

Don't wake the dead

❑ Ancient burial sites are being desecrated, often out of ignorance

Editor's note: Place names have been intentionally omitted in an effort to protect the location of Native Hawaiian burial sites.

By Jason Armstrong
Tribune-Herald

Keikialoha Kekipi has not only heard of the illegal desecration of Native Hawaiian grave sites, he is a victim of the vandalism.

"It's happening statewide, but in Puna it's happening too many times," said Kekipi, a member of the state Hawaii Island Burial Council.

Much of the activity is occurring at a "bone plain" located along the Puna coastline and identified by the state's Historic Preservation Division, Kekipi said of the area he and other volunteers help maintain.

The largest site contains more than 100 unmarked burials, all of which are easily accessible, said Marc Smith, the state's assistant Hawaii Island archeologist.

Smith said his inspection of the graves showed "they'd all been vandalized at some point."

Under state law, it is illegal to knowingly alter any grave site more than 50 years old and located on



KEKIPI



T-H photo by William Ing

County Councilman Gary Safarik examines the rockpile wall enclosing an Hawaiian gravesite located in a Puna lava field.

state, county or private land. A similar prohibition exists for federal land.

"No matter whose property that is, those burials are our inheritance," said Kekipi, whom the state recognizes as having the same bloodline as Native Hawaiians who lived in the area.

Violations can trigger a fine of up to \$10,000 for each offense and a

possible penalty equal to the value of the damaged site, according to the law. The state also may seize excavating equipment and vehicles used to access a desecrated burial.

The penalties, however, have not deterred vandals from desecrating Native Hawaiian graves.

See GRAVE ISSUE,
Page 6

GRAVE ISSUE: Education seen as one solution

From Page 1

"It's a problem that we're having everywhere — just the looting of sites in general," Smith said. "Greed, I guess, would be the theme."

He noted adze or fish hooks found in graves can bring hundreds of dollars.

Money was not what led to the October 1999 removal of human skeletal remains from one of the graves, said Lawrence Terlep Sr., Big Island chief of the state's Division of Conservation and Resources Enforcement (DOCARE).

"(I'm) deeply hurt 'cause it's my ohana," Keone Kalawe said when asked about the incident involving one of the numerous family burial sites he frequently restores.

Kalawe is an acknowledged lineal descendant of the bones, which Smith has stored for nearly two years in a cardboard box in his Hilo office.

Noting the area's newest grave was made in 1901 and belongs to his great-great-great-grandfather, Kalawe said he feels victimized by the removal of his ancestral remains, or iwi, and by the lack of prosecution.

Kalawe said he is torn between his cultural obligation to replace the bones and the need to keep them for use as evidence in what he hopes will be the prosecution of the people who took them.

According to documents reviewed by the Tribune-Herald, three women visitors from the mainland removed a 10-inch bone and part of a jawbone complete with teeth, which they then gave to Keaau police.

"They thought they were doing the right thing," said Terlep, whose office is responsible for investigating the robbing or alteration of Hawaiian burials.

"They were just tourist-types that did not use good judgment," he said.

Police reprimanded the women and allowed them to return to the mainland.

Because the tourists had already left the Big Island, the state Attorney General's Office decided not to pursue charges and closed the case.

However, the office last week reopened the investigation at the request of Gilbert Coloma-Agaran, chairman of the state Department of Land and Natural Resources, Terlep said.

"We're still looking into it to see what options we have with these tourists," said Dawn Shigezawa, deputy attorney general.

In his April 18 letter, Coloma-Agaran wrote that action is warranted.

"The burial sites in the (coastal Puna) area have been subjected to desecration in the past and will continue to be harmed unless proactive action is immediately taken," he wrote.

"It's a problem that we're having everywhere — just the looting of sites in general."

**— Marc Smith,
state archaeologist**

The allowable time to prosecute the October 1999 incident, however, could expire in less than six months.

According to state law, damaging a burial is considered to be "desecration" that is a misdemeanor criminal violation for which prosecution must occur within two years after the incident occurs.

Infrequent prosecution

Kekipi said that when someone took human skeletal remains from his family grave site in 1994, he replaced them. By doing so, he made peace with his ancestors, but forfeited any chance the vandals would be prosecuted.

"This is our ohana," he said during a recent tour in which he pointed out several opened graves.

"I constantly put (the cap stones back)," he added while doing just that. "It's blasphemous in our culture to let the sun hit (the bones)."

Kekipi said he chalked up the 1994 incident to inexperience by law enforcement personnel and hoped the lack of prosecution would not be repeated. When bones from one of his ancestral graves were removed just five years later, Kekipi leveled his anger at Big Island police and DOCARE.

"They look at it as a victimless crime, and until they enforce, these laws mean nothing," Kekipi told the Burial Council during testimony he delivered as a private citizen.

He added, "when they get caught, we get the officers saying, 'You know what, bad judgment, gang. I got to let you go.' We get prisons filled with plenty people that get bad judgment. Why we never let them go?"

Police are sensitive to the desecration of burial sites, said Chief James Correa, who is part

Native Hawaiian.

"We do have some training," he said of education Smith and others provide to all new police recruits.

Veteran officers also receive burial-related training, Correa said, adding he feels confident police can handle burial cases.

Law enforcement officers face the challenge of identifying the origin of bones or other artifacts taken from graves, Smith said.

"It happens infrequently where we're successful in prosecuting (violators)," he said.

Another hurdle involves catching the perpetrators while they are in the process of disturbing a grave, he noted.

Kekipi said he is very frustrated at both the continued desecration of his family's graves and the lack of prosecution.

"I don't know what I'll resort to (if I catch someone robbing a grave)," he said.

Coastal road building leads to "constant" desecration

Unlike Western cemeteries where headstones identify graves, Native Hawaiian burials are unmarked. They typically are made from piles of neatly stacked rocks designed to blend in with the surroundings.

"You see anything like this, just stay away," Kekipi said.

Because of the care used in selecting a burial spot, discovery of grave sites had been rare. However, a road built about five years ago now allows fishermen, swimmers and even tourists in two-wheel drive cars to pass within 26 feet of one of the burials that make up the Puna cemetery.

A recent trip to the site revealed several vehicles using the road.

Natural camouflage makes the grave sites nearly indistinguishable from rocks left by a lava flow. Once pointed out, however, clusters of graves appear to grow out of the Puna coastline.

"It's one constant thing," Kalawe said of the desecration. "The problem actually is the road. Ever since they get the road, it's (been) an ongoing problem."

The road is on 116 acres of state land, yet state officials, several area landowners and others all said they have no idea who bulldozed the roughly two-mile long path through the lava field.

Harry Yada, the state's Big Island land agent, said there are no plans to block the road, which crosses an older, rougher

road that fisherman have used for years.

"They made the road more accessible right up to the iwi," Kekipi told the Burial Council. "Before, you needed at least one four-wheel drive if you was going (to) choose that route. Now rental cars drive all the way up."

Education and hope

Government and individual efforts are underway to educate the public about the harm caused by burial desecration.

The state is producing a video that will be used to teach police, private landowners, contractors and others about the need to preserve burials, said Clifford Inn, state historic site specialist.

"I don't think there's anything else out there like this," he said of the video and accompanying Web site that should be completed by October.

Puna Councilman Gary Safarik pledged to seek money to pay for a similar video he wants shown on airlines so visitors will know what a Native Hawaiian burial is and not to touch it.

"We're coming out with a resolution from a county perspective to address that issue," he said.

Safarik also said he plans to coordinate an intergovernmental task force aimed at education, enforcement and preservation of Native Hawaiian burials in Puna, while still allowing shoreline access in a district that lacks ocean swimming access.

Noting something must be done to protect the burials from further desecration, Safarik said the task force project could serve as the model for the rest of Hawaii.

Kekipi and Kalawe said those efforts are only a start.

They want the state to cordon off the coastal road, build a stone-wall buffer 300 feet from the graves, and encase the burial tops with cement. Also needed are signs that identify the sites as being historic and warning trespassers of the penalties involved with harming them, they said.

Tourists must be told that the burial sites are protected so they cannot later claim ignorance, Kekipi said.

Kekipi said he realizes the dilemma posed by drawing attention to burials while at the same time asking visitors to leave them untouched.

"We really have no recourse but to hope for the best," he said.