



# United States Department of the Interior

## NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, D.C. 20240

IN REPLY REFER TO:

H32(2200)

JUL 19 2000

Donald Duckworth  
Director  
Bishop Museum  
1525 Bernice Street  
Honolulu, Hawaii 96817-2704

Dear Dr. Duckworth:

Thank you for your letter of June 8, 2000, responding to my concerns. Thank you also for your letter of May 12, 2000, responding to Director Stanton's April 17 request for information regarding allegations from the Office of Hawaiian Affairs that the Bishop Museum has failed to comply with the Native American Graves Protection and Repatriation Act in this matter.

The National Park Service's immediate concern in the Kawaihae Cave Complex matter is first and foremost that the Bishop Museum shall reestablish and maintain direct physical possession as well as control of human remains and funerary objects subject to NAGPRA until disposition can be determined properly.

According to your letter, the Bishop Museum "sent a letter to the four currently recognized claimants, requesting that they state their positions on the loan recall in writing by July 1, 2000. On July 1, unless there is consensus by the four that the items should remain where they are, the Museum will immediately require their return." I understand that the four claimants did not reach consensus by July 1, and I strongly urge you to honor your commitment to recover immediately and take back into direct care the Kawaihae Cave Complex human remains and funerary objects. Please notify me when the museum has completed recovery and has direct physical possession and control of the human remains and associated objects, and please describe for me the museum's plan regarding the Kawaihae Cave Complex NAGPRA claims.

If you have questions about the National Park Service's position on this matter, or if you wish to provide additional information by telephone, please contact John Robbins at (202) 343-3388. Mr. Robbins is Assistant Director, Cultural Resources Stewardship and Partnerships and is responsible for NAGPRA implementation outside of the National Park System.

Sincerely,

Katherine H. Stevenson  
Associate Director, Cultural Resource  
Stewardship and Partnerships



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Wednesday, April 19, 2000



By Ken Sakamoto, Star-Bulletin

Bishop Museum officials Elizabeth Tatar and Donald Duckworth apologize yesterday for handing over the Forbes Cave artifacts to a single Hawaiian group, Hui Malama I Na Kupuna o Hawaii Nei.

## Museum apologizes for artifact release

The museum's director says it

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Royal Hawaiian Academy of Traditional Arts / Bishop Museum  
04/26/2000



## **was a mistake to loan the rare pieces to one of the four groups that are recognized as potential custodians**

By Burl Burlingame  
Star-Bulletin

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Bishop Museum officials formally apologized yesterday for their role in surrendering rare Hawaiian artifacts to individuals claiming to represent other Hawaiian groups.

"This public apology is a good first step for the museum regaining its credibility. But this is far from over," said Office of Hawaiian Affairs Chairman Clayton Hee. OHA is one of the four claimant groups recognized as potential custodians of the artifacts.

The "Forbes Cave" items have since disappeared, likely reburied in the Kaiwihae area of the Big Island where they were first discovered. The artifacts were taken by Edward Ayau, representing claimant group Hui Malama I Na Kupuna o Hawaii Nei. Other recognized claimant groups include the Big Island Burial Council and the Department of Hawaiian Home Lands.

"There is no doubt that Bishop Museum was mistaken in our decision to make the loan without written confirmation, and to Hui Malama," museum director W. Donald Duckworth read from a prepared statement. "That decision caused great consternation, both within the museum and without, and for that I -- and we -- apologize. But I know the decision was made in good faith that we were acting on solid information, and with the sense that it was the right thing to do."

The apology followed a Monday night meeting between the claimant groups and Bishop Museum officials. Although no agreement was reached, Hee said he was pleasantly surprised by the cordial conduct of the session.

"It was very productive and civil; no name-calling or sarcasm, things I've experienced at some other meetings," said Hee.

Hee said he asked several pointed questions aimed at making the repatriation process more inclusive of Hawaiian citizens. He also said that at least two more groups are filing claims under the Native American Graves and Repatriation Act process, which gives 30 days from publication in the Federal Register for others to come forward.

Deadline for claimants of the Forbes Cave artifacts is May 5. Already registered as an additional claimant is Na Papa Kanaka O Pu'ukohola Heiau, represented by Mel Kalahiki of the Big Island.

"The caves are just down the road from the heiau, so we think the artifacts come from ancestors in this area," said Kalahiki, who tried -- and failed -- to be recognized as a descendant of the Hawaiians buried in the caves. Kalahiki or other members of Na Papa were not invited to the Monday night meeting.

Also present at the meeting was Kenneth Brown, chairman of collections for Bishop Museum's board of directors, who said the apology was warranted because, "in retrospect, we should have realized that we were dealing with more than one claimant."

We thought it was cut and dried ... I guess we were naive or something.

"This is just the sort of thing that happens when Western law butts heads with Pacific spiritual issues. No matter what you do, someone will be huhu and the museum is caught in the middle. The real question is -- what's the moral thing to do?"

Queried about disciplinary action against museum employees who questioned the museum's relationship with Hui Malama, Duckworth said Bishop Museum is "an organization of rules and policies and procedures. The museum must speak with one voice. Problems have happened -- and will continue to pop up down the road."

E-mail to City Desk

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## BISHOP MUSEUM



A HAWAII NONPROFIT  
CORPORATION

May 15, 2000

media contact:  
Ruth Ann Becker, 808/533-4165

### BISHOP MUSEUM MOVES TO RECALL KAWAIHAE CAVES LOAN

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W. Donald Duckworth, Ph.D.  
President, Director & CEO

At its regularly scheduled meeting on April 27, the Bishop Museum board of directors unanimously authorized the Museum's administration to call for return of the Kawaihae Caves items loaned out on February 26, 2000.

Bishop Museum officials have sent a letter to all four currently recognized claimants, requesting that they state their positions in writing by July 1, 2000. ON July 1, unless there is consensus by the claimants that the items should remain where they are, the Museum will require the return of the items. (The four claimants are Office of Hawaiian Affairs, Hui Malama I Na Kupuna O Hawaii Nei, Hawaiian Homes Commission and Hawaii Island Burial Council.)

The Museum had loaned the items to Hui Malama, in response to the four claimants' opinions that temporarily placing them on their island of origin would help repatriation discussions. Museum officials believed that all agreed to a temporary location Hui Malama had found. The officials were informed shortly after the loan was made that this was not the case.

"From the start, Bishop Museum's administration, staff and board has tried to do what's right as we go through this very complex situation," said Pat Duarte, Bishop Museum chief operating officer and acting president.

(more)

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Bishop Museum 5/15/00

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"We appreciate the many concerns that have been expressed about these items," Duarte said. "At the same time we also respect the claimants' opinions, and so are asking for their input on recalling the loan. As new claimants are recognized, we'll ask for their positions, in order to give consideration to all voices. We do this in the spirit of *loka*hi, but recognize that, in the end, the Museum has responsibility for the safety of the items with which we are entrusted. We intend to meet that responsibility fully."

The Museum has requested additional information from other potential claimants, in order to determine whether their claims meet NAGPRA requirements. Officials expect to formally recognize appropriate claimants within 30 days, after which they will request the new claimants' position on the loan recall as well.

###

#### RELATED BACKGROUND FACTS - KAWAIHAE CAVES

- The four originally recognized claimant organizations have been in repatriation discussions since 1994.
- Similar loans have been made as part of other repatriation processes, by the Denver Art Museum in 1994, and by the Peabody and Essex Museum in 1993.
- In March 2000, Bishop Museum filed a Notice of Inventory Completion and a Notice of Intent to Repatriate with the National Park Service. The Museum recommended that repatriation be given to all four claimants. That recommendation is now on hold, while the Museum reviews the new claimant applications that have been filed.

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8 June 2000 Honolulu Star-Bulletin pg. 1

## Park Service demands explanation from museum

The agency is concerned about the delay in resolving the dispute over the Forbes Cave artifacts

Museum official scared claimant group, A-8

By BURL BURLINGAME  
Star-Bulletin

The National Park Service sent a strongly worded letter this week to Bishop Museum director W. Donald Duckworth, demanding that the museum explain the holdup in resolving the dispute over the Forbes Cave artifacts.

The National Park Service administers the 1990 Native American Graves Protection and Repatriation Act, a system for returning native bones and "grave goods" in museum collections to their original tribes and descendants.

In February, the museum says it mistakenly presented rare Hawaiian objects to Hui Malama, one of four groups that claim what are known as the "Forbes Cave" artifacts.

Katherine Stevenson, cultural resources association director for the Park Service, sent a pair of letters to Duckworth on April 7 and 13, saying she hoped the museum "will take every possible step to recover and take back into direct care" the missing artifacts.

In this week's letter, Stevenson restated the Park Service's concern about the safety of the objects and urged the museum to reclaim them. "As long as the objects are out of your possession, the objects which would be worth millions of dollars on the black market, are subject to a substantial threat of theft. Whether the objects are in a cave, as reported, or elsewhere, they are also threatened by



Donald Duckworth  
MUSEUM DIRECTOR

*Inform the Park Service that the artifacts are secure from theft as well as damage.*

PLEASE SEE MUSEUM, A-8

## Museum official scared new claimant group

By BURL BURLINGAME  
Star-Bulletin

Bishop Museum officials last week scared a new Forbes Cave claimant group into believing it had only 24 hours to supply documentation to support their standing.

But it's all a misunderstanding and was cleared up by Friday, said Bishop Museum spokeswoman Ruth Ann Becker.

On May 11, museum collections manager — and Native American Graves Protection and Repatriation Act representative — Valerie Free wrote attorney James Mee, a representative of the newly formed claimant group E Nana Pono, acknowledging the group's interest and asking for additional documentation.

Free wrote: "Please explain how your organization: (a) serves and represents the interests of native Hawaiians; (b) has a primary and stated purpose the provision of services to Native Hawaiian, and (c) has expertise in Native Hawaiian affairs," plus data on membership numbers and proof of "knowledge and experience in burial matters."

No deadline was specified. Mee wrote Free back a few days later, asking for clarification and wondering if other new and existing claimant groups were required to

provide similar information.

On Thursday, Free left a voice mail message for Mee asking for more information as specified in her earlier letter, stating: "I want to let you know that tomorrow is the deadline, tomorrow, that's June 2nd, is the deadline for a response on that letter because we will be making determinations on most appropriate claimants at that point."

Mee assumed Free meant the claimants would be chosen by the museum Friday. E Nana Pono's response, faxed to Free Friday morning, said her voice mail message contradicted previous correspondence with the museum, that there had been no response to the group's request for clarification, and reiterated a earlier complaint that the tenor of Bishop Museum's queries were in violation of the NAGPRA process.

E Nana Pono asked that "the so-called deadline be rescinded," and a new deadline made public, an explanation of the procedures and standards by which the museum evaluated claimants, and that the group be allowed to "view the items" to ensure their safety.

In a response dated Monday, Free backed down and told E Nana Pono that the museum's board of directors would be choosing official claimants, and that they'd like to have additional information by June 14.

## MUSEUM: Park Service demands an explanation

FROM A-1

damage by insects, humidity and other natural factors."

The Park Service had also received a letter from the Office of Hawaiian Affairs — another claimant group — asking that the federal agency to look into the matter. This week's letter to the museum says that press coverage of the affair since had revealed that the objects were no longer in the museum and other claimant groups were not in agreement, and the OHA letter reinforced that impression.

Duckworth responded to Stevenson in a letter dated this morning saying that the artifacts were "loaned" to Hui Malama. "The loan was subsequently made to Hui Malama, based on representations that the other three claimant groups had knowledge of, and agreement with, the interim storage location that had been secured by Hui Malama. We soon found out that was not the case, and called a meeting of all the

groups at which Hui Malama admitted its responsibility for the loan being enacted.

"Let me emphasize that 1) a similar loan had been made in this same case one year prior, again entrusted to Hui Malama, and no problems or disagreements arose; and 2) as stated, this is a loan, and not an act of repatriation."

He also told Stevenson that he and the museum had publicly apologized in April, that the museum was formulating a revised NAGPRA collections policy, and that the museum had notified the four recognized claimants that if they were not in agreement by July 1, the items currently hidden in the hills of Kawaihae were to be returned.

"Finally," Duckworth added, "let me also assure you that members of the Museum's administration, including our Collections Manager, have inspected the items' interim storage location, and the security arrangements, and found that the items are secure from damage as well as the



# Artifacts to be returned, as claimants wish

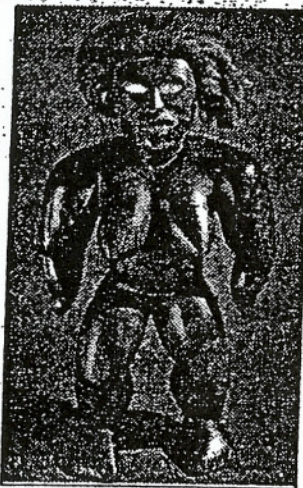
By Robbie Dingeman  
ADVERTISER STAFF WRITER

The Bishop Museum will recall a controversial loan of rare Hawaiian artifacts, after six of 11 organizations claiming the objects supported their return.

Museum officials said the museum's board of directors had voted Wednesday to proceed with the recall. Museum spokeswoman Ruth Ann Becker said the board also "directed the museum administration to consult with the claimants on the appropriate steps to take in recalling the loan."

The group of organizations will meet again Tuesday. The artifacts include a famous carved wooden female figure; two stick 'au-

See ARTIFACT, A10



Advertiser library photo

A collection of Hawaiian artifacts including this wooden figure, taken from Bishop Museum for reburial, generated controversy that has now led to their recall.

## Artifact: Claimants split on fate of heritage items

FROM PAGE ONE

makua, or family gods; and two gourds decorated with human teeth.

The controversy began Feb. 26, when museum officials released 83 artifacts to Hui Mālama I Nā Kūpuna O Hawai'i Nei, prompting objections from others who also claim a right to the priceless objects. The dispute deepened when Hui Mālama leaders said the items had been reburied in a Big Island cave.

Hui Mālama representative Eddie Ayau yesterday declined to comment until members had had a chance to discuss the issue.

Becker yesterday said four organizations favored a recall and return of the artifacts to the museum; two preferred a recall and transfer of the artifacts to another site on the island of Hawai'i.

Last month, the museum recognized six additional organizations as claimants. It added the Nation of Hawai'i, represented by Dennis "Bumpy" Kanahele, after reconsidering its earlier rejection of the group.

Favoring return of the artifacts to the Bishop Museum, sources say, are Kekumano 'Ohana, Hawaiian Genealogy Society, the Royal Hawaiian Academy of Traditional Arts and the Van Horn Diamond 'Ohana. Favoring recall with relocation to the Big Island

are Na Papa Kanaka O Pu'ukoholā Heiau and the Kōhokole 'Ohana. The state Department of Hawaiian Home Lands preferred no recall.

Four organizations did not provide a written response: Hui Mālama, Nation of Hawai'i, Hawai'i Land Burial Council and the State Office of Hawaiian Affairs.

Becker said the museum expects to establish a time line and procedures for the recall, as well as "what is appropriate in cultural terms."

Mel Kalahiki, of the group Papa, said he hopes it move quickly. "I would hope decision could be made in October to this whole situation behind us."

Van Horn Diamond, whose family is a claimant, said he believes the artifacts must be turned to the museum for inventory. "All the items that were in the loan agreement that we need to come back. They need to be examined to make sure they're all there."

Diamond said the claiming organizations can then help to determine the fate of the items, with help from families who come from that region of the Big Island.

The artifacts fall under the federal Native American Graves Protection and Repatriation Act, which attempts to return human remains and other cultural items to indigenous groups.





Wednesday, September 20, 2000



## Documents hint at plans for cave artifacts

By Burl Burlingame  
Star-Bulletin

Removal of valuable Hawaiian artifacts from Bishop Museum late in February has been described by the museum as a case of bureaucratic oversight on its part and overzealousness on the part of Hui Malama, the Hawaiian group that misled the museum into handing over the artifacts.

But federal financial documents show that Hui Malama planned to remove the artifacts many months in advance, and even targeted the end of February.

In a financial progress report to the Department of Health and Human Services through Sept. 29, 1999, Hui Malama po'o (president) Kunani Nihipali discussed the group's accomplishments of the previous year, noting that Forbes Cave iwi kupuna -- mummified remains -- had been repatriated to Hui Malama for reinterment in Kawaihae Cave on the Big Island.

The report added that the Forbes Cave moe pu -- funerary objects -- had been retained at Bishop Museum due to balking by the Department of Hawaiian Home Lands (which it