

NEWS BREAK

Article: Hawaii lawmakers seeking protection for symbols, words

Section: MAIN, A1

Sunday's News Break selects an article from **Sunday, April 21, 2019**, of The Seattle Times print replica for an in-depth reading of the news. Read the selected article and answer the attached study questions.

You are encouraged to modify this lesson to fit the needs of your students. For example, some classrooms may be able to use this as a worksheet and others might need to ask and answer the questions in a small group or larger, class discussion.

**Please be sure to preview all NIE content before using it in your classroom to ensure it is appropriate for all of your students.*

Standards:

CCSS.ELA-Literacy.RI.4.1

- Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

CCSS.ELA-Literacy.RI.4.2

- Determine the main idea of a text and explain how it is supported by key details; summarize the text.

Objectives:

Students will discuss cultural appropriation and talk about the issue of trademarking native cultural words or symbols, and whether that's right or wrong. They'll share any examples they've seen in their own community or in the media? Students will debate whether they think legislation will stop the abuse/bullying of native people from using words and symbols that are important to their culture.

Vocabulary Building:

Read this sentence, what do you think the highlighted words mean using *context clues*? A **context clue** is a word or words that are hints and refers to the sources of information outside of words that readers may use to predict the identities and meanings of unknown words.

CULTURAL APPROPRIATION: 'Aloha Poke' trademark irks Native Hawaiian restaurant owners

Write your guess and then look up the definition and write it below your guess. How close did you come to the correct definition?

CULTURAL APPROPRIATION Guess:

CULTURAL APPROPRIATION *Definition:*

Comprehension Questions:

1. Last year, much of Hawaii was shocked to learn a Chicago restaurant chain owner had trademarked the name “_____” and written to cubed-fish shops around the country demanding that they stop using the Hawaiian language moniker for their own eateries. The cease-and-desist letters targeted a downtown Honolulu restaurant and a Native Hawaiian-operated restaurant in Anchorage, among others.
2. Now, Hawaii lawmakers are considering adopting a resolution calling for what?
3. The resolution calls on state agencies and Native Hawaiian organizations to form a task force to develop a legal system to “recognize and protect” what?
4. It also seeks protections for genetic resources, such as _____, a traditional crop that legend says is an ancestor of the Hawaiian people and that scientists have tried to genetically engineer.
5. The task force would be commissioned to submit its recommendations and any proposed legislation to lawmakers in _____ years.
6. The Aloha Poke incident echoes past disputes. What other examples did the article give?
7. Aloha Poke Shop in Honolulu initially ignored the Chicago company’s letter, said co-founder Jeff Sampson. When the issue burst into the news, he and his partners had an attorney write their Chicago counterpart saying they wouldn’t change their name. They explained there would be no confusion between their businesses because they operated far from the mainland company’s stores.

But Tasha Kahele, who is Native Hawaiian, has spent nearly \$_____ so far changing her Anchorage store’s name to Lei’s Poke Stop after receiving one of the letters.

8. Native Hawaiian experts note there’s a cultural clash underlying much of this. Modern European-based traditions use trademarks, copyright and patents to create economic incentives and rewards for creating knowledge and culture. _____, on the other hand, is often passed on through generations and held collectively.

9. It will be difficult to determine who would decide who can use _____ and who would be able to use it. Limits may violate the First Amendment of the U.S. Constitution. The task force will have to explore who can do what, Lewis said.
10. The resolution points to potential models in _____ and _____, which both created signifiers that indigenous people may place on their art as a mark of authenticity.
11. What is the Silver Hand Seal in Alaska? How does it work? Who can apply? What's the downside of it?
12. Colman believes the Aloha Poke situation, on the other hand, could be addressed within existing trademark law. How?

Discussion Questions (small/large groups), Journal Prompts or Essay Questions:

- How does cultural appropriation factor in on the issue of trademarking native cultural words or symbols?
- Have you seen examples of this in your community or the media? Please share.
- Do you think legislation can stop the abuse/bullying native people from using words and symbols that are important to their culture? Why or why not?

Chicago's Aloha Poke chose as its battleground the word "aloha" — a term meaning love, compassion, kindness as well as hello and goodbye. It's a term central to how Native Hawaiians treat others and how many in Hawaii — Native Hawaiian or not — try to live.

- What do you think about Chicago's company trying to trademark the name Aloha Poke? Do you think he meant to be culturally insensitive? Why or why not?

"It's traumatic when things like this happen to us — when people try to take, modify or steal what's been in our people's world view for generations," said Healani Sonoda-Pale, chairwoman of the Ka Lahui Hawaii political-action committee, who testified in support of the resolution.

- Why would this be traumatic to the Hawaiian people and culture? Do you understand this from their perspective?

“At the least, they need to have some cultural sensitivity about how it’s used. And they need to know you can’t be telling Native Hawaiian businesses they can’t use their own language,” Lewis said.

- Do you agree or disagree with Lewis’ statement?

News Break is posted to the Web on Monday. Please share this NIE News Break program with other teachers. To sign-up for the print replica for your class, please [register on-line](#) or call 206/652-6290 or toll-free 1-888/775-2655.
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Newsbreak Answer Key: April 21, 2019

Vocabulary Building:

CULTURAL APPROPRIATION: The unacknowledged or inappropriate adoption of the customs, practices, ideas, etc. of one people or society by members of another and typically more dominant people or society.

"His dreadlocks were widely criticized as another example of cultural appropriation"

Comprehension Answers:

1. Aloha Poke
2. The creation of legal protections for Native Hawaiian cultural intellectual property. The effort predates Aloha Poke, but that episode is lending a sense of urgency to a long-festering concern not unfamiliar to native cultures in other parts of the world.
3. Native Hawaiian cultural intellectual property and traditional cultural expressions.
4. Taro
5. 3 years
6. When a non-Hawaiian photographer claimed copyright over an image of a woman dancing hula, and Disney copyrighted a modified version of a Hawaiian chant used in a movie.
7. \$10,000
8. Indigenous culture
9. Native Hawaiian culture
10. New Zealand and Alaska
11. Marie Texter of Anchorage said her late father Andy Makar — who drew, made carvings from tusks, cottonwood and horns, and sewed animal skins — was a strong believer in the Silver Hand seal for Alaska Natives.

"He said this is a great program because so many times the Native artwork gets commercialized or used by someone else," she said.

He had to fill out proof of his Indian blood — he was mostly Yup'ik, but his mother was Athabascan — to apply.

But Rosita Worl, president of Juneau-based Sealaska Heritage Institute, said not all Alaska Native artists apply for or use the emblem. Nor does the program deter the sale of bogus Native art made overseas, she said. It also lacks enforcement and publicity, she said.

Charles E. Colman, a University of Hawaii law professor, said such programs hold up under federal law because they don't prohibit people

from making work that resembles indigenous art. They merely won't allow people to say their work is produced by an indigenous person if it's not.

12. He believes the Chicago company's trademark could be canceled if challenged because it's not so well known that its name has developed a secondary meaning the way the words in the retailer name "Best Buy" have, for example.

"You can't just register a descriptive phrase unless you've achieved a certain amount of public recognition," he said.

Discussion Questions (small/large groups), Journal Prompts or Essay

Questions: Answers will vary