



Testimony In Support of S.B 1787 S.D. 2

Chairman Souki and members of the House Committee on Finance, I am Davianna Pomaika'i McGregor, and I am here to testify in support of S.B. 1787 S.D. 2, H.D. 1 on behalf of the Protect Kaho'olawe 'Ohana..

The Protect Kaho'olawe 'Ohana supports the intent of this bill to prohibit the disturbance of all unmarked native Hawaiian burial sites of major significance and to establish a "Commission on Native Hawaiian Burials" to oversee the protection of such burial sites. In my testimony, I would like to first emphasize the importance of having the non-profit corporation, Malama I Na Kupuna O Hawai'i Nei, play a role in a commission on native Hawaiian burials and suggest that your House Committee on Finance recommend that this organization nominate one or two members of this commission for appointment by the governor.

Our organization, the Protect Kaho'olawe 'Ohana is a founding member of Malama I Na Kupuna O Hawai'i Nei. Other organizations and families which have been actively responsible for preservation and protection of historic sites and for the perpetuation of Hawaiian religious customs, beliefs and practices for a number of years joined together with us to form Malama I Na Kupuna O Hawai'i Nei. It was the Honokahua excavation which brought us to the realization that we must join together what has been individual efforts on the separate islands into one strong organization that can systematically and consistently monitor the sanctity of our Hawaiian burials on each of our islands. Let me share, then, the backgrounds of some of the organizations and families which are part of Malama I Na Kupuna O Hawai'i Nei.

First, there is our organization, the Protect Kaho'olawe 'Ohana. As the court acknowledged steward of the island of Kaho'olawe over the past ten years, we have periodically

reburied bones of our kupuna which have surfaced due to erosion on the island. As you may know, the entire island of Kaho'olawe is a historic district on the national register of historic sites. Under a court sanctioned Consent Decree, our 'Ohana jointly manages the cultural and natural resources of Kaho'olawe with the U.S. Navy. The Consent Decree not only covers management of the cultural and historic sites, it also includes management of burial sites on the island. The Navy is required to implement a program to stabilize eroding human burial sites on the island. However, any action taken for the protection, removal or reburial of human remains on Kaho'olawe must be developed in consultation with representatives of the Protect Kaho'olawe 'Ohana. We have conducted religious ceremonies in connection with the reburial of the bones. Thus, in our case, we have established the important precedent of having a community based native Hawaiian organization be recognized by a federal court and agency as responsible for the monitoring and caretaking of unmarked prehistoric native Hawaiian burials.

The other organizations and families who joined with us in the Protect Kaho'olawe 'Ohana to form Malama I Na Kupuna O Hawaii Nei also have experience in the curatorship or stewardship of Hawaiian sites, including burials. For example, the Ka 'Ohana O Kalae are the curators for the numerous significant historic sites at South Point on the island of Hawai'i. Over the past four years they have worked in conjunction with the Department of Land and Natural Resources and the Bishop Museum to manage the significant and irreplaceable sites at South Point. They are particularly interested in having the Bishop Museum reinter the bones which were removed from the Pu'u Ali'i sand dune at South Point.

The Kanaka'ole family have shared with us the appropriate spiritual and religious chants and ceremonies for the reinterment of Hawaiian burials, as they learned it from their kupuna. They are recognized masters of the Pele traditions and of traditional Hawaiian spiritual beliefs, customs and practices.

Aunty Namahana Maioho, as a lineal descendant of Kamanawa and Kame'eiamoku, the chiefs who were entrusted with placing the bones of Kamehameha I to rest in a place where they would never be found, is the curator of Mauna 'Ala, the Royal Mausoleum where the

Kamehameha and Kalakaua dynasty family members are buried. She and her son have joined Malama and shared their knowledge of ali'i burial customs. Through Aunty we will be involving Hawaiian genealogical and benevolent societies who have assisted her in taking care of Mauna 'Ala and other important Hawaiian sites, especially those associated with the Ali'i.

The Hui Ala Loa organization on Moloka'i is also a part of Malama I Na Kupuna O Hawai'i Nei. They are part of the Kaluako'i Historic Sites Committee, overseeing the protection of the heiau, shrines and other cultural sites in the Kaluako'i district of Moloka'i in conjunction with the land owner and the Bishop Museum. The organization has also played a major role in protecting cultural sites in East Moloka'i.

The formation of Malama I Na Kupuna O Hawai'i Nei is an important step for us as native Hawaiians to join our efforts together to take responsibility for our Hawaiian burial sites. While this incorporated non-profit organization is new, the groups and families who comprise it have a long history of taking responsibility for Hawaiian burials and historic sites. We have made a major commitment to work together to protect the burials of our kupuna on every island. It a responsibility which we take seriously and will persist and persevere in. Malama I Na Kupuna should play a major role in the establishment of a Commission on Native Hawaiian Burials and the development of rules and regulations guiding the protection of native Hawaiian burials.

As masters and scholars of Hawaiian history, chants, genealogy and ritual and as grassroots community based organizations with strong ties to the land and our traditional beliefs and practices we assure you that the past will not be lost to us by respecting the sanctity of our kupuna bones. There are many avenues open to us to unlock the secrets of our ancient past, without having to violate the sanctity of our burials. Untranslated chants, historical Hawaiian writings, untranslated Hawaiian language newspapers and kupuna who have been trained in traditional Hawaiian spiritual beliefs and practices can all provide us with the information that archaeologists now seek from our kupuna bones. As we prove ourselves ready to take responsibility for our burials, then those to whom traditional knowledge has been orally passed on, may begin to share that precious knowledge with us as well. The past will take on new

significance and we will be able to gain new insight once we take responsibility as living Hawaiians to protect our kupuna and provide them with the proper and due respect.

I would also like to address the proposal to establish an archaeological site fund to work with the Commission and the Department to implement burials mitigation plans. As the disinterment and reinterment process for burials will be limited by new criteria, standards and policies, it seems that the archaeological work required for burial mitigation plans in the future will be minimal. Thus, the maintenance of a fund to hire archaeologists for such purposes seems unnecessary. Such a fund would be better utilized in the conduct of archaeological site surveys and the development of cultural resource management plans. It would be more appropriately placed in another section of the chapter on Historic Preservation. Perhaps it could be taken up again next session.

Finally, I would like to point out three necessary amendments to the bill. First, the section on Prehistoric and historic burial sites (6E-43, p. 4, line 23) should be amended to include associated burial goods. Thus line 23 would read:

"appear to be over fifty years old, the remains and associated burial goods shall not be moved."

Second, Section 6E (b) should include living experience with Hawaiian culture, history, burial beliefs, customs and practices as part of the criteria for selection of the commissioners.

Thus, line 10, p. 9 should read:

"The members shall be selected on the basis of their living experience and"

Third, Sections 6E (b) and 6E (c) 6E (d) on page 9 should be changed to note that the focus of the Commission is native Hawaiian burials. Thus line 12, p. 9 should read:

"and practices of native Hawaiians. The commission shall":

and line 19, p. 9 should read:

"to native Hawaiian burials."

and line 21, p. 9 should read:

"matter affecting reinterment of native Hawaiian skeletal remains and associated burial goods."

Thank you.