

Do natives have the right to kill seals?

Even though Hawaiians of old didn't hunt monk seals for food, native Hawaiians should have the right to kill endangered species for personal consumption. That is the defense a federal public defender may use when he represents Kauaian Daniel P. "Gana" Kaneholani in court on the charge that Kaneholani killed and slaughtered a Hawaiian monk seal in violation of the Endangered Species Act, in Anahola in March.

Court documents filed by public defender Hayden Aluli in Honolulu say Kaneholani, 31, who is a Hawaiian living on the beach at Anahola as well as

leasing a Hawaiian Homes home there, may have the same fishing and hunting rights as American Indians. Aluli said Kaneholani might have those fishing rights because he's a "native tenant" of the Anahola "ahapua'a," a pie-shaped area of land that runs from the mountains to the sea. He said Ancient Hawaiians living on ahapua'a were allowed to hunt, gather and fish within ahapua'a boundaries.

Aluli says Indians and Eskimos who live in Alaska may hunt endangered species for "subsistence purposes," and he likened Hawaiian Home Lands to Indian reservations, under

federal law. The fact that the Office of Hawaiian Affairs has said it could find no historical documentation of Hawaiians ever using seal meat in their diets, and that OHA commissioners have said publicly that they abhor the killing, doesn't make a difference, Aluli said.

He says the Endangered Species Act gives native Alaskans the right to hunt any endangered or threatened species, not restricting them to traditional forms of hunting.

U.S. Magistrate Daral Conklin granted Aluli extra time to do more research on this possible

defense, postponing the trial set for August until Oct. 23.

Assistant U.S. Attorney John Peyton reportedly said he wasn't familiar with ancient Hawaiian practices but will be studying the subject to respond to Aluli's claims.

Kaneholani is charged with shooting the adult female seal in the head, dragging the body to a stand of ironwood trees on the beach at Kahala Point, beheading it and stripping meat off its back. The decomposed carcass was discovered by a National Marine Fisheries Agent

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★ monk seal ★ Continued from Page 1)

a several days later.

The seal was one of three seals frequently seen resting in the sun on beaches around Kaua'i. It appeared she may have given birth to a pup several months earlier but the pup was never found.

Community members expressed outrage at the murder of one of an estimated 1,500 monk seals in existence.

The maximum penalty for violation of the federal Endangered Species Act is one year in jail and a fine of \$10,000.