OHA and DLNR Call for Investigation of Bishop Museum Loan

The Office of Hawaiian Affairs (OHA) and State Historic Preservation Office, Department of Land and Natural Resources, have filed letters with the Secretary of the Interior and the National Park Service requesting investigations into Bishop Museum's recent loan to Hui Mālama I Nā Kupuna 'O Hawai'i Nei of cultural objects from the Kawaiahae and Forbes Cave complex. A spokesperson for the National Park Service, which administers the Native American Graves Protection and Repatriation Act (NAGPRA), said that "Any party with an interest under the law has the right to make an allegation of failure to comply with the law. We take these allegations very seriously. Clearly there has to be an investigation to determine if the allegations are true."

Hui Mālama is one of four claiming organizations with whom the Museum has been in consultation since 1994 under the terms of NAGPRA. The loan occurred without the knowledge of the other claimants and while the process of consultation leading up to repatriation was ongoing. The other claimants are the Office of Hawaiian Affairs, the Department of Hawaiian Home Lands (DHHL), and the Hawai'i Island Burial Council. Mr. Edward Ayau, the Hui Mālama representative who signed for the loan, has told Bishop Museum staff and the other claimants that the objects have been reinterred on the island of Hawai'i, "possibly jeopardizing their safety, protection and security" according to OHA. Bishop Museum President and Director W. Donald Duckworth has said that the museum loaned the artifacts "with the reassurance from Hui Mālama that the other claimant groups had agreed to this action."

This is the first major case of repatriation of Hawaiian cultural objects by a Hawai'i museum. It raises many questions about NAGPRA and its regulations; Bishop Museum's loan process; Hui Mālama's actions; the safety and protection of the artifacts on loan; and divergent opinions within the community on the appropriate disposition and treatment of these highly significant Hawaiian cultural materials.

There has been substantial protest from the native Hawaiian community regarding the release of the collection. In addition to the letters from OHA and DLNR, prominent Hawaiian community leaders and recognized cultural authorities have spoken openly to the media against the Museum's loan and Hui Mālama's actions and expressed concern over the safety and security of these artifacts. An article in the April issue of Ka Wai Ola O OHA by Lani Ma'a Lapilio of the Native Historic Preservation Council, an advisory body to the OHA Board of Trustees, states that "A decision on the disposition and treatment of these objects is a very serious matter. Some Hawaiians support reburial and other Hawaiians support having these objects cared for in a museum environment for the benefit of current and future Hawaiian generations." The question of the appropriate disposition and treatment of these objects was in the process of being explored by the claimants and the community when the objects were loaned to Hui Mālama and subsequently reinterred.

To clarify some of the points of confusion surrounding this issue in recent weeks, museums should be informed of the following:

• The controversy surrounding this case applies almost exclusively to the handling of the cultural artifacts and does not extend to the reinterment of the 'iwi (human remains).
• Contrary to much of the publicity on this case, NAGPRA does not require confidentiality. It leaves the issue of confidentiality to the discretion of the museum and the claimants: "The
museum official... at the request of the Indian tribe official, may take such steps as are considered necessary pursuant to otherwise applicable law, to ensure that information of a particularly sensitive nature is not made available to the general public.” (Section 10.10.f.2, NAGPRA Regulations.)

• When there are multiple claims for cultural items, “the museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved...” (Section 7.e. NAGPRA Regulations.)

• OHA and Hui Mālama are specifically named in NAGPRA as the two native Hawaiian organizations with which museums must consult. (Section 10.2. b.3.C.ii, NAGPRA Regulations.)

Hawai‘i museums are advised to be familiar and in compliance with NAGPRA, its regulations and guidelines. NAGPRA requires museums and government agencies to disclose their holdings of human remains, funerary objects and objects of cultural patrimony to American Indians, native Alaskans and native Hawaiians by means of summaries and inventories of those items; and to enter into consultations with any individuals or groups making claims to those items under the terms of the law.

Chronology of Events,

Between 1905 and 1985, many ‘iwi kāpuna (bones of the ancestors) and significant objects were removed from lava tube complexes, commonly known as the Kawaihae and Forbes Caves, in Honokoa Gulch, Kawaihae, South Kohala on the island of Hawai‘i, on land which is now owned by the State of Hawai‘i, Department of Hawaiian Home Lands. The objects were later obtained by the Bernice Pauahi Bishop Museum and the Hawai‘i Volcanoes National Park. The objects are associated funerary objects or cultural objects placed in caves that were also used for burial. Among the items are some of the finest examples of Hawaiian art and craftsmanship in the world today; objects which once held prominent places in Hawaiian Hall exhibits at the Museum and have been widely published.

1990 Congress enacts the Native American Graves Protection and Repatriation Act.

1994. Under the terms of NAGPRA, four native Hawaiian organizations file claims with Bishop Museum for the return of the ‘iwi kāpuna and artifacts from the Kawaihae caves. Bishop Museum begins a series of meetings and consultations with the claimants.

February 16, 2000. Bishop Museum representatives, the claimants and kāpuna (elders) from the community attend a public meeting in Waimea, Hawai‘i to discuss the disposition of the ‘iwi kāpuna and cultural objects from the Kawaihae caves. A number of strongly opposing views are expressed. Community members voice a desire to participate in the decision-making process and some express the opinion that decisions regarding the Kawaihae cave materials should be determined at the local (Kawaihae) level. Henry “Papa” Auwae makes a claim as “a lineal descendant of the ‘iwi which were placed in those caves.” Shortly after this meeting, Bishop Museum staff inform DHHL that the Forbes Cave artifacts would be immediately repatriated.

February 22. DHHL Chairman Raynard Soon writes a letter to Bishop Museum Vice President Dr. Elizabeth Tatar instructing the museum to retain the objects until other claimants have been heard from. “Since there is no secure interim facility to properly store the cultural objects, and additional information to review, we believe the Bishop Museum should take the most prudent and responsible action, which is to hold the cultural objects until you receive updated confirmation in writing from the four claimant... Organizations...”

February 26. Museum Vice-President Dr. Elizabeth Tatar signs out 83 objects on “loan pending completion of NAGPRA repatriation” to two of the claiming organizations, Hui Mālama and DHHL, according to a shipping invoice. Edward Ayau of Hui Mālama signs for and receives the artifacts. The Star Bulletin later reports DHHL Chairman Ray Soon as saying “...we were NOT aware that the items had been released in our name. We take seriously our responsibility to take care of these artifacts.”

February 29. Darrell Yagodich of DHHL writes to Tatar that Hawaiian Homes had not agreed to the loan of the cultural objects to Hui Mālama.

March 2. Tatar sends a letter to DHHL explaining that Hui Mālama told Bishop Museum that DHHL had agreed to have Hui Mālama act as their agent in receiving the loan of the objects and transporting them to a secure interim location on the island of Hawai‘i. Bishop Museum also informs DHHL that they have received correspondence from individuals claiming the ‘iwi and objects as lineal descendants but that, because no known individuals can be identified among the human remains, the Museum cannot recognize these claims.

March 21. Twenty Bishop Museum staff sign a letter to Museum President and CEO Duckworth stating “We feel we have an ethical obligation as museum professionals and concerned community members to point out that these actions are damaging to the museum’s reputation on many levels. It is clear that steps need to be taken to ensure that all such collections issues are resolved in a far different manner in the future.”

March 22. Meeting among the Forbes Cave claimants. Duckworth described this meeting in an April 5 opinion article to the Honolulu Advertiser: “At this meeting, Hui Mālama took full responsibility for the action, and let the other groups know where the materials were placed. Discussion also took place regarding the next steps to take in order to complete the repatriation process, and the claimants expressed their belief that...

(Continued on page 7)
In today’s rapidly changing world, many of the old rules no longer apply. How can museums respond to the challenges and opportunities posed by diverse audiences, new expectations, changing communities, shifting circumstances and environments? To what values and traditions do we hold fast? How can each museum nurture and grow into its most appropriate role for the new century?

Keynote Speakers:
- Patricia Williams, Vice President for Policy and Programs, American Association of Museums, Washington, D.C.

Programs, Workshops and Discussion Groups
- Leadership Workshop for Museum Directors and Trustees
- Critical Issues for Museums
- Collections: A Roundtable Discussion. Who owns museum collections? Who has authority? How are meanings assigned to them? How should they be cared for and interpreted?
- Ethics and Public Accountability for the New Century
- Disaster Planning and Recovery
- Interpreting Community Issues in Public Programs
- Using Theatre, Role-Playing and Living History in Interpretive Programs
- Balancing Collections and Interpretive Programs
- Best Practices in Cultural Tourism: A Case Study

Mahalo to Outrigger Hotels and Resorts and the Honolulu Academy of Arts for their contributions in support of the HMA Annual Conference!
DAY ONE—Friday, May 26
Honolulu Academy of Arts
Parking $1.00 at Linekona Arts Center

9:00 AM—12:00 NOON. Concurrent sessions

Collections Track

After The Flood: Things Bob Dylan Never Considered, or Disaster Planning and Recovery for Museums.
Lynn Davis, Head of Preservation, Hamilton Library, University of Hawai‘i
Linda Hee, Director, Tropic Lightning Museum
Larry Pace, Painting Conservator
Robert Schleck, Director, Grove Farm Homestead & Wai‘oli Mission House

Museums in Hawai‘i are vulnerable to a variety of disasters ranging from hurricanes to plumbing leaks. Through intellectually stimulating lecture and demonstrations with real pseudo-artifacts, this session will provide a gentle reminder of the necessity of updating disaster mitigation policies, developing a workable disaster plan, and training personnel in successful salvage and recovery. Collections managers and conservators will discuss how to handle and treat specific types of materials and where to get supplies and resources following different types of disasters.

Education/Community Track

Making It Come Alive: Using Theatre, Role-Playing and Living History in Interpretive Programs
Sheree Chase, Curator, Kona Historical Society
Victoria Kneubuhl, playwright, author, actor, former museum educator
E. Tory Laitila, Assistant Curator, Mission Houses Museum
Louise K. Lanzilotti, Curator of Education, The Contemporary Museum

What does it really take to make your programs live, experiential and compelling? Four successful developers of museum programs offer live program demonstrations and discuss the research, staff training, reproduction clothing and evaluation that go into making engaging and authentic interpretive programs.

12:00 NOON—1:00 PM. Lunch on your own.

1:00—1:30 PM
Check in and registration. Honolulu Academy of Arts Theatre

1:30—3:00 PM. Plenary session

Museums and Community
Honolulu Academy of Arts Theatre
Patricia Williams, Vice President for Policy & Programs, American Association of Museums
Harold Skramstad, Museum Management and Planning Consultant; President Emeritus, Henry Ford Museum and Greenfield Village

How can museums of all types best respond to the needs of our communities while continuing to respect our tradition of collections stewardship and our role as educational institutions? This dialogue will explore a wide range of issues and provide participants an opportunity to identify topics they would like to have addressed during the remainder of the conference.

3:00—3:15 PM. Break

3:15—5:00 PM. Concurrent sessions

Leadership/Governance Track

Leading the 21st Century Museum.: A Workshop for Directors and Trustees, Part 1
Harold and Susan Skramstad, Museum Management and Planning Consultants

This workshop will offer museum trustees and directors an opportunity to better understand the broad social changes that are reshaping American museums and to develop new organizational and personal skills required to more effectively lead their museums in the future. Among the topics that will be covered are: the changing requirements of leadership in museums; leading and driving organizational change; and strategic learning, thinking and planning. To participate in this two-part workshop, a museum must send the director and at least one trustee.

Collections/Education Track

The Road to Hell is Paved with Good Intentions: Balancing Collections and Interpretive Programs
Deborah Dunn, Director, Mission Houses Museum
Robert Schleck, Director, Grove Farm Homestead and Wai‘oli Mission House
Corinne Chun, Curator, ‘Iolani Palace

Museum stakeholders—administrators, trustees, curators, conservators, educators, architects, docents, members and community advisors—all have good intentions and different perspectives on what a museum should be. How do you strike a balance between providing access, meeting community needs and expectations and being accountable for the preservation of cultural and historical treasures? Three long-time museum curators and administrators share different answers to this question.

5:00—6:00 PM. Exhibition Viewing. Mystery of the Nile: Treasures from Ancient Egypt.

5:00—7:00 PM
Reception. Mediterranean Courtyard.
DAY TWO—Saturday, May 27
Honolulu Academy of Arts
Parking $1.00 at Linekona Arts Center

8:30—9:00 AM. Coffee and Registration.

9:00—10:00 AM
Critical Issues for Museums
Academy Theatre. Enter from Kīna‘u Street
Patricia Williams, Vice President for Policy & Programs, American Association of Museums
Harold Skramstad, Museum Management and Planning Consultant
Williams and Skramstad explore some of the thorny issues facing museums today including increased demands for accountability by non-profits; technology as a means of improving access; the changing nature of the work force; collections; diversity. Following this session, break out groups will explore specific issues in greater depth.

10:00 - 10:15 AM. Break

10:15 AM—12:00 NOON. Concurrent sessions

Leadership/Governance

Leading the Museum in the 21st Century: A Workshop for Directors and Trustees, Part 2
Harold and Susan Skramstad, Museum Management and Planning Consultants

Roundtable Discussions on Critical Issues

• Collections: Who owns museum collections? Who has authority? How are meanings assigned to them? How should they be cared for and interpreted? An informal and open discussion led by a facilitator.

• Ethics and Public Accountability for the New Century
Discussion leader: Patricia Williams

12:00 NOON—Lunch
HMA Annual Business Meeting and Election of Officers.

1:00—3:00 PM. Concurrent sessions

Marketing Track

Success Story in Cultural Tourism: A Case Study of “Arts with Aloha”
Chair: Charlie Aldinger, Public Relations Coordinator, Honolulu Academy of Arts
“Arts with Aloha” is a collaboration of eleven Honolulu arts and cultural institutions including museums, theatres and performing arts groups. They’re actively promoting O‘ahu as a destination for culture and the arts. In the last 18 months they have hosted familiarization tours for mainland travel writers; developed itineraries; produced a promotional brochure and video public service announcement; and made live presentations to a wide variety of tourism and community organizations.

Education/Community Track
Interpreting Community Issues In Public Programs
 Lynne Wolfforth, Lyman House Museum
 Matt Mattice, Education Specialist, Judiciary History Center
 Diana King, Hawai‘i Nature Center
 Three organizations with strong educational missions showcase programs they have developed to address current community needs or issues. Included are a curriculum for teenage parents on their rights and the law; programs which teach conservation of Hawai‘i’s fragile natural environment; and an exhibit which explores ranching as a traditional lifestyle and changing industry on the island of Hawai‘i.

DAY THREE—Sunday, May 28

11:00 AM
Field Trip to Kaniakapūpū
Tour the remains of Kaniakapūpū, the summer estate of King Kamehameha III in Nu‘uanu Valley and site of the University of Hawai‘i 1999 and 2000 Archaeological Field School excavations. Our guide is Dr. Susan Lebo, historical archaeologist at Bishop Museum, who co-leads the excavations. See traditional Hawaiian architectural structures including stone walls, terraces and ‘auwai (canals) and hear about findings to date. Wear sturdy walking shoes and mosquito repellant. Transportation on your own; directions provided.

1:00 PM
Visit to the John Young Museum
Curator Benji Nerio introduces us to the John Young Museum which opened on February 24, 1999 on the U.H. Mānoa campus. Housed in the renovated, historic Krauss House, the Museum features the well-known local artist’s personal collection of Asian art. Parking is plentiful and free at U.H. on Sundays. Transportation on your own; directions provided.
HMA CONFERENCE REGISTRATION FORM

If you wish to register more than one person, please make copies of this form

Early Registration Deadline: May 1

Name ___________________________________________ Title/Position ___________________________________________

Institution ________________________________________

Address __________________________________________

Daytime phone ______________ Evening phone ______________

e-mail address ____________________________

Registration Fees (includes coffee, Friday evening reception and Saturday box lunch)

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Break-Out Session & Field Trip Sign Up

Friday, May 26
9:00 a.m. - 12:00 PM (select one only)
☐ Disaster Planning and Recovery for Museums
☐ Using Theatre, Role-Playing and Living History in Interpretive Programs

3:15 - 5:00 PM (select one only)
☐ Workshop for Directors and Trustees, Part 1 (To participate in this two-part workshop, a museum must send the director and at least one trustee.)
☐ Balancing Collections and Interpretive Programs

Special Event
☐ Reception at Honolulu Academy of Arts

Saturday, May 27
10:15 AM—12:00 NOON (select one only)
☐ Workshop for Directors and Trustees, Part 2 (To participate in this two-part workshop, a museum must send the director and at least one trustee.)
☐ Collections Roundtable Discussion
☐ Ethics and Public Accountability

1:00 - 3:00 PM (select one only)
☐ Success Story in Cultural Tourism: A Case Study of “Arts with Aloha”
☐ Interpreting Community Issues In Public Programs

Sunday, May 28
☐ Field Trip to Kaniakapūpū, 11:00 AM
☐ Visit to the John Young Museum, 1:00 PM

Make check payable to:
HAWAI'I MUSEUMS ASSOCIATION
P.O. Box 4125, Honolulu HI 96812-4125.

Questions? Call Stuart Ching at (808) 531-0481 or Deborah Pope at (808) 254-4292.
Investigation
(Continued from page 2)

the action was pono (righteous, moral)."

March 23. One day following the meeting of the claimants, the Office of Hawaiian Affairs sends a letter to Robert Stanton, Director of the National Park Service which administers NAGPRA, calling the Museum’s actions a possible violation of federal law and urging NPS to investigate the situation “as quickly and expeditiously as possible.” The letter claims that “Considerable discussion was held among the groups and with elders of the Kawaihae region. The group had not reached agreement on disposition and treatment of these cultural resources. Some believed that the objects were funerary and should be reinterred with the human remains from that area. Others were not sure that these were funerary in nature and objected to them being buried. While in the process of ongoing consultation the Museum loaned the cultural resources to one of the claimants, without consulting or notifying the other claimants. Recently OHA was told by the Museum that the cultural resources had been re-buried in an unknown location by the loan recipients, precluding repatriation to any other claimants. This occurred before the Notice of Intent to Repatriate Human Remains and Funerary Objects was published.... If this has indeed happened, the Museum has foreclosed all options for disposition by the community and may have jeopardized the safety, protection and security of these unique cultural resources. By relinquishing control of the cultural resources [the Museum] has precluded any discussion that might have led to consensus on the disposition of these resources.” OHA’s letter and call for an investigation did not become public knowledge until a Honolulu Star-Bulletin report of March 30.

March 25. The controversy begins to unfold in public when the Honolulu Advertiser and Honolulu Star-Bulletin file front-page stories on the Kawaihae Cave objects, reporting that as many as 80 objects may be gone from the museum. Ruth Ann Becker of Becker Communications, speaking on behalf of the Museum, declines to name the claimants or to confirm that the objects have left the Museum, saying that the entire process is “a confidential agreement.” In response to questions from Nāhōu, Museum President and CEO W. Donald Duckworth says that “...we have been, and continue to be proceeding within the NAGPRA law, its Administrative Guidelines, and our own organizational policies as they relate to this issue. Consequently, we are constrained by this process in what we can say or do in relation to this extremely sensitive cultural issue at this moment.”

April 3. Timothy Johns, Chairperson of the State Department of Land and Natural Resources and State Historic Preservation Officer, writes a letter to Bruce Babitt, Secretary of the Department of the Interior, requesting that Bishop Museum’s anticipated Notice of Intent to Repatriate Human Remains and Funerary Objects from the Kawaihae Caves complex “be suspended until a thorough investigation can be conducted regarding the circumstances surrounding the release and apparent reinterment of the identified remains and objects...”

April 4-5. Bishop Museum breaks its silence on the subject of the loan to Hui Mālama, explaining that the loan was made after receiving assurances from Hui Mālama that the other claimants had agreed to this course of action. An opinion article by Duckworth in the Advertiser says that “The repatriation process for Kawaihae Caves continues. Once it has been completed, NAGPRA law dictates that the final disposition of these remains and items will be determined by the claimants. Finally, and most importantly, Bishop Museum has acted in good faith, legally and responsibly in all matters related to NAGPRA.”

April 5. In the Federal Register, Bishop Museum files the Notice of Inventory Completion for Human Remains and Associated Funerary Objects from Kawaihae, Kohala listing a minimum of 18 human remains and one associated funerary object. It also files the Notice of Intent to Repatriate Cultural Items listing 168 cultural items which “meet the definition of ‘unassociated funerary objects’ under Section 2 of the Act.” Individuals or groups who believe they are “culturally affiliated” with these materials must contact the Museum before May 5. Repatriation to the four current claimants may begin after that date if no additional claimants come forward.

April 11. The Honolulu Advertiser reports that some Hawaiian community leaders, including Melvin Kalahiki, Sr. of the Council of Chiefs of Nā Papa Kanaka O Pu’ukohola and Marie Solomon of the Hawai’i Island Burial Council, want the Kawaihae Caves materials returned to the Bishop Museum for safekeeping until the issue of their final disposition is resolved.

NAGPRA Resources

• For copies of NAGPRA, the regulations, samples of required summaries and inventories and other useful information, look on the web at www.cr.nps.gov/aad/nagpra.htm
• For Notices of Inventory Completion and Intent to Repatriate, look on the web at www.access.gpo.gov
This takes you to the Government Printing Office. Scroll down the menu until you come to Quick Links; and click on Federal Register. Search the Federal Register by year and subject. For example, to read the Bishop Museum Notices, select Federal Register 2000, type in Bishop Museum and submit your search.
• At the HMA Annual Conference on May 27 in Honolulu there will be a roundtable discussion on the subject of “Collections: Who owns them? Who has authority? How should they be cared for and interpreted?” See the enclosed conference registration form for details.
• The National Park Service in cooperation with University of Nevada at Reno will hold a training workshop on NAGPRA in Honolulu in December 2000. Details on dates and registration materials will be available in the next issue of Nāhōu.
MAY
1 NEH, Challenge grants; Consultation grants, "Extending the Reach"; and Fellowships (Research Programs); www.neh.gov/grants
26–28 HMA Statewide Annual Museum Conference.

JUNE
1 NHPRC, grants; www.nara.gov/nhprc
15 Deadline, Hawai‘i Committee for the Humanities (HCH); preservation grants (up to $5000); mini grants (up to $2500); planning grants (up to $1000); publication grants (up to $2500); planning grants for film/video script development (up to $2500)

JULY
1 NEH, Preservation and Access grants

Niihou is the quarterly newsletter of the Hawai‘i Museums Association which carries articles of professional interest to HMA members. Submissions to Niihou are welcome, subject to editing, and should be received (c/o HMA at the above address or e-mail to shaner@hawaii.edu) by February 1, May 1, August 1 and November 1. Mailing is scheduled for the following month.