

Testimony of Leinā‘ala Kuloloio Vedder
Maui Lāna‘i Island Burial Council, Maui County
May 15, 2019

Good afternoon Chair Kapulani Antonio and Maui Lāna‘i Island Burial Council. My name is Leinā‘ala Kuloloio Vedder. I am testifying on Agenda Items: A, B, C, D, E, F, G, H, I J, K, L, M, and N determining the claims of individuals as **“cultural descendants to unidentified human skeletal remains”** to particular identified Tax Map Key areas on Maui. I wanted to be present today, but my kuleana to my po‘e haumāna is of greater priority.

I have family members, (none who are on the agenda and are soliciting recognition by this council today,) who are recognized as cultural and lineal descendants by several State of Hawai‘i Burial Councils, Office of Hawaiian Affairs, Kamehameha Schools, Native Hawaiian Organizations, and Corporations. I am reserving the right not to disclose them as it is part of public records.

You are all tasked today in accordance to **§13-300-24** to decide if anyone on the agenda is recognized as a *“'Cultural descendant' means...with respect to Native Hawaiian skeletal remains, a claimant recognized by the council after establishing genealogical connections to Native Hawaiian ancestors who once resided or are buried, or both, in the same ahupua‘a or district in which certain Native Hawaiian skeletal remains are located or originated from.” HAR § 13-300-2.* However, these persons are claiming recognition to *“Unidentified Human Skeletal Remains. . . located within specific Tax Map Keys in the Wailuku and Waihe‘e Ahupua‘a”.* How are the persons on today’s agenda proposing to show genealogical connections to *“Unidentified Human Skeletal Remains?”* I implore this council to do its due diligence to the duties, responsibilities, and administrative rules of this body particularly **§13-300-35 Recognition of lineal and cultural descendants.** That all information (published or not) shown to you today can *“establish a lineal connection between the claimant and the human skeletal remains”* and you are qualified to *“assess whether direct or collateral genealogical connections can be demonstrated between the claimant and certain human skeletal remains.”*

Will your decision today affect everyone in Hawai‘i, America/Columbia, Africa, Europe, Australia, Portugal, Asia, and other countries wanting the same recognition claiming descendant rights to *“Unidentified Human Skeletal Remains. . . in the Wailuku and Waihe‘e Ahupua‘a”* or the larger part of Maui? Will they be part of the decision making of

§13-300-33 Request for council determination to preserve or relocate Native Hawaiian burial sites. §13-300-34 Request for department determination to preserve or relocate non Native Hawaiian burial sites. §13-300-36 Criteria for evaluating request to preserve or relocate Native Hawaiian burial sites. and §13-300-37 Criteria for evaluating request to preserve or relocate non Native Hawaiian burial sites. Will this open the door for thousands of lineal and cultural descendents claiming recognition of unidentified human skeletal remains at the Battle of Kepaniwai? It's a National Park. What happened to those iwi?

Are those on today's agenda equipped emotionally, mentally, physically, socially, and spiritually to take *kuleana* of the *"Unidentified Human Skeletal Remains?"* Have **they** done that before? Have their **parents** done that before? Have their **grandparents** done that before? I wonder if any voting member of this council have personal experiences of caring for *"Unidentified Human Skeletal Remains"* and is willing to share with those on today's agenda items. Or is that something that was taught to you, NOT TO SHARE because that is *maha 'oi*.

An article in the Maui News dated May 4, 2019 read; Judge Orders Radar Analysis for Maui Lani Project. Survey aimed at locating possible burials before grading.

"A 2nd Circuit judge has ordered that ground-penetrating radar analysis be done on remaining work areas in the Maui Lani Phase 6, Increment 4 housing project where Native Hawaiians fear the desecration of burial sites.

Before groundwork can proceed again in Increment 4, **the radar analysis must be done** to look for burials where *"substantial ground disturbance"* will be conducted for the installation of sewer, drain, water, electric and cable television lines, telephone vaults and utility poles, according to a written order from Judge Joseph Cardoza issued April 19.

Cardoza's order comes after he granted a preliminary injunction April 5 prohibiting work at the Maui Lani Phase 6 site. Jennifer Noelani Ahia, a cultural descendant of burials found at the site, filed a complaint in February against the state, the county and Maui Lani landowner HBT, alleging that the project had disturbed about 180 burials."

All of you should know, perhaps with the exception for your newest member. That Judge Cardoza is in violation of:

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

HISTORIC PRESERVATION DIVISION

CHAPTER 300

RULES OF PRACTICE AND PROCEDURE RELATING TO BURIAL SITES AND
HUMAN REMAINS

§13-300-32 Physical Examination of Human Remains.

(c) Physical examination methods shall consist only of the observation of metric, non-metric, or other relevant traits needed to suggest ethnicity, or a combination thereof, if necessary.

Any intrusive or destructive examination method including, but not limited to, x-ray, radio carbon dating, and mitochondrial DNA analysis, is prohibited unless a written request is made to the department and written approval is granted prior to the initiation of any such examination. **Photography of human skeletal remains subject to examination pursuant to this subsection shall be prohibited**, unless written consent is first obtained from the council where ethnicity is suggested to be Native Hawaiian, or the department, where ethnicity is suggested to be non Native Hawaiian. Failure to comply with this subsection may subject a violator to the penalties stated in section 13-300-43.

What does this mean? Is this what Jennifer Noelani Ahia want? Are you satisfied that someone and persons who wants to be recognized and have the authority as a **“cultural descendent”** is promoting the desecration of using a **radar device** to find iwi? Is this kind of **military device** that was **used on Kaho‘olawe to identify unexploded ordinances** of which hasn‘t found 100% of all unexploded ordinances. Is there a radar manufactured to find bones? What’s next?

Have this council spoken to the Attorney General and seek advice? How does this affect MLIBC? Are the dead subjects to scientific experiments and destructive examination methods? Is this the intent of the Burial Councils? Was this the intent of the creators of the original Burial Council Administrative Rules? Is this what your uncle, aunty, parent, or grandparent wanted? Are the Hawaiian, Hawaiians, Native Hawaiians, native Hawaiians, Kanaka, Kanaka Maoli, Kānaka, Kānaka Maoli, Lāhui Hawai‘i and whatever label we have subjugated ourselves to being called the laughing stalk of the White Anglo-Saxon Western Mentality. Is this part of their Goal? Who drank the Kool-Aid? Is this the kind of education you‘re teaching your children? What are we actually teaching our children? You want me to educate your children and children’s children and tell them what?

If those on the today’s agenda want *kuleana* to care for **“Unidentified Human Skeletal Remains”** or any human skeletal remains. Then do it in peace, reverence, humility, and endearment while being discreet. Like some of us.

He mū o ia

