

It is quiet on the beach in front of the Hilton Hawaiian Village these days—"so quiet it's eerie," according to one beachboy concessionaire who still spends a lot of time looking over his shoulder.

On and off for the past year or so, the beachfronting Waikiki's second-largest hotel has been the scene of fights, beatings, and vandalism by some beachboys competing for the almighty tourist dollar.

A number of horrified tourists have witnessed this violence, including the beating of one beachboy with a 2-foot pipe in broad daylight, another beachboy whose nose was crushed by an attacker, and a number of occasions when some menacing-looking guys routinely carried bats and golf clubs, giving the beach—named after Duke Kahanamoku—the look of an armed camp.

The hotel, which abdicated its one-time control of beach activities, couldn't stop it. The police, who reported after attacks were arrested, couldn't stop it. And the state, which issued the permits to private concessionaires in a cavalier manner, did not police them. As a result, violence reigned.

The violence subsided late last month only after the state's Land and Natural Resources Department—the agency responsible for putting the independent concessionaires there in the first place, and in a manner that some claim was illegal—swooped down on Hilton Bay at 6 o'clock one morning and carted off the surfboards, catamarans and other rental property belonging to one concessionaire who had been ordered off the beach in front of the Hilton, and two others who held permits on neighboring Ft. DeRussy sand.

There are some who say the battle for Hilton bay is over, and there are others who think it's just beginning. Whatever the case, the battle for this section of Waikiki Beach is probably the last that the beachboy business is still a happy-go-lucky one.

Once upon a time, back when you could count Waikiki's oceanfront hotels on one hand, back when the hotels roped off the beach as if it was their own, all beachboys worked out of the private Outrigger Cane Club, which sat smack between the Moana and Royal Hawaiian hotels, and some of them became as well known here as the celebrities they catered to.

Working on commissions and under the club's beach captain, the beachboys, many of whom were loaded with a naive charm, hustled surfboard lessons and board rentals and canoe rides up and down the beach. Almost to a man, the beachboys were Hawaiian, or part Hawaiian—ironic when you consider that a non-haole might have trouble getting served in the club's dining room.

Waikiki was then the private playground of the wealthy, and it was not uncommon for a Mainland millionaire to peel off three hundred-dollar bills and ask a beachboy to "take care of my kids—show 'em how to surf."

Before the jet age, the hotel beachfront was uncrowded, idyllic. There were no tacky concessions hustling suntan oils, beach chairs, beach mats, floats, towels, rentals of catamarans and pedal boats and windsurfing and "AquaScooters." No one was peddling puka shells, jewelry, real-estate deals or anything else along Waikiki Beach.

Toward the end of the '50s, as tourism began to grow, a few bold beachboys broke out on their own, opening concessions a stone's throw away at Kuhio Beach, and the competition—and fights over turf rights—began. Turf disputes were won by those with the most clout, literally.

When the jet age arrived, the disgruntled wealthy sought more exclusive retreats. Soon they were replaced by America's middle-class, most of whom had never seen a hundred-dollar bill. The beachboys found themselves hustling for fives instead of fifties, and the glamour of the job began to fade.

Meantime, about 10 years ago and a continent away in Florida, some enterprising young men discovered a money-making idea that would eventually throw the beach business into turmoil. They discovered that the Florida hotels had to pay salaries, medical plans and employee fees for its pool and beach attendants, many of whom had become unionized and no longer jumped when a guest snapped his fingers.

This was their scheme: Why not approach the hotels as independent contractors, offer to take over the pool services on contract—and pay the hotels for the privilege? Sure, they'd pass out towels and keep the pools clean, but they'd also make a wad by offering a variety of rentals, and by selling that one indispensable beach product—suntan oils—in massive quantities at huge mark-ups. In return, they also would provide free lifeguard services. How could the hotels refuse such an offer?

The hotels couldn't. Soon these entrepreneurs had hotel contracts all over Florida, and later in the ripe Caribbean tourist market.

And then they discovered Hawaii. One of these Florida companies was called Pool Boys, and in 1976, they approached executives of the Hilton Hawaiian Village, which employed about 12 persons to provide, in addition to other duties, pool and beach service. Down on the beach, a

hotel-employed beach captain supervised surfboard rentals and outrigger rides.

Pool Boys offered to attend and maintain the Hilton's pools for free, and in return they would occupy a concession on hotel property, where they would sell lotion and rent chairs, mats, snorkels and other beach equipment.

Hilton went for it, partly because, according to Don Madsen, who is now the hotel's general manager, "our employees were in the union and we found it difficult at times to get them to work." If a guest complained about a rude attendant, the hotel could take it up with the union. It became clear that Pool Boys could do the job "more efficiently than we could," Madsen said.

The hotel also decided to bail out of its surfboard and outrigger ride business, and the beach captain would be limited to operating the lucrative catamaran cruises offered by the hotel.

Madsen says the hotel was not interested in exploiting the beach with rental concessions. "We prefer to see the beach clean of all concessions. We still do all the cleaning and sweeping of the sand—not the state—and it costs us \$30,000 to \$40,000 a year to do it."

Pool Boys got the contract, and the hotel's workers were offered other jobs in-house. Some quit, some stayed on. In March of 1977, Pool Boys, a bunch of young, hustling Mainland haoles willing to work long hours for percentages, arrived and set up shop in the Hilton concession. It was the first beachfront venture by Mainland haoles.

Meanwhile, with no one offering rentals on the beach, a couple of local beachboys seized the moment and moved onto the beach almost to the moment Pool Boys arrived. One was Clyde Aikau and his partner, Kim Higa, both of whom had been hotel workers. The other was Barry Napoleon, one of the original independent "wildcaters" who had dared to compete with the Outrigger's establishment beachboys in the late '50s.

There was one other concessionaire in the area—Miles Conley, a Mainland haole, who since 1973 had rented the new Hobie catamarans, a Mainland invention, on the beach, and still held that contract after the hotel hired Pool Boys.

Depending on your point of view, Aikau and Napoleon were either illegal squatters—they had no legal permits—or local beachboys who were entitled to be there.

Suddenly, competition at Hilton Bay was thick, with portable stands offering rentals in bold-lettered signs. Pool Boys kept off the sand, and seemed content to sell oil in a booth next to the Hau Tree Bar. Quite possibly they were also aware that the idea of haoles offering surfing lessons and outrigger rides would not sit well with the traditional beachboys.

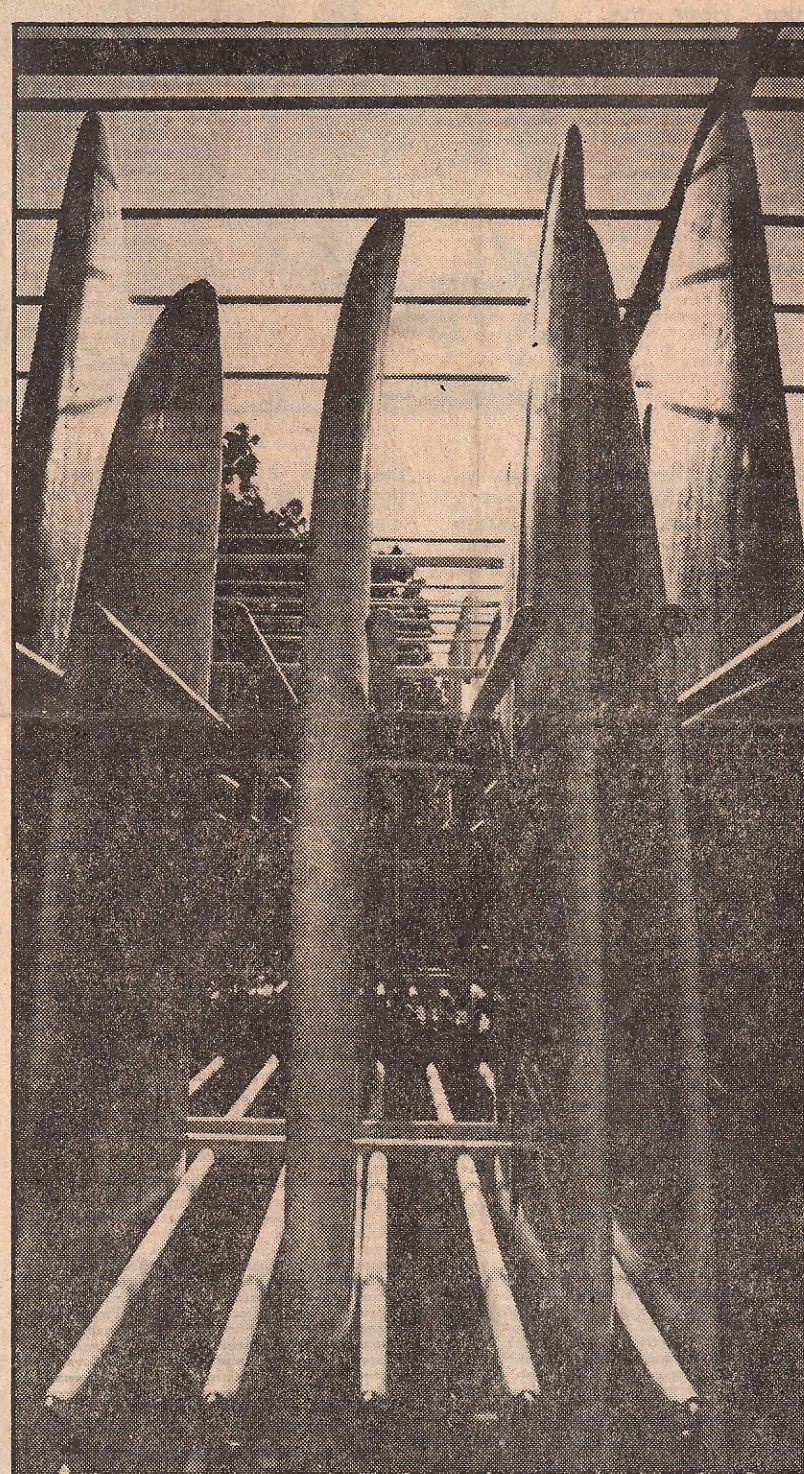
Nonetheless, minor squabbling, arguments over imaginary turf rights and threats over hustling techniques resulted in complaints. The hotel and the Waikiki Improvement Association demanded to know what official body authorized these concessions. The complaints ultimately found their way to the state's Department of Land and Natural Resources (nicknamed the "land board"), which had authority over the public beach property.

The land board's chairman at the time was William Thompson, a member of the governor's cabinet. He presided over five unpaid members appointed by the governor and confirmed by the state Senate. Two of the appointed commissioners were Larry Mehau, head of the Hawaii Protective Association, and Moses "Moki" Kealoha, who runs a car dealership here. Both men, sources say, strongly supported the local beachboys on the well-intentioned belief they could help to preserve the local beachboy lifestyle that has been a tradition in Hawaii. A meeting was set up at which Aikau and Napoleon would be given state permits to operate their wildcat concessions, making it legal.

Miles Conley, whose contract with the Hilton limited him to Hobie rentals, got wind of this, showed up at the meeting, and argued that since he'd been on the beach the longest, he also was entitled to a permit. Although he was a Mainland haole, he had been on the beach four years, and, according to Conley, Mehau supported his request for a permit.

A second meeting was later held on the beach, and as Pool Boys watched curiously from a distance, land board officials and a deputy attorney general mapped out 12-foot-square areas of the beach that each concession would confine itself to. It was clear the land board was going to pass out three permits in front of the Hilton, and two on adjoining Ft. DeRussy beach: a "commercial" permit to sell services and products, and a second for storage space only. The commercial permit would go to Allen Napoleon, Barry's nephew, for a stand just steps from the Reef Hotel, and a non-commercial permit for storage-only to longtime beachboy businessman Nathan Napoleon, Barry's brother.

On Nov. 10, 1977, the land board officially issued the permits. Some parties familiar with the law questioned the action. They contended the land board issued the permits improperly, and therefore illegally. At issue were five pages of tough, legal requirements regarding commercial concessions on state lawbooks, which called for bidding procedures, screening of



THE BATTLE FOR THE BEACH

By Steve Spence, Star-Bulletin Writer



applicants, posting of deposits and bonds and a requirement that commercial concessions must be awarded to the "highest possible bidder." In issuing these permits, the land board had bypassed all of them. For one thing, the land board's intentions to issue permits—something it had never done on Waikiki Beach—were almost a secret, and if wealthy concerns had known about it, and were permitted to bid, they would easily have won, sources suggest.

Could the land board issue these permits without following legal procedures for concessions? On that subject, the legal adviser to the board, Deputy Atty. Gen. Ed Watson, says only that the permits were not for commercial concessions, even though the language of the permits clearly identifies and approves a range of services that would be sold. If permitting these concessions to sell suntan oils and rent equipment on public land was not a commercial enterprise, Watson was asked, what is "I do my arguing in court," Watson said. Later he added, "What the land board issued was revocable permits for certain portions of the beach. I guess the use could be considered a concession." Still, the legality of the permits went unchallenged.

Next, state appraisers set rents of only \$300 a month. No one but beachboys knows the cash potential for a full-operation concession, but ask around and you'll hear estimates that range from \$500 to \$2,000 a day.

There were a number of conditions attached to the permits, but primarily they demanded three things: that concessionaires remain within their boundaries, that they remove their equipment and booths nightly, and that they pay their rents. Permits also required that "permittees shall not solicit, distribute handbills, or in any manner promote the business except from the concession." The permits were "temporary 30-day revocable concessions," a designation that probably was intended to remind the new entrepreneurs that any funny business would be met with instant revocation. The funny business began almost immediately.

There is a huge cardboard box at the land board offices filled with complaints, claims, requests, accusations over the five concessions. There are copies of warnings sent to some concessionaires, cease and desist orders to others. There are certified letters from the land board that came back unopened. They all seem to document a chaotic, unpoliced, explosive situation down on the beach.

From the fall of 1977 until the summer of '79, it was relatively quiet at Hilton bay, with only scattered incidents. But in the last eight months—ending April 23 with the seizure of Barry Napoleon's equipment and his ouster from the beach—it was, as one beachboy says, "definitely very hairy."

It culminated last February with land board chairman Susumu Ono revoking three permits. When it was over, only Clyde Aikau's C&K concession and Miles Conley's U-Sail Rentals remained. Pool Boys—since reorganized to Jac Enterprises—is still there, under contract to the Hilton.

Barry Napoleon, the loser in this battle for Hilton bay, is still furious that the land board in the first place granted a full permit to Conley, who Napoleon thought would be limited to renting Hobie cats. But Conley's state permit granted him the same privileges as other commercial concessions, and Conley indeed expanded his operation to include surfboards, windsurfers, pedal boats, suntan oils and a host of services.

Napoleon, who denies his objection to Conley was on racial grounds, says: "When the hotel left (the beach services), I went in there and said, 'Ey, everybody come work for me. Me, I got full on beachboys. Conley—all he get haoles. And they going teach hotel guests how to surf? How?'"

As a widecatter in the late '50s, Napoleon had survived by playing the game rough. He had battled what he calls the "high mucky-muck" beachboys at the Outrigger, and in those days, territorial disputes were settled with fists. "When we got in a hassle back then, we fought—once, maybe twice—then pau. We never went to the cops, to court. We settled it ourselves. Now, you just look at someone, and they go to the state!" Napoleon is particularly bitter because, he says, he introduced numerous innovations—particularly using lightweight outriggers and the double-hulled canoes—that today are universally used. "I've done more for Waikiki Beach than any beachboy, living or dead."

Pool Boys and Conley's haole beachboys may not have been universally resented—C&K, for example, employs haoles—but it appears clear that their style of successful hustling was something new. Unlike some older beachboys, they considered themselves clever businessmen first, and certainly weren't interested in tangling with the locals.

The space between the two concessions, Napoleon says, "was spitting distance. I went to the state and said, 'OK, Miles got a permit, but move him farther away.' That close, everytime they hustle and we hustle, we bump into each other, and you going get hassles!"

A former employee of Conley's, who had his nose crushed in a

beating at 9:30 one morning on the beach, said the haoles were, in some ways, better equipped to win over potential customers. "A guy would pass by and we'd say, 'Hi, where you from?' and he'd be from Cleveland, and I'd say, 'Oh yeah, I've been there,' and that might be enough to make a rental. We were making a lot of money on that beach. And man, there's a lot of money down there."

Throughout this time, Pool Boys managed to avoid troubles by sticking strictly to sales of oil, and the rental of beach chairs, snorkel equipment and mats. A move to expand into surfboard and canoe services might start a war. Then in July of '79, Pool Boys put three Hobie cats on the beach, and the tension level got extreme.

James Cutchins, who now runs Pool Boys under the reorganized title of Jac Enterprises, was confronted by beachboys. The three sailboats, he explained, were in response to guests unhappy with the available beach rentals—some Hobies were in bad shape—but no, he was not going to bring in surfboards or outriggers or any other rentals.

Rumor had it that Cutchins avoided serious problems by striking an informal deal with Napoleon: If hotel guests inquired about beach rentals at his shop, they'd point them in Napoleon's direction. "Well," says Cutchins, "their shop was right in front of ours, and if a guest came to us for surfing, well, there they were, right up ahead." Miles Conley was furious, but there wasn't much he could do.

When the hotel put up large signs on the Pool Boys stand encouraging guests to charge services to their rooms, everybody on the beach got sore. Conley, who had gotten hold of a quantity of "Beach Buff" lotion sold by Pool Boys, offered it for 30 percent off the regular price. The fear, however, was that the Hilton-contracted Pool Boys were going to expand and force the independent concessions off the beach. That claim was vigorously denied, and indeed, Pool Boys has not expanded to date.

If it was an explosive situation last summer, in September people started to bleed—and most of the victims were Conley's haole beachboys.

Conley has provided his lawyers and police with a 10-page inventory of attacks against him and his crew, and he probably could supply them with another 10 pages. (Just last Thursday night, three of his workers, returning to their apartments in Waikiki's "jungle" area, said they spotted two of their longtime attackers, who chased them all over the neighborhood. One of the boys had to abandon his bicycle, and in leaving, he suffered a gash on his buttocks and, after reporting to police, was stitched up at a hospital.) These were some on the incidents, according to Conley:

Johnny, which is not his real name, was near the water's edge on Hilton bay securing one of Conley's Hobie cats last Sept. 2 when he saw two big Samoans approaching. He knew one of the men, and had no reason to expect an attack.

As he later told police after being treated for cuts and abrasions on the face and two cracked ribs from a few minutes of uninterrupted kicking, the man he knew extended his hand and said, "Howzit." Johnny took it, and then took a vicious left hook to the face, which spun him around. "I didn't go down. I was on the edge of the water, so I turned in the other direction, and got smashed a couple more times, and then I went down and they just kicked and punched the --- out of me."

Johnny was told to "get off the beach." That was Sept. 2. On Sept. 29, he returned after recuperating ("you can't sell anything with your face all swollen up"), and two local men walked over, Johnny says, and said: "You're not gone. I guess you didn't learn your lesson." But Johnny had, and he left the beach that minute and never returned.

Miles Conley says that he and his crew repeatedly were warned during Johnny's three-week absence to get off the beach. On Oct. 16, another of Conley's employees was blowing up an air mattress when he was attacked by three men, one of whom shattered his nose with a wicked punch. He was off the beach for three weeks. The following day, Conley and his crew were attacked, he says, by nine guys. Three days later, six of Conley's Hobie cats were sliced up and overturned. After a policeman arrived, filled out a report and left, Conley and his crew saw what they believed to be about 10 local beach types waiting—presumably for them—on Dewey Lane.

Conley decided to regroup, and went "temporarily out of business" for almost four weeks. When he and his workers left the beach that day, they left the vandalized Hobies there as evidence for all to view. Conley and his crew told police who beat them up—there had been numerous beatings reported to police in which Conley identified his assailants—but nothing came of it. (It wasn't anyone from Clyde Aikau's concession, Conley said. "Clyde's a businessman, and he's too smart for that kind of stuff." Indeed, nowhere in that box of complaints at the land board is there a complaint of violence against Aikau's C&K concession.)

But Conley would not be driven off permanently. Before returning

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Continued from Page C-1 to the beach, he went to numerous local and state enforcement offices, and finally wound up in Mayor Frank Fasi's office. The mayor listened to his story, then wrote a note to Police Chief Francis Keala. Keala referred Conley to the department's tactical operations squad, and a surveillance stakeout of the beach was arranged.

Conley is a haole, but he had some friends on the beach. One of them gave him the name of a very large Samoan thought to be influential. Conley hired him on as "a communicator."

When he reopened shop almost a month later, Conley also began hiring local men, including two young Samoans (neither of whom is either big or fearsome). The police stakeout did not reveal any violence to undercover officers, but they did support Conley's contention that he was being harassed and intimidated.

In the months that followed, after the police left, there were more incidents, a couple of his workers were punched, but Conley's "communicator" repeatedly was successful in neutralizing the violence aimed at them.

On one occasion, Conley says one of his Samoan workers was confronted by local beachboys in Ft. DeRussy park, managed to escape, and returned the next morning with about 18 of his friends. The beach began to look like an armed camp, but a "war" never materialized.

The attacks continued, Conley says, culminating last Good Friday with a full-scale attack in which one of his workers was hospitalized with a four-inch gash on his face from Kung Fu "numb chucks," and others suffered cuts and bruises. As usual, when police arrived, the assailants had vanished.

In all of this, the land board was not completely in the dark about the violence on the beach, but it was definitely slow to react. On their occasional beach checks, conservation officers never reported witnessing violence, but they did report that all five concessions had violated one or

more conditions of the permits. They had cited offenders, but to no avail.

Allen Napoleon's permit for a stand at the end of Ft. DeRussy was in fact revoked in the spring of '78, and after inspectors reported that he was still operating, some of his equipment was impounded.

Land board commissioners ordered its staff more than a year ago to look into the violations and make recommendations to the board. The staff concluded that all the concessions had violated conditions of the permits—some for ignoring boundaries and others for leaving equipment on the beach overnight, or storing it in unauthorized areas. They decided there were too many concessions, and they were too close for comfort. Their recommendation: revoke all permits, and offer two new concessions on a highest-bid basis.

The commissioner Kealoha thought the recommendation was too severe. Minutes of that meeting summarize Kealoha's position: "In all instances, they (concessions) made honest attempts to remedy and rectify any problems that

modern machinations of courts and legal motions are a pile of baloney. Barry Napoleon is angry. 'What did I do that they (other concessions) didn't do? If we were all in violation, how come I'm the only guy kicked out? I'll tell you what: I've paid my dues all my life on the beach and I'm going back even if I have to get a ship and come in from the ocean side!'"

If the battle for Waikiki Beach is to be stopped, some questions need to be answered:

• Who's going to stop the violence on the beach?

• How was the state able to issue what were obviously commercial permits and disregard its own rules in awarding those permits? How could the state justify issuing those permits, and collecting the rents, and not provide policing to stop the violence among the concessions? (And during the last legislative session, the land board authored two "administration bills" and put them before the House and Senate. The proposal, which failed, would have revised the rules for issuing permits for "beach services," and put them in the category covering lei sellers—meaning, permits needn't be awarded to the highest bidder.)

• And if the state does someday award concessions to the highest bidder, as the land board staff once recommended, what's going to stop wealthy underworld types from grabbing the action and controlling Waikiki Beach?

• What is going to stop Waikiki Beach from being inundated by the huge variety of equipment available for rent—including Hobie cats, pedal boats, windsurfers, aquascooters, jet skis, and future inventions—and what have they to do with Hawaii's cultural contributions, the surfboard and the outrigger canoe?

• Who's got an answer for the longtime beach observer who predicts that it is only a matter of time before the honky-tonk, street-hawking hustle on Kalakaua Avenue finds its way to a beach that once was so perfect that King Kamehameha designated it a royal preserve?