Museum’s new artifact guideline makes false claims

By Dr. Gay H. Kaulukukui

Editor’s note: Dr. Gay H. Kaulukukui is a former vice president for cultural studies at Bishop Museum. The views expressed in this community discussion column are those of the author and do not necessarily reflect the views of the Office of Hawaiian Affairs.

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law intended to facilitate the return of human remains, funerary objects, sacred objects and objects of cultural patrimony to Native Hawaiians and Native Americans. The act corrects an imbalance that has favored museums and other institutions over Native Hawaiians for more than a century. Bishop Museum made recent changes to its NAGPRA guideline, including controversial provisions that stretch the limits of key definitions and make false assertions regarding the contents of the museum’s collection of Hawaiian cultural objects. The museum now asserts that it is a Native Hawaiian organization as defined by NAGPRA, and as such able to place claims on objects that are covered by the act. This is a weak assertion, because in a fair and impartial review, it will be difficult for the museum to prove that as a primary purpose it serves and represents the interests of Native Hawaiians in a manner distinguishable from its service to any other ethnic group.

The act defines a Native Hawaiian organization as a group that can demonstrate that: a) servers and represents the interests of Native Hawaiians; b) has expertise in Native Hawaiian affairs; and c) has as a primary and stated purpose the provision of services to Native Hawaiians. NAGPRA defines the cultural affiliation of a Native Hawaiian organization as applying to groups that can establish a connection to the items they are claiming by the following criteria: a) geographical; b) kinship; c) biological; d) archaeological; e) linguistic; f) folklore; g) oral tradition; h) historical evidence; or i) other evidence or expert testimony.

Bishop Museum asserts that it has a cultural affiliation to Hawaiian cultural items in its collection. Again, this is a weak assertion because the museum would have a difficult time demonstrating its cultural affiliation by any of the above criteria, except in the singular case of the objects in its founding collection. This collection is comprised of the personal belongings of Princess Pauahi, including bequests from members of the Kamehameha family that preceded her in death.

Also, the act describes sacred objects as having religious significance or function in the continued observance or renewal of a religious practice by present-day Native Hawaiians. The museum asserts that it does not have sacred objects as defined by NAGPRA in its collection. This is a false assertion because the Lono image in the museum’s collection is a sacred object due to the renewal of the celebration of Makahiki and the worship of Lono. Other images of Hawaiian gods are also sacred objects if they are needed for worship. The museum cannot determine whether an item is or will be a sacred object. Native Hawaiians make this determination as we continue to renew the practices of our traditional religion and the celebration of our numerous gods. Bishop Museum must forever respond to our claims, and if it cannot demonstrate its right of possession over these images, the museum must repatriate them to the claiming organization.

The act defines right of possession as relating to an object obtained with the voluntary consent of an individual that had the authority to give the object away. Bishop Museum asserts that it has the right of possession of all unassociated funerary objects in its collection. This is another false assertion, because in order to make this claim the museum must demonstrate that the original acquisition of the unassociated funerary object was made from an individual that had the
Elizabeth Nālani Ellis
1904-2004

By Manu Boyd

The term “hulu kupuna” expresses respect, esteem and aloha for an elder whose life is long, experiences are many, and contemporaries are few. For the late Elizabeth Nālani Ellis, who went home to ka Akua June 15 at age 100, “hulu kupuna” is a most fitting honor.

Elizabeth Nālani Mersberg Spencer MacMillan Ellis, known simply as Tūtū Mamma to many, was an educator, mentor, role model and an outstanding Hawaiian. Through the works of her daughter Betty Kawohiokalani Ellis Jenkins with the D.O.E. kupuna program and the Office of Hawaiian Affairs, Tūtū Mamma impacted many lives, long after her own retirement as an educator and administrator.

A regular at OHA’s ‘Aha Kūpuna, Tūtū Mamma led Hawaiian language classes, easily sharing stories with other kupuna, many of whom were years younger than her.

“She really helped to unlock memories of other kupuna who didn’t feel they had much to share,” said longtime OHA staffer Rona Rodenhurst. “She was trained to teach; she knew educational theory and practice; and she was expert mānaleo (a native speaker of Hawaiian) so she could really work wonders with the kupuna. She was good at making others comfortable in the classroom, and she really brought out the best in them.” —Rona Rodenhurst

Tūtū Mamma was born at Pā‘u‘uah, Hawai‘i, in 1904 — the hiapo, or eldest child, of Edward Poli‘ahu Mersberg Spencer and Mary Kawohiokalani Ka‘anana. She married Richmond Kaliko Ellis of the eldest child, of Edward Poli‘ahu Mersberg Spencer and Mary Kawohiokalani Ka‘anana.

In services at Kawaiaha‘o Church on June 29, Hulu Kupuna Elizabeth Nālani Ellis was eulogized as an outstanding educator and aunt by her best in them.”

The commentary adequately described the mechanics of the case, and after providing critical comments on strictly procedural matters, the authors admitted that the Larsen case was indeed legitimate. They stated, “because international tribunals lack the power of joinder that national courts enjoy, it is possible — as a result of procedural maneuvering alone — for legitimate international legal disputes to escape just adjudication.

For the complete text of the Akaka Bill, please visit nativehawaiians.com if you have questions about the Akaka Bill or other forms of self-determination for Native Hawaiians, feel free to call our Hawaiian Governance section at 594-0219. We are available to answer questions or make presentations with groups wanting more information.

For more information regarding the Larsen case, visit online at www.HawaiianKingdom.org.

“Setting the record straight

Akaka Bill does not require global settlement

Recently, detractors of the Akaka Bill have claimed that it requires a “global settlement” of all Native Hawaiian claims in order to get federal recognition. This is not true. The Akaka Bill specifically states: “Nothing in this Act serves as a settlement of any claim against the United States.” (Section 8(c)(1)). The wording is explicit that no claims are being settled by passage of the bill.

In addition, settlement of claims is not required to receive federal recognition. The timing of activities outlined in the Akaka Bill is clear: first, federal recognition is granted, then negotiations may begin between Native Hawaiians, the federal government, and the State of Hawai‘i. (Section 8(b)(1)).

For the late Elizabeth Nālani Ellis, who went home to ka Akua June 15 at age 100, “hulu kupuna” is a most fitting honor.

For more information regarding the Larsen case, visit online at www.HawaiianKingdom.org.