

Repatriation of Human Remains at Marine Corps Base Hawaii

The following is a brief summary of the repatriation effort conducted by Marine Corps Base Hawaii, Kaneohe Bay (MCBH) followed by a synopsis of efforts to execute Native Hawaiian claimant requests for reburial. The ultimate objective is to present a snapshot of the intricacies of conducting statutory consultation with multiple groups who submitted claims for repatriation of the collection of Native Hawaiian human remains found on the Mokapu peninsula.

The Mokapu Burial Area

The Mokapu peninsula is located on the northeast side of the island of O’ahu between Kailua and Kane’ohe Bays. MCBH currently occupies this entire peninsula. The archeological evidence from Mokapu provides a picture of the indigenous inhabitants of windward O’ahu, during the 500 years prior to Captain James Cook’s “discovery” of the Hawaiian Islands in 1778. These early Hawaiian inhabitants established temporary campsites on the peninsula shorelines as they sought out abundant marine resources for their subsistence. They were probably members of extended family units totaling not more than 150 people at any given time. These Hawaiian family groups used the peninsula’s northernmost sand dunes for burial.

The picture of pre-Contact occupation described above resulted from archeological data gathered during systematic excavations of Mokapu’s northern sand dunes that were conducted as early as 1938. In these few years prior to the Pearl Harbor bombing in 1941, the federal government was acquiring the various privately owned and territorial parcels of the Mokapu peninsula for military use. Beginning as early as 1917, and continuing intermittently over the next two decades, the Bishop Museum accepted isolated human remains which were reported by local residents as having eroded out of Mokapu’s sand dunes. With the threat of war and the increased focus on establishing the Mokapu peninsula as a strategic military installation, two archeologists, one from the Bishop Museum and one from the University of Hawaii, applied for permission to excavate the sand dunes. The excavations, conducted on weekends between 1938-1940, resulted in the recovery of human skeletal remains representing more than 1,300 individuals.

By 1943, the federal government had acquired the entire Mokapu peninsula. The government operated the peninsula first as a Naval Air Station (NAS) throughout the World War II, followed by commissioning of the Kaneohe Marine Corps Air Station (MCAS) in 1952. During the Kaneohe NAS years, a commercial sand mining operation was established on the peninsula’s northern sand dunes that supported a buildup of military infrastructure both on the peninsula and at other installations island wide. The dune sand was used as padding for installation of underground utilities and concrete building foundations. As a result, isolated human remains, whose original burial had been located in Mokapu’s sand dunes, were disturbed and inadvertently deposited elsewhere on the peninsula and to other locales throughout the island.

In the early 1970s, as federal and state governments were beginning to identify and inventory the nation’s significant cultural resources, Kaneohe MCAS nominated the Mokapu sand dunes for listing on the National Register of

The Mokapu Burial Area consists of the high vegetated sand dunes, seen in the left foreground and extending the length of this coastline to Ku’au, the name of the pinnacle rock seen at the right above. Photo courtesy Jon Chun, Marine Corps Base Hawaii (MCBH).



Historic Places (NRHP). In 1972, these sand dunes became known as the Mokapu Burial Area and were listed on the NRHP as Site 50-80-11-1017. Marine Corps assets on O'ahu Island were consolidated in 1994, resulting in the establishment of Marine Corps Base Hawaii with the Mokapu peninsula, known as MCBH Kaneohe Bay, being its largest land holding. Current efforts to maintain, repair, and replace World War II era buildings and infrastructure on MCBH often result in the inadvertent discovery of isolated human remains whose original burial locales had been within what is now the Mokapu Burial Area.

NAGPRA Compliance and Consultation

MCBH completed its inventory of Native Hawaiian human remains in 1994, when it published the requisite Notice of Inventory Completion in the February 28 *Federal Register*. This inventory identified the Mokapu Collection of Native Hawaiian human remains (referred to below as the Mokapu Collection) as representing at least 1,582 distinct individuals. The solicitation of claims for the Mokapu Collection that accompanied the 1994 Notice of Inventory Completion resulted in the submittal of numerous competing claims from Native Hawaiian individuals and organizations.

The initial efforts at consulting with these first claimants took the form of written correspondence culminating in one large group meeting, near the end of 1994, which resembled an adversarial town meeting with the government representatives on one side facing Native Hawaiian representatives on the other. The representatives for MCBH urged the many claimants to work out differences among themselves and to submit a second "unified" claim as being the fastest route to a resolution of this apparent claimant competition. This suggestion was received with anger and frustration among some of the claimants since their own attempts to unite failed. Thus, the responsibility for executing repatriation became the onus of the Marine Corps, as the government agency mandated to take such action.

Multiple Competing Claimants

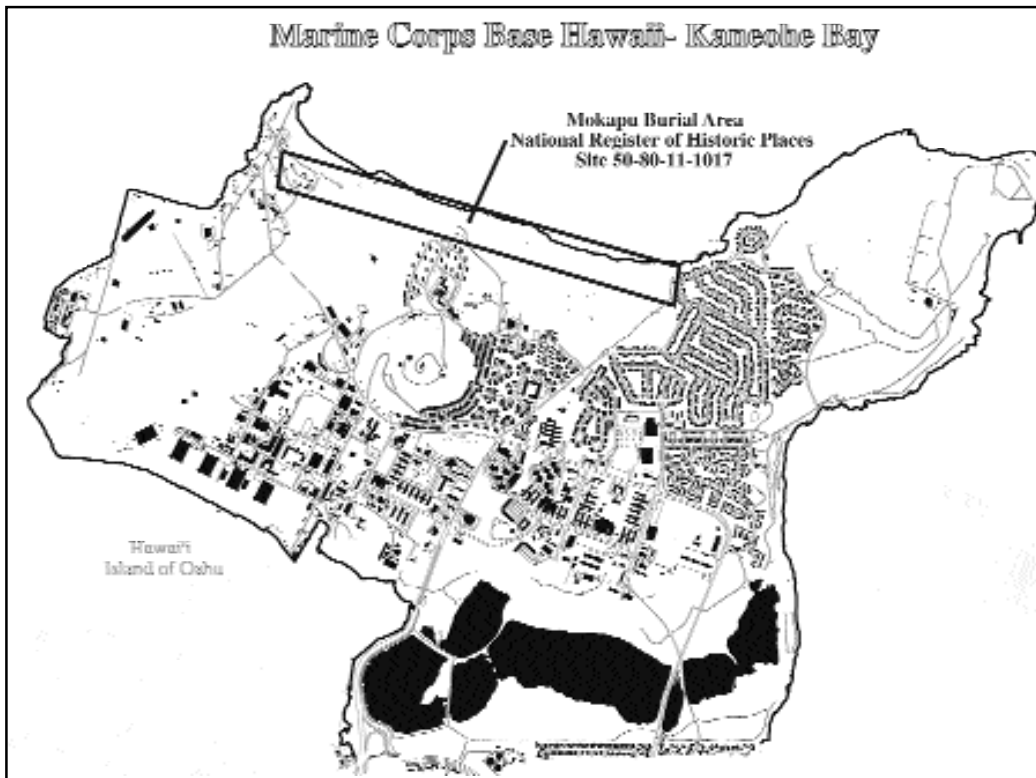
Acting in good faith, MCBH turned to the NAGPRA regulations for guidance in evaluating these multiple claims. Unfortunately, the procedures listed in the NAGPRA regulations for evaluating multiple competing claims lack the practical means to reach a resolution. Additionally, as the MCBH legal staff realized that the NAGPRA

regulations were not going to be of much help in resolving competing claims, it also became increasingly clear that the claimants themselves were often baffled with the confusing "maze" of regulations.

Thus, early in the repatriation process, MCBH accepted responsibility for aiding the claimants in their understanding of the extensive procedures required for repatriation of what they believed were their rightful ancestral remains. Specifically, MCBH opted to become partners with these claimants and together learn as much as possible regarding the implementation of a successful repatriation process. MCBH sponsored NAGPRA training workshops for both the claimants and base staff, attempted to learn about centuries-old Native Hawaiian burial traditions, and tried to interpret the NAGPRA regulations in ways that would support the integrity of such traditions.

For example, the NAGPRA criterion for claims of lineal descent (43 CFR 10.2(b)(1)) can only be met if the individual sets of remains can be specifically named or identified. However, pre-Contact Hawaiians purposefully buried their loved ones in nondescript ways to inhibit desecration of their ancestors' remains by rival families or chiefs. Thus, the vast majority of traditional Hawaiian burials found during modern times is lacking identification. Indeed, none of the 1,582 individual sets of remains in the Mokapu Collection could be named as specific individuals. Thus MCBH realized that all of the lineal descent claims from families and individuals would have to be denied. Rather than accept denial and exclusion of the lineal descendant claims based on a definition that did not take into account the specific traditions of Native Hawaiian burial, MCBH allowed for these Native Hawaiian families to resubmit their claims as Native Hawaiian organizations claiming cultural affiliation. Ultimately, all the claims for lineal descent were resubmitted as cultural affiliation claims from Native Hawaiian organizations, and these organizational claims were subsequently afforded equal standing as claimants under the NAGPRA regulations due to the broad nature of the qualifying criteria listed for Native Hawaiian organizations.

At this point in the repatriation process an important success had been achieved: MCBH had used the NAGPRA regulations to allow for equality among all claimants who wanted to be



Marine Corps Base Hawaii, Kaneohe Bay, is located on the Mokapu peninsula on the northeast coast of O'ahu Island. The Mokapu Burial Area, National Register of Historic Places Site 50-80-11-1017, is located along the northern coastline of the peninsula as illustrated in the aerial photo above. Courtesy Jon Chun, MCBH.

part of the Mokapu Collection repatriation. Soon after this success, however, difficulty arose in dealing with these multiple culturally-affiliated Native Hawaiian organizations. This difficulty arose from the claimants' disparate views on Native Hawaiian traditions regarding the treatment and care of their ancestral remains. In the end, the Native Hawaiian organizations wanted MCBH to judge the various claims and thereby limit which ones could or could not keep their standing. Since there were no procedures in the NAGPRA regulations for agencies to "judge" or limit such claims, MCBH saw that it had to get the claimants to realize that the only way to keep this repatriation process moving was to recognize all the Native Hawaiian organizations as the rightful claimants for the repatriation of the Mokapu Collection. Thus, the Notice of Inventory Completion published in the August 31, 1998, issue of the *Federal Register* states that the Marine Corps repatriated the Mokapu Collection to 21 Native Hawaiian organizations who had filed claims. Then in April 1999, five years after publication of the first Marine Corps *Federal Register* Notice of Inventory Completion, final repatriation was completed.

Successful Consultation

The process of consultation executed by MCBH, albeit lengthy, was nonetheless success-

ful because it culminated in the repatriation of the Mokapu Collection to all 21 Native Hawaiian claimants who had filed claims of affiliation with this collection of remains. During the course of these several years, many differences emerged among the numerous representatives of the Native Hawaiian organizations who were engaged in this process with MCBH. However, these consultations were ultimately successful due to the following key accomplishments:

- During the latter three years of the repatriation consultation process, MCBH established consistent agency points-of-contact (POC) which included one civilian cultural resources specialist and one or two specific Marine Corps officers.
- Face-to-face meetings were scheduled on a regular basis which afforded the claimants the opportunity for continual contact between themselves and the MCBH representatives.
- The process was modified in ways that helped to support the integrity of the cultural traditions that formed the basis of these Native Hawaiian claims.
- Though some claimants were adamantly opposed to MCBH acting as facilitator and/or mediator in this consultation process, MCBH did support and conduct mediation or facilitation when it seemed the only way to keep the process moving.
- Over time, MCBH learned to be better listeners and realized that many of the claimants took great satisfaction in knowing that, though ultimate decisions would be made by the base commanding general and not by his POCs, it was the familiar base POCs who were committed to hear them out.
- Ultimately, the single most effective action accomplished in this consultation process was enforcing equity among the claimants by

ensuring that all those who wished a voice in this process were guaranteed that voice.

Repatriation and Beyond

Through more than five years of active consultation, MCBH found that trust from the claimants was earned through our perseverance and commitment to bringing repatriation to a successful end. Once repatriation was finalized, a majority of the 21 recognized Native Hawaiian claimants, who ultimately became “owners” of the Mokapu *iwi kupuna* (Hawaiian phrase for “bones of the ancestors”), submitted to MCBH written requests for support and permission to rebury their ancestral remains on the Mokapu peninsula and thereby allow for their ancestors to “return home.”

The United States Marine Corps is a combat organization whose mission is one of military

readiness and global projection of operating forces. Though reburial of Native Hawaiian ancestral remains is not required under NAGRPA and is not essential for global military readiness, the Marine Corps has nevertheless supported this reburial request because it is the right thing to do. The Marine Corps takes its resource stewardship responsibilities seriously, and MCBH is committed to providing such stewardship for the remains of those who first resided on the Mokapu peninsula.

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David L. Conlin

Recovery of the Confederate Submarine *H.L. Hunley*

Historians point to the March 9, 1862, engagement between the Union ironclad USS *Monitor* and the Confederate ironclad ram CSS *Virginia* in Hampton Roads, as a pivotal moment in the development of modern naval warfare. Though most would argue that the obsolescence of wooden ships of sail was vividly demonstrated in Virginia that day, fewer are able to appreciate that an equally significant development in naval warfare—the first successful attack on a surface ship by a submarine—occurred just two years later off the coast of Charleston, South Carolina. While the tactical and strategic impact

of armored battleships crested and then declined in the first half of the 20th century, the implications of that first submarine attack continue to affect global geopolitics and strategic thinking today.

Submarine warfare during the Civil War emerged largely as a Confederate response to the Union blockade of southern ports. Within the tightly constrained context of the blockade emerged a remarkable drama of actions and reactions, causes and effects, and technological innovations and responses that culminated dramatically in naval combat off Charleston in early winter 1864.

In 1864, the northern blockade was in full force, and its crippling economic effects had begun to bite deeply into the South’s ability to fight the war. Unable to compete at an industrial level with the Union, the Confederacy turned to technological and tactical innovation to break the Federal stranglehold on southern ports, sometimes with spectacular results.

On February 17, 1864, the tiny Confederate submarine *H.L. Hunley*, under the

As this issue of *CRM* goes to press, archeologists have almost completed the excavation of *Hunley*’s interior, which filled with sediment following the sinking in 1864. Remains of eight of the crew have been found, and it is likely that the ninth crewmember will be recovered as well. To date, the reasons for *Hunley*’s loss remain a mystery. For the latest infomation, go to <<http://www.hunley.org>>.