentive not to cooperate with any investigation of Bishop Estate trustees.” What was that incentive?
- Later in the book, it’s revealed that the justices refused to cooperate with the attorney general’s investigation of trustee selection. They did not publicly explain their reasons, but privately said it was because the attorney general wanted to “trick” them into making inconsistent statements. Is that a good reason to refuse to cooperate?
- Later in the book, it’s revealed that the justices said they would not respond if the attorney general attempted to force them to answer questions about their role in trustee selection. Should someone from one branch of government be able to force a person from another branch of government to cooperate in an investigation? Why or why not?

Chapter 8: Five Fingers, One Hand

- The trustees used a “lead trustee” system of governance in which each trustee had individual authority over a different aspect of the trust. In your own words, what was wrong with this system?
- According to the authors, “anything deemed sensitive was stamped, ‘Confidential—Attorney-Client Privilege’ and held by Bishop Estate’s chief in-house lawyer.” Explain in your own words the meaning of “attorney-client privilege.” Does it strike you as a good or bad idea? Why?
- In your own words, explain the cartoon on page 99.
- Professor Edward Halbach offered to help explain fiduciary duties, *pro bono*. What does “*pro bono*” mean?
- On page 100 the authors explain that the law allows trustees to receive “reasonable compensation” for their services as trustee. Do you think it was a good idea to determine trustee fees using a formula like the one the author’s describe? How much do you think would be reasonable compensation for serving as a trustee of this trust? How would you go about deciding how much is reasonable for any particular job?
- The authors refer to “power without accountability” as “a recipe for disaster.” Why would they say this? Do you agree with the statement? Why?

- There is an old saying: “Power tends to corrupts, and absolute power corrupts absolutely.” Do you agree with the saying? Why?
- What is the meaning of the cartoon on page 101? How would that cartoon make you feel if you were one of the people depicted in it? Do you think it’s fair that cartoonists and others sometimes publicly make fun of unpopular individuals?
- The authors state that one master used the word “awesome” 17 times in a 25-page, double-spaced report. What is their point? Is it a fair criticism?
- One master argued that the trustees should not have to reveal the amount of their fees. As a reason for not telling the public, he cited “cultural modesty.” Why did the authors include this in the book? What was their point? Was it fair to the master? Do you think the master had a good reason for what he did? Was it fair to include that master’s picture in the book?
- On page 103 the authors describe how mainland reporters tended to view and describe Hawaii. Does that description surprise you? How would you like people on the mainland to view Hawaii? What could you do to make that happen?
- In 1987, Bishop Estate tried to stop the Honolulu Star-Bulletin from publishing a story about the trust, and then “punished” the newspaper for doing so. Is that how you would have reacted if you were a trustee? Why do you think the authors included that in the book? Were they trying to help readers understand why the local media coverage of Bishop Estate tended to be superficial and “soft”?
- According to the authors, the Advertiser’s publisher said, “readers were tired of reading negative things about Bishop Estate.” Do you think he believed that? If not, why do you think said he would say that?
- Do you think people generally are more interested in “good news,” or “bad news?” Have you ever heard the expression, “If it bleeds, it leads”? What do you think that means?
- The authors write that, “Critical thinkers at the University of Hawaii focused on national and international issues rather than local politics.” What does that mean? Why did the authors point this out? Should professors be involved in local issues? If so, in what way(s)?
- The chapter ends with this sentence: “Politics in Hawaii was like politics elsewhere, only more so.” What does that mean? Do you agree with it? Why?

Chapter 9: The Education trustee

- The trustees in 1988 chose someone with an engineering background to be president of Kamehameha Schools instead of a person with degrees and experience in elementary and secondary education. If you were choosing someone to run a large school, what kind of person would you try to find? Where would you look?
- On pages 105-107 the authors describe a lottery admissions policy that was used for a few years at Kamehameha Schools. Based on that description, do you think it was a good idea, or a bad idea? Why?
- How would you have felt if you had been admitted to Kamehameha at the kindergarten level and then, after going to school there through sixth grade, they told that you could not return for seventh grade because new applicants to the school scored higher than you on a competitive test?
- How would you feel if you had the highest test score in the state but couldn’t get into Kamehameha Schools because your name was not picked in a lottery?
- If you ran Kamehameha Schools, how would you decide which applicants to accept and which to reject?
- On page 107 the Kamehameha Schools president is described at length. Does he sound like someone you would like to know? Would you like to be viewed the way Michael Chun was viewed by his students and fellow alumni?
- Trustee Lindsey had served as a vice principal at three different public schools in four years, and then principal at a fourth school for one year. Then she became a district superintendent. Why do you think she did not stay longer at any one of those four schools? Why would she be promoted after just one year as a principal?
- If you were a boss, how would you go about deciding which workers to promote?
- On page 109 the authors describe how trustee Lindsey’s boss found out that she had just been named a Bishop Estate trustee. Why do you think the authors included this story? What was their point?
- Do you think the justices checked with Mrs. Lindsey’s co-workers or her boss before they decided to make her a Bishop Estate trustee? Should they have checked?
- On page 110 the authors point out that experts say an individual trustee “should not get involved in specific management, personnel, or curricular issues.” Why not?
- According to the authors, “Lindsey would enter classrooms and offices ... unannounced and uninvited.” Was that bad? Why?
- Why do you think the authors mentioned that Lindsey had ordered an extra-large parking stall?
- On page 111 the authors tell a story about a school administrator who said, “If a kid gets into college, what do we care if he can write effectively?” Should the goal of high school be “getting into college”?

- On the bottom of page 112, the authors describe a controversy over Hawaiian language. Kamehameha teachers contended that new words needed to keep the language “alive,” but trustee Lindsey believed the introduction of new words would “corrupt” the language of her ancestors. With whom do you agree, and why?
- Beginning on page 113 the authors describe the purchase of the Van Dyke collection. What is the point of this story? If one or more people did something wrong, who was it and what did they do wrong?
- Beginning on page 115, the authors describe a story involving an expensive computer system. What is the point of this story? If one or more people did something wrong, who was it and what did they do wrong?
- The trustees decided in 1995 to shut down the extension programs and build new campuses on Maui and the Big Island. Do you think that was a good decision? Why?
- What is the meaning of the cartoon on page 117?
- According to the authors, the trustees ended the practice of giving teachers “five-year contracts.” What does it mean to change from five-year to one-year contracts? How could that decision help the school? How could it hurt the school? If you were a teacher at the time, how would you feel about that decision?
- There are two quotes at the top of page 119. Do they say basically the same thing, or make significantly different points? Which is more powerful? Why? Why do you think teachers were quietly passing around these quotes?
- Beginning on page 119 the authors talk about Song Contest. Why would a school put so much time and money into a one-night performance? Do you think it’s a good or bad idea to do so?
- As you look at the photos on page 120, what do you think about? For example, do those students remind you of yourself and your classmates, or do they seem significantly different? In what way(s)?
- Trustee Stender wrote to the other trustees, “You cannot have two people running the ship and then blame one for the sinking.” What did he mean by that? Do you agree with him?
- Trustee Lindsey faulted trustee Stender for characterizing Kamehameha Schools as a “sinking ship.” Do you think this was fair criticism on her part? Why?

Chapter 10: “We Must March!”

- Why weren’t other parents collecting signatures on a petition in support of the Kamehameha Schools president? Do you think Karen Keawehawaii Farias was risking anything when she did so?
- Students Kamani Kualaaui and James Moniz wrote a long letter in support of Dr. Chun. Their letter appears on page 128. Do you think they were risking anything when they did so? Why do you think trustee Lindsey asked Kualaaui how he would feel if she called Princeton and described him as a “rabble rouser”?
- Do you think it was appropriate for the school principal to call Kualaaui out of class and drive him to trustee Lindsey’s office for a closed-door meeting? If not, what should the principal have said to Lindsey when she told him to do so?
- Nona Beamer wrote a letter to the editor that appears on page 131. That letter was very short, yet it had a big impact on the Kamehameha *ohana* and is credited with having inspired the march. Why do you think this particular letter had such a big impact? Do you think the impact would have been the same regardless of who wrote it?
- On page 133 the authors describe a meeting attended by about thirty Kamehameha teachers. The mood was one of “grieving.” Everyone was unhappy with trustee Lindsey, yet only one teacher support confrontation. He called the others “sheep,” implying that they were too compliant. If you had been there, what approach would you have favored? Why?
- Why was the Kamehameha *ohana* so hesitant to oppose the trustees publicly? Were they afraid of something? If so, what?
- According to the authors, “There were people ... who would relish the spectacle of Hawaiians divided, openly in conflict with one another, about to turn the biggest, most visible, and most precious Hawaiian institution into a battlefield.” In your own words, what does that mean?
- When word of Nona Beamer’s letter reached the Chief Justice, he said the problems were internal to the trustees, and that he had no authority to act. Beamer disagreed with that. What do you think? What evidence supports your opinion?
- On page 135, the authors quote a letter to the editor that praised trustee Lindsey. It later was discovered that Bishop Estate staff members would regularly “ghost-write” letters to the editor. What does that mean? Do you think “ghost-writing” a letter to the editor is illegal, unethical, or immoral? Why?
- The Kamehameha Schools president encouraged students and faculty not to join the march. In fact, he threatened negative consequences to any of them who went anyway. Why would he do that? What would you have done if you have been in his position at that time? Why?
- On page 136 the authors describe a meeting where 48 out of 48 Kamehameha teachers and administrators agreed with the statements of concern but 47 of those 48 said they were afraid to put their names on them. What was their

fear? Would statements of concern with signatures be more powerful than without signatures? Why? Would you have signed the statements if you had been in that group?

- Beginning on page 139 the authors describe the march. How much time and effort do you think it took to organize and carry out that march? How would you go about arranging a large march?
- On page 141 the authors describe a scene where two trustees and members of their *ohana* tried to form a roadblock of sorts. Rather than force a confrontation, the marchers just kept going and entered on the other side of the courtyard. Was that a wise decision, or should the marchers have tried to break through the roadblock? How does a person decide when to fight, and when to back down?
- The marchers applauded loudly when they heard the last line of the teachers' statement: "Let our absence here today speak louder than words ever could." Why did they applaud loudly? What made that statement so powerful?
- How do you think the teachers' statement was drafted: by one individual or by all the teachers working together? If you wanted your class to issue a statement from the entire class, how would you go about doing so?
- This chapter ends with a staff member asking herself, "Am I a coward that I was afraid to be out there marching? What was wrong with me that I wasn't willing to stand up and be counted and have my face photographed?" Do you think she was a coward? If you had been in her position at that time, do you think you would have joined the marchers, or done what she did? Why?

Chapter 11: A Tinderbox Waiting for a Match

- Toni Lee had been a volunteer usher at every Kamehameha graduation for 33 years, but trustee Lindsey did not let her do so after Lee was spotted at a meeting leading up to the march. Why do you think Lindsey would do that? Why would Lee care that she couldn't be an usher?
- Trustee Lindsey refused to stand up during a "standing ovation" for the Kamehameha Schools president. What is a "standing ovation," and why would a crowd do that? How do you think a standing ovation starts? How would you feel if you stood up and started clapping for someone, and no one else stood up? Why might someone stand up and clap before seeing anyone else stand up?
- The four leaders of the teachers' group—Na Kumu o Kamehameha—risked their jobs when they signed a letter that pointed out problems at their school. Why would they take such a risk?
- The people who organized the march formed a non-profit organization—Na Pua a Ke Alii Pauahi. Why do you think they bothered to form an organization? Do you think it might have made it easier to raise funds? Do you think it might have made it easier to "speak with one voice"? Did they need a new organization to do that?
- On page 147 the authors describe the trustees' argument that Kamehameha Schools was the sole beneficiary of Princess Pauahi's trust and that no individuals were beneficiaries. This was an important question because the general rule is that only beneficiaries can sue the trustees. Why did the Na Pua group never get a "day in court" (i.e., an opportunity to argue in front of a judge)?
- On page 148 the authors reveal that trustee Lindsey had convinced trustees Wong, Peters, and Jervis that Kamehameha was "floundering." Several chapters earlier, Lindsey criticized trustee Stender for characterizing Kamehameha as a "sinking ship." Was her criticism fair?
- When he found out that the other trustees wanted to fire Kamehameha Schools president, trustee Stender decided to break his promise not to comment publicly about the turmoil at Kamehameha. Stender's decision to "go public" made a huge difference in rallying support for the school's president and opposition to the other trustees. Do you think it was right, or wrong, for Stender to break this promise? What would you have done under the same circumstances? Why?
- After leaving the meeting at which he was physically intimidated, trustee Stender wrote a memo to the other trustees. In fact, he wrote many memos to the other trustees, often immediately after meeting with them. Why do you think he bothered to put his thoughts in writing?

Chapter 12: Time to Say "No More"

- According to the authors of the Broken Trust essay, in Hawaii there is "a tradition of tolerance and quiet acceptance of others. In the island way, it often is considered disruptive—even rude—to speak out." Do you agree? If so, why would this be?
- Four of the five authors of the Broken Trust essay were *kupuna*. Was that relevant?
- What is the meaning of the cartoon on page 154?
- Judge King told Roth that one *haole* acting alone could not accomplish meaningful change at Bishop Estate, because it had always been considered a Hawaiian trust and Hawaiians' business. Do you agree?
- Why do you think Judge King asked his wife before agreeing to co-author the Broken Trust essay?

- On page 156 the authors describe the different ways Roth and Brandt responded when Kekumano initially expressed resistance to their plan. Roth wanted to debate the issue, but Brandt encouraged Kekumano to elaborate his concerns and then listened patiently as he did so. Which approach do you think was most likely to be effective in getting Kekumano to agree to the plan? Why?
- The Advertiser’s editor kept canceling appointments to meet with Roth. Why do you think he did that? Were there risks for the Advertiser if it agreed to publish the essay?
- Brandt and Kekumano eventually told Roth to take the essay to the Star-Bulletin because they were convinced that the Advertiser was giving Roth the “run-around.” What does that mean? Has anyone ever treated you that way? Why do you think the Advertiser didn’t just make a decision, one way or the other?
- Why would the financially struggling Star-Bulletin be willing to take a risk that the much larger Advertiser seemed unwilling to take?
- Do you think the Star-Bulletin did the right thing in publishing the Broken Trust essay? The trustees complained that they were not given a copy ahead of time and allowed to respond in the same issue of the newspaper. Was that a valid complaint?
- What is the meaning of the cartoon on page 162?
- What is the meaning of the cartoon on page 163?
- On the top of page 163, one of the trustees’ lawyers expresses a complaint about the essay. Do you think his point is a good one?
- Trustee Peters called the four Hawaiian co-authors of the Broken Trust essay, “country-club Hawaiians,” even though they were not golfers. Ironically, Peters belonged to the most expensive golf course in the state. Why do you think Peters used that term to describe Brandt, King, Heen, and Kekumano? What was his purpose? What made it ironic?
- What is the meaning of the cartoon on page 165?
- On page 165 the authors describe how the two local newspapers, the Star-Bulletin and Advertiser, “poured more and more resources into coverage of the unfolding events, as if they were at war over who ‘owned’ the story.” What does that mean?

Chapter 13: Like Investigating the CIA

- In your own words, explain why Governor Cayetano ordered an investigation of Bishop Estate.
- In your own words, explain why did Governor Cayetano did not order an investigation of Bishop Estate before the Broken Trust essay appeared in the Star-Bulletin.
- After reading the Broken Trust essay and hearing that Governor Cayetano had instructed the attorney general to investigate Bishop Estate, the court-appointed master, Colbert Matsumoto, told friends, “It’s a whole new ball game.” What do you think he meant by that?
- The master and the fact-finder both felt strongly that the courtroom, not the newspapers, was the proper place to present findings and make recommendations. Do you agree? Why or why not?
- Unlike the master and the fact-finder, the attorney general welcomed media attention. According to the authors, she spent more time with reporters than in court. Do you think her strategy was a good one? Why or why not?
- Beginning on page 169 attorney general Bronster is described as a “fearless dragon slayer,” and as a “Rambo.” What does that mean? Can you see both advantages and disadvantages to having that kind of reputation?
- Trustee Stender asked in a memo to the other trustees, “Are we engaging the services of these attorneys to protect the legacy or to protect trustees?” Do you think he expected an answer to this question, or that he asked it simply to make a point? If the latter, what was his point?
- The attorney general complained that the trustees’ lawyers were “stonewalling.” What does that mean? Can you think of a time when you or someone around you “stonewalled?” Is “stonewalling” always a good or bad thing, or does it depend on the circumstances? If the latter, when might it be good to “stonewall?”
- The judge ruled that the attorney general could not “force production of privileged documents.” What does that mean? Why would that ruling be a “crippling blow” to her investigation?
- In your own words, what did master Matsumoto discover about Bishop Estate? Why was he able to get access to documents that attorney general Bronster could not get?
- Master Matsumoto feared a “whitewash” by the fact-finder. What is a “whitewash?” Why do you think Matsumoto was so suspicious of the fact-finder?
- The authors mention *hooponopono*, something they describe as a “Hawaiian form of mediation.” How would you describe it? Have you ever seen or been a part of *hooponopono*? Do you think it has value?
- Why do you think trustee Lindsey gave copies of her “confidential” report to reporters?
- Explain the cartoon on page 178.

- Compare the fact-finder’s description of trustee Lindsey on page 178 with those from her co-workers that appear in the middle of page 109. Assuming the quoted words on page 109 all accurately described Lindsey when she worked in the public school system, do you think she changed much after becoming a trustee?
- According to the fact-finder, trustee Lindsey had demanded that kindergarteners learn by Christmas of each year to identify the trustees by picture and name. What do you think about that? If you were a trustee, would you want Kamehameha students to be able to recognize you? Why?
- The authors describe the majority trustees on page 179 as being in a “desperate state of damage control.” What does that mean?
- On the bottom of page 179 the majority trustees say very negative things about the accountant who helped master Matsumoto, calling him “a small-time pencil pusher.” Why do you think they were so critical of him?
- Trustee Peters told staff members that, “One does not deal honorably with dishonorable people.” What does that mean? Is it another way of saying that a person sometimes needs to “fight fire with fire?” Do you agree with trustee Peters that it’s okay to deal dishonorably when dealing with dishonorable people?
- Why do you think trustee Jervis decided to switch sides in the controversy?
- What is “opportunism?” Is it always wrong to be opportunistic?
- Explain the cartoon on page 180.
- Why did trustee Stender wait eight years before asking a judge to remove a fellow trustee? Would you have acted sooner? If so, do you think you would have won? How much do you think it would have cost you in legal fees?
- Explain the cartoon on page 182.
- Beginning on page 182 the authors describe the justices’ decision to stop selecting Bishop Estate trustees. Why do you think the justices made that decision? Do you think it was a good decision? What, if anything, would you have done differently if you were one of those justices?
- In your own words, explain the quote from the Advertiser that appears on page 183.
- Governor Cayetano was adamant that the selection of Bishop Estate trustees “cannot be left to one judge.” Do you agree? If so, how should Kamehameha Schools trustees be chosen?

Chapter 14: Mistrust and Paranoia

- Japanese immigrants brought to Hawaii a proverb, “The nail that sticks up gets pounded down.” What does this mean?
- A Bishop Estate staff member described the atmosphere at trust headquarters as “like being in a tomb, or a bunker.” What does that mean?
- Based on what you’ve read on pages 185 and 186, do you think the phones at trust headquarters were bugged? If so, who do you think ordered that, and why did they do it? If not, why do you think so many workers thought the phones were bugged?
- Someone said his job was “to make nice” with people before they got hurt. What does that mean? What would you do if someone ever said that to you? Would you consider it a threat?
- Beginning on page 186 the authors tell the story of Mrs. Childers, a Bishop Estate staff person who ended up moving away from Hawaii. How did that story make you feel? Did Mrs. Childers do anything wrong? What would you have done if it were you?
- The authors say the Peterson report “unsurprisingly” rehashed material from trustee Lindsey’s report and repeated Lindsey’s message. Why do you think the authors expected the Peterson report to do that?
- How would it make you feel if your school was called, “a factory of failure?” Why would trustee Lindsey’s lawyer say that?
- Two Kamehameha Schools administrators stood up for the teachers. Why do you think those two did so? Would you have done the same if you had been in their situation?
- Julian Ako’s speech at his high school graduation had been on the biblical text, “For unto whomsoever much is given, of him shall be much required.” What does that mean? Do you agree with the saying?
- On page 190 the authors describe the teachers’ decision to form a union. Do you think teachers should belong to a union? Why or why not?
- The WASC report referred to the trustees as “dysfunctional.” What does that mean? Based on what you’ve read, do you agree with that characterization?
- Explain the cartoon on page 191.
- What does it mean to “leak” a confidential document? Was it wrong for someone to “leak” the WASC report?
- The teachers criticize their president for not standing up for them. They thought he should have done so even if it meant getting fired. His friend and lawyers advised otherwise, saying it would accomplish nothing. Gladys Brandt

pushed him to “act like a president.” Who was right? What would you have done if you were the Kamehameha Schools president at that time?

Chapter 15: A World Record for Breaches of Trust

- According to the IRS, the trustees had been treating Princess Pauahi’s legacy like a “personal investment club.” What does that mean?
- The authors describe diversification as “a cornerstone of prudent investing.” What is diversification? Why is it so important?
- Do you think it was a good idea for Bishop Estate to buy the 30,500 acres of Big Island land? Why or why not? Would your answer change if you knew that it now was worth a lot more (or a lot less) than what the Bishop Estate paid for it?
- Should fiduciaries be judged based on how their investments turn out, or based on how they went about making their investment decisions? For example, what would you think of a trustee who gambled someone else’s life savings in Las Vegas ... and won! Would you recommend that trustee to others, or would you tell others that person was a lousy trustee?
- The story of KDP appears on pages 196-197. What did the trustees do wrong when they made that investment? Would your answer change if the investment had resulted in a big profit rather than a total loss?
- Do you think the decisions to invest in Goldman Sachs were good decisions, or bad decisions? Why?
- Trustee Wong said, “Sometimes I guess it’s better to be lucky than right.” Do you agree with that statement? Some people say that “luck” is not random. What does that mean? Do you agree?
- The authors are critical of the trustees’ decision to guarantee a \$50 million promissory note. What is a “promissory note,” and why might it not be a good decision to guarantee someone else’s payment of a promissory note? What did trustee Stender mean when he said the money received for guaranteeing a promissory note was “almost like free money?”
- Why do you think the trustees refused to say what Bishop Estate land was worth?
- When asked if the trustees had ever sought contributions to the trust, trustee Wong replied, “No, I don’t think it ever crossed our minds.” Why would they not even think about seeking contributions? If you were a Bishop Estate trustee, would you ask others to make contributions to the trust? Why or why not?
- Explain the cartoon on page 201.
- Trustee Peters thought it perfectly appropriate to give jobs to people in his *ohana*. Do you agree? Why or why not?
- In your own words, describe what Bishop Estate trustees did for Marshall Ige. Was it wrong for them to do that? Why or why not?
- Beginning at the bottom of page 203, the authors tell the story of Bobby Harmon. Did Harmon do anything wrong? What, if anything, would you have done differently if you had been in his position? How did that story make you feel?
- In the middle of page 207 the authors describe a member of the GRD staff. In your own words, explain what that person did for Bishop Estate and why he did it. Were his actions proper, or improper? Why?
- What would you do if you wanted to do business with some company, and it asked you to make a big political contribution to some politician that you knew nothing about? What if they said, “Do that and we’ll let you do business with us?” What would you do?
- In your own words explain the intermediate sanctions bill. Why did the trustees try so hard to prevent it from becoming law? What would you have done if you had been in their position?

Chapter 16: “That’s Just the Way You Do It”

- According to the authors, the justices had a “classic conflict of interest.” In your own words, explain what they mean by that.
- Why did the justices refuse to meet individually with lawyers from the attorney general’s office, and why did they say that the attorney general could not make them cooperate in her investigation? What was their concern?
- The attorney general wanted the justices to “recuse” themselves. What does that mean? Why did she think they should do so? Why did they resist?
- When the justices announced that they would not personally decide cases arising out of the Bishop Estate investigation, they cited “overheated circumstances” as the reason. Would that be a good reason to step aside? Why do you think they did not mention the *ex parte* communications they had with the attorney general?
- In your own words, explain why lawyers for “the trust” were in a virtually impossible situation. What would you do if you had a duty to one client to keep a secret, and a duty to another client to reveal the same secret?
- Why do lawyers owe duties of confidentiality and communication to clients?

- Explain the cartoon on page 215.
- Based on the description on page 217, do you think anyone committed a crime? If not, did they do anything wrong? If you agreed to do business with someone, would you expect him or her to share the profit with you? Why or why not?
- The trustees' lawyers accused attorney general Bronster of "heavy-handed tactics." Would that be a bad thing? Do you agree that her tactics were "heavy-handed?" If you had been the attorney general, would you have done anything differently?
- If you were in an important battle of some kind with a person who lied and did other "bad" things that gave that person an advantage over you, would you resort to similar behavior? Do you think the end ever justifies the means? Why or why not?
- What does it mean to "play hardball?"

Chapter 17: Public Pressure Forces a Political Shift

- What do you think should happen to an employee who spends trust money in strip bars? How could that sort of thing be prevented from happening again?
- Do you think there is anything wrong with using charitable trust funds to entertain government officials? Why or why not?
- Representative Ed Case had 31 co-sponsors of his bill, but all of them changed their minds after being contacted by Bishop Estate personnel. Why do you think so many changed their minds?
- Explain the cartoon on page 223.
- What did Representative Case mean when he described Bishop Estate as having a "direct pipeline into the inner workings of the Supreme Court?" What, if anything, would be wrong with that?
- How much money should be paid to Bishop Estate trustees each year? Should the amount be determined by formula? If so, what should the formula be? If not, who would determine it, and what guidelines should they follow?
- On page 226 the authors ask if it was a conflict of interest for Bishop Estate employees and consultants to vote on the reasonable-compensation bill. What do you think? Who, if anyone, should have the power to prevent legislators who have a conflict of interest from voting? How does that differ from the system described in the book?
- Gladys Brandt was concerned that trustee Lindsey might apologize, or promise to do better. Why did this concern Brandt? If you were Lindsey, would you have apologized or promised to do better? Why or why not?
- The trustees paid \$300,000 to lawyers to prepare the papers to move the trust situs to a South Dakota Indian reservation. What is a "trust situs?" Even if this just meant a move of trust administration (and not the school) outside Hawaii, what do you think Princess Pauahi would have thought about that? Was that an appropriate use of trust funds? Who should be the one to decide what is, and isn't, an appropriate use of trust funds?

Chapter 18: Trustees Surrounded

- Do you think the Bishop Estate controversy helped or hurt Governor Cayetano's chances of reelection? The majority trustees accused Cayetano of using the investigation to further his political career. Why do you think they said that?
- The Arthur Andersen accounting firm was critical of the trustees. In your own words, what had the trustees done wrong?
- Master Matsumoto accused the trustees of intentionally hiding the fact that they were accumulating income rather than spending it currently. What's so bad about accumulating income?
- Attorney general Bronster and deputy attorney general Wakayama did not get along very well. He did something that forced her to take action sooner than she wanted. She eventually demoted him. Do you think Wakayama did anything wrong? What about Bronster? When is it appropriate, if ever, to stand up to your boss?
- Explain the cartoon on page 235.
- In the photo caption on page 236, Marshall Ige compares his going to jail for committing a crime to Americans of Japanese Ancestry being put into internment camps. Do you think the comparison is valid? Why or why not?
- Trustee Stender's lawyers tried to convince the Kamehameha *ohana* that they should support his efforts to remove trustee Lindsey rather than the attorney general's efforts to remove all five trustees. In doing so, they were serving as his advocates. Should lawyers always try to do what's best for their clients, or should they do what they think is best for the public? Would you want a lawyer who sat in judgment of you rather than advocating for you?
- Do you agree with Na Pua's statement about trustee Stender in the middle of page 238? Why or why not?
- As you can see on page 239, members of Na Pua wore t-shirts that read "DO THE RIGHT THING." What does it mean to you? Is that a helpful motto? Who decides what is "the right thing"?

- The trustees' lawyer used the word "luna" in arguing against taking control of Bishop Estate from his clients. Do you think that was effective advocacy, or inappropriate courtroom behavior? Why do you feel as you do?
- The authors say that trustee Peters used the word "missionary" as a term of contempt. Why would anyone view that word negatively? What do you think of when you hear that word? Do you think the early missionaries to Hawaii did mostly good things for Hawaiians? Explain.
- Beginning at the bottom of page 241, you can read Na Pua's argument for removing the five trustees. Is this an effective argument? Would you have approached the issue differently?
- Why do you think Judge Hirai took the matter "under advisement," rather than make a decision on the spot? Is it good to take time to think about important decisions? How much time?
- Why do you think trustees Lindsey and Stender disliked each other so much? What do you do when you have to work with someone you strongly dislike?

Chapter 19: End of the Line

- A staff member is quoted as saying, "We go in there and all we're going to do is get blasted. They're not going to listen to us anyway. So give them what they want to hear." If you were in a leadership position, would you want others to tell you what they really think, or only what they think you want to hear? If you worked for bosses who did not like to hear bad news, would you tell them only good news? Explain.
- Cyd Gaspar and her friends collected signatures on a petition. Do you think the trustees knew what these students were doing? Was there a danger in doing it? Why did they do it? Would you have joined them? Do you think their actions made a difference of any kind? Explain.
- The Star-Bulletin described the Lindsey removal trial as "a modern day morality play." What does that mean?
- There were several attempts to reach an "out-of-court settlement." What does it mean to "settle" a legal controversy outside the courtroom? Do you think many legal cases are "settled?" Should they be?
- The IRS called the trustees' fees "grossly excessive." Do you agree? How would you go about deciding how much is "reasonable compensation" for an important job?
- The Senate did not confirm the Governor's reappointment of attorney general Bronster, and so she had to leave office. Did you agree with the Senate? Why do you think a majority of senators voted against Bronster's confirmation? Why do such appointments have to be confirmed by the Senate? In all but six states the attorney general is elected, not appointed. Which system do you think is better? Why?
- In most states judges are elected, not appointed. Which system do you think is better? Why?
- All five trustees were forced to resign, but they did not have to pay back the trust for excessive fees or investment losses. Nor did they have to admit that they had done anything wrong. Was the outcome fair to the trustees? To the public? If you had been the judge, would you have done anything differently? Explain.
- Trustee Peters told the TV program *60 Minutes* that he regretted not buying the Honolulu Star-Bulletin when it was for sale. Why do you think he felt that way? If you owned a newspaper, do you think its news coverage would tend to reflect your personal opinions? Should it?

Chapter 20: "Healing" and "Closure"

- Explain why the deputy attorneys general were "shocked" by the interim trustees' hiring decisions. What was the perceived problem? Do you tend to agree with the deputies or with the interim trustees? Why?
- The last paragraph on page 270 describes courtroom arguments made by one of the interim trustees' lawyers. He accused attorneys from the attorney general's office as serving politicians who coveted Bishop Estate wealth. Do you agree with his accusations? Why or why not?
- The interim trustees decided not to assist in trying to hold accountable the former trustees for harm they caused the trust. The stated reason was that they did not want to jeopardize \$75 million of insurance coverage. The deputy attorneys general were very critical of that decision. Did you agree with the interim trustees, or with the deputy attorneys general? Why?
- The interim trustees asked to be paid \$15,000 per month. Did that seem reasonable to you? Why or why not?
- In your own words, explain why master Robert Richards was so critical of the lawyers who had represented the former trustees. Do you basically agree with his criticism, or agree more with the follow-up report that was more sympathetic to those lawyers? What should a lawyer do when the client seems to be doing something wrong?
- Do you think the interim trustee made a good choice when they hired Hamilton McCubbin to be their trust's first Chief Executive Officer (CEO)? Why or why not?
- The interim trustees abruptly fired their CEO amid charges of improper conduct, but then agreed to a confidential severance package worth \$400,000 and declined to comment further. Their explanation was that it was "time to move on." Do you agree with how the interim trustees handled this? If you lack information needed to answer that

question, what additional information would you need? If the CEO deserved to be fired, why would the interim trustees pay him another \$400,000 to leave quietly?

- The list of changes sought by the IRS is at the top of page 278. Do you think any of these demands were unreasonable? Would you have agreed to make them all if you had been an interim trustee?
- Explain the cartoon on page 280.
- Explain the cartoon on page 281.
- In your own words, explain why Monsignor Kekumano was so annoyed by the trustees' use of the chapel to pray for "healing"?
- This chapter ends with a question: "Why wouldn't the new trustees want an open dialogue and free flow of information?" Do you think that's a fair question to ask? Why or why not?

Chapter 21: Eternal Vigilance

- The authors describe a "tension" between the "good reasons for honoring a trust's charitable mission" and "the likelihood that any specific charitable mission will come to be seen as outdated." What does this mean? Is this tension ever likely to go away?
- Thomas Jefferson once wrote, "The earth belongs to the living." What do you think he meant by that? Other philosophers have sometimes referred to "dead-hand control." What do you think that's all about?
- Under what circumstances do you think the lives of the living should be constrained by dictates of people who are no longer alive? How does that question relate to Princess Pauahi's Will?
- The authors describe how Pauahi's instructions regarding religion have been marginalized over the years. What do you think Pauahi would say about that if she were alive today?
- The Ninth Circuit Court of Appeals is quoted on page 285 as calling Bishop Estate, "a large and overwhelmingly secular business." Is that an accurate description?
- Do you think Princess Pauahi wanted Kamehameha Schools to be for Hawaiians only? Why or why not?
- Do you think Princess Pauahi would be more interested in helping academically strong students or the students who are most at risk? Why?
- How would you feel if (1) you were Hawaiian, (2) you or your children could not get into Kamehameha, and (3) you just heard that non-Hawaiians were being admitted? Why do you think you would feel that way?
- On page 288 the authors ask, "Who is Hawaiian?" How would you answer that? For example, what would you call someone who is 255/256 Caucasian and 1/256 Hawaiian? What about someone who has no Hawaiian blood but was raised by Hawaiian parents and speaks the Hawaiian language fluently: Is that person not Hawaiian?
- What should be the admissions policy at Kamehameha Schools? Explain your position.
- In your own words, explain the legal and other arguments of the people who support a Hawaiians-only admissions policy, and those of the people who oppose it.
- People who have taught at Kamehameha Schools over a long period of time have commented that the student body has tended to look less Hawaiian over time. Is there anything wrong with that? If you were a trustee would you want to change that? If so, in what way?
- Beginning on the bottom of page 294, Walter Heen criticizes the Ninth Circuit's initial 2-1 decision against the Kamehameha admissions policy. Do you agree with Heen? Why or why not?
- Do you think Kamehameha should have a uniquely Hawaiian curriculum, or just be an outstanding college-prep school for Hawaiians? Why?
- Do you agree with the trustees' decision to retain indefinitely 350,000 acres of non-income-producing land? If the trustees were to sell that land for, say, \$5 billion, they could almost double the amount of money spent on Kamehameha Schools and on the various extension programs. Do you think Princess Pauahi would want that, or would she rather that the trustees never sell the land? Why?
- Gladys Brandt half-seriously proposed that a statute of Lokelani Lindsey be erected on the Kamehameha campus. In your own words, what was her point?
- How did it make you feel as you read Gladys Brandt's reasons for taking the job of principal at Kamehameha Schools?

Afterword:

- Why do you think the authors of this book asked Jan Hanohano Dill to write an Afterword for it?
- Jan Hanohano Dill says the book triggered in him a feeling of *kaumaha* (heaviness and grief), and also pride. He also said it made him feel proud. How did the book make you feel?

- According to Dill, “In traditional Hawaiian culture, the relationship of the *alii* with the commoners was that of an unstated compact of common benefit.” What does that mean?
- Dill uses the term, “servant leadership.” What does that mean?
- According to Dill, “This is not merely a story for Hawaiians or for people living in Hawaii; it is a human story. It demands from all of us a commitment to engage in the issues of our community, to be vigilant against the abuse of power, and to be willing to stand for what is *pono*, what is right, despite intimidation and threats.” Do you agree with Dill? Why or why not?
- Has reading this book changed your thinking in any way? Was it good change, or bad? Would you recommend this book to a friend? Why or why not?

Authors’ Biographical Sketches

Samuel P. King received his undergraduate and law degrees from Yale University. After serving in the U.S. Navy as an intelligence officer during World War II, he returned to Hawai‘i to practice law. In 1972, after having served as president of the Hawai‘i State Bar Association and as a Hawai‘i Circuit Court judge and co-founder of the state’s family court system, King was appointed a U.S. District Court judge. His father, Samuel W. King, was a Bishop Estate trustee from 1957 until his death in 1959.

Randall W. Roth has taught at the University of Hawai‘i School of Law since 1982. In 2003 he served as Governor Lingle’s senior policy advisor during her first year in office. He also has served as president of the Hawai‘i State Bar Association, Hawai‘i Justice Foundation, Hawai‘i Institute for Continuing Legal Education, and Hawai‘i Estate Planning Council. He teaches classes on the law of trusts, estates, nonprofit organizations, taxation, and legal ethics.

Gladys Kamakakuokalani Brandt grew up on the Kamehameha campus, the *hanai* child of Ida May Pope, the girls’ school principal. She later returned to serve as the school’s principal, and also chaired the University of Hawaii Board of Regents and served as a trustee of the state Office of Hawaiian Affairs (OHA). Mrs. Brandt received many honors during her lifetime, including Woman of the Year, Educator of the Year, Alumnus of the Year, and Hawaiian of the Year by various groups, including Kamehameha Schools.

David Shapiro was the managing editor of the Honolulu Star-Bulletin who decided to publish the Broken Trust essay. He was born and raised in Hilo, and has won a number of awards for journalism. Shapiro currently writes a weekly column for The Honolulu Advertiser.

Jan Hanohano Dill is a 1961 graduate of the Kamehameha School for Boys who holds advanced degrees in philosophy, diplomacy, and economic development. One of his first jobs was as a wrestling and football coach at Punahou. He served as president of Na Pua a Ke Ali‘i Pauahi during the late 1990s, and currently chairs the Governor’s and Mayors’ Annual Prayer Breakfast, Child Evangelism Fellowship of Hawai‘i Board, Steering Committee for the Polynesian Voyaging Society, and Volunteer Corps of the O‘ahu Community Correctional Center. In 1997 he received the Distinguished Graduate award from Kamehameha Schools. Since 1997 he has headed up Partners in Development, a charitable organization that serves the Hawaiian community with family-oriented programs, such as Tutu and Me.