

HALEAKALA TRAIL MYTH BUSTERS

Myth #1: *“PATH doesn’t respect property rights – Haleakala Trail belongs to the Haleakala Ranch Company.”*

Well, actually, it’s the other way around -- it is HRC who doesn’t respect the *public’s* property rights. *Here’s why:*

1. The trail is so ancient it existed before there ever was a “Kingdom of Hawaii.”
2. Back in 1848, when the Kingdom of Hawaii conveyed ownership of the land surrounding the trail to a private person, it protected the people’s customary rights in the land – that included the trail.
3. Before the HRC owners ever purchased the land surrounding the trail (back in 1886), they knew the trail was *public* property.
4. In 1892, the Kingdom of Hawaii enacted the “Highways Act of 1892” to protect roads and trails. This act confirmed the earlier reservation to the people by providing that existing public trails were *government* trails. The same act also provided that if the government expended money on a trail, at any point after passage of the Act, then it was a *government* trail.
5. During the late 1800s and early 1900s, Haleakala Crater was a premier destination for adventure travelers, and Maui’s businesses (including HRC) were seeking to cash in on this opportunity. HRC and other businesses encouraged the Territory of Hawaii to expend government funds (*taxes possibly collected from your grandparents*) on the maintenance and improvement of Haleakala Trail; the Territory obliged. Why is this important? *Hint #1:* Governments don’t spend money on private land. *Hint #2:* Because the Territory expended money, it was a government trail under the Highways Act for yet a second reason. *Hint #3:* HRC back then liked the idea of the Territory spending money grooming a trail that was bringing lots of rich tourists its way – *so, it knew, and didn’t care, that it didn’t have possession of the trail!*
6. During the 1800s and early 1900s, thousands of tourists, including famous people, such as Mark Twain and Jack London, reached the crater via Haleakala Trail. These people usually went up on horseback, starting from upper Olinda. The trail only went into disuse when the Crater Highway was built and opened, in 1935.
7. While the trail went into disuse after 1935, government land is never taken by adverse possession (*although, it appears HRC was hoping people would conveniently forget about the trail*).
8. The State of Hawaii has confirmed in a number of public documents that Haleakala Trail is a public trail.

*PATH isn’t doing anything wrong here. As you can see, it is HRC who doesn’t respect property rights. If it did, it wouldn’t be in denial right now, and the people would be free to use the trail, and PATH wouldn’t have to be requesting relief from the courts. As you can also see, PATH is not asserting a right of access over *private* land. Instead, PATH is seeking to protect the *public’s long standing right* to use Haleakala Trail, a right that has been confirmed by none less than the State of Hawaii.*