

increase... Ms. Tillery and the three-bedrooms increase \$200. I wrote mail complaints, but she didn't get the courtesy of a reply. I wrote use they didn't "call." It's just a matter of mentioning those or are "too busy to do anything about it."

Stoney

nts dog quarantine ended

100 Waihee: 20th ago, I wrote to Calvin Lum, D.V.M. - Ag. Div. of Animal Industry concerning the dog fine in Honolulu. I am him these questions. all the years the quarantine has been in effect, how many dogs came down with rabies? and against the disease? it even possible for a dog that had been rabid? many dogs have died in quarantine of causes, though I enclosed a self-addressed envelope, Mr. the Honolulu dog quarantine is a crime by the Hawai'i against her peoples, and should be August Heldt

postcards from Kavaiaans

um: is Vanessa Close, I am in the 3rd grade of B.B. nary School in The Colony, Texas, and we are special project. My reading class teacher is Mrs. our help. We would like to receive postcards eat town. If you publish this letter in your Editor, we would appreciate a postcard from town. By the end of the school year, we hope full of postcards from different cities across cs. o much for your assistance in this valuable ect. sa Close entary 75056

2/4/90
 'Endangered' Hawaiian
 defends dining on seal

**'Endangered' Hawaiian
 defends dining on seal**

To the Forum:
 I am accused of killing and taking the meat of a Hawaiian monk seal. I'm getting mighty upset with what the government is trying to do to me and my family, and it's going to stop.

The Hawaiian monk seal population is 5,000. How do you think I feel as a pure Hawaiian with a 100 percent blood line, the landlord of this island and I'm less important. Does the government have the right to put a mammal before a human being? And if that's so, that means that if you are starving, you as a human being have to die because you can't eat the mammal because it's protected and human beings aren't? As a native of this island with a 100 percent bloodline, I should be an

Daniel P. Kaneholani,
 Mad Native

you worry
 you conditioned to believe
 everything you read or that has

**The Garden Island
 defends dining on seal**

endangered species too (that's how I feel). I feel this way because I, as a pure Hawaiian, am the less people of the Hawaiian Islands. I am the landlord of these islands and if anybody has the right to fish or hunt on these islands, it is me. I have a family too, three children, ages 4 to 7, and I'm really proud of that. They have a loving mom too. So what did I do to your family? I fish to feed you, the people of Kauai. So why take it out on my family? You don't pay me a cent from your pockets, so why tell me what I can eat?

Well, my next court date is Feb. 23. Til then.
 Daniel P. Kaneholani,
 Mad Native

knowledge and knowledge is the key to your rights. We have law that are protected under

Again I tell you, ignorance is not your fault. It just means lack of knowledge, which is why native Hawaiians are in the state we are! But here is hope and it has come to Kalaui, Hawaii. A Hawaiian nation made up of Hawaiians and non-Hawaiians for the betterment of all Hawaiians. We are for a sovereign Hawaiian nation under federal protection. A nation within a nation such as our Indian brothers have. But not the same! We as a people can make a difference; together we can unite and change the course of history to right the wrongs.

Which have so many people conditioned to past injustices, or scared of the system. If you are willing to stand for justice and honor, we together can have a united Hawaiian community, which can change the lies and speak the truth so all can hear what really is the truth. I myself got tired of reading only lies and half-truths and seeing Hawaiian areas abused. I was once blind but now I see.

I myself got tired of reading only lies and half-truths and seeing Hawaiian areas abused. I was once blind but now I see.

Letters to the Forum must be signed, giving name, address and phone number where the writer may be reached. Names and towns, but not addresses or phone numbers, will be printed with the letters. No unsigned letters will be considered for publication. Short Island prints all signed preference. The Garden libelous or in poor taste, regardless of the issues discussed or the opinions expressed. Printing of a letter is not an endorsement by The Garden Island of the opinion it contains.

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APR 8 1989

“Any attempt to fabricate a non-existent cultural practice in defense of a totally abhorrent and illegal act is unconscionable.”

— Thomas Kaulukukui Sr.

Early Hawaiians didn't eat seals, OHA leader says

By Suzanne Tswei
Advertiser Staff Writer

The Office of Hawaiian Affairs, concerned that native Hawaiian rights may be used in defending a Kauai man accused of killing an endangered Hawaiian monk seal, has written to the man's attorney advising him that ancient Hawaiians did not hunt or eat seals.

The office yesterday publicized the letter, written by OHA Chairman Thomas Kaulukukui Sr. to Deputy Federal Public Defender Hayden Aluli, which said "any attempt to fabricate a non-existent cultural practice in defense of a totally abhorrent and illegal act is unconscionable."

Aluli is representing Daniel Kaneholani, 32, a Hawaiian fisherman accused of killing a female Hawaiian monk seal in March. Kaneholani, of Anahola Bay, pleaded not guilty to a misdemeanor charge of violating

the federal Endangered Species Act and is free on bail pending trial May 28.

Aluli could not be reached for comment yesterday. He had said he would try to find out whether hunting seals was a Hawaiian custom and try to seek an exemption from the federal act for his client.

Aluli had said Hawaiians may have a constitutional right to follow their ancestors' customs because other native American groups have won exemptions. For example, Indians are allowed to hunt bald eagles for certain religious and ceremonial purposes, he said.

However, the letter said "there is no evidence that pre-contact Hawaiians ever hunted or ate seals." The letter cited three experts who said seals were never considered a traditional food source by the ancient Hawaiians.

Edith McKenzie, a Hawaiian

studies instructor at Honolulu Community College, and Puakea Nogelmeier, a Hawaiian language instructor at the University of Hawaii, both said contacts between humans and seals were rare and that there were only passing references to Hawaiian seals, the letter said.

Alan Zeigler, formerly of Bishop Museum's Vertebrate Zoology Department, said no Hawaiian seal bones or bone fragments have ever been uncovered in any archaeological site in Hawaii, the letter said.

Furthermore, the letter said that linguistic evidence indicates that seals were so rare in Hawaii there was no common name for the animal.

"Hawaiian monk seals are on the federal endangered species list for a very good reason. It is estimated only 1,000 to 2,000 of them are left on earth."

"A modern-day kepu has been established to prevent their ex-

tingtion. In ancient Hawaii, any one violating a kapu faced severe and certain punishment," the letter said.

The letter also noted that OHA's board of trustees does not intend to prejudice Kaneholani's guilt or innocence.

Authorities suspect Kaneholani killed and butchered a Hawaiian monk seal on March 13 when he was seen leaving the area where the seal was later found. The seal was killed by a bullet between the eyes as it lay on a beach.

The seal was dragged from the shore and decapitated. Its back was cut open and two long sections of meat were removed from the loin area. Kaneholani offered some seal meat to others, authorities said.

The slaying of an endangered Hawaiian monk seal is a misdemeanor punishable by a year in federal prison and a \$25,000 fine.

Food defense shot down in seal killing

An attempt to use the claim that a native Hawaiian on Hawaiian Homes land has the right to kill an endangered animal for food to justify the slaughter of a monk seal at Anahola in March, was shot down by a federal magistrate in Honolulu Monday.

Daniel "Ghuna" Kaneholani, 31, who lives on Anahola Beach, was charged with violation of the federal Endangered Species Act for his alleged role in the shooting of the seal.

The federal law doesn't prohibit Kaneholani from hunting for monk seals because he's a native Hawaiian, hunting on Hawaiian land, federal Deputy Public Defender Hayden Aluli argued for his client.

Aluli argued that Kaneholani had rights similar to those of native American Indians to hunt and fish on their reservations.

He produced references from an historical book that says ships

commissioned by the Kingdom of Hawai'i in the early 19th century hunted for seals and brought back their skins.

That argument was countered by Assistant U.S. Attorney John Peyton, who said that according to a monk seal expert with the National Marine Fisheries, William Gilmarin, the seals mentioned in the book weren't Hawaiian monk seals, and they weren't hunted in Hawai'i but in waters of the Northwest Pacific and as far away as Hudson Bay.

Aluli cited an account of a seal found at Hilo Bay in 1900 and eaten by native Hawaiians, who were "curious about the animal of which they knew nothing."

Magistrate Daral Conklin told Aluli that the idea that the Hawaiians were curious about the seal seemed to contradict his claim that native Hawaiians hunted the mammal.

Conklin also said there is no

evidence that native Hawaiians hunted for monk seals or that they had a right to kill them. And that even if he were to compare Hawaiian Homes land with an Indian reservation, the federal law would still apply because this violation involves "taking from the sea," not from the land and the rivers.

Aluli agreed he didn't have any concrete evidence that native Hawaiians hunted monk seals but he wanted to establish that they have a right to take them from the sea.

Conklin said that when the federal law was considered, everyone had a chance to argue for exemptions but both the Territory and the State of Hawai'i have always some of the strongest advocates for fish and game preservation.

The magistrate said that when the Territory and the state passed its own laws, it didn't exempt Hawaiians.

Along with Conklin's decision not to allow this argument, he denied Aluli's motion to dismiss the misdemeanor charge and a motion to suppress evidence in the case.

Aluli had claimed that Samuel Kaleiohi who turned the seal meat he found in his sister's (Mrs. Reis) freezer, was a "government" agent who got the meat without a warrant. Peyton pointed out the meat was relinquished voluntarily and Kaleiohi was just a concerned citizen, and the judge agreed.

Aluli had withdrawn a second motion to suppress evidence, prior to Monday's hearing. That "evidence" involved hair found in the back of Kaneholani's pick-up truck.

The decks have now been cleared for a trial in federal court in Honolulu Oct. 28, and the request for a trial by jury

(Please turn to page 3)

★ hop seal ★

(Continued from Page 1)

hasn't been changed.

If Kaneholani is found guilty, the maximum sentence would be two years in jail and a fine of \$100,000.

Kaneholani is free on \$3,000 bail posted by the Hawaiian Legal Defense Fund.

The dead seal was found by Kahala Point. It was a 9-foot, 800-pound adult female who appeared to have given birth a

few months before. The remains of the seal were discovered by Gene Whitham, National Marine Fisheries Agent, several days after it had been shot between the eyes and hauled into a stand of ironwood trees. Its head was about 100 feet away from its body and a six foot strip of meat had been taken from its carcass.

It is believed this was one of three Hawaiian monk seals who periodically rests and suns themselves on Kauai's beaches. Experts say there are only 1,500 to 2,000 Hawaiian monk seals left in the world.

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SEP. 27 1978



No Cultural Evidence Found Experts Say Hawaiians Did Not Hunt Or Eat Seals

By Ed Michelman
Public Information Officer

The Office of Hawaiian Affairs says there is no evidence to link early Hawaiians with the practice of hunting or eating seals. One of OHA's main goals as a state agency is to preserve and promote Hawaiian culture. This is why OHA trustees expressed serious concerns following reports that assistant federal public defender Hayden Aluli is considering a "native Hawaiian rights" defense in the case of Daniel Kaneholani, who is accused of killing an endangered Hawaiian monk seal.

An April 6, 1989 letter to Aluli, signed by OHA Chairman Thomas Kawakui, Sr., says in part: "The Board, of course, in no way intends to prejudge the guilt or innocence of Mr. Kaneholani. However, any attempt to fabricate a non-existent cultural practice in defense of a totally abhorrent and illegal act is unconscionable."

"There is no evidence that pre-contact Hawaiians ever hunted or ate seals. Researchers such as Edith McKenzie and Puakea Nogelmeier say there are only passing references to Hawaiian seals, indicating that contact with humans was rare and that seals were never considered a traditional food source."

This contention is supported by Alan Ziegler, former head of the Bishop Museum's vertebrate zoology department. Ziegler states that no Hawaiian seal bones or bone fragments have ever been uncovered in any archaeological site in Hawaii.

The linguistic evidence also indicates that seals were uncommon creatures in Hawaii prior to 1778, just as they are today. The Hawaiian names for seal are "liholohokauaua", "hulu", "kila", and

"sila". "Kila and "sila" are derived from the English name for the animal, "liholohokauaua" is a descriptive name which means "the dog which travels the rough seas". This indicates that seals were so rare in Hawaii, there was no common name for the animal. The word, "hulu" means fur and probably was introduced by early whalers who

traveled to areas such as Alaska where fur seals were hunted.

Hawaiian monk seals are on the federal endangered species list for a very good reason. It is estimated only 1,000 to 2,000 of them are left on earth. A modern day kapu has been established to prevent their extinction.



Hawaiian monk seal.

Photo courtesy of Pacific Missile Range Facility, Kauai.

Right to kill seals rejected

Charge against Kaneholani stands

By Ken Kobayashi

Merritt's Courts Writer

A federal magistrate yesterday rejected a claim that native Hawaiians have a right to kill the endangered Hawaiian monk seal for food on Hawaiian Home lands.

Federal Magistrate Daral Conklin denied a request to dismiss the misdemeanor charge against Daniel P. Kaneholani, 31, who is accused of violating the federal Endangered Species Act by slaying a monk seal on Kauai in March.

Federal Deputy Public Defender Hayden Aluli argued that the federal law doesn't prohibit a native Hawaiian, such as Kaneholani, from hunting for monk seals on Hawaiian Home lands at Anahola, Kauai.

As a resident of that land, Kaneholani retains rights under ancient Hawaiian law granted to the occupiers of the Hawaiian Home lands, which were set aside by federal law for the benefit of native Hawaiians, Aluli said.

Aluli argued that those rights are similar to the rights of native Ameri-



In Court

can Indians to hunt and fish on their reservations.

Conklin, however, said there is no evidence that native Hawaiians hunted for monk seals or that they had a right to kill those mammals.

And he said even if he were to consider Hawaiian Home lands similar to an Indian reservation, the federal law would still apply because the case involves "taking from the sea," and not the land.

The magistrate said when the federal law was considered, everyone had a chance to argue for exemptions, but the Territory of Hawaii and, later, the state of Hawaii were among the strongest advocates for fish and game preservation.

He said the Territory and state passed their own laws, which "didn't

say they applied to everybody except Hawaiians.

Aluli produced a references from a historical book that ships commissioned by the Kingdom of Hawaii in the early 19th century hunted for seals and brought back seal skins.

But Assistant U.S. Attorney John Peyton said that according to William Gilmartin, a monk seal expert with the National Marine Fisheries Service, those seals were not Hawaiian monk seals and were hunted in waters of the Northwest Pacific and as far away as Hudson Bay.

Aluli also cited an account of a seal found at Hilo Bay in 1900 and eaten by native Hawaiians, who were "curious about the animal of which they knew nothing."

Conklin said the account seemed to contradict Aluli's assertion that native Hawaiians hunted the mammals. Aluli conceded that there is "a lack of concrete evidence," but said he wanted to establish that native Hawaiians did have "the right to take (the seals) from the sea."

Kaneholani's trial is scheduled for Oct. 23.

Man pleads guilty to seal slaying

by Georgia Mossman

An Anahola man pleaded guilty to violating the federal Endangered Species Act by shooting and slaughtering an Hawaiian Monk Seal on Kauai in March.

Just before his trial was to begin in federal court in Honolulu on Monday, Daniel "Ghuna" Kaneholani's attorney sent word that his client was willing to enter a guilty plea. Part of the plea agreement was that a weapons charge against Kaneholani would be dismissed, in exchange for his cooperation in further investigation of the crime, according to U.S. District Attorney John Peyton.

Witnesses said Kaneholani had asked two people if he could

borrow their guns to shoot the seal, and they both said no. But he did get a gun from someone, and he also borrowed rope, "and we want to know who he got them from and if he had help dragging an animal that size from the ocean and across the sand to where the carcass was found," Peyton said.

Kaneholani is free on \$5,000 bail to await sentencing on the misdemeanor Feb. 5. The charge carries a maximum penalty of \$25,000 and one year in jail.

In earlier court hearings, Kaneholani's attorney, federal Deputy Defender Hayden Aluli, claimed Kaneholani, as a Native Hawaiian, had a right to kill the seal on Hawaiian land, a right similar to those of native American Indians to hunt and

fish on their reservations. But the judge had overruled these arguments.

Recently Kaneholani told The Garden Island that he was just following his culture, following in his curu-man's footsteps with his fishing. That it was white man's culture that made this illegal.

National Marine Fisheries agent Gene Whitham was called to Kauai in March with a report that one of the endangered seals had been murdered at Kahala Point near Anahola Beach, few days earlier. Investigation led him to the discovery of a decomposing carcass of a female adult seal who had been shot between the eyes and dragged up the beach to a stand of ironwood trees where it was beheaded and

a meat was stripped from its back.

Kaneholani gave some meat to Evelyn Reis, to keep in her freezer, and her brother, Samuel "Buff" Kaleohi called federal authorities. Prior to Kaneholani's pleading guilty, he told The Garden Island that the meat he gave Reis was goat meat, but it was seal meat that Kaleohi gave to authorities.

The entire community, including many Hawaiians, was outraged by the killing of one of the three seals that had been seen regularly sunbathing on Kauai's beaches. And various Hawaiian organization spoke out against the killing, saying ancient Hawaiians didn't kill seals or eat

(See seal slaying on Page 3)

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THE HONOLULU

★ seal slaying ★
(Continued from Page 1)

their meat.

Whitham said the seal was 9 feet long and he estimated its weight at about 500 pounds. A veterinarian examined the carcass and felt the seal had given birth a few months before. Word went out for people to keep their eyes peeled for a pup whose life would be at risk because of its mother's death, but there was no sighting of the pup.

Over Labor Day weekend, William G. Gilmarin, director of the Marine Mammals & Endangered Species program in Honolulu, with assistance from friends, campers and area fishermen, removed a fish hook from the jaw of a year-old seal, on Kauai's south shore.

Gilmarin said this seal, which was tagged shortly after it was born, was the first reported monk seal birth in the Hawaiian Islands in about 10 years. This was the second attempt to remove the hook and this time the seal was found sleeping on the beach near where the seal was born.

As to whether this is the pup that the seal that was murdered gave birth to, Gilmarin could only say it was about the right age. The Hawaiian monk seal was listed as an endangered species in 1976 and it's estimated that there are only about 1,500 of these seals still in existence. To assist in the recovery of the monk seal populations, the program Gilmarin is heading, NMES, began a "Head Start" project in 1982 to increase first-year survival of female monk seal pups at Kure Atoll, where the population was on the verge of becoming extinct.

"Graduate" females in the program are now giving birth and the number of seals is expected to continue to increase. Ten seals were born at Kure this year, compared to only one in 1986, Gilmarin said.

Kaneholani is the first person to be prosecuted for killing a seal, but there have been other violations of the federal Endangered Species Act involving the taking of turtles and the harassment of dolphins, whales and albatrosses, Peyton said.

Seal killer gets a year — and banishment

By Ken Kobayashi
Advertiser Courts Writer

A Kauai man was sentenced yesterday to a year in jail for killing an endangered Hawaiian monk seal last year, but was allowed to remain free provided he lives on Oahu pending an appeal.

Daniel P. Kaneholani, who is claiming that the federal endangered species laws doesn't apply to him as a native Hawaiian, was sentenced by federal Magistrate Daral Conklin.

The hearing lasted nearly five hours, first focusing on whether Kaneholani should get the one-year sentence requested by federal prosecutors, and then on whether he should remain free pending an appeal that could run longer than his jail term.

Kaneholani, 31, pleaded guilty to shooting the female seal at Anahola, Kauai, in March last year on condition that he could appeal the rejection of his claims that he should be exempt from the federal law as a native Hawaiian hunting for food on Hawaiian Homes Lands.

Kaneholani said he was "wrong" and promised not to kill any other monk seals, but said he lives "off the land" and feels he has rights as a native Hawaiian.

Conklin, however, went along with Assistant U.S. Attorney John Peyton's request for the maximum jail term for the misdemeanor. The magistrate said Kaneholani killed the seal with "a bullet between its eyes" and used the meat for a barbeque at a "beach party."

He also cited Kaneholani's

criminal record of assault, harassment and reckless endangering, and said the loss of the mature female seal was significant.

William Gilmartin of the National Marine Fisheries Service estimated that there are only 350 mature females among the 1,700 Hawaiian monk seals, most of whom are found in the Northwest Hawaiian Islands.

Despite Peyton's strenuous objections, Conklin then ruled that Kaneholani could remain free on bail. The magistrate, however, said he could not allow Kaneholani to remain free unless he moved from Kauai where he has had problems with his family and others at Anahola.

That brought strenuous objections from federal Deputy Public Defender Hayden Aluli, who argued that the magistrate was "banishing (Kaneholani) from his family, his home, his kids and his lifestyle."

Conklin, however, said there was no other way Kaneholani could remain free.

The magistrate said Kaneholani must leave Kauai by noon Monday and live on Oahu, the only island, other than Kauai, where the federal probation office can regularly test Kaneholani for alcohol.

The magistrate ordered Kaneholani to refrain from consuming alcohol and drugs and to submit to alcohol and drug tests as directed by the probation office.

Aluli later said Kaneholani will abide by the conditions, but said they will discuss whether it may be better for him to start serving his jail sentence now.

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