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Throughout the Hawaiian islands, we can all enjoy the beautiful beaches because they belong to the State, not private landowners. No one can “own” our shorelines. Same goes for new lands created by volcanic activity. They belong to the state, to us all, not nearby property owners. These are concepts we might take for granted today; but it wasn’t always the case. They are two of the important rulings–laws of the land–that were handed down by the Hawaii State Supreme Court ... led by a public school grad from Kaimuki. A conversation with Chief Justice, Retired, William S. Richardson, next.

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Aloha no, I’m Leslie Wilcox of PBS Hawaii. Mahalo for joining me for another Long Story Short. Today we get to chat with William S. Richardson, who served as Hawaii State Supreme Court Chief Justice from 1966 to 1982. He also served as Lieutenant Governor, under John A. Burns, a trustee of the old Bishop Estate, and he was chairman of the Hawaii Democratic Party when Democrats surged to legislative power in 1954. And he’s the namesake of the state’s only law school. Popularly known as “CJ”, for Chief Justice, William Richardson was raised in a working-class family in Kaimuki.

When you say you grew up in Kaimuki, it’s not the Kaimuki that people here think of, is it?

No; it was a Kaimuki that for me, I had to walk through the lanes from Waiialae Avenue, about three blocks, going toward Waikiki, through a lane to my house. My father built the house himself.

No streetlights and—

No streetlights.

—sidewalks?

Only a lane; we could only walk in a lane.

A dirt lane?

A dirt lane. We had no car yet.

And you moved to Kaimuki, which was country, after living in the city, Palama.

Yes. I don’t know whether we had very much. But we went by streetcar, and much of the time, we just caught the streetcar and carried whatever you owned on your back.

And how far did the streetcar go? Well, at one time, to 6th Avenue, another time to 12th Avenue, and then next time, all the way down to Waiālae Country Club, Keālaolu.

That was electric trolley, right?

Yes; yes. With the hook up above.

So it was the mass transit of yesteryear.

Well, you could call it that; yes, you could.

[chuckle] And one of your classmates was someone who also became very well known in Hawaii, an accomplished Isabella Aiona Abbott.

Oh, yes. She lived about three blocks away from me. She was one of the brains of the school.

[chuckle] She was the first native Hawaiian woman to get a PhD in science.

Yeah; and from Stanford, was it? Oh, yes; she's a bright girl.

Well, talking about brains of the school; were you one of them?

Oh, no.

You sure?

Oh, yes, I'm sure of that. I mean, I got along; that was it.

When you finished high school, you went on to college. Was that a big thing in your family?

Yes, it was. Not many boys went on to college. And I think some people felt it was time for one to start working at sixteen or seventeen, and college was just out of the ordinary.

Why did you go? What was the impetus?

I think my father felt that I better get up there. And I think he had visions of my going to the University, but I didn't have that vision yet. [chuckle]

Were you ambitious?

Not that I know of.

But you went ahead and went through four years at UH.

I went four years at UH, and enjoyed it all the way through.

Met a lot of people who would later be your allies in politics and—

Yes.

—good friends in—

Good friends—

—a long life.

They helped me in everything I've done.

So you went to UH. And—

Yes.

—you had more than most people of your time had; a college degree. But that wasn't gonna be the end of your higher education.

Well, I thought it was, but I had a job with the oil company. And I thought, well, this would be great; I like this kind of work. I think I'll do this the rest of my life.

And then one of the professors up at school went to see my father, and she said, Now, this boy better go on to law school. And I said, Well, how can you do that, Dad; you can't afford it. Well he said, You know, if you really gotta go, I'll rent

your room out, and you go on to college. Which he did. In those days, it was five days by steamship, and another four days by train to get to the East Coast. **When you were at the University of Cincinnati Law School, that was a different time racially. You're Hawaiian, Chinese, Caucasian; what did people make of you? Where did you fit in?**

Well, I suppose I fit in all right, but when the war came on, there was some stigma. Anybody different from the *haole* kids that were around, he was different.

Did people think you were Japanese at the—

I think many—

—at wartime?

I think many did after the war started, because they just didn't know.

Do you remember getting exposed to overt racism?

Yes, but it was never so bad that I'd feel afraid to be around. And most of them knew that I was of draft age anyway, and that I wouldn't be around very long, and draft would get me, and that would be the end of that.

And indeed, you went on to infantry training?

Yes; I went—those days, it was all Army, and I started with the Army air corps, and then I went to Fort Benning, Georgia in the infantry school for the Army. And from there on, I went on to the West Coast, and then to New Guinea, and then to the Philippines. I spent most of my time, Army time there in the Philippines.

Did that experience change your life in any way, being in the war?

I wouldn't say that it did. I just took everything as it went along. I was draftable. Either go in as a foot soldier, or an officer, and that was it.

Is it true that when you went back to normal life, that you didn't have to take the bar exam right after the war?

Well, that's true, because they when I came back, it was an LLB, which was a little different from the JD today. And they said, Well, we'll just send you your JD degree; and that's it.

And so no hours and days, and weeks, and months of studying for the bar?

No; no. No; didn't have to do that at all. I went into the Reserves, and they stuck me into the Judge Advocate General's department, and there, I stayed until I retired from the Army. Which wasn't very long. [chuckle]

Following the war, William Richardson began working as a lawyer and married his childhood sweetheart, Amy Ching. The two raised three children. In the mid-1950s, Richardson emerged as a leader on the islands' political scene, working closely with those friends he got to know while attending the University of Hawaii at Manoa.

You were one of the people that was excited about statehood, that helped to make it happen, that—re-crafted government in the wake of statehood. And

now, we're coming up on the fiftieth anniversary of statehood, 2009. Many Hawaiians don't see that as cause for celebration.

Well to me, it's great cause for celebration. We're part of a great country. Like every other state in the union, they had to come up and live and have their new laws gibe with the old. Even if you go back to England, where the common law came over, and if you looked at the way the law went across the country right through the Louisiana Purchase, where the French came in, and we had—the country had to adjust to that. And now we must still look at how it affects the Far East and all the other countries and states, and islands throughout the Pacific Ocean.

Part of what is now, is based on the Great Mahele, King Kamehameha III. And that was considered a distribution—it was a distribution of land. Do you think that was ...

Well, I—

—pono?

I think it's pono. I think our leaders of the past were as good as any that ever existed. That our Hawaiian ways were just ways of living. And Hawaii should revive what we could of the good parts. And I have to say almost all of it were good parts.

Is there a part of you that identifies with, say, the sovereignty activists or the people who say we let people take our land, or they took it from us, we need it back, we need to—we need better restitution?

Well, we have to use the American system, and the Hawaiian system, and we must find a solution to make it so that we're not just coming up against each other without trying to resolve them in what we would consider a modern way of doing it. I don't mean to say that we should reject any of the old ways, nor reject the new ways; but that's for this court now, and their wise people that are—

M-m. Is one of the solutions a separate Hawaiian nation?

Oh, I don't think we could go back to being a separate Hawaiian nation. I want to take the good parts of it; but no, I can't go back to the old way. We're a different nation today, and we're living under a flag that we all love today.

Part-Hawaiian, Chinese and Caucasian, William Richardson has been credited with looking back to old Hawaii for new wisdom. Under his leadership, the Supreme Court gave the public access to Hawaii's shorelines, and ruled that precious water and new lands created by lava flows belong to the State—decisions reflecting Richardson's desire to incorporate Hawaiian customs as guiding principles within our legal system.

Your court was known as an activist court. You helped expand native Hawaiian rights. What are some of the things you are most proud of?

Well, I think I had a chance to—well, let me start this way. The previous Chief Justice was the first, and he had been ill for a long time. And so some of the big

decisions that did not depend on rulings of the U.S. Supreme Court were held back. So some of the cases may be ten years old, and just weren't taken up, because of his illness, and maybe because of the newness of the State, that some of the cases that were the real important ones were being set aside. Perhaps because the U.S. Supreme Court had coming out—had been coming out with a lot of the criminal cases. So in those cases, Hawaii merely followed suit. If the U.S. Supreme Court ruled a certain way, then we had to go along, of course. But then there were other cases peculiar of Hawaii; water, beaches, plantation differences, general growth of Hawaii that might be unique of Hawaii.

You could have used the English law as a precedent, but often you would look back at—to see what *ali'i* from the monarchy days did.

Well, whenever I could, whatever the history books would come up with on old Hawaii, and what few things that I had picked up over the years, I felt that I should try to apply those to the extent that we could.

For example, when the question came, who owns the new land being created by lava from the volcano, what was the answer of your court?

Well, that seemed easy enough for me, but I know the beaches were needed in Hawaii. Without our beaches, there was no Hawaii to speak of, the Hawaii that we loved.

Now, in many parts of the continent, the beaches are private property, right?

Yes. And it seemed perfectly logical to me that people should be able to use the beaches, and that the property lines could not follow all of the methods of old England, say, and that I should try to bring those cases up in line to the way the Hawaiians did it.

It's a monumental decision that affects us every day.

It does, and I go swimming too. And I know I can go up to a certain spot, and this is public property. And my friends and I can use it.

And that wasn't the only big one you did. There were the rights of citizens to challenge land court decisions, native Hawaiian rights, and use of private property.

Well—

Water.

Again, I wasn't that much of an expert on Hawaiian law. But I had a good court, and they were willing and able to go and look at all of the problems, and see what was going on. And I had traveled around the islands a lot, and you're speaking now perhaps of water rights, which was so important, because we were a plantation community. And you get to a case like when two plantations began to argue over how much water they could have—they both needed water. But when a third one began to take too much water, to the detriment of some of the others, then you had to decide whose water should it be. The Robinson case in the end was clear to me, but it seemed revolutionary, I suppose. But the people who really needed the water were those in the bottom of the streams, the taro patch and rice patch owners. They're the ones that

needed the water. And so it seemed simple to me to just say, Well, neither of you is entitled to all of that water, it's the people down below, the taro patch owners and the rice patch owners.

It's elegantly simple. And the dean of the law school, which is named after you. Avi Soifer said, Imagine very complicated filings going on for years, big battle; and you said, Well, let's take a look at what's happening at the end of the line.

M-m. Well we were a new state, not used to following, just being a follower. We needed to decide for ourselves what was best for our people. And that's how that one came out.

You took some heat over that, but—

I did.

—it became, a symbol of enlightenment, that people said, Here's a far-thinking guy using the past to build on the future.

Well, of course, I'm glad to hear you say that. [chuckle] And I thought it was right. There was never any question in my own mind.

William S. Richardson says that, as Lieutenant Governor, he never asked or lobbied for the Chief Justice job with his boss, Governor Burns. But his wife Amy had something to say when the Governor picked up the phone and asked her about the prospect.

When he said, What's this I hear about your husband being the Chief Justice? And he was silent after that; she gave him the works on that. She didn't want me in politics anymore, and I'm sure she said to him, That would be great, he'd be out of politics if he got in as Chief Justice.

Not so fast. Richardson moved directly from the Lieutenant Governor's office into leadership of the state's highest court. Critics would say that, as head of the Judiciary, Richardson never did shake off his political ties, remaining close to the Governor and other politicians and power brokers in town. His term as Chief Justice would end with his own court selecting him for a political plum-trustee of the powerful and wealthy old Bishop Estate.

You know, I gotta mention one decision that your Supreme Court made, that was criticized, and that you were a part of. You were this very popular Chief Justice, who was retiring, and your court appointed you a Bishop Estate trustee. In fact, you took office a couple days after you left the CJ position. And we saw what happened with the Bishop Estate; there was this very close relationship with the Judiciary, with this private nonprofit. As you look back on those days, what do you think?

You mean, of the relationship between the Bishop Estate ...

And the—

—and the court?

—Supreme Court.

Yeah.

I mean, do you think the Supreme Court had any business, really, picking Bishop Estate trustees?

Well, I think they should, because the Supreme Court seemed to be the best arbiter.

M-hm. And they gave you a term that was longer than the previously mandated term; you got to serve past seventy, which was the retirement age then.

Well, yeah; the State retirement is seventy. But that doesn't mean that you had to follow that. I mean, seventy is an arbitrary figure, in a way.

You got very involved in the Democratic Revolution of 1954, played a key role and became Hawaii Democratic Party Chair. But I've heard you refer to yourself as the token Hawaiian among that core group.

[chuckle]

Was that a joke, or were you serious?

I don't know whether or not—perhaps I was token Hawaiian. But that's not altogether true. There were other Hawaiians that were in leadership roles. I can't remember all the names now. But it was a great group that was led by Governor Burns, who was firstly, a nobody to speak of, but he had been a police captain, and wanted to organize the party. And we met every Friday for lunch. And when the boys that went off to law school after the war came back, well, Governor Burns and I went and picked them up, and got them interested in the Democratic Party. And before we knew it, we had enough to take over the Democratic Party, and in the end I suppose the governorship and ...

And you became Lieutenant Governor.

Yes; and from that, I guess he catapulted me into the chief justiceship, which I thoroughly enjoyed.

I notice you're always ending up in these leadership or achievement positions, and you always say, I don't know how that happened, I just kinda went along.

Well, that's what happened; I went along. [chuckle] I mean, I enjoyed the work, and I didn't mind being in the minority party at that time. I thought I was doing some good, and I thought I was doing something that would have a lasting effect.

I thought I was doing something that might improve the well being of all of the people of my age in Hawaii. And I think it turned out that way—that I thought I could help.

You've told me that your favorite job in the world has been CJ. What do you see as your legacy in that position? Clearly, your court made a number of benchmark rulings, but what do you think is the most important?

Well, I think I did the best I could to get the old Hawaiian way into—merged in with the American and the common law system of the past. The beaches, of course, I'm proud of that. And handling cases that involved volcanic action, that no place else in our country we've had.

Now there's a law school named for you; the only law school in Hawaii is named after you.

Well, I must say I'm proud of it, and I'm proud of it because it means that some people that wouldn't have had a chance to go to law school now have that opportunity.

At age 89 as I speak, the CJ is a regular at the William S. Richardson School of Law where he has an office and enjoys talking with the students. He says they don't argue with him, but he respects different ideas—and anyway, it's their future to shape now.

Mahalo to CJ Richardson for sharing stories with us on *Long Story Short*. I'm Leslie Wilcox of PBS Hawaii. *A hui hou kakou*.

Video clip with production credits:

My wife lived on the same street, as a matter of fact. [chuckle]

I heard a story she used to tell about meeting you. I recall her saying that she met you when she was watering the yard, and you were walking by from the—

Yes; she'd either be watering the yard or playing the piano.

And she told people, Go water your yard, you never know what might happen.

[chuckle] She did say that, jokingly.

So childhood sweethearts.

I suppose you could put it that way. She was a neighbor, two blocks away. But she went to that other school. She went to Punahou, and I went to Roosevelt.