



Ever since more than 40 sets of iwi, or human remains, were unearthed during the construction of the Wal-Mart site on Ke‘eaumoku Street starting in January 2003, conflict and controversy has surrounded the handling and reburial of the presumed Hawaiian remains.

Last February, a reburial scheduled by the State Historic Preservation Division at the Wal-Mart site was postponed indefinitely, and the division hit the archaeology consultants hired to oversee the site with a \$210,000 fine for alleged mishandling – some have even charged desecration – of the bones. That fine is currently under appeal.

In this kūkākūkā section, two of the parties closely involved in the issue share their points of view. The views expressed in these community discussion columns are those of the authors and do not necessarily reflect the views of the Office of Hawaiian Affairs.

Photo: Francine Kananionāpua Murray

Setting the record straight for the iwi kūpuna found at Wal-Mart site

By Edward Halealoha Ayau
and Paulette Ka‘ano‘hi Kaleikini

Recognized claimants

Our families, the Kaleikini and the Townsends, are recognized cultural descendants of the iwi kūpuna disturbed from the Ke‘eaumoku Street Wal-Mart complex. In addition to the removal of the iwi kūpuna, the one other thing that has really disturbed us is that throughout this process, Wal-Mart spokesperson Cynthia Lin has said that Wal-Mart is doing what is culturally correct. For example, Lin told the *Honolulu Star-Bulletin* in a March 27 article: “We have been throughout this whole process committed to treating the remains with respect and with appropriate cultural protocols.”

It turns out that this statement is not accurate. First, how can she say that Wal-Mart is committed to respect and appropriate cultural protocols when the highest form of respect and most appropriate cultural protocol is not to disturb a burial site and instead to honor the wishes of the deceased and their family? The iwi kūpuna continue to sit in storage under a parking lot ramp while Wal-Mart opened for business and remains open. We believe that the more respectful act would have been to rebury the iwi kūpuna with appropriate cultural protocol.

In addition, Lin has also told

local media that Wal-Mart officials have been “working very closely” with the state Historic Preservation Division (SHPD) and are “committed to doing the right thing.” This is very difficult to fathom given the recent investigation by the state Attorney General’s office and the recommendation by SHPD to fine the archaeological contractors hired by Wal-Mart \$210,000 in civil penalties for mistreatment of the iwi kūpuna. Alleged violations include writing on the skull of a child with indelible ink (bones are porous, so the markings cannot be removed); gluing remains together; failing to timely report an inadvertent discovery to SHPD as required by law; and removing the iwi without SHPD authorization. This hardly qualifies as “working very closely” with SHPD. In fact, according to SHPD, the opposite is true.

Furthermore, stating that Wal-Mart is committed to doing the right thing needs to be qualified. Given all that has transpired, the statement should have read that Wal-Mart is committed to doing the right thing *for Wal-Mart*, and not the iwi kūpuna. After all, what other conclusion can be drawn from this debacle? Kumu Edward Kanahele used to say, “nothing good comes from disturbing a burial – nothing.” This should have been Wal-Mart’s public statement all along.

What’s also been problematic with this dispute was the O‘ahu

Island Burial Council’s recognition of the Keana‘āina family as the lineal descendants of the iwi kūpuna at the site. There are two descendant designations recognized by the state. The first is the lineal descendant status, which is the highest level of descent and means that a person has a direct connection to the iwi in question. The other category is cultural descendant, which means that a person’s family is from the area, but they cannot prove that the remains in question are their ‘ohana. The burial council recognized the Keana‘āina family as lineal descendants even though the assessment conducted by SHPD indicated that the information submitted did not support such a finding. Thereafter, Ka‘ano‘hi Kaleikini appealed the burial council’s determination, and an administrative appeals panel vacated the lineal descendant status for the Keana‘āina family for lack of evidence.

The problem is that Wal-Mart and their archaeological contractors anointed the Keana‘āina family and invited them to help with the physical examination of the iwi. Then it turns out that these same archaeologists conducted insensitive, unethical and illegal acts upon the iwi kūpuna, resulting in \$210,000 of proposed civil penalties. So one question that arises is: What role did the members of the Keana‘āina family have in these acts?

Wal-Mart is sensitive to proper care of iwi

By Kevin McCall

Wal-Mart Community Relations

Wal-Mart understands that the care of iwi inadvertently discovered during construction is an important issue for Native Hawaiians and the entire community in Hawai‘i. We believe our kuleana, as landowner, is to care for the iwi with utmost respect for Hawaiian protocol, the laws of the state of Hawai‘i and all of the recognized cultural descendants. We understand that this type of care takes time.

Although the law required the State Historical Preservation Division to make its decision on whether to relocate the iwi within 48 hours of discovery in 2002, we were willing to allow more time to be sensitive to the cultural descendants and the consultation process. It was more than a year later, in mid-2003, that we received SHPD’s decision that the iwi should be disinterred and moved to a single location on the Wal-Mart property.

From 2002 to 2004, we had meetings where all recognized cultural descendants were invited, and we consulted with the O‘ahu Island Burial Council at many of its meetings. We were proud of the substantial progress that was made on creating a unified burial treatment plan that was

accepted by the recognized cultural descendants and the State Historic Preservation Division in October 2004.

After accepting the plan, SHPD presented it to the O‘ahu Island Burial Council. SHPD directed the archaeologist, who was hired by the general contractor that built the store, to finish all work by Feb. 11, 2005. Although the archaeologist informed SHPD that his work was not finished, the keys to the interim curation trailer, which was controlled by the general contractor, were turned over to SHPD on Feb. 16, 2005, and SHPD set Feb. 18, 2005, as the reburial date. SHPD informed Wal-Mart that they would be responsible for the reburial, and Wal-Mart worked diligently to comply with SHPD’s directives. However, a few days before the reburial, we were instructed to stand down because the reburial had been cancelled. At this point, we are still waiting for notification from the SHPD as to a new reburial date.

We believe enough time has passed and the iwi need to be reburied. Let’s hope we can all make a good-faith effort in the long term interest of protecting the iwi. Wal-Mart is ready to do its share to ensure the long-term protection of the iwi, but the final call on when to rebury the iwi is up to the state.