

DECLARATION CALLING FOR THE PROTECTION OF THE IWI KŪPUNA (ANCESTRAL REMAINS) AND MOEPŪ (FUNERARY OBJECTS) OF THE HONOKOA, KAWAIHAE BURIAL CAVES

WE BELIEVE IN MAINTAINING THE SANCTITY OF THE KAWAIHAE BURIAL CAVES. The ceremonial burial of *iwi kupuna* (ancestral Native Hawaiian remains) and *moepū* (funerary objects) involves great secrecy in order to protect the burial site and ensure the peace and sanctity of ancestors who have passed away, as well as the spiritual, physical, and psychological well-being of their descendants. The desecration of burials (such as the exposure or destruction of bones, robbing funerary objects, or otherwise disturbing the site) results in great cultural and religious harm to both the ancestors and to the descendants, as well as spiritual exile in the afterlife for people implicated in the re-desecration

WE SUPPORT EFFORTS TO REPATRIATE ANCESTRAL REMAINS AND FUNERARY OBJECT TO THEIR RIGHTFUL RESTING PLACE THROUGH THE NAGPRA PROCESS. The 1990 Native American Graves Protection and Repatriation Act (NAGPRA) sought to repair harm done to Native Americans, Alaskan Natives, and Native Hawaiians whose gravesites were desecrated by the United States. The NAGPRA process has resulted in the repatriation (return to Native soil) of over five thousand *iwi kūpuna* and *moepū* from numerous federally funded institutions such as the Bernice Pauahi Bishop Museum (BPBM).

WE AFFIRM THAT THE KAWAIHAE BURIAL CAVES REPATRIATION IS COMPLETE. In February 2000, Hui Mālama reburied 19 sets of *iwi kūpuna* and 83 *moepū* in the Kawaihae caves they came from, an action that was in line with the official positions taken by the three other claimants at the time (Hawai‘i Island Burial Council, Office of Hawaiian Affairs, and Department of Hawaiian Home Lands). After reburial occurred, 9 additional claimants (not including Na Lei Alii o Kawanānakoā) stepped forward, and in 2001 the NAGPRA process was completed with all thirteen claimant organizations agreeing to disagree in a “Document of Truth and Agreement” (signed by L. Sukanuma).

WE CALL FOR JUDGE DAVID EZRA TO: 1) HALT ALL EFFORTS TO RETRIEVE THE MOEPŪ AND UNDO THE NAGPRA PROCESS AND 2) IMMEDIATELY RELEASE EDWARD HALEALOHA AYAU FROM THE FEDERAL DETENTION CENTER. December 27, 2005, Judge David Ezra held Hui Mālama’s executive director (Edward Halealoha Ayau), Kumu (Pua Kanāhele) and board members (Charles Maxwell, William Aila, and Antoinette Freitas) in contempt of court for refusing to reveal the exact location of the *moepū* from Kawaihae, an act that would force Hui Mālama to violate its cultural and religious beliefs and go against the request of majority of claimants in the Kawaihae case to leave the *iwi kupuna* and *moepū* undisturbed. Judge Ezra’s action is a result of a larger effort by L. Sukanuma (Royal Hawaiian Academy of Traditional Arts), A. Kawanānakoā (Na Lei Alii o Kawanānakoā), and W. Brown (BPBM) to re-enter the burial caves, retrieve the *moepū*, and re-start the NAGPRA process that has already been declared complete. If this course of action sees through, all past, present, and future efforts to repatriate and rebury *iwi kupuna* and *moepū* through the NAGPRA process will be in jeopardy. The imprisonment of Edward Halealoha Ayau also represents a new threat to all Hawaiians who wish to uphold their religious and cultural beliefs without persecution. These precedents will impact Native Americans and Alaskan Natives who similarly struggle to maintain and protect the sanctity of their burial sites and ancestors through the NAGPRA process.

1. The organizations, families, and individuals listed below affirm this declaration: