I. CALL TO ORDER

Chairperson Kitty Lagareta called the meeting to order at 9:38 a.m. on Thursday, September 27, 2007, at the University of Hawaii at Hilo, Performing Arts Center, 200 West Kawili St., Hilo, Hawaii 96720-4091.

Regents in attendance: Chairperson Kitty Lagareta; Vice Chair Andres Albano, Jr.; Byron W. Bender, Ph.D.; Michael A. Dahilig (arrived at 10:45 am, September 27, 2007); Ramón de la Peña, Ph.D.; James J.C. Haynes II; Allan R. Landon; Ronald K. Migita; and Jane Tatibouet. Excused: Marlene Hapai, Ph.D.

Others in attendance: President David McClain, Ph.D.; Vice President for Academic Planning and Policy Linda Johnsrud, Ph.D.; Vice President for Administration Sam Callejo; Vice President for Budget and Finance/Chief Financial Officer Howard Todo; Vice President for Legal Affairs and University General Counsel Darolyn Lendio, Esq.; Vice President for Research Jim Gaines, Ph.D.; Vice President for Information Technology Services/Chief Information Officer David Lassner, Ph.D.; Interim Associate Vice President for Student Affairs Karen Lee; Interim Executive Administrator and Secretary of the Board Presley Pang, Esq.; and others as noted.

II. APPROVAL OF MINUTES

Regent Haynes commented that the July 2007 minutes cited the President’s remark that out of 100 students entering the ninth grade, only 12 will graduate in six years from a four-year college. He noted that there is a lot of work ahead to improve those numbers.

Upon motion and second, the minutes of July 26, 2007, and August 24, 2007, were unanimously approved.

III. PUBLIC COMMENT PERIOD

The Chair indicated that public testimony would be received roughly in the order of sign up. She requested that the testifiers observe a 3-minute time limit due to the number of persons wishing to testify on the various topics.

[Secretary’s Note: Public comment began at approximately 9:45 a.m. on Thursday, September 27, 2007. A recess was taken between 11:30 a.m. and 11:45]
a.m. The Board recessed for lunch between 12:00 noon and 1:45 p.m. The oral testimony concluded at approximately 2:45 p.m.

At approximately 2:45 p.m., the Chair asked the Secretary to recap the written testimony received both in opposition to and in support of the establishment of an Applied Research Laboratory.

A transcript of the public oral testimony is attached to these minutes as Appendix A. The oral remarks have been edited for formatting and ease of reading. Included in Appendix A is the Secretary’s reading of the written testimony received.

The meeting was recessed at 2:59 p.m. and reconvened at 3:19 p.m.

IV. REPORT OF THE PRESIDENT

President McClain reported on the following:

• Campus enrollments are up by 500 students for Fall 2007.
• Associate Professor Kim Binsted returned from four months in the Canadian arctic simulating a Mars environment.
• Monte Watanabe, engineering graduate, was the third best electrical engineering student in the country.
• UHM’s Library Science master’s program was named one of the top ten by US News and World Report.
• The University received a $1 million scholarship from Eddie Flores, CEO of L & L Diner, for the Shidler School of Business.

The President requested that the following comments he delivered in his September 2007 convocation address be included in the minutes:

In the last three years the University has received $200 million in additional and continuing operating funds from the State—about $125 million for salaries for faculty, staff and about $75 million for new programs. We received $377 million in additional capital improvement funds financed by general obligation bonds, including $166 million earmarked for capital renewal and deferred maintenance and health and safety.

We’re using public-private partnerships to address the state’s higher education needs, building out new dormitories at Maui and Mānoa, and creating whole new campuses in West O’ahu and West Hawai‘i.

We’re making headway on improving the education pipeline from early childhood to university. Our P-20 initiative, which is a partnership with the Good Beginnings Alliance and the Department of Education, recently received a $10 million grant from the Kellogg Foundation to ensure that all eight year olds can read on grade level by 2015. The American Diploma
Project and the Achieving the Dream Initiatives, financially assisted by the Castle Foundation and the Office of Hawaiian Affairs and Kamehameha Schools are also promoting college readiness.

And I’m also pleased to report the Kellogg Foundation has contacted us again about doing additional funding for the University.

We are responding to workforce development issues by creating construction academies in 26 public high schools. Initially by creating STEM—that’s science, technology, engineering, and math—academies in 14 public high schools, and the innovative MELE program at Honolulu Community College.

And we’ve started an Emerging Leaders Program to grow our own leaders. We had 125 applications for the first cohort, which began recently with 32 participants under the leadership of Vice President Johnsrud.

We’ve also received a visit last spring from the Western Association of Schools and Colleges. In a visit to the UH System office, it praised the governance process as practiced by this Board of Regents and the UH System. And as the newly formed Candidate Advisory Council screens candidates for the Board of Regents, I believe it will want to select individuals able to sustain this record of accomplishment.

But there is more to be done. We need to improve our college going rates, our retention and transfer rates and our graduation rates, setting and reaching specific goals that will bring us to levels achieved by our peers.

We also need to do more to ensure the safety of students on our campuses. And in that regard, our supplemental operating budget request, which the Board will consider in a few moments, has as its top priority $8 million in funding for additional security on our campuses, building on the funds received from the Legislature in the last three years.

And then we absolutely need to do more to improve the quality of our facilities and to create additional housing for students and for faculty. In the coming decade retirements will force us to compete for new faculty talent, but our ability to do so will be compromised by high housing costs.

And in this regard I’m pleased to report to the Board a measure of success on all three fronts. First, the Legislature has approved and the Governor has signed authority for UH to issue, with approval of the Governor, up to $100 million in special purpose revenue bonds, which will allow us to address our student and faculty housing needs.

And we’re exploring global financial institutions and with the UH Foundation a program similar to one used by some private schools for their faculty, under which the school, in this case it would be the UH Foundation, guarantees the down payment for new faculty.
And then, finally, effective with next spring’s faculty recruiting cycle, Vice President Howard Todo will restart the University’s mortgage assistance program, suspended several years ago. We’ll start with an initial capitalization of $1 million, to be increased if the initiative with local financial institutions and with the UH Foundation doesn’t bear fruit.

Finally, we need to do more to ensure success—access with success for students in underrepresented groups, particularly Native Hawaiians, whose culture and values are the core of the University’s Strategic Plan for the year 2010.

We’ve made significant strides in promoting Hawaiian language, culture and values in our curriculum. At UH Hilo, we’ve launched a Doctorate in Indigenous Language Revitalization. At Mānoa, we’ve created Hawai‘inuikea, the School of Hawaiian Knowledge. Both are path-breaking in a global context.

At our Community Colleges, as noted above, with the help of the Office of Hawaiian Affairs and Kamehameha Schools, the Achieving the Dream Project is focusing on ensuring both access and success for Native Hawaiians. But we still need to do more than we have been to ensure that Native Hawaiians have access to these curricula.

And, in fact, we need to do more than we have been to ensure that Native Hawaiians have access to the entire body of remarkable scholarship in the arts and sciences available on all our campuses. And we need to do more to acknowledge the fact that this remarkable scholarship, for which our faculty are renowned, occurs in this unique physical and geographic environment on land first populated many centuries ago by the Native Hawaiians. And so simply put, we need to do more to acknowledge our role as stewards of these Hawaiian lands.

Last year some 3,000 Native Hawaiian students applied for financial aid. And while over 2,300 received some form of federal, state, UH or UH Foundation grant or scholarship aid, 700 were turned away. Total value of UH aid provided was about $2.5 million, including tuition waivers valued at about $900,000. In the spirit of stewardship, we can do better and must do better.

Accordingly, I recently announced at a meeting at Nanaikapono Elementary School in Nanakuli, starting with the fall of 2008, we will create a Second Century Scholars Program which, by fall of 2010, will double need-based aid to Native Hawaiians to $5 million per year. The UH System itself will lead this initiative, providing additional resources to our campuses out of the return of overhead funds from our research enterprise. We will work with the Office of Hawaiian Affairs, Kamehameha Schools and other Native Hawaiian education providers to ensure that the Second Century Scholars Program is well publicized to undergraduate and graduate students alike.
Fulfilling implementation of our strategic plan by 2010, many more Native Hawaiian children who aspire to be engineers or doctors or astronomers and marine biologists will know that they can pursue their dreams unfettered by financial restraints. The Second Century Scholarships for Native Hawaiians and financial aid provide a fitting leap forward for your University as we embark on the next 100 years.

In response to Regent Landon’s query on the increase in enrollment, President McClain clarified that the increase was systemwide. While UH Mānoa was down about 300, most campuses had increases. He noted that Hawai‘i Community College was rated 16th in the nation as one of the best community colleges by Washington Monthly.

In response to Regent de la Peña’s question, President McClain said that there are 400 Centennial Scholars, who must have 3.8 high school GPA or SAT scores of 1,800.

V. REPORT OF THE UNIVERSITY OF HAWAI‘I FOUNDATION

Foundation President Donna Vuchinich reported that the year-end endowment value was $180 million. Overall endowment performance was at 15.3%, outperforming the benchmark. Year-to-date, the campaign has raised a total of $190.1 million. The goal is $250 million by June 30, 2009.

In response to Chair Lagareta, President Vuchinich reported that a portion of the Shidler gift was put into a matching fund, which to date has matched close to $3 million in gifts.

Chair Lagareta asked how alumni are supporting the campaign. President Vuchinich replied that about 33 percent of alumni have given to the campaign. In comparison, UCLA’s alumni support is about 11 or 12 percent.

The Foundation is working with Mānoa Chancellor Virginia Hinshaw, Vice President for Community Colleges John Morton, and the UH Hilo campus to increase alumni support and engagement. The Foundation recently hired a person to focus on international engagements.

VI. AGENDA ITEMS

Acceptance of Gift and Approval of Naming of the Norman Loui Conference Center, Honolulu Community College

Honolulu Community College Vice Chancellor for Academic Affairs Erika Lacro requested approval to rename the Kapalama Media Conference Center to the Norman W.H. Lui Conference Center, in recognition of his generosity. A gift in excess of $3
million will be used to establish three separate $1 million endowments to support students in the technical and trades programs.

The first endowment is Lui Tools of the Trade Scholarship, to provide students with funds for tools and books.

The second endowment, Community Boating and Marine Technology Program, will fund development education and training activities for the community through the College’s Marine Education and Training Center.

The third fund is for the Lui Carpentry Student Innovations and Equipment Fund. This fund will support students interested in developing new processes, technologies, and products in the carpentry field.

Norman Lui was a local, successful businessman who was enrolled at Honolulu Community College’s carpentry program. The College felt extremely honored to be the recipient of one of the largest gifts given to a community college in the system.

Regent Dahilig moved to approve the naming of the Norman Loui Conference Center, seconded by Regent de la Peña. Regent Haynes commented that this gift is unique and outstanding and thanked the Lui family. The motion was unanimously approved.

Approval of the Applied Research Laboratory

President McClain commenced to the next item on the agenda, the proposal to approve the establishment of an Applied Research Laboratory. Chair Lagareta noted that this item and two other items were scheduled for an executive session to consult with attorneys pursuant to HRS §92-5(a)(4). Upon a motion by Regent Tatibouet, and second by Regent Haynes, the Board unanimously voted to convene in an executive session to consult with the Board’s attorneys pursuant to HRS §92-5(a)(4) and to discuss proposed personnel actions pursuant to HRS §92-5(a)(2).

The Board moved into Executive Session at 3:30 p.m. It reconvened at 6:19 p.m.

Upon reconvening in public session, President McClain requested that the Board authorize the establishment of the Applied Research Laboratory at the University of Hawaii and delegate to the President the authority to execute the associated contract and all documents necessary for the contract’s implementation consistent with the provisions provided in the action memorandum. The Applied Research Lab, a university-affiliated research center of the U.S. Navy, would be located administratively at the UH System with its executive director reporting to Vice President for Research Jim Gaines.
At the request of the Board Chair, President McClain read into the record portions of the Action Memorandum dated September 2007, submitted to the Board, which recounted the history of this project.

Thirty-four months ago, in November 2004, responding to a recommendation from then-UH Mānoa Chancellor Peter Englert, the Board gave its provisional approval to a U.S. Navy university affiliated research center, the Applied Research Laboratory at UH Mānoa, subject to (a) the completion of consultation and (b) the negotiation of a contract.

Such a center would involve the sole source provision — via “task orders” — of UH scientists’ expertise in astronomy, oceanography, advanced electro-optical systems, and communications systems. Task order sponsors could be the U.S. Navy, or any other federal agency, including agencies whose primary focus is not defense related matters such as the National Science Foundation and NASA. The center would be funded for three years, with an option for renewal for an additional two years, for a total of five years. It was estimated that a maximum of $10 million per year in task orders would be funded, for a total of $50 million.

Twenty-two months ago, in November 2005, in wake of a thorough process of consultation on her campus, Interim Chancellor Denise Konan recommended against proceeding with the ARL on the Mānoa campus, noting that “Due to the potential for research to be classified (such) research would more appropriately be located off-campus.” Her summary statement also read, “I am firmly committed to the ability of individual faculty members to pursue defense related research and funding” and “Faculty will continue to engage in naval research at our university.” During these consultations, the Mānoa Faculty Senate, the undergraduate student association, ASUH, and the Kuali‘i Council all recommended against proceeding with the ARL. The Graduate Student Organization (GSO) took no position.

Twenty months ago, in January 2006, the Board of Regents in an informational meeting took six hours of testimony on the proposed ARL. The Board learned that the overwhelming majority of the 100 most productive researchers on the Mānoa campus supported the ARL; a poll conducted by the UH Association of Research Investigators (UHARI) reflected a similar preference. Testimony received at the Board of Regents’ meeting was on both sides of the issue; for example, most in the law school were opposed, and most in the engineering school were in support. Overall, a majority of those who testified orally and in writing at the BOR’s information meeting were in opposition.
Nineteen months ago, in February 2006, I gave the Regents my recommendation on this matter. In coming to this recommendation, I met, inter alia, with the Pukoa Council, many of the member of which are also members of the Kuali‘i Council; Pukoa was against proceeding with the ARL at Mānoa. So also was the Student Caucus, composed of student representatives from each of the campuses in the UH System. I received no recommendation from the systemwide All Campus Council of Faculty Senate Chair, but the Faculty Senate of Hawai‘i Community College recommended against proceeding with the ARL at Mānoa, as did the Faculty Senate of the College of Arts and Sciences at UH Hilo. This latter body does not represent all the UH Hilo faculty, but it represents most of them.

I also consulted with the Council of Chancellors, with several members of the Native Hawaiian community not employed at UH, and with numerous others.”

The President added that outside counsel advising the Mānoa Faculty Senate identified seven areas of concern. He then read portions of his statement dated February 16, 2006, into the record. The issues identified by the Mānoa Faculty Senate’s counsel were the following:

1. Limitations on the disclosure of research information;
2. Authority to reject task orders found objectionable;
3. The so-called virtual offices and the use of property on non-UARC research;
4. Intellectual property rights;
5. Drug-free workforce and other personnel issues;
6. Impact of security classification procedures on research staff;
7. Organizational conflicts of interest and restriction on faculty contracts with non-UARC research.

President McClain said that, with regard to the limitations on disclosure of research information, he observed in February 2006 that current grants and contracts received by UH from several federal, State of Hawai‘i and industry sources contain some form of publication restriction which the researchers voluntarily accepted.

He said that the Navy does retain the final authority, after a request to disclose information has been made, to determine the meaning of sensitive and inappropriate information that may not be disclosed. If researchers involved in UARC voluntarily accept such a restriction, that practice would be similar to what already occurs with a number of other research relationships at UH.
Regarding the authority to reject task orders found objectionable, research by outside counsel concluded that in over 3,000 task orders given in other UARCs since 1997 involving some $3 billion in research work, there is not one example of the Navy exercising its unilateral option.

Other language elsewhere in the contract that suggest task orders are arrived at in a more collaborative fashion seems to be operative in other UARCs, leading President McClain to conclude that the risk of a unilateral task order is quite small.

With regard to organizational conflicts of interest, inside counsel advises that only those who work on the UARC projects will be affected by the organization conflict of interest issue; other researchers will not.

With regard to virtual offices, intellectual property, drug-free workplace issues, both inside and outside counsel advised that UARC doesn’t raise any issues that haven’t already surfaced in the current UH research portfolio.

President McClain returned to reading his September 20, 2007, memorandum into the record:

“I noted that Board of Regents’ policy characterizes UH’s primary mission as “…to provide environments (italics mine) in which faculty and students can discover, examine critically, preserve and transmit the knowledge, wisdom and values that will help ensure the survival of the present and future generations with improvement in the quality of life.” And I reviewed and addressed all of the issues raised by outside counsel obtained by the UH Mānoa Faculty Senate to evaluate the January 2006 version of the contract.

I observed that, as other universities know well, a facility like the ARL is a financially attractive construct. The university’s proceeds from a contract vehicle like the ARL are about 25 percent higher than under normal research contracts. One reason is that some direct costs (including certain personnel costs) are reimbursed; in the typical contract only indirect costs can be recovered. The typical ARL contract also permits UH to charge a fee for its services, unlike in normal research contracts.

Whether these superior returns are justified by the start-up costs of an ARL (much of which would later be reimbursable), by the additional administrative burden and expense, and by the risks involved is a matter of judgment.

Assessment of these risks involves a question of balance between the rights of individual researchers to pursue topics that interest them, and the concerns of some on the campus—perhaps even a majority—that all must engage in activities congruent with the majority’s particular perception of the university’s mission, values and strategic plan.
Because of the inherent diversity and need for freedom of inquiry which in my view does and should characterize the academy, I tend to be biased in favor of measures to support the individual scholar no matter how popular—or even more importantly, how unpopular—his or her research interests.

Assessment of these risks also involves a question of the capability of our institution to respond to the additional administrative responsibility that would come with the establishment of such a facility, a responsibility that would be all the greater if classified research were to be included in the task orders.

Considering all these factors, my recommendation to the Regents (available on the UH System website via the Office of the President, Remarks) consisted of five points:

1. Accept Interim Chancellor Konan’s recommendation that the ARL not be located on the Mānoa campus.

2. In its place, and in the tradition of our EPSCoR and P-20 grants and contracts, and the Maui High Performance Computing Center, the Regents should approve the establishment of the ARL as an administrative unit attached to the UH System.

3. Provide that the ARL will perform no classified task orders during its first three years of operation. This simplifies the administration of the ARL during its initial years, and addresses the “environments” issue profiled above.

4. Provide that the ARL will retain the option to terminate a task order should the research involved become classified after the task order begins. This approach mimics Stanford University’s approach to research which it finds classified in mid-stream, and gives UH additional flexibility, over and above current practice of moving projects off-campus, in this area.

5. Provide that UH will evaluate the ARL during its third year in terms of the financial and research returns received, and the costs and risks incurred, including the administrative burden associated with managing the ARL. If the ARL receives a favorable evaluation within the UH, the UH would invite the U.S. Navy to exercise its options for renewal of the contract for an additional two years. If the ARL did not pass the UH evaluation, or if it did and the U.S. Navy elected not to exercise its option, UH would discontinue the ARL.

CURRENT STATUS:
We have now completed negotiations on a contract that places the ARL at the UH System level. The contract reflects our intention to perform no classified task orders during the first three years, in that provisions in earlier versions of the contract that dealt with the establishment of a senior intelligence officer and a scientific and technical intelligence liaison officer program have now been eliminated (see pages 40-41, paragraph H.11 of the January 2006 contract). Earlier versions of the contract provided, and the current version does as well, that the UH would not generate classified material while undertaking task orders. Earlier versions of the contract provided, and the current version does as well, that the Navy will evaluate its experience in the third year of the contract. The UH will do likewise, and if both sides agree, we may renew the contract for an additional two years.

The financial plan for the ARL at the UH System level is attached, along with the organization chart indicating that the executive director of the ARL would report to the Vice President for Research. A complete copy of the contract is also attached and is available on-line at www.hawaii.edu/arl, as is a copy of my full statement to the Board in February 2006.

**ACTION REQUESTED:**

It is requested that the Board of Regents authorize the establishment of the Applied Research Laboratory at the University of Hawai‘i, and delegate to the President the authority to execute the associated contract and all documents necessary for the contract’s implementation, consistent with the provisions as provided hereinabove. The ARL, a University-Affiliated Research Center of the United States Navy, would be located administratively at the UH System.”

President McClain added further comments. Bringing this to the Board fulfills a commitment he made to the Board in February 2006. He commented that the angst experienced in today’s testimonies is a microcosm of our society. We have an unpopular war; we have an unfortunate history of the operations of the US military in Hawai‘i. He remarked that he found much of the testimony eloquent and moving.

The President said that the UH’s research portfolio during the last year shows that in the last year the University had 142 contracts from the Department of Defense totaling $65 million.

To the President, the issue is one of the degree of inclusiveness of the University. UH is a land-grant university, and its designation as such establishes a relationship with the Federal government, of which the military is a part.
Academic freedom is also a consideration, as noted in the President’s February 2006 statement: “I tend to be biased in favor of measures to support the individual scholar no matter how popular – or even more importantly, how unpopular – his or her research interests.”

At the same time, the University’s primary mission is to provide “environments in which faculty and students can discover, examine critically, preserve and transmit the knowledge, wisdom and values that will help ensure the survival of present and future generations with improvement in the quality of life.” It is for that reason that the President provided that the ARL perform no classified task orders during its first three years, and that – should a task order be classified after it begins – the University retain the option to terminate it, or to move the project off-campus.

The President noted former Interim UH Mānoa Chancellor Konan’s statements before the Board in January 2006 that she is firmly committed to sustaining the faculty’s ability to perform defense-related research, and that faculty will continue to engage in research for the U.S. Navy. And he noted current UH Mānoa Chancellor’s observation that the proposed ARL research is consistent with the kind of research that UH Mānoa has done over the last 60 years.

Addressing the matter of the extent and time provided for consultation, the President noted that in January 2006 the Board heard literally hundreds of separate testimonies on the ARL; in February 2006 he issued his recommendation on the matter; and in the intervening 19 months there has been ample opportunity for consideration of that recommendation. Further, as he committed earlier, the President posted the ARL proposal two weeks before a regularly scheduled meeting of the Board. The meeting today was not one specially called to consider the ARL, as some testimonies today have alleged.

With regard to the tenure and promotion issues that J. N. Musto raised in his testimony and the question of sensitive but unclassified research, the President noted that the University currently has about 180 contracts that involve some restriction on the publication of research without prior approval of the research sponsor; some are with our Federal government, and some with State government (e.g., the Board of Water Supply). The President commented that whether to become involved in research that has publication restrictions is a decision each individual faculty member must make, recognizing that such restrictions may limit the ability of one’s peers to evaluate one’s research.

President McClain noted that Representative Takumi had written to him in January 2007 posing questions about the process by which the ARL proposal was developed, and its connection to an earlier proposed project that was not funded, Kaie’e. The President responded to every question asked, noting that there was no connection, and Representative Takumi has chosen not to pursue the matter.
The President noted that while UH was developing with Federal funding a Panoramic Survey Telescope and Rapid Response System to discover and characterize earth-approaching objects, such as comets and asteroids that might threaten the planet, this PANSTARRS initiative was independent of the ARL.

On the issue of whether ARL is consistent with the strategic plan, the President said that the plan calls for excelling in basic and applied research for the discovery and dissemination of new knowledge. This requires building on existing research strengths and promoting internal and external collaborations, including partnerships with educational, government and business institutions to support a diversified economy, workforce development, and improved access to education by individuals of all ages.

Some testimonies cited the University's motto, “Above All Nations is Humanity”, and suggested that the ARL is inconsistent with that motto, and with the strategic plan’s grounding in Native Hawaiian values. The President stated that the motto meant what it said – that humanity is above all nations, including the American nation, and any Hawaiian nation. Humanity's best friend is freedom of inquiry, and the preservation of such freedom is the basis for his recommendation on the way to proceed with the ARL.

In his message to International Peace Day celebrated at the State Capitol on September 21, the President stated that peace and conflict are part of the human condition, and that institutions created by humanity create both peace and conflict. The greatest threat to peace is fascism, or what some have called the tyranny of the majority.

Regent Albano moved to authorize the establishment of the Applied Research Laboratory at the University of Hawai'i and delegate to the President the authority to execute the associated contract and all documents necessary for the contract implementation consistent with provisions as provided herein above. The ARL and University Affiliated Research Center of the United States Navy would be located administratively at the UH System. Regent Landon seconded the motion.

Regent Haynes indicated that he would vote against the motion. He said that he came to this decision a year and a half ago after listening to six hours of testimony. After the meeting, he had not made up his mind. The following Monday, he volunteered to plant trees on Kaho'olawe as a trustee for the Nature Conservancy. He saw firsthand the damage the Navy did to the land. As a Native Hawaiian, he possesses a great love for the aina. The Navy made a commitment when they first took that land that they would return it in its original condition. The Navy has not. The Navy reneged on its promise. The Navy partially cleared the land and walked away from the rest. There are large sections of the island that are still not cleared and are hazardous. In good conscience, Regent Haynes said he could not support this University entering into a partnership with persons who do not perform their commitments.

Regent Landon commented that he was impressed by the administration’s efforts to take seriously the testimonies and reports and to bring forward a balanced and acceptable arrangement. He remarked that he has had the opportunity to get to know
several senior military leaders and found them to be sensitive, thoughtful, and working hard to keep a balance between maintaining a strong defense capability, trying to contribute to world peace and be sensitive to where they live and where they participate. He was optimistic that the same Navy that did not keep its commitments with Kaho‘olawe is in a much better position now.

[Secretary’s note: At this point in Regent Landon’s remarks, a member of the audience interjected and accused the Regents of lying. He claimed that Pearl Harbor is a toxic “superfund” site that has been poisoning the fish and causing cancer. When asked by Chair Lagareta to show respect for all opinions and allow the Regents to continue with their deliberation, the audience member continued to interrupt. When the Chair reminded the member that this portion of the meeting was not an interactive session, the member said he didn’t care. Chair Lagareta then stated that it was apparent that the Regents were not going to get the same respect that was given to all public testifiers.]

Regent Albano called for the question.

By a vote taken by a show of hands Regents Lagareta, Migita, Landon, Albano, Tatibouet, and de la Peña voted yes. Regent Dahilig voted “yes, with reservations.” Regent Haynes voted against the motion. Regent Bender abstained. There being 7 Regents voting in favor of the motion, the motion carried.

Recess

Upon motion, and second, the Regents unanimously agreed to recess the meeting until the next day. The meeting was recessed at 6:48 p.m.

Reconvene

Nine regents being present, the meeting was reconvened on Friday, September 28, 2007, at 9:41 a.m.

XI. ELECTION OF BOARD OFFICERS

Regent Haynes nominated Allan Landon as Chair, seconded by Regent Tatibouet. Regent Dahilig nominated Ronald Migita, seconded by Regent de la Peña. At the request of the Regents a vote by written ballot was taken.

Following the distribution and collection of written ballots, Secretary Pang, assisted by General Counsel Darolyn Lendio, reported that nine votes were cast; seven are necessary for election to office. Nominee Landon received five votes; Nominee Migita received three votes; there was one abstention.

A recess was taken from 9:48 a.m. to 10:41 a.m.

Upon return from the recess, Chair Lagareta made the following remarks: “At the present time I have two Regents who have been willing to step up to leadership of the
board, which is something all of us appreciate because we know that it is not always an easy job. We have Regent Landon and Regent Migita who have both offered to take on that responsibility. I would suggest that we go through another election at this point, and I ask if my candidates are still interested.”

Regent Migita then addressed the Board. He noted that two elections were conducted without success in electing a chair. He stated that he serves the University, and the Board should stand together united as one body for the benefit of the University. That is much more important than the fact that any single Regent is elected, especially if contested elections cause splits among the Regents. Regent Migita withdrew his name for consideration as Chair. He thanked the Regents who supported him in the elections. He asked that the Regents work together as one body for the benefit of the University of Hawai‘i and for the benefit of the students.

Regent Landon commented that if he is elected, he will be agenda-driven and process-driven. He said that the Board, under Chair Lagareta’s leadership, has made great progress in some trying times. He would like to maintain that progress by working together. He has a high degree of confidence in the Regents’ ability to come together as a Board and work effectively and continue the great progress of the University. He is committed to work with everyone to keep the momentum going.

A second written ballot vote was taken.

Secretary Pang reported that on the second balloting, nine votes were cast; seven are required for election to office. Regent Landon received nine votes.

Chair Lagareta declared that Regent Landon was elected Chair. Chair Lagareta thanked Regent Migita for helping the Board move forward, and expressed confidence in Regent Landon and Vice Chair Andres Albano. She stated that it has been her pleasure to serve in a leadership role with the Regents and felt positive about the progress made together. She said that she was pleased about the way the Regents came together on some difficult decisions.

President McClain, on behalf of the Administration, expressed appreciation for a successful election, and stated that he was looking forward to working with Regents Landon and Albano for the good of the University.

IV  Report of the President (continued).

The President reported that at the Board’s meeting in Kona in February 2007, the Regents committed to meet with the Governor concerning release of funds for the Hawai‘i Community College development. He reported that those meetings have occurred, and discussions are ongoing. At this time, no funds have been released.

President McClain invited UH Hilo Chancellor Rose Tseng to address the Board about UH Hilo’s commitment to excellence. Chancellor Tseng presented UH Hilo’s new Pharmacy Program, represented by students Daniel Mavis, Amy Sakaitani, and Jessica Toyama.
The students expressed appreciation in being in a pharmacy program here in Hawai‘i, among friends and family, working in their communities. They said that there is a strong need for well-qualified pharmacists in Hawai‘i, and hoped that the Board invests wisely in the program. They invited the Board to attend their first white coat ceremony on October 14, 2007.

Chair Lagareta expressed her pleasure at seeing the program’s first students and congratulated them and wished them success.

UH Hilo Athletic Director Kathy McNally described their athletic programs. UH Hilo is ranked 7th among NCAA Division II universities in the Fifth Annual National Collegiate Scouting Associate Collegiate Power Ranking, which ranks student athletes based on graduations, university academic strength, and athletic success. UHH’s academic success rate is 91 percent; 43 percent of their student athletes had a 3.0 or better GPA last year. UHH has been twice recognized in the last five years for academic success of student athletes.

UHH currently has 13 athletic programs, with 270 student athletes, generating approximately $1.5 million in tuition dollars. Over 50 percent of their athletes are from Hawai‘i.

The Campus is striving towards Title IX guidelines. Women’s basketball and soccer have been added. Female student athletes have increased from 49 in 2006 to 129 in 2007.

The student athletes have won state and national awards in state business competitions; have been representatives at the University’s UN delegation; have been selected for the NCAA leadership conference; have been Arthur Ashe recipients; and have been multiple All Americans and Academic All Americans. Student athletes at UHH exemplify commitment to excellence.

Vice Chancellor for Administration Debra Fitzsimmons informed the Regents about the infrastructure needs of the Campus as enrollment expands. She said that the Campus has much undeveloped land. There is a need for additional buildings and student housing. They are also exploring better use of their current facilities, as well as leasing off-campus space.

Chair Lagareta thanked Chancellor Tseng for her hospitality, and acknowledged staff Bridget Awong, Gerald DeMello, Walter Dudoit, Ken Fukumizu, Myrtle Hara, Kolin Kettleson, John Oshima, and Susan Rezentes for their assistance in planning the meeting.

VI. AGENDA ITEMS (cont.)

Amendment to the Service Order to RCUH

Regent Dahilig recused himself from this agenda item.
UH West O‘ahu (UHWO) Chancellor Gene Awakuni read from page 5 of this action memorandum dated September 4, 2007, and requested the following:

1) Approval to amend the service order by about $35 million, extending the award period until June 30, 2011, subject to such conditions set forth herein as the Board may require and subsequently increasing the available funding by about $100 million in two separate increments as the closing of the private land transaction is completed;

2) That the Chair and Vice Chair finalize, in consultation with the President and the UHWO Chancellor, the details of the conditions to be required by the University in connection with the amendment;

3) Authorize the President and the UHWO Chancellor to hereafter finalize all terms and conditions, as listed on pages 3 and 4, Numbers 1 through 7, amendment to the internal service order consistent with the conditions determined in accordance with condition 2; and

4) Authorize the President and the UHWO Chancellor to execute the finalized amendment to the internal service order with RCUH and all other document necessary to consummate the transaction.

Regent Albano moved to approve an amendment to the internal service order to RCUH dated April 12, 2002, to continue with the UH West O‘ahu project with conditions as required by the Board of Regents to ensure the proper execution of the service order, which details of conditions will be delegated to the President and the UHWO Chancellor to determine in consultation with the Chair and Vice Chair. Regent Tatibouet seconded the motion, which was unanimously carried, with the recusal of Regent Dahilig.

Regent Albano moved to authorize the President and the UHWO Chancellor to finalize the amendments to the internal service order to RCUH dated April 12, 2002, and all other documents necessary to finalize the amendment. Regent de la Peña seconded. The motion was unanimously carried, with the recusal of Regent Dahilig.

Regent Dahilig returned to the meeting.

Approval of Lease Agreement with James Campbell Co., LLC, for Kapolei Building Office Space

Chancellor Awakuni requested approval to allow UH West O‘ahu to enter into a lease agreement with the James Campbell Co., LLC for Kapolei building office space. The Campus is leasing about 4,900 sq.ft. to accommodate the increased faculty and staff and classrooms. Chancellor Awakuni explained that since negotiations were begun in March 2007, the common area maintenance fee rose by $.29, to $3.29 per square foot. Also since March, 900 square feet additional footage has been made available to the Campus, from the original 4,000 square feet.
Regent Migita asked if the rate per square foot and the common area item are comparable for that location. Chancellor Awakuni responded in the affirmative, adding that Kapolei office space is renting at a higher rate than in downtown Honolulu.

Regent Migita moved to approve the lease agreement, seconded by Regent Haynes.

Regent Landon asked if there was sufficient parking; Chancellor Awakuni responded that there are 12 free parking spaces, as well as surge space nearby.

The motion was unanimously approved.

**Approval of the Accreditation Progress Report to ACCJC by Windward Community College**

Windward Community College Chancellor Angela Meixell reported that in January 2007, the Campus’ accreditation was reaffirmed by the ACCJC, which required a progress report by October 15, 2007, on five recommendations. Chancellor Meixell requested Board approval of the report.

Regent Landon moved to approve, seconded by Regent Tatibouet.

President McClain explained that Windward Community College was put on warning because they didn’t move quickly enough to produce continuous improvements. In the year leading up to the accreditation visit, the Campus held the requisite meetings and received a full six-year accreditation. The accreditors want to ensure that this progress is sustained; thus the reason for the progress report.

The motion to approve the accreditation progress report carried unanimously.

**Approval of the Community College System Progress Report to the ACCJC**

Associate Vice President for the Community College System Mike Rota explained that this report is a follow-up. The accreditation commission in January 2007 asked the System to look at a series of issues regarding strategic planning, program review and assessment, allocation of resources, facilities management, and administrative leadership.

There has been a continuing interest by the accrediting commission regarding the way the System functions in support of the role and mission and activities of the seven campuses. The new organization that was implemented two years ago resolved all of those issues, and the commission wanted a progress report on how well that new organization is functioning. A detailed analysis of that functioning was provided to the commission. The sense from the faculty and student body leadership and the chancellors is that the System has some functioning policies and practices to develop, but on the whole is functioning very well. This will be reported to the commission.
Regent de la Pena moved to approve the progress report, seconded by Regent Migita. The motion was unanimously approved.

[Regent Tatibouet was excused. Eight Regents remained to conduct business.]

Approval of Legislative Proposals for the 2008 Session

Carolyn Tanaka, Associate Vice President for External Affairs and University Relations, requested approval of the legislative package to be submitted to the Governor for the 2008 legislative session. The four proposals are mainly housekeeping in nature, which will allow the University to improve its flexibility and efficiency.

The first proposal exempts the University from the State Procurement Code, HRS Chapter 103D, and authorizes the Board to develop internal policies and procedures for the procurement of goods, services and construction. This bill would reinstate the Board’s authority previously conferred upon the Board by Act 115 (SLH 1998).

The second proposal would increase the sources of revenue available to support the Cancer Research Center, which currently receives revenues from the tobacco tax. Revenue sources would include revenues collected from services provided by the Cancer Center.

The third proposal would address a sunset provision in the current law and reinstate language authorizing the transfer of all university funds with the exception of general funds into the UH commercial enterprise revolving fund to finance the establishment of new enterprises.

The fourth proposal would streamline the payment pre-audit process. Vice President Howard Todo explained that current law requires the University to pre-audit all expenses, all transactions, all procurements, regardless of dollar amount. DAGS has special authorization to pre-audit only those transactions over $10,000. This UH proposal requests the same review thresholds.

Regent Landon asked if the University is currently required to receive legislative permission to have a commercial enterprise. President McClain responded that it’s not clear whether or not the University has flexibility, after Act 196 expired on June 30, 2004.

Regent Landon asked if the Board would be asked to approve a commercial enterprise. Vice President Todo affirmed. Regent Landon expressed his concern that giving blanket authority to create commercial enterprises within the University without further review would be inconsistent with some other approaches taken.

President McClain responded that the University is seeking enabling legislation. Once that legislation is in place, Board policy will be established to ensure that Regents are aware of commercial activity and have approval rights for significant commercial activity.
Regent de la Peña moved to approve the proposed legislative package, seconded by Regent Haynes. The motion was unanimously carried.

**Approval of the Supplemental Budget Package**

President McClain said that the package is similar to the presentation to the Board in August 2007, with a few changes. The operating budget request has increased from $30 million to $30.6 million. The capital improvement budget request, originally $359 million, has increased by $6 million to $365 million.

The operating budget increases include an addition of $400,000 for educational leadership in public schools and support for innovation initiatives. In addition, ten positions have been added, and the total dollar amount increased by about $200,000 for initiatives to enhance access for Native Hawaiians.

The President added a net of $6 million to the CIP. These additions include (a) $3.7 million for planning and design funds for student housing at UH Hilo; (b) $5.5 million in planning and design funding for a $66 million College of Pharmacy building at UHH. These additions are offset by deleting funds that were double counted in the UH system totals.

The President noted that he has discussed the options for funding the College of Pharmacy building with the Dean of the College, and the fundraising efforts to date. He noted that there is a possibility there will be a $10 to $20 million donation at some point, but it is clear that we will not have sufficient private funding, unless something develops to build out a $66 million facility. Public sector funding will be required at some point in the future.

The President also noted that he added a request of $13,117,000 in special purpose revenue bonds supported by student fees for the UH Mānoa campus center complex renovation and addition. This number is not reflected on the CIP schedule, page 2 of 4, attached to the action memorandum. This addition addresses the concerns raised by Regent Dahilig.

With respect to the CIP budget for UH Hilo, the President noted that the request to improve or add soccer and softball fields, totaling about $6 million ($3.6 and $2.4 million), were prioritized as items 13 and 14 by the Hilo campus. He suggested that if these items were higher priority for the Campus, the Chancellor could modify her priorities or the Regents could add an additional $6 million in supplemental requests. Although the President felt that these are worthy items and were mentioned by several people testifying at this meeting, the President thought that these items were more appropriate for a general, biennium request rather than the supplemental request. He recommended that if Hilo were not willing to modify its priority list to elevate these items, the items should be included with the biennium budget request.

Regent Lagareta asked a general question of how is compliance with Title IX planned for in the budget, including funding for new sports and funding to maintain or upgrade facilities to regulation standards.
In response to a suggestion from the President, Vice President Callejo responded that improvements to the softball field consisting of replacing the existing turf with artificial turf might be funded from the “capital renewal and deferred maintenance” portion of the CIP budget. There is no existing soccer field, so one would have to be built from scratch.

The President suggested that if private funding for the UH Hilo dormitories becomes available, the current request for public funds of $3.72 million for planning and design could be used instead for the regulation soccer field, without increasing the total request.

Regent Landon asked if there were important consequences in increasing the total request.

The President responded that the consequences are not severe. The principle in putting together the supplement request is that we would ask for items that we requested last year which were not funded, plus additional requests for health, safety, repairs and maintenance where the need just occurred. Because the Legislature generally allocates a certain sum to the University (as part of the overall budget for the state) the risk of adding to the University’s list is that another project within the University is dropped.

The President and the Chancellor engaged in a discussion of criteria for determining budget priorities.

Regent Dahilig moved to accept the budget package, seconded by Regent Haynes. Upon clarification, the motion included adding a request for additional funding for the Mānoa campus center complex via a special purpose revenue bond funding so that the total biennium request for special purpose revenue bond funding for the project, in light of last year’s appropriation, would be $28 million.

The motion was unanimously approved.

**Approval to Amend BOR Policy on Organization**

Vice President for Information Technology and Chief Information Officer David Lassner proposed an update to Board policy on organization. If approved, Administration would then amend the executive policies and administrative procedures. At this stage, the Administration would consult with the collective bargaining organizations because they are involved in reviewing the actual reorganization proposals.

Vice President Lassner characterized the changes as routine. The most significant change delegates reorganization approval authority of the President, which reflects the “two-level down” policy that was adopted for personnel actions. Under the proposed delegation, the President would have the authority to approve organizational changes except where the proposed organizational change impact Board Policy or law, or affect programs that report directly to the Board or the President, or incur significant additional expenses, or have a significant program impact on the University.
Regent Dahilig asked if the proposed policy was in Ramseyer format. Vice President Lassner replied that the proposed changes were difficult to follow in Ramseyer format. A clean, rewritten version was easier to follow, particularly because sub-sections were reordered and merged. Regent Dahilig suggested that in future, action memoranda proposing Board policy changes should include the original policy, if a Ramseyer version is not provided.

Regent Migita voiced his concern over the proposed policy delegating authority to the President to approve organizational changes that do not incur “significant additional expenses.” The meaning of “significant” is not definitive. He suggested using dollar limits to define “significant.”

Vice President Lassner concurred, and said that there would be informal consultation, taking into account the source of funding. The intention is that persons approving a reorganization that does not have significant impact will be personally held accountable for that characterization.

Chair Lagareta commented that the Chair and Vice Chair meet weekly with the President and informally discuss issues and concerns such as whether items should come to the Board. The responsibility is on both the Board and the President to maintain an open and trusting relationship. We have been fortunate to have a good working relationship between the Board and the Administration.

President McClain suggested a possible option of approving only those subsections of the proposed policy that are not problematic (3.1 and 3.3) and allow the Administration to revise the section of delegation of authority (3.2) and bring it back to the Board at the next meeting.

Regent Landon commented that it is always better to resolve ambiguity, but there is a precedent of the Administration sharing with the Board matters involving organizational structure, name changes, establishment and termination of programs. The precedent has been working. He suggested that where the issues may be unclear, the Board can discuss with the President. However, the President and Administration should have the responsibility and authority to organize the University to accomplish its mission best. Regent Landon said with that understanding of precedent and responsibility, he could live with the proposed language as written.

Regent Dahilig concurred with Regent Landon, suggesting that the Administration develop executive policy to help further define for units wanting to create a new program so that it meets the President’s threshold. President McClain concurred with Regent Dahilig’s suggestion to draft implementing executive policies. He would share the proposed executive policy with the Board, and upon seeing the executive policy, the Board could ask the Administration to further amend the Board policy.

Regent Dahilig moved that the Board approve the proposed amendments to the policy on Organization, Chapter 3, with the understanding that the Administration will propose executive policy to clarify ambiguities in the proposed Board Policy. Regent Migita seconded the motion. The motion was unanimously approved.
Approval to Amend Board Policy on Professional Improvement Leave

President McClain requested approval to amend Board policy on professional improvement leave, to permit leaves of more than 6 months at full pay, but not to exceed 12 months at full pay, with leave to be computed at the rate of one month for each year of service up to 12 years of service in Board of Regents classifications.

The President explained that this amendment is a leadership initiative. The University must do more to grow its own leaders. The Emerging Leaders program is part of that effort. This amendment is an incentive for faculty to stay in leadership positions for a longer time. The amended policy will allow executives to have up to 12 months of leave, rather than the current six months maximum.

In response to J.N. Musto’s testimony, the President said that the return obligations do not change; one year of return is required for each 6 months of leave with full pay. Another of Dr. Musto’s concerns is that not all executives come from the faculty, so this policy may not necessarily pull faculty into administration.

Regent de la Peña asked if the years of service applies only to the executive years of service and does not include the teaching/research years for faculty. President McClain affirmed.

Regent Bender moved to approve the amended Board Policy on Professional Improvement Leave, seconded by Regent de la Peña. The motion was carried with 7 affirmative votes, with an absention by Regent Landon.

Approval of CIP and R&M Project Contracts for FY 2007-2008

Regent Dahilig recused himself from this agenda item.

Vice President for Administration Sam Callejo requested approval to enter into 13 professional services contracts which total $5.7 million and 16 construction contracts estimated at $29 million.

Regent Landon moved to approve, seconded by Regent de la Peña. The motion was carried with 7 affirmative votes.

Regent Dahilig returned to the meeting.

Quarterly Report of Investment Monitor (information only)

Regent Landon recused himself for this item.

Peter Bachus of Citigroup informed the Board that Citigroup is trimming its economic forecast for the rest of this year, readjusting for much smaller growth, more in the 2 percent range rather than the 3 percent range that they were looking at prior to the end of the second quarter.
He advised caution, based on the sub prime housing credit and rising energy costs.

Mr. Bachus noted areas of interest: energy stocks continue to do fairly well; finance has been one of the worst performing sectors. The interest rate for federal funds were cut by 50 basis points to 4.75%, but the rate needs to drop to mid to lower 3 percent range.

Performance was reasonably strong for the first 6 months of the year, slightly ahead of the benchmark. On September 6, 2007, there was a transition of a portion of the equities portfolio from the Bank of Hawai‘i to a split between KCM and Oakridge.

A lot changed in July and August as most value managers did poorly because of their finance stocks. So while there was not direct exposure due to the sub-prime lending situation, any mortgage issuer did poorly. Good performance early in the year was erased in the third quarter.

International stocks have been the highest performing asset category within the University portfolio, due in part to the weakening dollar and the holdings are in foreign currency denominated securities. For example, the US dollar is close to parity with the Canadian dollar. About the only major currency the dollar has held or gained on was the Japanese yen.

In response to questions from the Regents, Mr. Bachus predicted that there will still be positive returns from the market, although the forecasts have been trimmed because of concerns over consumer spending. Equities are still outperforming bonds, but not by nearly as much—higher single digits rather than double digits. There will be more significant write-offs from most Wall Street firms. Corporate debt will lose some value and more companies will walk away from deals and not proceed with takeovers. Commodity prices are rising, which will lower consumer spending, and adding to the possibility of a recession. Mr. Bachus reiterated that the biggest change in the portfolio was the transition to different equity managers. There was a very significant turnover of the portfolio and a different mix of equities because the new managers had very different stocks they wanted to hold.

Regent Landon returned to the meeting.

Quarterly Financial Status Report (information only)

Vice President for Budget and Finance and Chief Financial Officer Howard Todo presented the financial status report for the fourth quarter that ended June 30, 2007. The University continues to be in strong financial condition.

President McClain suggested to Vice President Todo that the Board be provided with an updated set of analytical comments, in the form of foot notes to the entries, rather than end notes and will verify the figures for “net assets” referred to in Note 4.
President McClain asked the amount of insurance to be received from the lab school fire. Vice President Todo responded that about $1.7 million were received in advance.

Regent Landon asked if the increase in FTEs is in line with expectations. Vice President Todo affirmed. Regent Landon asked when was the best time to count FTE’s—when school starts or ends, and when to assess changes in enrollment and research activities.

President McClain responded that December 30th or March 31st are good dates because state appropriations will have been used by then to hire people. Vice President Todo agreed.

President McClain commented that the Board could be provided with a quarterly dashboard that would include activity variables (research activity, employment, enrollment, in addition to key financial indicators). Regent Landon suggested a periodic view that connects areas such as education, research, and fund-raising will provide a balanced view of how the University is doing.

VIII. ACCEPTANCE AND APPROVAL OF GIFTS, GRANTS AND CONTRACTS

[ATTACHMENTS A-1, A-2, A-3]

Vice President for Research Jim Gaines reported that for the month of June 2007, the University received about $40 million and the UH Hilo Campus received about $1 million.

For the past fiscal year, the total was approximately $360 million, less than the previous year but more than any other year.

Vice President Gaines corrected the July report, which indicated that $344 million was received; the correct amount is $34.4 million. He stated that about $135 million will be taken in for the first quarter of this fiscal year, and he is expecting a total of $400 million for the year.

Regent Haynes moved to accept and approve the gifts, seconded by Regent Dahilig.

President McClain pointed out that attachment A-3 is a contract for security services for the JABSOM building in Kaka’ako.

He also noted that last year the University received 1,032 research contracts and 652 extramural nonresearch awards from a range of sponsors.

The motion to accept and approve the gifts, grants, and contracts was unanimously approved.
IX. APPROVAL OF APPOINTMENTS, CHANGES IN APPOINTMENTS, LEAVES OF ABSENCE, PROMOTION, TENURE, WAIVER OF MINIMUM QUALIFICATIONS, EMERITUS TITLES, SHORTENING OF PROBATIONARY PERIOD, SALARY ADJUSTMENTS, POSITION ACTIONS, CLASSIFICATION, PRICING [ATTACHMENT B]

President McClain recommended approval of the personnel actions described in Attachment B-1.

Regent Dahilig moved, seconded by Regent de la Peña. The motion was unanimously carried.

X. NEXT MEETING OF THE BOARD

Chair Lagareta announced that the next meeting of the Board of Regents is October 26, 2007, at Kaua‘i Community College.

XI. ADJOURNMENT

Regent Landon moved to adjourn the meeting, seconded by Regent de la Peña. The motion was unanimously carried. The meeting was adjourned at 1:15 p.m.

Respectfully Submitted,

Presley Pang, Esq.
Interim Executive Administrator and Secretary of the Board
LAGARETA: The next item on the agenda is the public comment period and we'll be going through the list in order of the sign-ups both called into the office and people who signed up today.

And I would just ask because of the number of people who would like to speak today that we limit our comments to three minutes, which is standard for the regents at our public hearings. And I will give you a reminder of when three minutes is closing in.

And I would just also ask that everyone please be respectful of our speakers who have taken the time to come down here and share their opinion with us. So the regents are very interested in hearing the testimony and we just ask that you allow us to do that. Thank you.

Our first --

PANG: We have about 50 people who have signed up to testify. Not all are going to be speaking on the same topic. We have, for your information, four who are speaking on the Mānoa Campus Center renovation, and most of the others who signed up to testify are speaking on the proposed Applied Research Laboratory.

Would you like to take them in subject matter or just in order of sign up?

LAGARETA: I might ask -- Normally we would take them in order of sign up, but I might ask if those who are testifying on Mānoa would like to testify when that subject comes on our agenda, if you would just let our board secretary know if you're willing. I think you're farther down the list. So we'll take you in order unless I hear that you want to talk about that when the item comes up on the agenda. So the testimony may be mixed, because we're going to let people testify on whatever they would like to testify on unless I hear from them that they would like to wait. Thank you. Okay.

PANG: We received the following requests to testify several days ago. Let me just read you the first five names so that you can be prepared to come up following the next -- the previous speaker. Kyle Kajihiro, Kelii Collier, Ikaika Hussey, Noelie Rodriguez.

LAGARETA: Mr. Kajihiro.

(Applause)

LAGARETA: The regents would like to hear the testimony, please.

KAJIHIRO: Aloha, Board of Regents, President McClain. My name is Kyle Kajihiro, I'm the program director from the American Friend Service Committee in Hawai‘i. I come from O‘ahu, Mānoa.

I would like to just start by saying that the UN Declaration of the Rights of Indigenous Peoples is now the law of the world adopted by most of the countries. And one clause says that military activities shall not take place in the lands and territories of indigenous peoples unless justified by significant threat to relevant public interests or otherwise freely agreed to -- agreed with or requested by the indigenous peoples concerned.
And I would say that all of the Native Hawaiian organizations in the UH system have rejected this UARC. UH sits on ceded lands, you will be in violation of UN human rights law if you adopt this UARC. That's the first thing I'd just like to say.

The UARC is not a path to greatness. It is the degradation of the values, principles and potential of this university that we care about very much. (Johan Goltham), the renown scholar, called it prostitution where the talents and buildings of UH is sold to the highest bidder, in this case the military corporate bidders, who would use her and toss her to the side.

The investigation of the Navy contract scandal illustrates that this danger is not some distant possibility when it has already happened and under the noses of some of the same people who are proposing and pushing for this UARC. And it is also involved with the very same programs and individuals who are handling the funding and administration of this UARC.

Over a year ago I brought this to your attention and this is the third time that I'm also raising it. I requested that this board do its own investigation and its own due diligence and reported back what was the connection between the Navy contract scandal and the UARC, but today I don't know that any information has been made public. So we did our own investigation. You should have the report that I delivered a few days ago called "The Dirty Secret About UARC." The details or connection between the Navy criminal investigation of Navy contracts at University of Hawai‘i, the plans to establish a $50 million RC wage proposal called Project Kai e’e and the plan to evolve that Project Kaie’e into a UARC.

So all I've gotten through this administration is denials that there is any connection whatsoever, and I think this pretty clearly demonstrates there is. And so if the UH Board of Regents were to proceed with the UARC without understanding what happened in the past, what are the origins of the UARC and knowing that it was done in a clear, legal, proper manner; then I would say you would be in violation of your responsibilities, your fiduciary responsibilities as trustees of this public trust.

This public university belongs to all of us. We have learned that the documents and proposals for Project Kai e’e were actually destroyed in some cases and it suggested that there may have been a cover-up of some possible illicit activities. A small group of RCUH and Office of Naval Research employees and officials were working to use the University of Hawai‘i, they used their researchers and their programs as a front to hid their own research team that was preparing these proposals. They were working on projects that were unrelated to the purposes of the grants.

And I have -- I have had to find this information by getting it from other sources because the university has refused to release the three contracts -- the several contracts that I have requested by number. So I think that this also underscores the danger of the UARC itself.

And we've been told that the UARC is not going to accept classified contracts for the first three years, but that's not a consolation to any of us, because the UARC itself, by its very nature, has classification attached.

A DD254 is attached to the contract which is listed as secret. That means everything that is produced by that UARC is subject to Navy approval before release. And that's exactly the conditions that are preventing us, the public, from understanding what happened with these three contracts: The tactical component network modular command center, the (UESA) contract and the next generation radar.

LAGARETA: Mr. Kajihiro, you're almost at four minutes. Can I get you to wrap up, please?

KAJIHIRO: Sure. I'll just conclude by saying that the UARC is rotten to the core.
LAGARETA: (Gavel)

KAJIHIRO: And I'm urging you, the Board of Regents, to take responsible action, to take your job seriously and don't bite into this rotten apple. Submit to an independent investigation by qualified parties that are approved and credible to all the parties involved, release all documents pertinent to this, implement the recommendations that may come out of an independent investigation and, finally, we're also calling on the congressional delegation to make public and transparent all earmark requests and funding that comes down. Because that's part of this equation. The earmark monies are coming in that we can't track, we don't know who requested it and how it's been spent.

And, finally, the UARC -- you must reject the UARC contract. Whether or not there's a criminal prosecution involved in this case, it's been so tainted by the scandal there is no way to redeem it. So I urge you to cancel the UARC contract once and for all and let's start from the beginning and ask the constituencies of the university, who ought to be the ones that say, you know, we want to pursue a particular project or not. So thank you very much. Save the race.

LAGARETA: (Gavel) Our next testifier, please.

PANG: Kelii Collier, followed by Ikaika Hussey.

COLLIER: Aloha kakau.

AUDIENCE: Aloha.

COLLIER: Thanks, Kyle. Thanks, all the gang from Hilo. I really appreciate it.

Today I'm coming at this from a different perspective, maybe not so technical. The first thing I'd kind of like just as an observation of how this space is kind of set up, you know. You guys are way back there away from the people, but you're public officials who are supposed to represent the people, but yet just the setup alone makes me question who you really work for.

COLLIER: That's kind of an obvious analysis of how this space is set up. Second, we've been doing this for three years already with you guys, playing these games. The first two was pretty much filled with deceit, lies, insincere behavior. Despite the fact that we went through your processes, we went through three UARC meetings at the UH Law School, we went through another three with Peter Englert, who is now like basically fired, and even before that you guys tried to pass this without telling anybody, but some of our keen kanaka caught you guys in the act, which made you have to provisionally approve this project and then come back to the community where you're supposed to have started and getting feedback from them.

So this thing has been corrupt forever, but the worst thing is the last year of this three-year process has been silence. To me, that's -- I'd rather be lied to and deceived because that gives us something to talk about. So when you guys shut 'em down like how you shut Bachman down after we, you know, took a little vacation for six days in your office, you know, that's the only time you listen.
And then when we left, you just didn't talk already. And then you locked it down and you spent how much money, our money on security guards. For what? Because we vacuumed your carpet twice a day? Because we emptied the trash? Because we needed to make a statement because you didn't listen to us when we went about your process?

So, you know, here we are today, finally; right? I couldn't sleep. I've been at this thing for three years. I work up at 2:45 just, you know, going through the akaku process in my head. And what I kind of -- what kind of came to me was that today instead of, you know, blasting and getting crazy on you guys, which I kind of want to do, but I'm not, I'm giving you guys a choice here. One, you can either choose to help resolve an injustice that happened January 16, 1893 --

(Applause)

COLLIER: -- or you can choose today to become part of that crime. So it will be (Hawaiian – kanaka po mikahai or ihuwai). It's up to you.

I just want to read this real -- this short paragraph from "The Queen's Story," I believe when she was talking to Blount.

"At about 5:00 p.m. the troops from the United States Ship Boston were landed. By the order of the United States Minister J.L. Stevens, in secret understanding with the revolutionary party whose names are L.A. Thurston, Henry Waterhouse, W.R. Castle, W.O. Smith, A.F. Judd, P.C. Jones, W.C. Wilder, S.V. Dole, Cecil Brown, S.M. Damon, C. Bolt, John Emeldo, J.H. Soccer and C.L. Carter."

How much is that? One, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14. How much is on the table right now? One, two, three, four, five, six, seven, eight, nine, ten. Missing one? Eleven. Fourteen, 11.

LAGARETA: And four minutes and 20 seconds.

COLLIER: That's where we're at today. So what you guys are doing is you guys opening up -- the very same military that put our queen in prison, opening it up to our only public institution for higher learning. So, again, (Hawaiian - kanaka po mikahai or ihuwai), it's your choice.

(Applause)

LAGARETA: (Gavel) Ikaika Hussey.

PANG: Ikaika Hussey, followed by Noelie Rodriguez.

HUSSEY: Aloha kakau.

AUDIENCE: Aloha.

HUSSEY: And (Hawaiian - oha aina), for all our wonderful Warriors in (Malo Nui). Thank you, Members of the Board, for the opportunity to testify on this proposal.

In two months we will be observing the third anniversary of the struggle over the soul of our university. The proposal to implement a secret or classified research lab at the core of the academy came before the Board of Regents in November of 2004 and it would have passed without a word if not for the vigilance of a handful of Native Hawaiian faculty, so it's appropriate for us to extend our appreciation to those who stood up for transparency and due process. At the very beginning of this issue I would like to applaud them.

(Applause)
HUSSEY: What we discovered in the previous months is that there is a complex labyrinthine of secrecy, misdirection and avarice encoded into the structure of this university. Control lines running into congressional offices, into the boardrooms of corporate America, particularly the industrialized -- the military industrial complex of the United States supply the direction and guidance for how we shall proceed.

Some might say that it is better, in fact, to be a congressional staffer or a representative of the defense contractor than it is to be a tenured professor, a member of the faculty senate or an elected representative of the student government in terms of affecting the direction of this institution.

What we've learned the hard way is that democracy, to the extent to which it will exist, occurs only when we raise our voices, when we stand in the streets, when we hang political messages on banners, when we apply chalk to sidewalks, and when we conducts acts of civil disobedience for in the absence of these affirmative actions, the powerful of us will seek each other out and commingle the interests of militarism, business, industrial academia and politics.

These are the lessons which we have learned in this institution of higher learning.

We must not forget that in the past three years of this calendar every major body comprising the public university system has lodged a vote of opposition against this proposal for the militarizing of the academy and the privatization and circumvention of the regulatory mechanisms of this public institution. Faculty, students and community bodies have spoken out against UARC or the ARL, and no chartered elected body spoke in its favor.

I would like to address our colleagues in the sciences, some of whom support UARC because of the possibility of revenue from the contract. It's necessary to invoke the spirit of Galileo Galilei, a man who in his time was treated as a heretic by the Catholic Church and whose work is astounding, particularly when we considered that the ideas he was disproving were written by Aristotle. The church in the age of Galileo was more powerful than the Roman empire it replaced and is comparable in terms of influence only to the modern American states.

Science in Galileo's time was contested by people in power of his day, as it is now. Under the current republican administration, science is threatened by fundamentalist Christianity in the one corner, in another by business interests which conduct investigations to suit their own economic needs, and in the third corner by the powerful military industrial complex, which maintains a hegemonic role in science funding.

The attacks on science which I describe are not just ancient Italian history of Galileo's time. A June 2005 article in US News and World Report titled "Scientists and Bush Administration At Odds" describes 6,000 scientists, including 49 Nobel laureates and 154 members of the US National Academy of Science, who have signed a statement calling for the restoration of scientific integrity in policymaking. They charge, among other things, that the Bush administration has manipulated scientific advisory committees, altered and suppressed reports by government scientists, and misrepresented scientific knowledge in contentious areas such as global warming, air pollution and reproductive health.

And yet in this UARC proposal, we are not simply receiving federal monies, but we are now creating a new kind of relationship in which the government becomes the director of research and dispenser of task orders. There would be a shift from research-lead investigation to government-directed research.

If our intent is to support researchers and the spirit of scientific inquiry, then we should stand with those who are calling for scientific integrity in policymaking, we should oppose federal censorship and control over research. Instead of debating this UARC proposal, we should come together to
lobby for no strings attached public funding for research, including hard funding for researchers’ salaries.

And parenthetically I would like to call your attention to a September 2000 article from the *Journal of Science* entitled “Soft Monies, Hard Realities,” which describes the professional and personal challenges experienced by many scientists who have to raise their own salaries. These are serious problems which the UARC will not resolve, but only exacerbate.

LAGARETA: Excuse me, Ikaika. You are way over time. If I could ask you to wrap up, please.

HUSSEY: I’ll wrap up.

Members of the Board of Regents, your primary responsibility is to protect the university system from risk and liability. To embark on UARC is to invite litigation as to soliciting (inaudible) a contractual relationship with the US military. Several of the key research areas listed in original UARC communications are currently embroiled in litigation; in particular, the question of telescopes on Mauna Kea and Haleakala, and sonar and threats to marine mammals. The courts have found that the National Environmental Policy Act applies to the Navy in spite of exemptions from other environmental laws. By entering into this contract with the Navy, the legal exposure of the Navy becomes the legal exposure of University of Hawai‘i.

In a *Honolulu Advertiser* statement made in January of this year President McClain said that the University of Hawai‘i is obligated to provide a UARC under section 4 of the Moral Act of 1862 which said that land grant institutions must provide education in military tactics. We must be clear this is a university build on stolen Hawaiian lands, lands to which the federal government and now the State of Hawai‘i have no title. Even without that legal theory, however, we’re still left with actual legislation says something about the public (inaudible) and use for it.

LAGARETA: Mr. Hussey, in all fairness to everyone else, could I please have you wrap up.

HUSSEY: Sure.

The point that I am making there is that in nowhere in Section 5-F of the Admissions Act does it say anything about the militarization of our campus as a necessary use of the ceded land trust.

(Applause)

HUSSEY: I'm going to close with one final paragraph.

I would like to say that the issue is now in your hands. Those of us here and on other islands have made a valiant effort in the preceding three years to educate you about the impact of this proposal, but it’s now your kuleana to listen and to vote. I urge you to do so consciously and with respect for the people and the laws of Hawai‘i.

In this rare situation you have on one side the students and the faculty of the University of Hawai‘i, as well as the governing bodies of other student and faculty bodies throughout the ten campuses, you also have legislators who voted for a resolution in 2005 opposing UARC, you have the Native Hawaiian representative bodies, Kuālī‘i Council and Pukoa Council, and you also have thousands of individuals, young and old, who have taken the time to petition you on this issue.

There is a tremendous body of reasoned, intelligent opposition to this proposal, and there are, in fairness, a very small minority who support it, yet among that minority are powerful politicians and business interests. And so I ask you, who do you work for? Do you work for the tuition-paying students who work two jobs so they can raise their children and also complete a four-year degree, or do you work for the military contractors?
LAGARETA: I'm going to move on to the next speaker because you are not wrapping up and you are three times over. So thank you, Ikaika, very much.

HUSSEY: We ask you to vote your conscience. Thank you very much.

(Applause)

PANG: We have two microphones, one on each aisle, so if you want to line up on either side, that would help. The next speaker Noelie Rodriguez, followed by --

(Applause)

PANG: Noelie Rodriguez will be followed by Moanikeala Akaka and then by John Cole and then by Nimr Tamimi.

RODRIGUEZ: Aloha. I'm Dr. Noelie Rodriguez, full professor of sociology at Hawai'i Community College and a lecturer at UHH. And I represent not only myself, but a club called Global Hope, Hawai'i Organization For Peace & the Environment. It's 25 years old on this campus and it has represented faculty, staff and students, hundreds of them, who support the statements that I am going to make today.

We urge this board to abandon the ARL. Clearly the UARC proposal was wildly unpopular at Mānoa and it's obviously wildly unpopular on this campus.

(Applause)

RODRIGUEZ: On the Mānoa campus it was deliberated over and over and it created storms of protest. The deliberations and the studies and the petitions concluded that this research would contradict and undermine the mission of the university, that it interferes with the core commitments and responsibilities of faculty to the students, that it taints the reputation of the institution, and the Mānoa chancellor concluded that UARC was not supported by the campus and it was not in its best interests.

And now we're here with a new name, a reincarnation of UARC in ARL. It's now called a system creature and there's a supposed moratorium on classified research unless you read the fine print. And then on page 24 of the contract, item C-11 and in Chapter 92-F we find that it's not classified unless the Navy makes it classified. So it's classified. It's classified secret weapons research on our campus.

If the Board of Regents approves this ARL, it will send a very clear message to the hundreds and hundreds of faculty and students and to the Native Hawaiian community, and that message would be that we do not matter. So I urge you to reconsider. You cannot possibly believe that simply by holding the vote away from the mass tech campus at Mānoa that the political repercussions of this top down, unpopular, undemocratic proposal will be in any way manageable and in any way promote the excellence of our university.

Please, I appeal to your conscience. I appeal to your principles. Respect the principles of self-governance at this university. Respect the will of the faculty, the students and our noble Hawaiian community. Reject ARL. Thank you.

(Applause)

LAGARETA: (Gavel)

PANG: Moani Akaka, followed by John Cole.
AKAKA: (Aloha ai kaaloha). My name is Moanikeala Akaka and my testimony is on behalf of myself as well as Mililani Trask. We're both former trustees to the Office of Hawaiian Affairs. We are residents of Hawai‘i island and Native Hawaiians. For several years we have followed the UARC controversy and we are submitting this testimony in opposition to the UARC for the following reasons:

One, the University of Hawai‘i is a public institution which should operate in a transparent and open way to the benefit of the Hawaiian public and Native Hawaiians, who are the beneficiaries of our state ceded land trust.

(Applause)

AKAKA: The UARC proposal and contract contains numerous restrictions on research undertaken pursuant to its provisions. These restrictions will pertain to classified, quote, unquote, research and unclassified research deemed to be sensitive. In other words, even if it's unclassified, it's still considered secret and classified. Talk about gobbledygook.

If approved, researchers of the UARC contract would not be able to share research with others, to have research subject to their own peer review process, nor could such research be published. Because of this, the public will not be able to benefit from research undertaken at their own public university, and neither with the universities or faculty of the University of Hawai‘i.

The UARC contract requires University of Hawai‘i indoctrinate -- that word indoctrinate -- its staff, students and faculty so that they will be familiar with and in compliance with research restrictions imposed for the purposes of ensuring secrecy of US military products. The indoctrination requirement is based, in part, on the fact that the University of Hawai‘i faculty and students involved in UARC military research will be transferred into agents of the government. It is clear that the UARC contract will transform our public university into a branch of the US military, that same military that took over our Hawaiian nation.

The UARC contract and the processes and restrictions it contains are not in conformity with the current University of Hawai‘i Strategic Plan. The plan sets forth, firstly, a core commitment to research. The strategic imperatives of the university calls for the University of Hawai‘i to pursue research: One, that benefits and involves the local community; two, is publicized to the local, national and international communities; three, and that can be assessed for tenure, merit pay and productivity.

The restrictions in the UARC contract violate the strategic imperatives of the Mānoa Strategic Plan and raise a critical challenge for the Board of Regents. Will the BOR adhere to the strategic plan for our University of Hawai‘i Mānoa system and will the BOR approve the UARC and transform our university system into a branch of the military, of the US military?

I would like to give copies of -- to you board members of a cartoon that my husband did, Tomas Belsky, relating to the -- it's a statement, "We must guard against the influence of the military industrial complex. We must never let this combination endanger our liberties or democratic processes. We should not -- We should take nothing for granted. General and President Dwight D. Eisenhower made this statement in 1969 at his farewell -- excuse me, in 1961 at a farewell address on January 17.

Hmmm, funny, that's the same time our monarchy was overthrown in 1893. So I would like for you to take this up there.

LAGARETA: Thank you.
AKAKA: Along with cartoon, I would like to point out that the University of Hawai‘i should take the lead to demilitarize the world and find peaceful solutions to global problems, not kill our whales and dolphins with sonar research through UARC for the Navy.

If you pass -- There has been too much military control in our Hawaiian Islands since you took Pearl Harbor, then overthrew our queen with your Navy and stole for America our Hawaiian Islands, our home for over a thousand years. Over 25 percent of Oahu is now controlled by the military.

There are over 57 military sites on this island that have been left over from the Second World War with -- contaminated with munitions and unexploded ordinances. So you of the military have been a very, very bad protectors of our aina. Instead you have been destructive and hurt our health and safety.

If you pass UARC, our university will be an arm of the military. That's not what this facility, students or community want, or faculty want for this public institution.

I would also like to add that I helped negotiate through the Office of Hawaiian Affairs for the ceded resources that the Office of Hawaiian Affairs now receives with Harold Masumoto, of all people, the person who started this UARC through RCUH. And I'm sure since he -- even since he's resigned, his hand is in there someplace.

LAGARETA: We're way over time.

AKAKA: While the ceded lands -- When we negotiate for the ceded land resources for the University of Hawai‘i, which is on our ceded land, the only thing that we took was a percentage of the money that is made from the bookstore while you talk about militarizing our university. How dare you? Enough is enough military control of these islands. Mahalo.

(Applause)

LAGARETA: (Gavel) Our next speaker, please.

PANG: John Cole, followed by Nimr Tamimi.

COLE: Aloha. I'm John Cole. I'm a professor in the Humanities Department at Hawai‘i Community College. I'm the chairperson of the Humanities Department. And I speak today on behalf of the Academic Senate of the Whole of Hawai‘i Community College and of the Humanities Department.

And I speak not to argue with you particularly, but to remind you of the strong opposition to the Affiliated Research Center that you already know about.

In January of 2006 the Hawai‘i Community College Academic Senate of the Whole passed a resolution and we reaffirmed that resolution a couple of Fridays ago. The resolution reads as follows:

"The Hawai‘i Community College Faculty Senate of the Whole strongly supports the UH Mānoa Faculty Senate in its opposition to the proposed UARC agreement. The Hawai‘i Community College Faculty Senate of the Whole opposes any potential impact by UARC on the UH community colleges and the rest of the University of Hawai‘i system and opposes UARC because of the senate's aloha for the lands, people, and sacred and historical sites of the Hawai‘i islands."

Subsequent to that, when the Affiliated Research Center was designed to be sort of combined to Mānoa, I asked President McClain, we were at different ends of the state at a polycom meeting, about any potential impact on Hawai‘i island of the UARC. He flatly stated at that time that no impact on the Big Island is planned or anticipated. I hope he will update that statement in his presentation this morning.
I received from Kakuhi Kanaka'ole O'Haililani -- I'm sorry, I mispronounced the name, Kaalii Kanaka'ole O'Haililani last week an e-mail to this effect.

The Hawai'i Faculty Senate – Hawai'i Community College Faculty Senate Resolution actually arose and the germ was in the Hawaiian Language or Hawaiian Studies section of my own Humanities Department, which is sort of why I'm here speaking on their behalf, and Kakuhi reaffirmed that last week.

We have to assume, not to distrust David McClain, but assume that UARC activities will infiltrate Hawai'i island and neighboring islands as well, especially rural areas like Kahikinui, Maui, Kaho'olawe, Lāna'i, et cetera, who has the most uninhabited lands. These are the places that get chosen for research and research development. These kinds of projects never at face value seem that they will affect us, but they will.

We are most definitely still opposed to UARC activities. There is no system of checks and balances or assessment and controls for this kind of activity. We have, to make decisions on behalf of the next ten generations. Hawaiian Lifestyles will stand behind our initial decision to remain un-UARC'ed.

(Applause)

COLE: Dr. Rodriguez stole all my other good lines, so I'd just reinforce what she said and endorse her statement entirely.

I usually do not like cliche arguments, but one keeps coming into my head about this, about the impact of the military on Hawai'i, on this island: Enough already.

(Applause)

PANG: Nimr Tamimi, followed by Barbara Hastings, followed by Christina Stidman, then by Lani Thurfine.

TAMIMI: Good morning, Board of Regents. My name is Nimr Tamimi. I have had the privilege of being born and raised here in Hilo, Hawai'i. And I hope that my children have the ability to enjoy the same privilege that I have.

I am testifying in favor of the Applied Research Laboratory on behalf of the Kanoelehua Industrial Area Association, KIAA, of which I'm currently the vice president and chairman of the Government Affairs Committee. Representatives from the Filipino Chamber of Commerce, the Japanese Chamber of Commerce and Industry, and the Portuguese Chamber of Commerce are unable to attend this meeting; however, they have given me the authority to speak on their behalf.

(Comments from the audience)

LAGARETA: Excuse me. Could we have the same respect for all speakers?

TAMIMI: Also here with me today to testify in favor of the Applied Research Laboratory is a representative from the Hawai'i Island Chamber of Commerce. Between us we represent the majority of the Island's business community. We are not paid lobbyists or special interest group. We are small business and make up 99.8 percent of all businesses on the island of Hawai'i. We employ over 80 percent of the work force. Small business is the backbone of our community and our society. We give back to our community on so many different levels. Examples include scholarships, donations to nonprofits. We initiate and support community events. We are the tax base and the financial engine of our community. Strengthening small business will, in turn, strengthen our community.
The island of Hawai‘i houses some of the most economically depressed areas in the state. The average family income is nearly 30 percent less than the state average. The opportunities that will arise by having an Applied Research Laboratory will help provide better paying jobs, diversify our economy and strengthen small businesses. This will enhance our quality of life.

I'm a practicing engineer educated on the mainland. I'm one of the few people fortunate enough to be able to find a job in the science and technology field here in Hilo. The majority of my high school classmates who studied science and technology have not been as fortunate. Many of them want to come back home; however, there are no job opportunities here for them. The Applied Research Laboratory will help create more science and technology jobs so that when our children graduate from our universities, they can still here and afford to live here and not have to move to the mainland for lack of opportunity here at home.

If it was not for research, the world would still be flat, penicillin would not exist, there would be no electricity, animal skins would be our clothing, caves would be our shelters, telephones would not exist. Cars, televisions, DVD players, cable TV's, iPods, weather forecasts, (Audience feedback) toilet paper, canned foods, refrigerators, microwaves, everything --

LAGARETA: Excuse me. Please be respectful of our speaker.

(Audience feedback)

UNIDENTIFIED SPEAKER: Three minutes.

LAGARETA: Hey. We'll stop the testimony right now. Go ahead, sir.

TAMIMI: Everything you use in your daily life has come from some sort of research. Since the 1800s the majority of all research done in our country has been paid for by the federal government. Please support research. Please support small businesses. Please support the Applied Research Laboratory for a brighter future for our children and our people. Thank you.

LAGARETA: Thank you.

(Audience feedback. Chanting.)

LAGARETA: If we have any more outbursts, I'll please ask people to leave or we'll stop the testimony. So please be respectful of all of our speakers. The Board would like to hear everyone.

HASTINGS: Aloha, Chairman Lagareta, Regents and Dr. McClain. My name is Barbara Hastings. I'm president elect and government affairs chair of the Hawai‘i Island Chamber of Commerce. Our chamber represents more than 400 businesses and more than 700 members centered mainly in East Hawai‘i. The chamber is on record in support of the University of Hawai‘i system, particularly for UHH and HCC.

We understand that the Applied Research Laboratory under discussion is intended for Mānoa, but we are told there will be some benefits derived for our campus. We hope so. In the numerous media accounts recently on this issue the proponents are lumped into a group that sees millions of dollars in research money coming to the university. Research does many things besides bring in bucks. It brings high caliber researchers and teachers, provides jobs and, most important, it provides knowledge.

Knowledge can be used for good or ill, but the knowing itself can only be good.

I don't envy you your decision making, but believe you will weigh in favor of the pursuit of knowledge. Thank you very much.
LAGARETA: Thank you.

(Audience feedback)

LAGARETA: Our next speaker, please.

PANG: Christina Stidman.

STIDMAN: Good morning, President McClain, Chair Lagareta, Regents and members of the UH community. My name is Christina Stidman and I serve as the president of the Associated Students of the University of Hawai‘i at Mānoa. ASUH represents over 11,000 undergraduate students, of whom I have come to speak on behalf of today.

Being passed out to you is ASUH's official stamp on UARC and any Applied Research Laboratory including our campus, for that matter. You are tearing our campus apart. Without the official stance -- or with the official stance of ASUH, Kuali‘i Council, Mānoa Faculty Senate, UH Mānoa administration, Pukoa Council and Faculty Senate of Hawai‘i Community College all against proceeding with ARL, why would we continue to push this forward?

(Applause)

STIDMAN: Administrators, faculty and students have expressed their strong disagreement in proceeding forward with this Applied Research Lab and ASUH is curious to know if anyone is still willing to do this research. With so many members of the UH community against the Applied Research Lab, how will we ever reach our target revenue if there aren't enough people willing to take on the task orders? ASUH is concerned that this investment will be deemed ill due to lack of interest.

As the Board of Regents policy characterizes UH's primary mission as, quote, to provide environments in which faculty and students can discover, examine critically, preserve and transmit the knowledge, wisdom and values that will help ensure the survival of the present and future generations with improvement to the quality of life.

If UARC is disrupting our quality of life, then how can you vote yes on this matter with regard to the thousands of lives you will be affecting?

(Applause)

LAGARETA: (Gavel)

STIDMAN: We would also like to address the concern that this ARL can only take place on Mānoa's campus; therefore, we feel as though this issue should have been addressed on the January agenda on Mānoa's campus. As (inaudible) university, our voices need to be heard in order for the meaningful dialogue, construct and consultation to take place on this very important issue. Thank you.

LAGARETA: Thank you.

(Applause)

LERMA: Aloha (inaudible) kakau. And by your contract, I accept that on occasion students, faculty and other campus members feel so strongly on a given issue that they feel it essential to speak out. And like (Amad Ni Juhad), I feel the same way. Such an insult to have so much negative here when people are spending time to come out and speak on humanity.
I am Puna Lerma, subject. My national origin is still the Hawaiian Kingdom of these Hawaiian Islands. We are ancient people and our humanity has been so totally obliterated on the island of Oahu on under 6 to 8 feet of top loam, 4 to 6 feet of coral, 3 feet of black cinder, 4 to 6 feet of coral and water, the iwi kupuna of our people were found under that black cinder.

The most intelligent geological book – Most have just pictures of our beautiful Tutu Pele to sell to the tourists, but the most intelligent ones estimate from Tantalus to earliest could be 6,000,100,000 year span. We are an ancient people and the Genographic Project is seeking those people of the Pacific region who are rare. We are less 4 percent of your genocide. (Unintelligible) is a supreme being for which we have a covenant here different from the (unintelligible) and (unintelligible).

The first constitution of Hawai‘i granted by Kamehameha III October 8, 1840, the Declaration of Rights both of the people and chiefs and, therefore, on this 66th session of member states of the United Nations, thank you for moving your esteemed membership here to our Kingdom of Hawai‘i, established for peace, for the sanctity of space exploration.

God hath made of one blood all nations of man to dwell on the earth in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs and all people of all lands. These are some of the rights which he has given alike to every man and every chief of correct deportment. Correct deportment means I am an agent of the Premiere of Interior. I will be checking your passports to see if you are legally in our country.

Life, limb, liberty, freedom from oppression, the earnings of his hands, the productions of his mind. Not, however, to those who act in violation of these laws. God has also established government and rules for the purpose of peace. That is our kingdom here. Divine. On Mauna Kea you say the Big Bang happened 13.5 billion years. Magic numbers are 13, 26, 52, but that's all right.

God has also established government and rule for the purpose of peace, but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only without also providing protection for their subjects. Neither is it proper to enact laws to enrich the chiefs only -- and that's CEO's, also -- without regard to enriching their subjects, also. And hereinafter there shall by no means be any laws enacted which are at variance with what is above expressed. Neither shall any tax be assessed, nor any service, which is US Constitution free men or those bound to service, which is to pay debt. No interest on that debt.

LAGARETA: Excuse me. Your three minutes up. And what is your name? Because I don't think you're the president of the Hilo Student Association.

LERMA: I don't think you're here legally, so listen to the first nation's people.

(Applause)

LAGARETA: Thank you. Your time is up.

LERMA: You don't have treaties with us. The United Nations spoke up against you.

LAGARETA: Your time is up. May I have Lani Thurfine --

LERMA: Your time is up.

LAGARETA: -- of the Student Association.

LERMA: Protection of the people declared.
LAGARETA: May I have the microphone turned off, please.

(Gavel)

(Audience feedback)

LAGARETA: Regents, I think we'll take a break. Thank you.

(Audience feedback)

THURFINE: Good morning. I'm Lani --

UNIDENTIFIED SPEAKER: Your time is up.

THURFINE: I'm Lani Thurfine and I'm the acting president for the University of Hawai'i at Hilo Student Association, informally referred to as UHHSA. It has come to our attention that during today's meeting of the Board of Regents we are -- that we will -- Sorry, excuse me -- the issue of UARC and ARL will be brought forth for discussion among the voting members.

We are aware that clear information involving UARC/ARL is difficult to access and community's Coconut Wireless seems confused with misinformation. Nonetheless, based on the information available and in accordance with several other universities and community-based organizations, UHHSA has come together and has formed this Resolution 0-037 in opposition to UARC/ARL.

(Applause)

THURFINE: The resolution follows:

Whereas, the University of Hawai'i is a community united by dedication to inquiry, learning, teaching governed by the highest ethical standards for betterment of humanity.

And, whereas, the role of the university is to promote free exchange of ideas, to generate and disseminate knowledge, to guarantee the right of faculty to freely publish their work.

And, whereas, the proposed UH Department of Defense University Affiliated Research Center or Applied Research Laboratory will allow classified research at UH and would establish an institutional relationship with Department of Defense.

And, whereas, research conducted at UARC/ARL would involve improving weapons technology.

And, whereas, this relationship is antithetical to the guiding mission of the university -- excuse me if I butcher this -- ma luna ae o na lahui a pau ke ola o ke kanaka, above all nations is humanity.

(Applause)

THURFINE: The proposed contract between UH and US Navy to fund classified research has the potential to destabilize efforts to work cooperatively with other universities and nations, harm our fragile ecosystem and contradict the values of Kanaka Maoli and other groups.

Whereas, in 2005 conscientious students of UH Mānoa occupied the office of President McClain for want of a forum to express their concerns over UARC and ARL proposals.

And, whereas, the establishment of UARC/ARL is strongly opposed by stakeholder groups throughout the UH system including Associated Students of the University of Hawai'i at Mānoa, the Kuali’i Council, UH Mānoa Faculty Senate and the UH Professional Assembly.
And, whereas, today is the 21st of September United Nations International Day of Peace and Hawai‘i is the first state in the nation to recognize this day.

So, therefore, be it resolved, the University of Hawai‘i at Hilo Student Association urges the administration of the University of Hawai‘i to abandon its plans for the University Affiliated Research Center and is requested to instead develop a policy to prohibit classified military research that involves weapons or other life-threatening systems.

(Applause)

LAGARETA: (Gavel)

THURFINE: This resolution was amended due to the August 2007 renaming of the project. Thank you.

(Applause)

PANG: I will now take up folks that signed up at the door. There are three sign-up sheets. I'll just go in order on each sheet. J.N. Musto, followed by Kalani Makekau-Whittaker, followed by Megan Pachecano.

MUSTO: Good morning. My name is J.N. Musto. I'm the Executive Director of the University of Hawai‘i Professional Assembly. I'm here to testify on two issues.

The first of them is the issue that carries over from our last meeting, which was the disclosure of information. We sent a letter to the General Counsel after that meeting contesting the assertions about whether or not Chapter 92 prevented the disclosure of information in order for us to make and discern information concerned with decisions coming before the board. I'm very happy that today we have received the full gamut of information that is going to be before you and there are, in fact, items within that which were important for us to be aware of and to know.

In particular, first of all, I would like to -- I would like to comment on the Board Policy 9-14, Executive Personnel Policies, that deals with paid leaves for executive employees, modification to provide 12 months of leave with full pay. One of the -- one of the issues that occurs and has occurred repeatedly is administrators leaving their office to return to the faculty, but being granted almost in a pro forma manner leaves of absence. That may or may not be, obviously, in the interest of the individual, but I think it causes a great disruption and -- in the use and potential use of those kinds of leaves for other things which we are used to in the faculty.

As you know, faculty after seven years is eligible for sabbatical leave. That taken sabbatical leave, if taken for 12 months, would only be at half pay. At the community colleges over the years we have suffered through a situation where six-month leaves -- sabbatical leaves which are granted full pay were not being granted for lack of resources. I think, again, in this case, the adoption of the policy, we have to look at it in the context of how it's going to be received by the faculty in general. Those provisions in our contract still apply. And I am still worried that the access to six-month leaves of absence, particularly for the community colleges, remains an issue and one which will probably be taken up again in the near term.

So that item again came --

LAGARETA: Mr. Musto, can I clarify?

MUSTO: Yes.

LAGARETA: I'm sorry. You said that the six-month leaves of absence were not granted due to lack of resources.
MUSTO: Right.

LAGARETA: Can you explain that again?

MUSTO: At the community colleges -- Community colleges have not been able to grant six month leaves -- or sabbatical leaves which are at full pay for lack of resources on their individual campus. In other words, it's another issue, again, where, at least in my estimation, the economy of scale being part of the system was lost.

And it's true that Windward Community College may not have been able to afford it or Kauai Community College, but in the aggregate, in the aggregate, again, this is an issue that needed to be dealt with if it were a resource allocation I think at a system level. The point is, and I'm raising the issue now, is that this will be juxtaposed against this executive policy. And it's for that that I want to bring it your attention.

The other part of this is that there have been occasions when the executives who have been granted leaves of absence have not, in fact, been required to return for the requisite one year of service, whether it be in the faculty or in some other position. I think the enforcement of this policy has to be consistent. It has to be absolute. If an administrator or executive administrator is granted a leave, then they should be required to come back and spend the time that a faculty member would who is granted a sabbatical leave under the same circumstances.

So that was an item, by the way, that up until this morning when I picked up my papers, I was not sure what the policy change was going to be and I was not -- I would have otherwise not been prepared to respond to you on that issue.

Since you are talking about the Applied Research Laboratory, I want to make one comment. University of Hawai'i Professional Assembly issued a rather long evaluation of that contract and its implications on employment. And members of our bargaining unit participated in the Applied Research Laboratory or UARC. There are extraordinarily large numbers of unanswered questions as to how that would impact upon their tenure and promotion process. Those have not been answered in the contract. And, in fact, they haven't been addressed at any spot. I think it is only now that we have raised it, actually, to another level of potential confusion because the Applied Research Laboratory would be at the system level.

Up until now no faculty were hired at the system level. They've been hired by campuses. So if this is adopted, I suggest that there are significant issues that we have to address for anyone who might be participating in at least a substantial portion of their Bargaining Unit 7 work in the Applied Laboratory.

And, again, that issue has not gone away, that issue has not been resolved. The answers to those questions, again, that we raised some three or four years -- And, actually, more than that. We were engaged in conversations with this before this was even publicly known in very large measure, including presentation to the legislature originally. Those questions have continued to remain unanswered. And the implications for individual faculty members that we represent, those implications could be huge. So I just add that to the mix of other things we need to address.

Thank you.

(Applause)

LAGARETA: Thank you.

PANG: Kalani Makekau-Whittaker, followed by Megan Pachecano. Kalani Makekau-Whittaker
MAKEKAU-WHITTAKER: Real briefly before you start my time.

LAGARETA: I'm sorry. Are you Kalani?

MAKEKAU-WHITTAKER: Yes, I'm Kalani. Before you start my time, I just want to make a statement that the Hanakahi Council Native Hawaiian Faculty and Staff Organization here on the Hilo campus is most definitely opposed to UARC and AFL -- ARL. I keep forget the acronyms. And we will submit that in writing.

So now you can start my time. Slowly.

I'm speaking on behalf of myself and my family. Mahalo for this time to address a few of the issues surrounding the Applied Research Laboratory. We are adamant about not having our university participating in any classified research, including research that can later be designated as classified research. It is completely unacceptable to just delay the implementation of classified research for three years or to simply say that the ARL will retain the option to terminate a task order should the research involved become classified after the task order begins. Theoretically, this just means that -- it could mean that task orders will become classified, all the task orders could become classified and none of them could be terminated. It’s totally unacceptable.

To try and promote this contract because of the amount of money -- blood money, that is -- it will bring to the university is offensive. I do not want to be, nor do I want to see other good university employees pimped in such a way.

MAKEKAU-WHITTAKER: In the past few weeks it has become glaring obvious that the military is trying to inflect its imperialistic muscle and build up its presence here on our island. First we have the Striker Brigade proposing to practice on our sacred mountain on whose slopes this university and my home sit. Then we have the Superferry, whose funders have admitted that its main purpose is to transport Stryker Brigade between O’ahu and this island.

Now our university wants to do, quote, harmless military research not because it's a promoter of the many mass killings the US military is engaging in and supporting around the world, but, rather, because individuals should have the right to promote their careers through whatever research they are good at and the institution should take any opportunity to increase its revenue.

MAKEKAU-WHITTAKER: I have a strong feeling that you Regents and President McClain and many of the researchers are not completely supportive of the many millions of humans around the world being murdered by the US military, yet you are contemplating participating in these murders at a distance from the actual crime scenes, out of your view. You never see the mass of dead bodies.

MAKEKAU-WHITTAKER: This brings to mind the negotiation of the banality of evil applied to Adolph Eichmann by Hana Aaron. She believed that Eichmann participated at a distance in the mass extermination of Jews simply because of a desire to improve his career, not because he believed in the ethos of the Nazi movement. He said he was just following orders, you know, like task orders, and that he was therefore respecting the duties of a bureaucrat.
We need to better understand the serious repercussions this research will have on our own island and on other humans around the world. Let's not turn our backs on the connection between this research and the many people being killed around the world. I humbly ask you not to approve the ARL contract. Don't turn the University of Hawai‘i, our university, into the new home of the little Eichmanns.

(Applause)

MAKEKAU-WHITTAKER: And in closing, I have one quick comment, a suggestion, perhaps, that if you were to pass this, we need to change the colors of our logo. You take our university red and make it the system color because that's the blood that this university will be guilty of shedding around the world.

(Applause)

PANG: Megan Pachecano, followed by Krystal Kekauoka, followed by Kurt Dela Cruz. Megan.

PACHECANO: Yes. I'm sorry. Okay. I would like to ask if Gordon Inouye could speak first.

LAGARETA: Okay. Are they on your three minutes?

PACHECANO: Yes.

LAGARETA: Okay.

INOUYE: Madam Chair, thank you for the opportunity to speak this morning. I did sign up. I'm on the list further down, but I thought we would speak in this order so it would be logical in terms of what we wanted to say. President McClain, thank you for this opportunity.

Members of the Board of Regents, my name is Gordon Inouye and I am the Interim Director of Soccer here at the University of Hawai‘i here at Hilo. I was born and raised here in Hilo. I'm a graduate of Hilo High School, the United States Merchant Marine Academy at Kings Point, New York and St. Mary's College. And I'm a current resident of the Big Island again since '84 after I returned back home.

In this morning of so much passion and divisive issues, which I respect fully, I would like to speak and address myself to an issue which, hopefully, will bring us all together and is near and dear to the hearts of all of us. As you know, the 2006 and '7 year brought us three new team sports, which was men's and women's soccer and women's basketball. Last year the men and women's team were able to use the physical education field at Waiākea Middle School for their practices and Keaau High School for their home matches. The Waiākea High School team also used the very same field after the UH season was over during the winter season for both their practices and their matches.

Unfortunately, this year, for good reasons, were denied permission to use the Waiākea Middle School field since the combined wear and tear of the fields from both UH Hilo and Waiākea High School men's and women's and boys' and girls' program rendered the field unusable for their own PE classes. Therefore, the men's and women's teams this year have had to use the multipurpose field here on campus or the outfield at the baseball stadium for their practice sessions. Both are prone to flooding and are natural grass surfaces.

Given very muddy conditions and ponding of water, both the men and women have also had to use a private facility located about five miles away up in Anahulu due to the gracious generosity of a private individual. This facility does not have County water and has one bathroom which the owner has graciously allowed us to use. For most of our home matches, we fortunately still have
access to the Kea'au High School field about five miles away in the other direction. I say most because at the present time we are seeking a venue to host the Grand Canyon University on Saturday, October 27, 2007. Right now we don't have any facility to play that match and we are seeking a venue for that.

The reality is that we're situated in a beautiful community which is blessed with bountiful rainfall which creates a wonderful and lush surrounding of greenery and flowers. In bountiful I mean we average in excess of over 120 inches of rain, over 10 feet of rain each year. So this is the norm. Our university is in dire need of a facility which will allow us to train and play in close proximity to the campus making our matches accessible to the student body and be able to maintain this during our normal wet weather conditions with support facility to complement their activities.

Our visions is that such a facility will also allow substantial additional opportunity for the student body as a whole and the surrounding community, like hosting high school state tournaments and the Hawai'i Challenge Cup for both men and women. The Hawai'i Challenge Cup is a soccer tournament involving the four Division 2 universities in Hawai'i.

I thank you for this brief opportunity to speak and hope that you'll favorably consider our request. Thank you.

(Applause)

LAGARETA: I'm sorry. So you're testifying in support of the supplemental budget SAP?

INOuye: Yes, madam.

LAGARETA: And you have used the three minutes, so our next speaker is --

INOuye: I used the three minutes that I signed up for.

LAGARETA: Yes, but there are other folks in front of you, so I need to go back to that list.

INOuye: Will Miss Pachecano be able to speak?

LAGARETA: At the appropriate time.

PANG: Yeah. I called her first and then followed by Krystal.

LAGARETA: Okay. Krystal.

PANG: Either Megan or Krystal. I had you both down speaking on behalf of the UH soccer.

KEKAUOKA: Yes. Okay. My name is Krystal and I'm going to be talking about the same point.

Having a soccer facility would add appeal to the university and would make the women's soccer program more collegiate and professional. We would receive more support from the local community and student body. It would be more convenient for both players and students because transportation is hard to come by. UH Hilo would receive more revenue rather than having to split it with the high school. For example, we could rent our fields to local programs such as ARSO.

At the Division 2 level most prospective student athletes expect to come to a university with a facility on campus. A nice collegiate facility would attract more local players from the Big Island and neighboring islands. More of the local people would have liked to come here if we had the right facilities, but instead they went to the mainland where the facilities are already provided.
With the rising new programs, adding fields would make the program complete and more capable of bringing quality athletes to UH Hilo. Thank you.

PACHECANO: Is it okay to speak?

LAGARETA: Would you state your full name for us.

PACHECANO: Megan Pachecano.

LAGARETA: Okay, Megan.

PACHECANO: Okay. We currently practice on the outfield of the men's baseball field and due to the weather and overuse its poor quality has increased the risk of injury. The multipurpose field is in worse condition and floods during heavy rain. Building a facility with an all-weather turf field would cut cost and maintenance and withstand the extreme climates of the Big Island. Not only would it be low maintenance, it would allow the soccer program to play at its best potential.

The UH Hilo soccer program has 68 student athletes, men and women, who all pay tuition, but is the only sport without its own facility. Not only would the field be beneficial to the women's soccer, it could be used for the men's program and for intramural sports. We feel with the rapid growth and success of the women's soccer program, building a facility would benefit the school, the soccer program and local community.

We can't express enough how needed this facility is and how greatly appreciated it would be. Thank you.

LAGARETA: Thank you very much.

(Applause)

PANG: Kurt Dela Cruz.

(Applause)

PANG: Follow by Kealoha Pisciotta.

DELA CRUZ: Aloha, Board of Regents, President McClain. I'm Kurt Dela Cruz, a Kea'au brother who lives up in Pualani Mauka. I am also a member of the University of Hawai'i Professional Assembly as well as the University of Hawai'i Hilo.

On one hand my comments can be very brief in terms of I do not support the research lab for many of the same reasons that was shared here. On another hand, I think my testimony today goes back to my colleagues here at UH Hilo who long after you guys catch your plane, I still need to interact with, I still need to see.

This is something that I come to you from the heart to say, like my friend said earlier, 'nuff already. I come as a Kea'au man to plead to you to say, like my sign say, you can fool some people some time, but you no can fool all the people all the time.

(Applause)

DELA CRUZ: And I don't believe you trying to fool. I don't believe you trying to fool. Maybe I could be wrong because it seems like it's been going on for three years so it is very passionate with people saying there have been lies, there has been deceit, things like that. What I'm trying to say is this, is it's a clear argument. It really boils down to business. Once again, money, maybe you have a fiscal responsibility to the university or so on.
Money, my friend Nimr talked about. And he is my friend. I talk to him out there, say, aloha, brah. I still got to see my co-workers on campus. I still got to see our people in KTA. We still got to live here. Long after the military, Superferry, everybody is gone; we still got to live here.

And what I've been finding through all these type of contracts and all these types of things that have been business friendly -- I am from Kea'au. I have been part of the very people who people have said it's about jobs. It's about the economy. Well, what I have seen in being home, the most profound benefits of contracts such as this or the Superferry usually go into the pockets of investors and business, whereas, the most everyday adverse --

(Applause)

Thank you. Thank you.

DELA CRUZ: The most everyday adverse effects come down to our level, the people who live here. So --

(Applause)

DELA CRUZ: So as somebody who lives here, I come to you and say I don't think that is good for us. I really don't. Maybe get other ways we can get money. Maybe we can hold a few more Toyota concerts, you know. Maybe there's other ways we can raise money. And, again, I am pleading to those who may be wavering. Maybe some of you inside you made the decision already. For those of you who are for the applied lab, I got to respect what you think as I would hope you respect what us folks think. Okay? And what us folks think over, especially people like me, is the military complex has not been good for us folks.

(Applause)

DELA CRUZ: And I just hope that you can hear a brother like me speak. I hope my colleagues over here, the security brothers, who us got to interact with on campus, you guys see us and you see we're not just a bunch of activities yelling. We over here saying this is part of our lives, so we come here and say, aloha, yeah, come, we go talk story, because talk story is the essence of we moving forward. So here's our talk story and part of ours is to say, yeah, big money involved, we see that, but everybody see that. When you make that decision today for or against, everybody going to see that. We all know it's our job for make the common people understand. Mahalo.

(Applause)

PANG: Pueo Kai McGuire, followed by Shawn James Leavey.

McGUIRE: Aloha. My name is Pueo Kai McGuire. I was also born and raised in the district of Kea'au. I'm speaking as a student here at UH Hilo and as well as a member of the UH Hilo Caucus.

I would like to begin by citing the Board of Regents policy manual Section 5-1. It states, "All proposals to establish new programs shall be consistent with the institution's mission and must be high on the list of academic priorities as enunciated in the academic plan. Proposals are to be presented according to a schedule determined by the president, providing sufficient time for faculty review. Proposals must be consistent with the institution's mission."

So according to Section 4-1, letter C of that manual, "The primary mission of the University of Hawai'i system is to provide environments in which faculty and students can discover, examine critically, preserve and transmit the knowledge, wisdom and values that will help ensure the survival of the present and future generations."
The ARL proposal doesn't fulfill this mission. If the conduction of research and the results of that research were kept secret, it would be inconsistent with the mission in that it would be impossible to examine critically and transmit that knowledge, being that it is confidential.

The ARL proposal raises the question as to whether or not there is a distinction between classified and secret research. This proposal also conflicts with the academic priorities of the University of Hawai‘i at Hilo.

The UH Hilo eight-year strategic plan indicates goals, objectives and strategies of the university. These include establishing a stronger process for approval of new programs that are relevant to the university mission. Establishing a STEM for encouraging, rewarding and tracking faculty research projects involving students as researchers and sharing results of institutional research with the campus in a systemic way so that the accessing and using of the results of the system research is common practice.

When I heard about the ARL proposal and the way in which the board was undergoing this approval process of the program, I felt the board provided an inadequate amount of information to the UH community and that the Board acting hastily in its actions.

(Applause)

McGUIRE: Upon consulting the Board of Regents policy manual, I noticed in Chapter 1, page 1-8 it states, and I quote, "In the case of academic policy proposals, the president shall decide the manner by which the advise and full input of duly consulted faculty organizations is obtained." I ask you, what was the manner in which the Board obtained the advice and input of duly consulted faculty organizations? Was it done in a way that would allow sufficient time for faculty review? And what constitutes whether or not you consult a particular entity? Is the input and advice of student institutions and groups in the community considered to be unworthy of your consideration?

Upon looking at these policies, the primary mission of the UH system and the eight-year strategic plan of UH Hilo, I conclude if the Board makes a final decision on this proposal today, it would be doing so in direct violation of its own policy.

(Applause)

McGUIRE: That being said, I'm strongly opposed to the ARL proposal. The implications of implementing large-scale, potentially confidential military research into the UH system for the Department of Defense directly contradicts the university's responsibility to promote the free exchange of quality information and ideas and to project a humanistic and diplomatic message to the international community.

Utilization of university resources and facilities for the furtherance of militarism in Hawai‘i and abroad is unethical and these types of proposals should not even be considered by this body, especially after you tried once and failed.

(Applause)

McGUIRE: If you do choose to violate your own policy by making a final decision today, I would urge you to vote against the ARL proposal being that it is immoral, unethical and contradictory to the values of the university, Kanaka Maoli and humanity. Mahalo.

(Applause)

PANG: Shawn James Leavey, followed by Herbert Poepoe.
LEAVEY: I'm going to keep this short and sweet. (Hawaiian - Makai kau.) My name is Shawn James Leavey. I serve as senator, UH Hilo Student Association. I'm also a freelance journalist for the Big Island Weekly.

And I have to tell you folks I'm feeling very conflicted today. I'm feeling very conflicted because the first opportunity to come before you is not something positive that I can advocate for, but something with much controversy that I cannot support.

Members of the audience, my feeling today is that this Board of Regents comes before us with a bad rep, with a bad appetite, a pork barrel pot belly from approving these millions of dollars to build Panstars on the summit of Mauna Kea to catch intergalactic asteroids, intercontinental projectiles, spies in the sky. What is this? We ask why. Why? Why this Board is flying in the face of the State Constitution? But this is another matter.

So now we're asking mauka to makai? What is this? Working for the Navy? This is not good advertising. This is not good constituent outreach you guys have been doing. Not proper stakeholder consultation. You want the occupation of your office? Why is this so radical? Why is this so controversial? Why are people so opposed?

UARC, it sounds definitive. It sounds like a done deal, UARC. But now this 96-page private criminal investigation, the word scandalous, corruption. These are very heavy words we're dealing with today. Now you cannot keep it classified. You can't keep it secret, but it sure is sensitive.

I was told you guys are in violation of your own policy, systemic consultation of duly recognized faculty bodies. Let me tell you, the people in this audience are truly catalyzed and your opposition has grown systemic.

(Applause)

LEAVEY: And now we don't have UARC, we have (unintelligible). Sounds like you guys are choking, drowning here. You drop this with one-week notice of your agenda. We had to read in the newspaper this was coming up.

So let me tell you we are tracking your tragedy, we are homing in on your coordinates here, and if you vote on this, you're facing an injunction and a temporary restraining order. If you vote on this and say UH will support the Navy, well, let me tell you, we will fight for peace, too.

(Applause)

LEAVEY: If you, dear members of the Board, vote on this today in favor, you are -- have given me my task order, and that is to break this government, governor-appointed trust because you have broken our trust.

(Applause)

POEPOE: Hi, I'm Herbert Poepoe. And I would like to read a section that came out from -- in last night's Tribune Herald that says, "UH Launches Centennial Campaign Tribe." Quote, "Throughout a hundred years the University of Hawai'i has existed first and foremost for the people of Hawai'i. Our identity has been grounded in the Native Hawaiian culture, characterized by our core values of community, mutual respect and sharing of resources for the benefit of all, President David McClain."

So I ask you, do you think it is a Hawaiian value of deceit? To change the name from ARL to -- UARC to ARL, is that not a deceitful practice? Do you think a blatantly disregard for the faculty,
student and community members to go ahead and secretly conduct a contract with the military? I don't see that, quote, "as values of community and mutual respect." That is not a Hawaiian value.

Money. I've heard people from the economy, money is the driving force. That is not a Hawaiian value, at least not the Hawaiian value that I was taught.

Pilahi Paki, a Hawaiian scholar and a philosopher said, "When God becomes your money" -- I mean, "When money becomes your God, you lose." And it seems to me for $50 million or ten million a year, that has become your God.

I strongly oppose this and hope you will do the same.

(Applause)

PANG: The next two speakers will be Kathy McNally, followed by Travis Clarke.

McNALLY: Aloha. My name is Kathleen McNally. I'm the Director of Athletics at the University of Hawai'i at Hilo. And I would like to just address the supplemental budget dealing with the softball upgrade and the soccer field for our programs.

I am just going to speak very quickly to the issue of Title IX. We have moved very slowly towards achievement of that guideline, and part of the guideline would require the appropriate facilitations for female athletes, and we are very short of that here at the University of Hawai'i at Hilo. I encourage you to review the upgrade of the softball field and the construction of the new soccer complex, which will not only benefit women, but it is primarily in their light that we are looking at this, but also the community and the university for both facilities because they are not athletic facilities, they are university facilities. I encourage you to support the concept of Title IX. I encourage you to support and continue the efforts made here at the University Hawai'i at Hilo.

Mahalo.

PANG: Travis Clark, followed by Anna Karsin, followed by Rana Fix.

UNIDENTIFIED SPEAKER: Travis Clark will not speak.

FIX: Anna Karsin isn't able to speak, but, aloha, my name is Rana Fix. I am Big Island born and raised. I'm also a biology student of UH Hilo. I'm here on behalf of myself and other future scientists of Hawai'i.

I want to say that what the UARC/ARL is doing is deceptive and sneaky. I want to say that our university's technology is here for the university's research, not for the military's secret research. Please consider the rights and opinions of the students, our future scientists, the faculty and all those here today against UARC/ARL. Please represent our opinions upon making your decision. The students of UH are the future of community and the world.

I would also like to say on behalf of Anna Karsin that she, too, is a science major here at UH Hilo and she would love to do research, but not for the military. There's good and there's bad research. It's against your policy to vote on an issue without student and community input. Last-minute testimonies are not enough. Furthermore, given UH Hilo's ideals and morals, I don't understand why ARL is even being considered.

Respect us. Respect yourselves. Abandon the ARL proposal. Thank you.

(Applause)
PANG: Janelle Williams, followed by Lilikala Kame'eleihiwa.

WILLIAMS: Aloha, members of the board. My name is Janelle Williams and I am here representing myself as a student of the University of Hawai'i Hilo and a concerned citizen.

I am pleading with you to not approve this proposed Applied Research Laboratory. I would also like to take this opportunity to bring forth a stack of petitions in -- by the University of Hawai'i Hilo and Hawai'i Community College.

(Applause)

WILLIAMS: I do not find it appropriate for a university striving for goals of peace, cooperation and understanding among the nations of the world to blatantly affiliate themselves with the Department of Defense conducting national -- quote, "national defense science technology and engineering with a focus in Naval missions and related areas," stated from the ARL definition on the Board of Regents website.

This proposed contract between UH and the US Navy to fund classified research undermines efforts to work cooperatively with other universities and nations. Our own motto is, "Above all nations is humanity"; however, I do not sense any notion of this when looking at the ARL contract.

A university should be a place of learning and inquiry, encourage the exchange of ideas and research, and serve the community and the public good. It is appalling to think of the university as a tool of the Department of Defense for the pursuit of developing and perfecting weapons related technologies.

I strongly urge you to vote no today and help perpetuate academic institutions as a place for the transmission of knowledge, the pursuit of truth, the development of students and the general well-being of society. No further contracts or programs that threaten free inquiry and free expression should be considered.

The responsibility to secure and to respect general conditions conductive to freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom.

I trust you will make this decision based on moral principles and not the dollar. Please do what is right for this university.

(Applause)

PANG: The next speaker is Lilikala Kame'eleihiwa.

KAME'ELEIHIWA: Aloha kakau.

AUDIENCE: Aloha.

KAME'ELEIHIWA: My name is Lilikala Kame'eleihiwa. And before I begin my testimony on behalf of the Kuali'i Council, I would like to thank all of the students and faculty and staff who came out today. Mahalo nui.

(Applause)

KAME'ELEIHIWA: The fact that you're passionate about the future of our university means the university is alive and well. And it's only your passion, really, that will carry us into the next -- the rest of the century. So mahalo nui for that.
I know a lot of you should be in class. This is the one time I would say, “Be here.” I know a lot of you flew in from Honolulu using your own money to come, and I know that that's really a reflection on your caring about this issue. For the faculty and staff who are here and who are brave enough to testify, I know everyone worries about whether they're going to be fired if they're not tenured. So all of us who are tenured professors, it is our duty to speak.

Board of Regents, I know that you're good people. We meet often on a number of occasions about all kinds of other things besides this particular issue. I hope you make the right decision today. And I would like to help you make that decision. As you know, the Kuail‘i Council has taken a position against this and for a number of reasons.

One of the reasons you have before you. I passed out the Declaration of Rights of Indigenous Peoples the UN General Assembly recently passed on September 13th. 144 nations have voted for this. And as Kyle so eloquently put, on page 9 of that declaration, if you look at No. 30 and No. 31, you'll see that there is strong language about the military not using native lands for purposes of the military without the indigenous people's consent. You see over and over again the indigenous people do not consent. And this is not just Hawaiians, this is native indigenous peoples all over the world feeling this matter is so important.

The military has used our land so much in a bad way. We have depleted uranium here. We have toxic waste. On O‘ahu our water supply is very badly compromised because of the military actions there. We all drink it all, we're all subject to get cancer because of it. It doesn't make any sense for the university to lead in this matter.

The University of Hawai‘i is one of the most important leaders in the community here, in the State of Hawai‘i. So much so that we as Hawaiians are trying to make sure our young people will come through the doors and study at this university. This university must be, always, dedicated to peace and not violence.

(Applause)

KAME'ELEIHIWA: We as Native Hawaiians, we as indigenous peoples around the world know that the military is not dedicated to peace and nonviolence. We must not, as a university, look down that path. We must take the strong moral stance that we as researchers, as engineers, as scientists look for peaceful means to proceed.

Aunty Gladys Brandt, whose name is Kamakakuokalani and is the name of the place where we work at Hawaiian Studies at Mānoa, she said to us, "We as Hawaiians must find a peaceful means to resolve our political differences."

Queen Lili'uokalani put a (Hawaiian – kapu molu kia) on our people, she said, "We must not kill any of those who disagree with us politically. We must find a peaceful means to resolve our political differences."

That is what our elders say. And, you know, we've lived here in harmony with the land for 100 generations. And the reason is we consider the earth and the ocean and the sky and all the creatures on it and in it, within it as our ancestors, as our family, as our gods. It's how we get 40,000 gods. We need to live in harmony with that. We can't do that if we make contracts with the military.

And how much money are we talking about? Is it $10 million? Will it turn into $50 million? Yet we know that the budget is about $900 million system wide, $500 million at Mānoa. Now, I'm a person very much interested in making money for the university as you all know, Regents, you've heard me speak on this before. I like to raise money. I like to make sure we can make money.
And having heard from the people here on this campus and having heard from our friends who are in working in small businesses, I would have proposed something as an alternative to the UARC, an alternative way to make money.

We have here at UH Hilo a School of Pharmacology, a budding school, opening school. And we know that what we could do here at the University of Hawai‘i and here on this island is an industry for the growth of medical marijuana. We should be doing that. We would make a lot more than $10 million.

(Applause)

KAME‘ELEIHIWA: In fact, I think that this island, because of its lava flows and because of Tutu Pele and all of her blessings, has the best marijuana in the world. Now, I know this sounds a little facetious, but really it's not. And when we get the Nation of Hawai‘i back, this is going to be our form of export product.

(Applause)

KAME‘ELEIHIWA: Because we don't need to have engineers and scientists to be able to grow marijuana. Although, probably we could get better at it just like we could get better at growing taro and we can get better growing sweet potato and other things that important. We have in Puna a whole nation of people out there who can grow marijuana really well right now. Now that we have a medical idea of using marijuana, really, we should take the lead in this as the University of Hawai‘i. And I'm not being facetious. I'm saying this is a money-maker here. This is a way to provide relief to people suffering from cancer, that cancer caused by pollution from the military. And how many of our friends and our family, especially Hawaiians, are suffering from cancer?

The last thing that Lili‘uokalani said, really touched all of us, is that she had to listen to the voice of the people because the voice of the people is the voice of God. And so I'd just like to leave you with those thoughts. Let's listen to the voice of the people because that's what will lead us in the right way. Mahalo.

(Applause)

PANG: The next three speakers are Kealii Gora, followed by Jesse Potter, followed by Luke Koehn.

GORA: Aloha, President McClain, Chair Lagareta, Members of the Board of Regents. My name is Kealiioluolu Gora. And I'm the administrator for both the Pukoa as well as Ku‘ali‘i Councils. Today I will be speaking on behalf of the Pukoa Council. Pukoa Council is a system-wide council. We have nine councils, Hawaiian councils really looking at empowering and enhancing Native Hawaiian education for our people in all aspects of higher education.

Today we would like to reaffirm our opposition back in February of 2006 when we called upon the Board of Regents to deny and reject the establishment of the Applied Research Laboratory at the University of Hawai‘i. The Pukoa Council truly believes in the concept of malama aina. Malama aina being taking care of cherishing and preserving our land, our natural and our ocean resources. This ARL is in direct contravention to that fundamental principle of malama aina and, therefore, Pukoa Council calls upon you to reject this establishment of ARL.

(Applause)

GORA: Last week Friday I attended an event where Governor Linda Lingle presented at the International Peace Day at the state capitol and she pronounced the formal proclamation of peace. This is a very important issue because of the United Nations General Assembly
recognizing that we must achieve and work towards peace. The ARL, again, is in direct contradiction to that concept of peace.

We need to maintain our fundamental principles and our commitment to peace, nonviolence and disarmament and, therefore, Pukoa Council maintains that position to call upon the Board of Regents to reject and deny the establishment of ARL.

In closing, I would like to reiterate to the Board to please pay very constant attention to the United Nations Declaration on the Rights of Indigenous Peoples adopted two weeks ago. This important declaration of 46 articles are minimum standards that relate to education of indigenous peoples as well as the use of their lands, our territories and our resources. Please, take a look at that Article 30, very clear. Pukoa Council reaffirms its commitment to that Article 30, ensuring that the military does not practice or conduct any of these types of research initiatives on native lands and resources.

With the above mentioned, again, Pukoa Council reaffirms our formal opposition in February of 2006 and today we reiterate that opposition. Mahalo for the opportunity to testify.

(Applause)

LAGARETA: I'll just ask the Regents, would you want to take a ten-minute break or would the court reporter like a break?

THE REPORTER: Yes.

LAGARETA: Let's take a ten-minute break. Thank you.

(Pause in Proceedings: 11:29-11:44)

LAGARETA: (Gavel) We're going to reconvene our meeting. And just to let everyone know the schedule, we're going to continue to take as much testimony as we can take for about the next 15 to 20 minutes. We have, as is our habit, a meeting with the faculty during our lunch break and we will do that. It's scheduled from 12:00 to 1:30. So we're going to do that, and then we'll come back and finish testimony after that if there are more people that want testify at that point that we haven't heard from yet. So that's the plan. So we'll continue with the testimony for about another 15, 20 minutes. Next on the list.

PANG: We have Jesse Potter, Luke Koehn and Callen Perreira.

POTTER: Hi. My name is Jesse Potter. And I am a born and raised Big Island resident and a communication major here at UH Hilo.

Today I came here to say that I'm strongly opposed to the proposed Affiliated Research Laboratory at the University of Hawai'i. As a communication major here at UH, I don't think there has been enough direct communication with the students and faculty throughout the UH system.

Furthermore, the attempted passage of the ARL contract has not been a democratic process. It was rejected a couple years ago under the name University Affiliated Research Center, UARC, by numerous organizations at the University of Hawai'i at Mānoa, including the student and faculty governing bodies. The student government here at UH Hilo, UHHS, passed resolution 07-037 in opposition with unanimous support from the faculty senate.

I believe that the proposed contract is not in the best interests of the University of Hawai'i.

(Applause)
POTTER: ARL is not in our best interests due to the proposed oceanic, astronomical and optical research pertaining to improving military technologies and their weapons. Such research and the technology and weapons it would produce is not in line with our educational goals of higher learning and humanity.

An Affiliate Research Laboratory contract is printed on paper with the University of Hawai'i seal with the state motto, "Ua mau ke ea o ka aina i ka pono," which means "The life of the land is perpetuated through righteousness." Any kind of weapons research does not lead to perpetuate of the land through righteousness because weapons are not righteous and will harm our precious aina.

So I urge you not to approve the Affiliated Research Center and fund research instead that is and works for the betterment and preservation of our aina. Thank you.

(Applause)


PERREIRA: Hi. Good morning. I'm Coach Callen Perreira, head softball coach here at UH Hilo. And appreciate the opportunity to speak to you this morning.

I just want to inform you that the softball program here is entering their -- our 20th season. The first ten years we were without facilities and played at county parks around the island; that includes Hilo, Honoka'a, which is 40 miles away, and Kona, which is a two-hour drive just to get our games in.

We built a softball field here on campus in 1999. It was built by the Kulani Correctional Facility inmates and also with a lot of money from community resources. It saved -- At the time in 1999 it was estimated it saved the State and the UH system $450,000 to construct the field. Since then the only improvement made is the addition of two sets of bleachers. The UH system has put a minimal amount into this field. We played our -- a couple of seasons ago we played a season and a half without -- no bleachers, no seats for anyone to sit, not -- and the community I believe, you know, deserves better for all their efforts that they put into the facility.

I want to inform you that, as Kathy McNally, our athletic director, mentioned earlier, we need to start compliance with Title IX, which we are far away from. As far as what the softball program would need, we are requesting field lights. With field lights we could have a better attendance; less class time would be missed. We would have more opportunities of rescheduling games due to rain, due to time constraints rather than driving over to Kona to rent facilities and the student athletes missing classes as well.

We need locker rooms. We have none at the present time. No restrooms. Our field drainage is very bad. You can go on the website and you can see some pictures of people walking in the mud out in left field. So we recommend having an outfield with artificial turf, due to the amount of rain that we receive here in Hilo. We also need a paved access road for handicapped as well as emergencies, should they occur. Also need a press box.

And we -- At the present time we have a temporary water system hooked up to the softball field. It's hooked up to a fire hydrant that was hooked up back in 1999. And as of a week and a half ago we were informed by the county water department that the temporary phase is done. And currently -- I know the school is working on it, but currently for the past week and a half we have had no water on the field or up at the softball area.

I want to also tell you that this program has been -- out of 20 years, we've had 18 consecutive winning seasons. They have done very well. Last year the team finished top 25 in the nation.
And, also, as far as academics, which is probably more important than winning, we finished 48th in the nation of over 300 some odd teams as far as our team GPA. The softball program has done that year in and year out.

So, you know, we -- if I could really urge you to include this request in the supplemental budget. It would be greatly appreciated not only by the program, the student athletes, and it would also be appreciated by the community. Thank you for your time.

(Appause)

PANG: The next three speakers are Ruth Robison, Jim Albertini and Bryson Embernetate.

ALBERTINI: Aloha. My name is Jim Albertini. I'm a taro farmer for 27 years out in Kurtistown and the head of a nonprofit peace farm where we grow food to share with people in need and to support work of justice, peace and the environment. And, you know, just in the last few days we've shared food with dozen of families in need here. And I contrast with the fact that there's $2 billion being spent a day on the US military while there's great human needs going unmet.

Within the last month -- I'll offer this as a view from the taro patch on things. Within the last month we've been saturated with military attack upon attack. The confirmation of depleted uranium at Pōhakuloa, Navy training expansion plans in waters and lands here in Hawai'i. The last two nights there have been hearings on Stryker urban assault vehicles basing and training in Hawai'i. There have more and more connections of the Superferry to Stryker transport and other military-related activities. And yesterday's paper talked about the expansion of the Keaukaha Military Base at Hilo's airport.

And today we're dealing with the militarization of our university because, fundamentally, UARC/ARL and above all the other expansions I have talked about reflect a continuing US military occupation here in Hawai'i, an occupation that's been going on for 115 years.

And every time I talk about ending the US occupation in Iraq, I also try to make the connection to ending the US occupation right here in Hawai'i.

(Appause)

ALBERTINI: UARC/ARL, in my judgment, means a return to the days of plantation contract labor. Instead of sugar, the new cash crops are weapons and war. And the contract laborers would be the university researchers and all of us with our tax dollars. I think it's time for an about-face, for a move in a new direction away from militarism and toward justice, peace and a disarmed world. A first step in this process would be to demilitarize and disarm the University of Hawai'i.

At the core of nonviolence, which I've tried to stand for throughout my life, is the fundamental principle that the means we use must be in line with the ends sought, peaceful means toward peaceful end. Nonviolence and aloha go hand and hand. And on that basis I urge you to cancel the UARC/ARL. It's time for military cleanup, not buildup in Hawai'i. And throughout all of Hawai'i move toward peace. Thank you.

(Appause)

ROBISON: Hi. My name is Ruth Robison and I understand that my name was called. Aloha kakau.

AUDIENCE: Aloha.

ROBISON: I am here to read a statement of a person from the Mānoa campus. His name is Michael Jones, Dr. Michael Jones. He's a physicist there and he's a person who might be
expected to support this research -- it would bring in money in his field, certainly -- but he is opposed to it and he is very clear about why.

He says, "I have read the ARL contract at the website whose public release was announced on September 14th. I believe this contract has two serious problems which make it unacceptable in its present form. One is that it seems to have no statement that classified research is excluded in the first three years. If, as President McClain has stated, the ARL will not accept any classified task orders in the first three years, there should be an explicit statement in the contract.

"The other serious problem is that the ARL contract contains a provision on page 24 which prohibits release of unclassified information, quote, 'identified by the sponsor as sensitive and inappropriate for disclosure,' unquote. This restriction seems contrary to the following three statements in BOR's own policy.

"1. The university recognizes the right of the scholar to inquire and disseminate the results of inquiry according to the established forms of academic freedom.

2. The university must ensure that there are no restrictions in making available the scholarly results of inquiry included in any contract or grant to which the university is formally a party except for matters normally held in confidence, such as those between a doctor and patient.

3. It is also the policy of the university to press for maximum openness among agencies, governmental or private, that place any kind of restriction upon access to information of a scholarly character.

"The, quote, 'sensitive, but unclassified,' unquote, restriction also seems inconsistent with Mānoa Faculty Senate resolutions. The January 29th, 1986, resolution resolved, quote, 'That any research which does not permit open inquiry and does' -- Sorry. 'Any research which does not permit open inquiry and unrestricted dissemination of knowledge sets a dangerous precedent and does subtle yet irreparably harm both to this university and to the entire academic process, unquote.'

"The March 16th, 2005, resolution affirms that UH Mānoa, quote, 'support only research for which there is a reasonable expectation that timely publication of the results of the research will not be restricted by its sponsor,' unquote.

"Because there are no generally agreed criteria for, quote, 'sensitive, but unclassified,' unquote, information, some universities refuse to accept contracts with this restriction. In particular, the University of Washington's Faculty Research Council, which reviews contracts with restrictions for its UARC, rejected a contract in 2004 because it had the sensitive, but unclassified restriction.

"If UH proceeds with the ARL, the sensitive, but unclassified restriction and with no faculty review of restrictions which affect release of scholarly results, any short-term benefit may come at the cost of irreparable harm both to this university and to the entire academic process."

Thank you.

(Applause)

EMBERNATE: Aloha mai kakau.

AUDIENCE: Aloha.

EMBERNATE: My name is Bryson Embernate, and I was born and raised here on the Big Island of Hawai'i. My family comes from Waimea on the slopes of Mauna Kea. I'm currently a senior
here at UH Hilo finishing my last year majoring in Hawaiian language and revitalization efforts of the Hawaiian language.

I'm speaking on behalf of 76 concerned citizens and UH-affiliated students and faculty whose petitions I hold in my hand. Sorry, I couldn’t get more. There wasn’t a lot of time allotted to get more petitions.

But my purpose today is not only to be in protest of UARC/ARL, but to understand what intentions does this UARC/ARL and the UH Board of Regents have and how it will affect my education and our community of Hilo. The writing is all over the wall. The military has something that the UH wants. That's financial sustainability. UH has something that the military wants. We can assume accessibility to massive amounts of land and to technological facilities.

Should this exchange occur between the US system -- UH system and US military, please allow me to leave you, the Board of Regents, those who support UARC and ARL, the students and faculty of the whole UH system and, most importantly, the community of Hilo, Hawai‘i with these few questions:

How would we as a native people of Hawai‘i and citizens of Hawai‘i benefit from this endeavor? When will these endeavors take place? Which involved parties will benefit from these endeavors? And, ultimately, will my education be affected and possibly compromised by this venture?

To you, the UH Board of Regents, and those who support UARC/ARL, if you feel my comments today are false perceptions, it is because you have supplied me as well as the public limited information to understand your true purposes in these endeavors.

(Applause)

EMBERNATE: With that, please consider the lives and better welfare of these concerned citizens and UH-affiliated individuals who will be affected by your decision today. Mahalo for your time.

(Applause)

LAGARETA: At this point we have quite a number of more people signed up to testify, but we will break for lunch with the faculty and return at 1:30 to finish testimony. So with that, thank you.

May I have a motion to recess? So moved.

Second.

LAGARETA: All in favor, please signify by saying aye.

REGENTS: Aye.

LAGARETA: Motion passes. We're in recess.

(Gavel)

(Pause in Proceedings: 12:03-1:46)

LAGARETA: (Gavel) Welcome back, everyone. We're going to reconvene the Board of Regents meeting and continue with our testimony. We have about 12 more – 15 more? 17 more testimoynes today. Next person up. Yes. We have four people testifying on Campus Center, UH Mānoa. You're up next, so --
PANG: The following have signed up to testify: Daniel Taniguchi, Brandon Yamamoto, Lloyd Hisaka and Christina Stidman. In addition, we received three written testimonies on the same subject from Daniel Taniguchi, Lloyd Hisaka and Susan Furmanski.

Let's go with Daniel Taniguchi, followed by Brandon Yamamoto, Lloyd Hisaka and then Christina.

TANIGUCHI: Thank you very much. Good afternoon, President McClain, Chair Lagareta, Board of Regents members. My name is Daniel Taniguchi. I'm the president of the Campus Center Board at UH Mānoa.

Today we're here to thank you for your support in the past for our training initiative of the campus center renovation and expansion project. Over the past summer we've contracted Cannon Design, which is a national design team that specializes in student unions and campus centers across the nation. The students on the board felt that they were the best due to their current track record and specialty in student unions.

We look forward to more support from you in the future. And now I'm going to turn it over to our treasurer, Brandon Yamamoto, to talk about the current status of the project.

LAGARETA: Thank you.

YAMAMOTO: Mr. Yamamoto. Hi, thank you again for having us today.

The project will be in three phases, as you might know, and phase 1 will entail renovation to our existing building. And earlier this year the governor has released $1 million, and what we intend to use that money for will be renovations to our existing restaurant facilities, updating our original master plan and, depending on the available balance, looking at renovating our third floor of the existing building.

Now, phase 2 focuses on the addition. $1.5 million has been approved for us to use our 1.5 of our reserves. And we've been, as Danny said, working closely with the architects and using this money in order to get planning and design finished for the recreation and the -- and phase 3, which is the renovation of the existing campus center as well. So we've been working with the architects and it's been going very well. Actually, one of the architects is from Hawai'i and we found that that's been very valuable because he understands the culture here and, yeah, we found that very helpful.

And I can tell you that the students are very excited about this project. And we want to thank you, you know, on behalf of the students. Thank you for your support and we look forward to your continued support. Thank you.

LAGARETA: Thank you. We thank you because I think the campus center hasn't changed since I went there about 28 years or so ago. We look forward to it.

HISAKA: Good afternoon. I'm Lloyd Hisaka, and I'm the Director of Intramural Recreational Sports at the University of Hawai’i at Mānoa.

And I just wanted to thank the university administration and the board for their support of this particular project. Every morning when I drive in to work and park my car in the parking structure at 7 o'clock in the morning, I notice students sleeping in their cars and stuff because they want to get a parking spot. But I think that the project, recreation and fitness center project at the campus center will enable these students to use that particular facility while they're waiting for their classes or getting ready for their classes.

Right now we use shared facilities in the lower campus. As you probably all know, the Athletic Department, the KLS Department and the Intramural Recreational Sports Department shares
facilities in the lower campus. So during the day in our fitness center, for example, the physical education classes are in there until 11:30 daily. So our students do not get a chance to use the facilities until about 11:30. And the addition of the recreational fitness center at the campus center will allow students to use the recreational and fitness facility throughout their day and as their time and interest permits.

I would like to, once again, thank you for the opportunity to speak to you today and also to thank you for your continued support of this particular project. We look forward to the construction phase and -- the planning and construction phase and look forward to the opening of the facility. And I think it will do a whole lot to improving student life on campus.

I've talked to a number of my colleagues around the country and many of them said that the addition of a student recreation center on campus has added to not only the students' success, but also the student recruitment and student retention on their campuses. And I hope that this particular facility will do the same for us.

Thank you very much and I appreciate the opportunity.

LAGARETA: Thank you.

STIDMAN: Good afternoon, Chair Lagareta, President McClain and members of the Board of Regents and members of the community. My name is Christina Stidman. I'm the Associated Students of the University of Hawai'i president at Mānoa. We represent over 11,000 undergraduate students.

And I'm here today in support of the campus center renovations. Handed to you guys is the resolution passed in the 93rd Senate, which still stands with the 95th Senate in support of campus center renovations and a more 24-hour style social, educational and physical place where our students can meet and congregate, study, work out, do everything that is needed for students on a university campus.

With the lack of adequate facilities on campus, we feel that this is in the best interests of students' academic, social and physical goals on campus. Thank you.

LAGARETA: Thank you.

PANG: The next speakers in order: Ryan Kanaka'ole, Don Thomas, Ronald Fujiyoshi and Kealoha Pisciotta.

KANAKA'OLE: Aloha. My name is Ryan Kanaka'ole. I'm a lifelong resident of Kea'au and student here at UH Hilo. And I'm speaking on behalf of Mau Pono, a registered, independent student organization here at UH Hilo. And we are firmly against the establishment of the Applied Research Laboratory and urge you, members of the board, to vote against its approval.

As we have heard and will continue to hear, there are more than enough reasons for you to rethink this issue. And our organization would simply like to highlight the fact that this contract, if approved, would go against core Hawaiian values that are the foundation of this school and of this community.

The first time around when the project was the UARC, testimony against the contract included, the fact that such an agreement stood against the values of the university, in large part values such as malama aina and aloha. And this time around it still contradicts those values for which we stand and for which this university stands.

According to the university's core values, aloha is a concept that embraces respect for the history, traditions and culture of Hawai'i's indigenous people. It reflects compassion for all people
and commitment to the well-being of these islands. Where in this agreement is the aloha for our history, our traditions and our culture? If my memory serves me right, the military has not been so kind at preserving anything culturally valuable to the Hawaiian people.

Is this military not the same one to continue to disrespect cultural sites and endangered species in Makua and Pakaloloa, the same one that has been dumping chemicals and ordnance in our ocean for years? Is this Navy not the same one that has ravaged Kaho‘olawe for decades, only to recently allow us to put back together whatever we have left there?

The expansion of military power to help feed the US war machine through an Applied Research Lab will not by any mean reflect compassion for anyone. Considering the military's extensive rap sheet, I highly doubt that this ARL will reflect any aloha whatsoever.

Now, I understand that the university has and continues to sell itself out to the military, but this does not justify continuing or expanding military presence in our university and our community. This university is supposed to be for education and the benefit of our community. It is not supposed to be a for profit business bent on economic gain.

There is a lot of money on the table with this deal, but you have to look past the money and look to what is right, what is pono for the school, the community and the entire state.

Please, with all due respect, do not approve the Applied Research Laboratory. Thank you.

(Applause)

LAGARETA: (Gavel.) Next speaker, please.

PANG: Don Thomas.

THOMAS: Yes. Good afternoon, Chair Lagareta and members of the Board. My name Don Thomas. I am a member of the university research faculty. I have been affiliated with the university for about 35 years and currently hold the position of professor, research professor in geochemistry at the Mānoa campus.

I'm here to speak today in support of the Applied Research Laboratory concept. In the 35 years I have been associated with the university, DOD research has been a portion of the research enterprise virtually continuously.

There appears to be a misconception or mischaracterization of this research as being exclusively for weapons research. This is absolutely not true. Much of the research that has been done under Department of Defense funding has dealt with the fundamental natural processes that occur here on our planet. The discoveries that have been made at the University of Hawai‘i have impacted our understanding of global climate change, of the basic oceanographic processes that are going on in the ocean around us, and about virtually every aspect of our life here in Hawai‘i. This work I think needs to be judged on its merits. I think this work needs to continue.

The research enterprise -- A second reason that I support this idea is that the research enterprise here provides something on the order of tens of millions of dollars to support facilities that are used by the broader university community. Just to mention two in passing: The broadband access that we have, the Internet access that we have does certainly receive support from the research overhead return funds that come back to the university. No less important a facility is the university research library.

A substantial amount of the indirect cost returns go to support our library collections that everyone on the campus uses.
Finally, I would ask you to proceed with the contract basically to protect the academic freedom of those of us in the research community. I was a founding member of a (inaudible) federation of the research community called the University of Hawai’i Association of Research Investigators. A poll was done among the researchers and, if my memory serves correctly, something in excess of 90 percent of the research community supported the execution of this contract.

Now, in this case I believe that the principle of taking action on a democratic basis needs restraint. There's a concept that I have heard years ago called the tyranny of the majority. Certainly the research community is a minority within the campus at large. I think the Board of Regents and the president need to protect our ability to choose what research endeavors we choose to pursue.

I come at this from a very personal perspective. I have, I think, maybe a unique experience or in that I have been the subject of similar controversial issues. I've had my research attacked. I have had the dubious distinction of having had a demonstration on the Mānoa campus specifically because of my research. Complete with that demonstration was a petition to the president to stop the research work that I was doing. At that time the university president cited the principle of academic freedom to allow that research to continue.

I'm sure you're wondering what terrible work this was that I was doing. That work was the geochemistry and groundwater movement within the Kīlauea east (inaudible). The community at large decided that this work was in support of the pursuit of geothermal energy, of an alternate energy resource for us here in Hawai’i. And this resource was deemed inappropriate for use.

Now, they were not successful with the university, but they continued to carry the principle forward and ultimately did deny me continued research funding through the State. That research was cut off more than ten years ago. I have not been able to continue that work since that date.

And so in defense of that principle I would like to close with just a caution to my university colleagues to be very careful what principle, what academic principle you're willing to sacrifice in the pursuit of molding the university according to your ideals, because the day may come when that principle that you're willing to sacrifice today may be your only shelter from similar attack. Thank you.

LAGARETA: Thank you. Next speaker.

PANG: Ronald Fujiyoshi, followed Kealoha Pisciotta, followed by Galen Kelly and Eric Hansen.

LAGARETA: Are those folks not here?

PISCIOTTA: I'm Kealoha Pisciotta. I'm here.

LAGARETA: Okay. Let's proceed with you next.

PISCIOTTA: Okay. Aloha kakau.

AUDIENCE: Aloha.

PISCIOTTA: Aloha, Madam Chair, Members of the Board. (Hawaiian - Kala mai.) I'm going to read, because I need a little help today, my testimony instead of just speaking directly. My name is Kealoha Pisciotta. I am the president of the organization known as Mauna Kea Anaina Hou.

My organization and four others, including the Royal Order of Kamehameha and the Sierra Club, sued the State for granting a permit to the University of Hawai’i Institute for Astronomy to construct four to six telescopes in the absence of an approved, comprehensive management plan. We prevailed in both federal and state courts on our case. And the state court, in particular,
found that the State required -- was required to develop and complete a comprehensive conservation plan for the entire summit of Mauna Kea prior to considering any further development atop Mauna Kea.

The Mauna Kea case also addresses the issues facing Haleakala as well, because the question that was issued to the court was to ask for clarification on the rules and regulations relating to all conservation districts including those where astronomy development is being proposed.

So some say that paranoia is a form of fear that is considered to be unfounded. In the case of the University Affiliated Research Center and the new name, I don't know what it's called, but the new name; the level of fear is not unfounded. And this is why: You may consider the public opposition and the proposed -- to the UARC and -- What is the name? Can someone tell me?

AUDIENCE: ARL.

PISCIOTTA: ATL?

AUDIENCE: ARL.

PISCIOTTA: ARL, okay. Sorry. When I say UARC, I mean the new name as well.

Maybe you perceive it as nothing more than unfounded fear wrapped into political arguments posed by rabble rousers and anti-military groups, environmentalists and unhappy Hawaiians. And I can't speak for you, but I have to admit that I'm at a loss for why you don't listen to the constituency that you are bound and obligated to protect, including the student and faculty senate and the -- even the state lawmakers, who I believe in 19 -- or 2006 basically strongly encouraged you to stop this and not go forward with it. But yet we're still here testifying on it.

But, more importantly, what I want you to think about and what I really want to talk to you about here is that whatever it may be that's motivating you to ignore the constituency, the greater public and the lawmakers, political arguments don't necessarily require fact, but the legal arguments do. And these are the ones I want to speak to you specifically, because in a court of law all of the arguments you put forward have to be sustained with facts and evidence.

So the first one I want to talk about -- Well, and I want to address these because I want to -- I want you folks to understand that by approving this, you will create legal problems and that will then extend into liability for this university. And these are principally why, okay? The projects that fall under UARC are not going to be conducted in a lab only or in the president's office or in the cafeteria. They're going to transpire on the land and in the ocean and affect the resources on the land and in the ocean. In the university you do not have a right to contract the lands and seas of Hawai'i.

And I would like to ask you: Do you have a list, an inventory of all the lands where these projects under UARC are going to occur? If you do, I think it should be submitted to the public for review. Do you have a list of all the undersea lands and resources that will be impacted by the UARC projects? And if so, I believe the public should be able to review them.

But the lands and resources are held in trust for the people of Hawai'i and this is affirmed in the Constitution of Hawai'i. The constitution and the kingdom laws may not be overridden by this body as regents. So you may not make contracts for projects that will take place on these lands and/or will affect the rights and resources of the people of Hawai'i without their consent. And it doesn't appear as though you have it. I mean, not even the lawmakers are willing to agree.

The other second point is that the projects have been or are subject to currently extensive litigation. And that means that they are subject to the court. And I want to talk to at least two of them. The first is Mauna Kea and Haleakala. The original contract that you signed to receive
funds for this UARC include, but are not limited to the Air Force Panstar project proposed to be built on either or both Mauna Kea and Haleakala.

Mauna Kea has been the subject of both state and federal litigation and is currently under a court order. And that court order basically says that no project may commence at this time, including those under UARC. It looks as though Haleakala will be litigating soon as well. And both mountains reside in a conservation district and, therefore, the purpose and use of those mountains is conservation and protection for future generations.

The second is the Navy research. The contract you signed to receive funds for the UARC includes, but is not limited to the Navy sonar project, a project that impacts, among other things, the National Marine Humpback Whale Sanctuary. The Navy sonar project has been and continues to be the subject of extensive litigation and, in fact, litigation is going on as we speak. Now, basically one of the litigations from that project affirms that the Navy is not exempt from the National Environmental Policy Act, and that means neither will UARC projects.

I want to address two major points on Mauna Kea. First, I hear some of the proponents saying that the UARC is good because it will bring research money to the university. And this may be true, but it's the kind of research and where it's going to take place that is the problem. For Mauna Kea, Mauna Kea is a temple. It's a house of prayer. It's recognized as such throughout all of Polynesia. Pardon me. It means that it is wholly dedicated to life and the heavens.

Now you're proposing -- For all these years we've fought to keep Mauna Kea open for that purpose simply so that we may continue to pray, so that others may come and pray, and that the little resources may be allowed to live and that our water remain clean and uncontaminated.

Now, for more than ten years we've been doing it. And, you know, we're just the latest group. It's been -- The controversy began in the '70s and it continues today. And not only have we spent thousands of hours in court, thousands of hours testifying, but hundreds and hundreds, thousands of people have marched on the streets in Honolulu about this issue. Okay?

So I know that you are very well aware of the sentiment and importance of Mauna Kea as our house of prayer. There's nothing to convince me that you can't understand that or you don't know it. So here's the problem: If you're proposing to develop weapons in the house of prayer, where is your justification for that?

(Applause)

PISCiotTA: I mean, to understand or get around where we're coming from on this issue, you only need to look at how other religious worship and practitioners would view the same thing. Now, I don't think the Catholics would approve of establishing within the Vatican a weapons research center. I don't think the Jews would appreciate establishing their synagogue as a place to develop weapons. They're just completely opposing views.

The military has its purpose. It is both defensive and offensive. And very often, in fact, more often than not, it's lethal and it's marshal. That is completely opposite of the purpose of prayer and the heavens and what that mountain Mauna Kea and Haleakala, for that matter, are dedicated to.

LAGARETA: I need to ask you to wrap up. We're going on ten minutes here.

PISCiotTA: Oh, I'm sorry. I will wrap up.

Okay. The other thing is about the money. We carried over to you this report titled, "The Temple Report. Protecting the Sacred Resource in 2001." It was hand carried to the Board of Regents and the president, although not all of you were there maybe at that time.
LAGARETA: I don't think any of us were, but…

PISCIOTTA: Okay. In this report we proposed that because under state law telescopes are required to pay more than a dollar a year, we propose charging the foreign governments monies and out of that to make sure that $10 million came to the university itself. The State ultimately would have to determine that and they need to comply with that, but out of that ten -- The problem we saw, though, was when we went and talked to the state legislators, your own people, Mr. Gaines and Rolf-Peter Kudritzki, testified that the university didn't want that money. And that would be a lot more money than what this proposal is offering. And, actually, charging proper lease rent to the foreign governments on Mauna Kea is actually a legal requirement as well.

But I will -- If you’d just let me --

LAGARETA: We're really running over. We have several other people who want time to testify.

PISCIOTTA: Okay. Basically I just want you to know you will be responsible, I mean. And I don't mean that in -- We will trigger all the legal laws that we have to stop this project if you are unwilling to stop it yourselves. But know this: you are legally responsible, but you're responsible as humans to understand that by taking this action, it becomes a part of you now.

And I just hope that you can understand here that we're just asking to raise the standard of aloha. There are proper ways and reasonable ways and legal ways to do it.

And we don't want to go to court with you folks and never have. We've tried to work with you to do what is proper. And maybe it's the --

LAGARETA: Thank you very much. We need to finish now. I think we've got your point. Thank you.

PISCIOTTA: Okay. Mahalo.

(Applause)

KELLY: Aloha. I'm Galen Kelly and I'm speaking on behalf of myself and all the keiki in the world and all the animals in the world.

I'd first like to say to my Hawaiian brothers and sisters, I am standing at your side as a proud citizen of the great nation of Hawai'i.

(Applause)

KELLY: This morning we heard so much powerful testimony against the UARC. And some of the conversations during lunchtime were about do you think we made a difference, do you think we reached them, that this may be a meeting that wasn't just to honor protocol, but really to facilitate positive change toward our well-being and our survival. And I was thinking about what universities were in my mind when I first started to hear about them, and it brought up visions of the Greeks and the Persians and progressive dialogue and the free flow of ideas. And it was a safe environment for students to be free and experimental.

And with this program that you are thinking of signing on with, the students would then be asked to be in a learning situation that is very much involved in a political, military agenda. And that, to me, is not a very healthy thing for students. In fact, I see it as toxic. We've heard a lot of talk about research and I see that, in my mind, there's good research and bad research. Research that benefits humanity, and research that puts us at risk by being part of death and destruction, is the way I see it.
The coalition tells us that -- The coalition to stop UAC has said that the university will be expected to provide products and services at the order of the Department of Defense, the order of the Department of Defense. Giving orders to you, who are the masters of education and who are looking out for our children. Taking orders from the Department of Defense. We don't know what those orders might be.

And did you know if you take your orders from them, did you know who they take their orders from? Guess who the Department of Defense takes their orders from? Anybody? The commander in chief, who is now the president of our country and who has pretty much been proven to have lied to us, put our sons and daughters in harm's way, my own personal daughter in harm's way. And so that would be the chain of command.

It also says that you would be using some kind of subcontractors, but it didn't elaborate on what that was. And I wondered, you know, what kind of organizations might be brought in as some kind of private organizations.

And, also, it's called classified. Now, if you remember back in grade school, classified meant like secret, secrets. In grade school when people had secrets from you or told secrets behind your back, it was to be a threatening thing to you or it was to make you feel disempowered. But the people here have so much power and I think they have so much power because they know how to tell right from wrong. And this feels very wrong on so many levels.

Let's see. I was wondering how the university is going to advertise itself to potential students. As a parent, if you sent out your little brochures, I would probably ask where do they get their funding and what is their agenda and who do they answer to.

And as a parent, I feel, one, I would not be able to allow my child to learn in that kind of environment. And, also, I would not want the tuition money that my husband and I work hard to earn to go towards something that is supporting defense.

When I look at the news and I see all the trouble we're having, it seems to me that our world is wanting to not be so much on this downward spiral and that it's begging for some kind of renaissance or a new enlightenment because the state of affairs now is very sorry with humans killing humans.

So I want to just say to the Board of Regents -- Which, by the way, when I looked at the word "regent" and I broke it down, we have re-gent. "Re" to do again or become again. And "gent", the root word of gentle. It would suggest to me that regent means to become gentle, gentlemen or gentlewomen, and that would be buying out of a program of aggression.

(Appause)

KELLY: And so that --

LAGARETA: You're way over time. If I could get you --

KELLY: Okay. I'll wrap up. Yeah. I would just ask you when you make your vote to come out of a posture of supporting defense and to put your support with leaders who promote peace through diplomacy and open door policies of fairness. And you will feel so good when you stand on the side of taking care of the aloha and the students. Thank you.

(Appause)

PANG: The next speakers will be Eric Hansen, followed by Moana Tavares, Nalani Aiwohi, David Chin and Joe Farias.
HANSEN: Aloha, ladies and gentlemen. Thank you very much for letting me speak here today. I appreciate you guys taking your time, especially after lunch, you know, to still be here and talk to us and listen to our thoughts.

I am currently a senior with a -- searching for a bachelor's in science, looking to do research myself eventually some day. And I think -- I would hope, at least, that all students, they come to the university to learn to help better the community. As a state institution, it should be our number one priority to solve issues that are happening and affecting our community.

Now, as a UH Hilo student, I've been in situations where I have lived in where families next door to me were fostering children just so they could have money for ice. Okay? Now, why are we in this proposed Applied Research Lab focusing on core areas which are stated here on page 13, Section C-1, advanced electro-optical systems, lasers and lidar?

You know, here in Hawai’i if we're going to be focusing on research, I'm all about that. I'm very glad for that. We should be, you know, looking for federal money to do research, but to be helping our people. I have nightmares every night about like all the issues that go on here. I couldn't sleep last night. I didn't even go to take my test this morning because I felt that it was so important to stress that we as an institution, a state institution, and just as human beings should just be looking to, you know, look after the community and look after each other because, you know, that's -- I mean, I just hope that's why we're all here.

So I hope that when you guys make your decision, that you look forward to, you know, bettering the community. Because if we want to, you know, change things on a global scale in whatever way that is, we need to do this by first thinking locally. And I hope that you guys will think that way and I hope that you will think for the best for our future, our aina and for society at large. Thank you.

(Applause)

TAVARES: Aloha kakau. My name is Moana Tavares. Good afternoon to David McClain and everybody else sitting there on that stage.

I am born and raised on the island of O’ahu and now a resident of Hilo, Hawai’i. I am representing myself, generations past, generations present and, hopefully, generations to come.

(Applause)

TAVARES: I have -- I'm a junior here at UH Hilo. And, you know, I'm not against research, but why can't we research -- start researching peace, a peaceful way to coexist? I mean, we are human beings here. We have the power to reason. And I want to talk about honor, something that I think is very, very, almost nonexistent in our society today. And the military, they speak about honor, but they also have to have classified information. So when it is secret -- And I learned this, I am -- I used to use illegal drugs and this is when I learned when I have to hide something, something's wrong with what I'm doing. So when the military has to hide something, something is wrong with what they are doing.

(Applause)

TAVARES: And I have grandchildren and I hope -- I tell you this, I would sacrifice my life so that we can become peaceful members of society.

And, remember, this is not my quote, but I'm going to say it, "Absolute power corrupts absolutely." Mahalo.

(Applause)
CHIN: Chair Lagareta, Regents and President McClain. I'm David Chin, chair of the Mānoa Faculty Senate. And I speak today on behalf of the Mānoa faculty.

I would like to point out a couple of issues. One is considering the ARL. Because the Mānoa faculty was not consulted on the current ARL proposal, we can only offer the following resolution that was passed a year and a half ago concerning the previous UARC proposal.

"A resolution on a system UARC and Mānoa.

Whereas, the president has proposed a modified UARC that would be operated as a system unit; and, whereas, the Naval Sea Systems Command, NSSC, research and (inaudible) Mānoa faculty and facilities; and,

Whereas, the UH system has agreed in principle that certain operations historically and currently under system control should be reassigned to the campus level; and, whereas, establishing a system administered UARC would set damaging precedent that works against campus space, economy, governance and oversight;

Be it therefore resolved that the Mānoa Faculty Senate opposes any proposal for a system administered UARC."

(Applause)

The second issue that I would like to bring up concerns open records. Last week the Mānoa Faculty Senate passed unanimously the following resolution,

"The Senate Resolution on Open Records. Whereas, the Board of Regents is subject to the State of Hawai‘i's laws governing public agency meetings and public agency records;

Whereas, both of these laws rest on the presumption of openness as a way to protect the people's right to know and as a way for government agencies to aid the people in the formation and conduct of public policy;

Whereas, the Sunshine Law declares that the policy of the State is that the formation and conduct of public policy, the discussions, deliberations, decisions and actions of government agencies should be construed as openly as possible;

Therefore, the faculty of University of Hawai‘i at Mānoa request that the regents respect and adhere to the spirit and letter of both the Sunshine Law and the Public Records Law by making available documents necessary to be able to understand and offer comments on items to be discussed in their public meetings."

Thank you.

(Applause)

PANG: Next speakers Nalani Aiwohi, Joe Farias, Stephanie Beaudoin, Tim Freeman and Shannon Northrup.

NORTHRUP: I was the last name you called, Shannon Northrup. Is there anyone else who is going to go first?

FREEMAN: Aloha. Thank you for your patience in taking our testimony. My name is Tim Freeman. And I guess I’m really a person of no account here. I’m just a lecturer in the universities
here at Hilo. And I have taught here at UH Hilo for about six years and I taught on O'ahu about five years before that.

I'm a graduate of UH Mānoa, and, therefore, I'm very concerned about what's happening at UH. I'm very proud to teach at UH. And I'm concerned about what's going on with the proposal for this classified military program. I think if the Board of Regents approves this program, that this would be a really sad, dark day for the university. And I want to address a number of points why I say that.

(Applause)

FREEMAN: First of all, I want to address the big picture, and that is that I think that our whole society is on the wrong page in terms of militarism. Militarism is not the answer to the problems we face in the 21st Century. In fact, it is one of the principal problems that must be surmounted if humanity is even to survive the 21st Century.

It's been demonstrated over and over that our military has been used irresponsibly and it is being used irresponsibly now. What drives militarism is ignorance, the false belief that possessing the most powerful military will lead to security for this nation and for peace in the world, and fear, the constant drumbeat that drives people to fear, to think that we need to increase military spending, and greed. To be honest, greed, the people can make lot of money on military expenses. So I don't think that the answer to our problems is military.

Secondly, I don't think that a military program belongs in the university. And I respect Dr. Thomas's comments, but I don't really understand them as I don't think that anybody that is against this program is against research that would be for the benefit of humanity and valuable. But I don't understand why the university has to be tied to military research. What's the connection? We've already got plenty -- The military has plenty of options outside the university. Why do we have to bring military research into the university and jeopardize the integrity of the university?

(Applause)

FREEMAN: Especially secret or clandestine military research which would not be open to judgment and peer review. And I've talked to other research faculty members, and they would find it very problematic and very troublesome to be doing research that is directed by the military which they might not even know exactly what the research would be used for. And so there's a lot of questions to me that question the whole idea of bringing military research into the university to begin with.

And the third point is especially not here at the University of Hawai'i because of many reasons that have already been brought up today, the issue that my Kanaka Maoli brethren have brought up about the United Nation's document that was recently signed about indigenous peoples. But, also, I think I want to point out and single out the resolution that was passed by the University of Hawai'i Hilo Student Association. I really commend them for that. I think it is an excellent resolution that I really implore you to carefully look at and consider.

I really, really appreciate teaching here and I enjoy teaching here primarily because of the interaction with the students here. I guarantee you it's not because it's financially awarding. But for the benefit, the interaction I have with the students and I'm -- I really enjoy it. I think our students are first rate and I'm really very impressed by the resolution that they put together. And so my hat's off to them. And I want to just reiterate what they pointed out in that one thing that the mission, the guiding mission of the university, "Above all nations is humanity. Above all nations is humanity."

(Applause)
FREEMAN: That should be our foremost mission. And that I don't see how a clandestine military project would serve that. It would seem to threaten that very guiding mission.

And I think that UH already has a reputation for many things. It is a model to the world, the diversity on -- at the UH campus is a model for the entire planet to follow. And I think that UH already has, already has the Matsunaga Institute of Peace, which I think should be the direction that we go. And I don't understand why we need to jeopardize all that and threaten the integrity of the university with clandestine military research.

So I urge you -- I know that you are obligated to take our testimony, but there's no guarantee that you will actually hear it or listen. And I really, really urge you to seriously consider all the points that the people today have brought forth. Thank you.

(Applause)

FARIAS: Hello. My name is Joe Farias. I just wanted to emphasize something this afternoon. I've been here for about five, six hours, as we started this afternoon, and I wanted to emphasize that I'm a human being. And the reason why I emphasize that is because I've been here all day today and, unfortunately, in the world we live in, a lot of times we identify ourselves with some kind of title or some kind of rank and, again, we forget that the only thing that we all have in common and we all bleed red, I believe, is that we're human beings.

(Applause)

FARIAS: Thank you. So I'm here for humanity. I'm here for the whole world. I'm here for the 175,000 residents that live here on the Big Island. I'm here to -- as the rest of us here are here to stand up and to speak out against some of those that cannot speak out. Because, again, as Martin Luther King said, "We the people." And we, again, realize that, as he said, that -- And this is for you, folks, if you guys can hear my heart and my concern -- that we as humans can solve all of the -- all of humanity's problems, again, with things that already are in us, love and joy and peace and celebration and appreciation. And it's not weapons of mass destruction.

Like Martin Luther King said once, he said that our loyalty to the nation shouldn't be our ability to kill, but our power should be shown in moral power. And, again, moral power comes from us as human beings. We have the capacity, again, to, you know, make a way of no way, you know, to make the world a better place than it ever was before. And, again, all of us are under a system, unfortunately. And my question to you folks is, again, what kind of system are you guys serving and being loyal to? And what kind of results has it been able to, again, produce over history?

Again, American -- Again, the military has cost 3 million Vietnamese people, again, in the war of Vietnam. And, again, so far in Iraq we've killed almost 700,000 Iraqi civilian people. So, you know, my question is to you folks, your conscience. Because the majority is here. And, again, it's about humanity. It's about what's right. It's about conscience. You know, we all have this inner device called conscience, what is right and true.

And, yeah, we're here for humanity. We're here for life, you know. Again, that's something that we all out of everything else is freedom. And as far as, again, Martin Luther King, Jr. in, again, 1963 said, "I have a dream." He's allowed us to, again, be the participants, you know, to answer that dream and not make it only a dream, but, more importantly, a reality. Okay. Thank you.

(Applause)

NORTHRUP: My name is Shannon Northrup. I want to thank you, first off, for the opportunity to speak. And I know you're all very tired. I've seen almost every single one of you yawn at one point. And it might just be from the big lunch you just said ate, but it might also be because you've
been sitting here all day listening to us. And I do appreciate the opportunity to speak, and I'll keep it brief.

As a student of UH Hilo, I do not want an Applied Research Laboratory on my campus. As a member of the community, born and raised on this island, I do not want this facility to be left as part of my class's legacy for future generations.

I have 60 signatures here opposing this proposal. And I, too, would have gotten more had I been given more time. That's my question to you: Why the hurry? Why is there so much urgency to pass this proposal that you are willing to violate your own policies and guidelines to accomplish this goal? You are willing to commit scandalous and questionable acts to just renaming this proposal and holding the meeting here at UH Hilo rather than at Mānoa. Did you think that you would face less opposition here? I hope you can open your eyes wide enough to see that you've proven wrong once again.

(Applause)

NORTHRUP: Do new and wonderful ideas only come from military and government research? Do all of our new technologies developed by the military benefit humanity? That is a subjective and debatable point. And I think that more often than not the military hurts rather than helps.

How has the military benefited our local small businesses, our local families? Is their money worth more than our morals? Those I heard speak in favor of the ARL today said it will create knowledge and a place for continued technology and education and research. I say bullshit. If the ARL is designed to increase community knowledge and education for the betterment of our students and humanity, it would not be secret, it would not be classified. This meeting right here today would have been advertised months in advance. It would have been held at UH Mānoa.

(Applause)

NORTHRUP: This is a systems-wide proposal; right? If this is a systems-wide proposal, well, then shouldn't it have been given ample time to have been discussed among the faculty and students at every single school within the UH system?

(Applause)

NORTHRUP: Shouldn't there be full disclosure and transparency? There would be no urgency to pass such a secret resolution if there wasn't something wrong, as was said earlier.

Yet I look around at how hard all of us HERE have had to work to get access to information and how we have had to hunt for the truth. That alone is enough to tell me that this is something I do not want, not for UH Hilo, not for UH Mānoa, not for anyone, not now and not ever.

I agree that we need more funding. We need more education. Small businesses need a helping hand. So, too, do our local families and local economy. But this is not the way to do it. This is just more military and more control. Look at what the military has done for us so far. Do we really want to invite more of them into our homes? They are bad house guests. They lie to us, leave our homes dirty and contaminated and refuse to follow through with the promises that they make us.

(Applause)

NORTHRUP: Let's all work together and get more funding and more support for pono research that will benefit humanity, as our mission statement proclaims, but let's do it right. There are many alternatives to military research. So let's work towards a peace and harmony center on our campus, not a classified weapons manufacturer. Save UH. Save humanity. Stop UARC. Stop the ARL. Mahalo.
(Applause)

PANG: I called these names earlier, but I don't know if they had a chance to speak. Nalani Aiwohi and Stephanie Beaudoin? Okay. I think that concludes our oral testimony.

LAGARETA: Thank you, everybody, for the time to be here today for all these hours. We appreciate the testimony.

LEE: Can I speak?

LAGARETA: Did you sign up?

LEE: No, I didn't sign up. I came a little bit late, but I would like --

LAGARETA: You have three minutes.

LEE: Yes, very briefly. Aloha. My name is Danny Lee. I'm a graduate of the University of Hawai'i system and I'm very proud of it. And since then -- for that was some time ago, that was back in the '70s, and since then I've been paying taxes and helping support the university, which I'm proud of, also.

Other speakers I've heard here earlier have already eloquently spoken about the legal, the philosophical and emotional reasons why this UARC shouldn't be supported. I just want to make a couple other, you know, kind of background notes.

Back in the '70s this country was also involved in a war, an illegal, imperialist war to attack another nation for no good reason. And, hopefully -- At that time I was working against it and, hopefully, we thought that we would have learned a lesson that we shouldn't do this again. But since then instead of going backward, we've actually become an empire.

Let's be absolutely open about it. A military empire, that's what this country has become. So in foreign policy all we do is use military force to try to control other people, to attack them. And domestically we use militarized spending to prop up the economy that already is gutted out.

We're the biggest debtor nation in the whole world and we're spending more money to do military research. We don't have the money, number one. And whatever money we have, we really seriously have to understand that if we're going to spend money when these are very, very hard-earned taxpayer money and, in fact, future taxpayers earned money, then we should use it to research about eliminating the domination of the military on our economy. Mahalo.

(Applause)

LAGARETA: Thank you. Okay. That concludes our oral testimony. We had quite a bit of written testimony. I would like to ask the board secretary to just recap that, please.

PANG: At the board office we received about 66 written statements, regarding this topic. Twenty-six, or so, were opposed; 42 are in support. For your benefit, I will read the authors of the statements on record in opposition, and then read the names who wrote in support.

We received a letter from Eric Szarmes and John Madey, from the Physics Department, Mānoa, against.

We received a resolution from the Hawai'i Community College Faculty Senate, against.

We received a letter from Joel Fischer, University of Mānoa School of Social Work, against.
We received testimony from Michael Delan, against.

We received written testimony from Michael Jones -- I believe his statement was read to you, also, earlier this morning -- of Mānoa.

A statement from R.H. Bennett.

A statement from Robert Martin.

We received a resolution from the UH Mānoa Faculty Senate.

We received a standard from Vincent Pollard.

From Vivian Lerner.

We received a letter and statement from Reverend Bob Nakata.

We received a resolution from the UH Hilo Student Association.

We received a statement from the Animal Rights Group, Cathy Goeggel, against.

A letter from Deborah Kimball, against.

Also writing in opposition, June Shimokawa, a present alumna.

From Judy Daniels, a professor at the university.

Robert Simmons.

We received a letter from four citizens from Kaua‘i: Kathryn Rose, Raymond Catania, Andrea Brower, Janos Samu.

I received e-mails from Xanthe Smith and Vicky Vierra. Again, all opposed.

I received a statement from Jesse Potter.

From Shannon Rudolph.

From Pueo Kai Maguire, who also testified.

From Janelle Williams, who you also heard testify.

We received a statement from the Kipuka Native Hawaiian Student Center opposed.

And we received from the Associated Students UH at Mānoa.

We received, as I said, about 42 letters in support. I'll just read you people who wrote in support.

UNIDENTIFIED SPEAKER: Excuse me. Can I say something? The University of Hawai‘i Faculty Congress sent you a letter and you didn't list it. And I did not get up and testify because I thought you had our letter, so --

PANG: I'm sorry. I'll take it now.

UNIDENTIFIED SPEAKER: Okay. If you don't mind.
PANG: UH Faculty?

UNIDENTIFIED SPEAKER: UH Hilo Faculty Congress that represents all the faculty at the University of Hawai‘i passed a resolution that the Board of Regents do not vote on this motion because it hasn't been disseminated to the faculty with enough time to look at it and discuss it and, therefore, we recommend that it not be voted upon today. Thank you.

PANG: I do have it in the record. It came in by e-mail.

UNIDENTIFIED SPEAKER: Okay.

PANG: I will just repeat it.

"Aloha, Board of Regents, President McClain, Chancellor Tseng.

"On September 21st, 2007, the UH Hilo Faculty Congress, which represents the entire faculty at UH Hilo, voted unanimously to support the position that more discussion is needed before the BOR votes on the URL that is on the BOR agenda for 9/27 and 9/28.

"Respectfully submitted, Barbara Leonard, PhD, Chair of the University of Hawai‘i at Hilo Faculty Congress."

Letters and testimony that have been received at the board office in support:

Alaka‘i Consulting & Engineering, Guy Ontai.

Alan Hayashi.

Applied Marine Solutions by Richard Sherma.


Cellular Bioengineering, Inc. by Michael Coy.

Concentris Systems.

CrossFiber, testimony in support.

The Center For Marine Microbiology Ecology & Diversity, CMMED, in support.

Mike Fitzgerald, president and CEO of the Enterprise Honolulu.

Susan Bales, writes to us as a private citizen.

EPSCoR by Kevin Kelly, UH Systems Manager/Director,

Hawai‘i Biotech, Inc., by Carolyn Weeks-Levy.

Hawaiian Homestead Technology, Inc., by Jack Danner, CEO.

Hawai‘i Science & Technology Council by Lisa Gibson. A partnership program between UH Hawai‘i at Hilo and the US Small Business Administration.

Hawai‘i SBDC Network by Sonia King.
InCode, by William St. John, Chief Executive Officer.

Integrated Coffee Technologies, Inc., by John Stiles as Chief Scientific Officer.

John Agsalud wrote in support on behalf of ISDI Technologies, Inc.

Mattie Yoshioka, President and CEO of the Kaua‘i Economic Development Board, Inc., wrote in support.

Lockheed Martin wrote in support.

Admiral Tom Fargo, Chairman and CEO of Loea, L-O-E-A, Corporation, wrote in support.

The Maui Economic Development Board wrote in support.

Michael DeWeert, wrote as an individual citizen in support.

Kelly Mendell on behalf of MIKEL, M-I-K-E-L, Inc., wrote in support.

The Center For Excellence for Research in Ocean Sciences by its Technical Director Richard Hess wrote in support.

Neptune Technologies, Inc., by John Harmon, Director of Engineering, wrote in support.


Oceanic Imaging Consultants by its President Thomas Reed wrote in support.

Pacific Defense Solutions by its president wrote in support.

Pacific Net by its president wrote in support.

Peter Crouch, the dean of the School of Engineering at UH Mānoa, wrote in support.

Pipeline Communications & Technology, Inc., by its Chief Executive Officer Norman Karo, K-A-R-O, wrote in support.

Pueo Group Contracting by Derek Sakaguchi, General Manager, wrote in support.

I'd better get this one right. The name of the company is Pukoa Scientific by Kelii Goodin, Vice President, wrote in support. Pukoa Scientific is a private company.

Raytheon by its Director of Hawaiian Operations wrote in support.

Nelson Kanemoto, President and Chief Executive Officer of Referentia Systems, Incorporated, wrote in support.

The President of Strategic Theories Unlimited, Stewart Burley, wrote in support.

Trex Enterprises by its President, Retired Admiral Tom Fargo, wrote in support.

Daron Nishimoto from Trex Hawai‘i, Hawai‘i, wrote in support.

David Kozuki, an alumnus of UH, wrote in support.

We received a letter from David Lovell, in support.
And we also received a written testimony from Nimr Tamimi also in support, and he also spoke to you earlier today.

LAGARETA: I guess that's everything?

PANG: Yes.

LAGARETA: Thank you.