Laura Dean

From: Valerie Hauser
Sent: Wednesday, January 03, 2007 3:33 PM
To: Laura Dean; Tom McCulloch
Subject: FW: ACHP's Draft Burial Policy

These comments were mistakenly sent to me

Valerie Hauser
Native American Program Coordinator
202-606-8530 phone
202-606-8647 fax

From: Wesley Yoon [mailto:wesyoon@yahoo.com]
Sent: Tuesday, December 26, 2006 8:18 PM
To: Valerie Hauser
Cc: chuckb@hawaii.rr.com; ekflores@hawaiiantel.net; glen_kila@notes.k12.hi; kupakaa@yahoo.com; kmoku@kauaula.wisprus.com; pointman_jeno@msn.com; mikasan5@hotmail.com; letsgosurfing@hotmail.com; nani_watanabe@lanai-resorts.com; Larichar@ksbe.edu; Kai Markel
Subject: Re: ACHP's Draft Burial Policy

Ano ai kakou,

Attached herewith my comments for your information. I have cc'd fellow OHA Native Hawaiian Historic Preservation Council members as well. I believe there is much work yet to be done to this policy. I pray that we may find the way to do so.

La Maika'i,
Kaiwi Nui

Valerie Hauser <vhauser@achp.gov> wrote:

> Valerie Hauser
> Native American Program Coordinator
> 202-606-8530 phone
> 202-606-8647 fax

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

Comments to ACHP Policy Statement
Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects
Dated: December 20, 2006

Comments by : Kaiwi Nui, December 26, 2006

1. Mahalo for your time and efforts.

2. Regarding statement, "The policy is not bound by geography, ethnicity, nationality, or religious belief, but applies to the treatment of all burial sites, human remains, and funerary objects encountered in Section 106 process, as the treatment and disposition of these sites, remains, and objects are a human rights concern shared by all."

    a. Why wouldn't the policy be bound by these conditions (geography, ethnicity, nationality, or religious belief)? The very nature of burial sites, human remains, and funerary objects are contingent upon these identities.
    b. The nature of the deceased versus the nature of the surviving families and relatives challenges the dependence of this issue upon Human Rights, as the deceased are not afforded the rights and privileges that fall under Human Rights. It is an interesting assumption that burials, remains and funerary objects exist for the living to decide upon.

3. Examples contained here within ACHP Policy Statement refer to government to government relationships, with particular reference to "tribal governments". Such relationships do not currently exist between the Federal government and Native Hawaiians.

4. Native Hawaiian and Native American are two, very distinct cultures. Neither of the two should be paralleled or held synonymous to one another. Therefore, burial rites and practices should not be viewed upon as being similar. It should also be noted that each Hawaiian island has varying means and methods to burial rites, human remains and funerary objects. Specific and detailed study is encouraged to ensure more accurate representation of authentic customs and traditions.

5. The very nature of ancient Hawaiian burial practice was predominantly reliant upon pre-contact religious influence (228 years versus pre-1778). Careful thought and consideration of consultancy rooted in introduced forms of religion needs to be assessed. As this issue is spiritual in nature, Hawaiian practitioners who choose to entrust pre-1778 spirituality should be considered to assist lineal and cultural descendants.

    a. However, the very concept of "ownership or control" (pg. 6) over such items is foreign in concept and thought to a Native Hawaiian practitioner. Deciding on the future fate of the deceased is not within our power. Choosing to relocate such items, regardless of the desired outcome, falsely empowers the living to decide this fate.

6. Regarding Principle 2: The Federal government is not required to recognize/acknowledge the sovereign status of Native Hawaiians.

7. Regarding Principle 3: Yes, "Native Americans are descendants of original occupants of this country." Please identify the relationship that ACHP believes to be true with regards to the Native Hawaiian and Hawai`i.

8. Regarding Principle 3: "Native Hawaiian organizations bring special perspective on how a property possesses religious and cultural significance to them. Accordingly, Federal agencies should utilize their expertise about, and religious and cultural connection to,

burial sites, human remains, and associated funerary objects to inform decision-making in the Section 106 process."

a. This is an overgeneralization. Please define Native Hawaiian organization – NH owned & operated, business operated within Hawai`i, business named with Hawaiian nomenclature, etc. Not ALL Native Hawaiian organizations bring this special perspective.
b. This statement confuses earlier ACHP statement (see item 2 above). The word "should" as it relates to consultancy under utilizes "special perspective" as "should" enables the decision-maker to rescind any such knowledge to achieve whatever outcome deemed appropriate with or without the opinion and or consent of all parties involved.

9. Regarding Principle 4: "unless absolutely necessary" and "feasible" open principle 4 to interpretation. Native Hawaiian burial sites are at times in conflict with Federal facilities and operations. Most often times, there are multiple challenges with the Department of Defense. With comment 6 above in mind (sovereign recognition), "necessity" and "feasibility" are unlikely facets to the Native Hawaiian and Native Hawaiian burial sites, human remains, and funerary objects.

10. Regarding Principle 6: The WTC event was and still remains to be a tragedy. To date, human remains and bones are being found on the WTC site, spurring families of the unfound deceased to ask for more time to assess before proceeding with any further construction/development. In addition to the pangs over loved ones who have deceased, Native Hawaiians assign cultural significance to burial sites, human remains and funerary objects. As with almost any condition in life, assuming "ultimate responsibility" for something or someone is rarely successful and requires accountability to the responsible party.

11. Regarding Principle 8: Travel patterns, length of residence, and Hawaiian socio-dynamics make it very challenging to determine actual lineal decadency to any one given area throughout the Hawaiian Islands. Claiming ownership over any particular parcel of land suggests post Mahele thought process. The kapu system had already been abolished, leaving the aristocratic hierarchy at a questionable state. The very nature of realizing land could be divided, owned, and sold as property is very far from traditional Hawaiian values and thought process. In search of authenticity in thought, I would imagine all Hawaiians having equal rights and privileges to land and all that is contained therein, including burial sites, human remains, and funerary objects. This thought is partially reliant upon the re-education of the Native Hawaiian about traditional Hawaiian burial practices as well as upon the understanding by the Federal government that these rites are crucial to beneficial passage of deceased Hawaiians.