

HA 0120/87 A-3

Levin pushes land-trust right to sue

By Jerry Burris
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State Rep. Andrew Levin said yesterday he has abandoned a proposal to set up a special Hawaiian "claims commission" and instead will push ahead with legislation giving Hawaiians the right to sue over land-trust disputes.

Levin, chairman of the House Water, Land Use, Development and Hawaiian Affairs Committee, said, however, he wasn't certain that the controversial "right-to-sue" bill will make it out of his committee.

"I will discuss with my committee the exact form the bill might take," Levin said after a lengthy public hearing yesterday. "I'm very comfortable with my recommendations, but I'm just one vote out of 15."

The measure has been opposed by Attorney General Warren Price and various business and community groups. They warn it could throw open the doors to new vast areas of litigation against government and could cause huge costs that would be borne by all taxpayers.

Hawaiian groups and their supporters pooh-pooh such fears, saying there is no evidence that the right to sue would produce a flood of litigation. And whatever money is won, they argue, would simply be repayment for losses Hawaiians have suffered over the years.

A group calling itself Civil Rights for Hawaiians yesterday charged that opponents of the right-to-sue bill are engaging in racial discrimination.



About 60 people held a minimally and news conference at the state Capitol to protest against the business groups and others opposing the bill.

Haunani Trask, spokeswoman for the group, contended that those who oppose the right to sue are guilty of "institutional racism" since the same objections are not raised in other controversies.

Price, she noted, has filed a brief with the U.S. Supreme Court joining a California suit that seeks reparations for Japanese who lost property and

other rights because of World War II internment.

The Japanese reparations suit contends there should be no statute of limitations. Trask noted. But in the case of the right to sue, Price has argued against any waiver of sovereign immunity and for a limited statute of limitations.

"It is clear to us, as native Hawaiians, that the attorney general has two standards: one for Japanese claimants and another for native Hawaiians based on race," she said.

There's no conflict, Price insisted yesterday.

In the case of Japanese Americans, he said, he is fighting for citizens of Hawaii to get redress for a wrong committed by the federal government. In the case of the right-to-sue bill, Price said, he is acting in his

role as attorney for the state. he must strive to protect the state's basic defense of sovereign immunity.

"You can't draw an analogy," he said. "These people have not been imprisoned. These people have not been separated on the basis of race."

Price said, in fact, that he supports the idea of reparations for Hawaiians for wrongful taking or use of their land.

"I am for compensation for Hawaiians," he said. "I just don't think this other right-to-sue bill is the way to do this."

"The Hawaiians are asking for something more than everyone else has."

Rep. Levin said yesterday he intends to ask his committee to approve a bill that waives the state's sovereign immunity in Hawaiian land-trust disputes.

allow claims to be made on the basis of acts taken as far back as statehood, and sets a two-year statute of limitations for the initiation of legal actions.

Earlier Levin had proposed a special four-member committee that would review Hawaiian claims of land-trust mismanagement and recommend a course of action to the legislature. That idea was roundly opposed by Hawaiian groups and Levin quickly dropped it.

Most of those who testified at his hearing yesterday opposed the two-year limit on bringing new actions, saying the issue is far too complicated to be put under such tight time restraints.

But Levin said it will be hard to get the bill out of committee even with the two-year limit.