



Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

1 message

Thayne Currie <thayne.currie@gmail.com>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 9:39 AM

Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

I write to you regarding the "Resolution Urging De-escalation of Tension and Non-violent Solutions on Maunakea". I do believe the intent of the Board of Regents' Resolution is sincere. However, the resolution as written does far more harm than good. **I oppose this resolution** for the following reasons:

1) **It fails to acknowledge TMT's legal right to start construction and ignores the importance of the rule of law with potentially devastating consequences**

TMT has been the most transparent and best-examined project in Hawai'i in the last few decades. Its construction permit was the result of over a decade of community consultation and legal proceedings. The Contested Case Hearing for TMT overseen by Judge Amano allowed literally anyone in Hawaii the opportunity to participate, present witnesses, and draw proposed Findings of Fact/Conclusions of Law. After a record 88 days of testimony in a process stretching over a year, Judge Amano recommended TMT's permit. A few months later, BLNR approved TMT's permit by a clear majority. TMT's permit and sublease were upheld by the Hawaii Supreme Court in 4-1 and 5-0 decisions.

TMT has a clear, unambiguous legal right to proceed. Period. Allowing protesters to stall this project is no more defensible (or more moral) than would allowing a project to start construction if it did not have the legal right to proceed.

Should Hawaii residents be allowed to block construction of a fully-permitted school because they really, really disagree with what it teaches? A Planned Parenthood clinic or conversely a Catholic Church? Should they be allowed to block your driveway?

If the answer is "no" then your Resolution implicitly says we get to enforce laws selectively and that some of Hawaii's residents' voices get veto power over others.

Either the law means something or it doesn't. And if the law really does not matter, there is nothing that in principle would prevent someone from construction a building – from a Hilton to a place of worship – without being permitted.

2) **It disregards nearly a decade of dialogue and compromise put forth by the University and the astronomy and ignores the protester leaders' clear rejection of true dialogue**

For example, TMT's permit carries with it over 40 special conditions, which were wisely added by BLNR after listening carefully to the protesters' concerns prior to and after Judge Amano's recommendation. Key among these include the demand that TMT is the last new telescope site and the decommissioning of 5 telescopes in exchange for TMT. Effectively, the conditions give the protesters what they claim they want: fewer telescopes on Mauna Kea (9 instead of 13).

While the astronomy supporters and TMT are willing to accept these and other compromises, the protester leaders have made abundantly clear many times that they are not interested in this compromise nor in any of those that you would propose. They simply want their way or the highway.

3) It incorrectly conflates the construction of TMT itself with broader issues and improperly implies that these latter, more complex issues must be resolved before TMT should be constructed.

TMT was not the one who failed to fulfill promises regarding DHHL homesteading nor did they overthrow the Hawaiian Kingdom. Nor did Subaru or Keck. Neither can they restore it. Stopping TMT will not bring the Kingdom back either. Yet effectively the protesters are holding current and future observatories hostage for these past mistakes of others.

Yes, IfA was heavily criticized for its management of Mauna Kea in 1998, OMKM was formed precisely to make it better. And they have made management better. As someone who has gone to Mauna Kea since 2006 and view it as a personally significant, even spiritual place I can attest to OMKM's good management of the mountain under very challenging circumstances.

Mayor Kim's plan addresses many of these issues, for example suggesting a modification in management of Mauna Kea to include more Hawaiian stakeholders. The astronomy community is open to this plan. But there is no logical reason why this complex issue must be fully solved before TMT could start construction. And again, even if all these changes could occur, they do not change the fact that the protesters refuse them as a compromise for constructing TMT.

4) It fails to clearly acknowledge the systematic campaign of intimidation and threats carried out innumerable times by TMT protesters (including UH faculty) while inaccurately implying that any law enforcement activity (no matter how respectful and cautious) is "violent" instead of "peaceful", as it truly is.

TMT supporters have stood up for the project despite intense intimidation and threats carried out against them by a faction of TMT protesters. Protesters have defaced public lands. Friends of ours have received death threats and have been intimidated into silence. Astronomers as a group are extremely progressive and supportive of Hawaiian rights, environmental justice, and social justice. They care for and respect Mauna Kea as a site with spiritual meaning to many. Yet they have been told that they are "destroying" a mountain and are no better than genocidal colonialists. Some community supporters have been told by TMT protesters to "go back to where you came from", even though they were born and raised in Hawai'i.

Hawaiian supporters of TMT have it the worst. They have been told that they are "fake Hawaiians", "coconuts", "traitors". They have been harassed at their place of work. In school, they have been forced to participate in actions supporting the protesters against their will. It is trivial to find examples of these threats and intimidation (see: https://www.instagram.com/kapu_aloha_ole/).

The Board's silence on intimidation and violence directed at TMT supporters is deafening.

A telescope is not an oil pipeline. TMT is not Standing Rock. And the previous, current and any foreseeable police action on Mauna Kea in no way, shape, or form resembles anything other than peaceful. While law enforcement's removal of protesters on July 17 could have been done more effectively, it was done peacefully. The lead DOCARE officer on the scene politely asked numerous times for the protesters to leave. Those that were arrested were simply escorted off the road.

The Resolution does not acknowledge that previous police action was peaceful. Any Resolution should make clear that simply arresting people for blocking the highway or blocking/impeding construction equipment for a legally permitted project – especially one that benefits Hawaii like TMT – is peaceful, not violent.

Instead of this Resolution, the Board should support the following statements in a different Resolution:

- We support TMT's legal right to start construction as affirmed by the Hawai'i Supreme Court and request that all parties – police, protesters, and TMT personnel – conduct themselves respectfully. We call on Governor Ige to OPEN THE ROAD for construction.

- In parallel with TMT's construction, we support rapid and concerted efforts for ho'oponopono on broader issues that have surfaced as a result of the protests. We call on the State, TMT, and the protesters to support these efforts. Mayor Harry Kim's proposal provides a good starting point for discussion.

Issues requiring quick action include but are not limited to: compensation for the Mauna Kea Access Road, the management structure of the astronomy precinct, and homesteading on DHHL lands.

Thank you for this opportunity to submit testimony,

Thayne Currie
Subaru Telescope/NASA



Tmt

1 message

Gary Kneeland <gwk5371@aol.com>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 9:58 AM

Aloha
I really support the building of the TMT and want it to be built NOW !
Not later ,quite a few of my Friends want it built sooner rather than later
Thank you , from Ocean View ,Big Island
Gary Kneeland



Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

1 message

Morgan Bonnet <bonnet@hawaii.edu>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 9:59 AM

Dear Board of Regents,

While the text below wasn't written by me but by a colleague, I want you to know that I agree 100% with him:

"I write to you regarding the "Resolution Urging De-escalation of Tension and Non-violent Solutions on Maunakea". I do believe the intent of the Board of Regents' Resolution is sincere. However, the resolution as written does far more harm than good. I oppose this resolution for the following reasons:

1) It fails to acknowledge TMT's legal right to start construction and ignores the importance of the rule of law with potentially devastating consequences

TMT has been the most transparent and best-examined project in Hawai'i in the last few decades. Its construction permit was the result of over a decade of community consultation and legal proceedings. The Contested Case Hearing for TMT overseen by Judge Amano allowed literally anyone in Hawaii the opportunity to participate, present witnesses, and draw proposed Findings of Fact/Conclusions of Law. After a record 88 days of testimony in a process stretching over a year, Judge Amano recommended TMT's permit. A few months later, BLNR approved TMT's permit by a clear majority. TMT's permit and sublease were upheld by the Hawaii Supreme Court in 4-1 and 5-0 decisions.

TMT has a clear, unambiguous legal right to proceed. Period. Allowing protesters to stall this project is no more defensible (or more moral) than would allowing a project to start construction if it did not have the legal right to proceed.

Should Hawaii residents be allowed to block construction of a fully-permitted school because they really, really disagree with what it teaches? A Planned Parenthood clinic or conversely a Catholic Church? Should they be allowed to block your driveway?

If the answer is "no" then your Resolution implicitly says we get to enforce laws selectively and that some of Hawaii's residents' voices get veto power over others.

Either the law means something or it doesn't. And if the law really does not matter, there is nothing that in principle would prevent someone from construction a building – from a Hilton to a place of worship – without being permitted.

2) It disregards nearly a decade of dialogue and compromise put forth by the University and the astronomy and ignores the protester leaders' clear rejection of true dialogue

For example, TMT's permit carries with it over 40 special conditions, which were wisely added by BLNR after listening carefully to the protesters' concerns prior to and after Judge Amano's recommendation. Key among these include the demand that TMT is the last new telescope site and the decommissioning of 5 telescopes in exchange for TMT.

Effectively, the conditions give the protesters what they claim they want: fewer telescopes on Mauna Kea (9 instead of 13).

While the astronomy supporters and TMT are willing to accept these and other compromises, the protester leaders have made abundantly clear many times that they are not interested in this compromise nor in any of those that you would propose. They simply want their way or the highway.

3) It incorrectly conflates the construction of TMT itself with broader issues and improperly implies that these latter, more complex issues must be resolved before TMT should be constructed.

TMT was not the one who failed to fulfill promises regarding DHHH homesteading nor did they overthrow the Hawaiian Kingdom. Nor did Subaru or Keck. Neither can they restore it. Stopping TMT will not bring the Kingdom back either. Yet effectively the protesters are holding current and future observatories hostage for these past mistakes of others.

Yes, IfA was heavily criticized for its management of Mauna Kea in 1998, OMKM was formed precisely to make it better. And they have made management better. As someone who has gone to Mauna Kea since 2006 and view it as a personally significant, even spiritual place I can attest to OMKM's good management of the mountain under very challenging circumstances.

Mayor Kim's plan addresses many of these issues, for example suggesting a modification in management of Mauna Kea to include more Hawaiian stakeholders. The astronomy community is open to this plan. But there is no logical reason why this complex issue must be fully solved before TMT could start construction. And again, even if all these changes could occur, they do not change the fact that the protesters refuse them as a compromise for constructing TMT.

4) *It fails to clearly acknowledge the systematic campaign of intimidation and threats carried out innumerable times by TMT protesters (including UH faculty) while inaccurately implying that any law enforcement activity (no matter how respectful and cautious) is "violent" instead of "peaceful", as it truly is.*

TMT supporters have stood up for the project despite intense intimidation and threats carried out against them by a faction of TMT protesters. Protesters have defaced public lands. Friends of ours have received death threats and have been intimidated into silence. Astronomers as a group are extremely progressive and supportive of Hawaiian rights, environmental justice, and social justice. They care for and respect Mauna Kea as a site with spiritual meaning to many. Yet they have been told that they are "destroying" a mountain and are no better than genocidal colonialists. Some community supporters have been told by TMT protesters to "go back to where you came from", even though they were born and raised in Hawai'i.

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Issues requiring quick action include but are not limited to: compensation for the Mauna Kea Access Road, the management structure of the astronomy precinct, and homesteading on DHHL lands.

Thank you for this opportunity to submit testimony,

Thayne Currie

Subaru Telescope/NASA"

Best Regards,

--

Morgan B. Bonnet

Senior Mechanical Engineer

Institute for Astronomy - University of Hawai'i at Manoa

2680 Woodlawn Drive - C114

Honolulu, HI 96822

Email: bonnet@hawaii.edu

Ph: 808-956-7271

Fax: 808-988-3893

Skype: morgan_ifa



**LATE TESTIMONY**

BOR Testimony <bortest2@hawaii.edu>

Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

1 message

Paul Hirst <paul@phirst.org>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 10:15 AM

Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

I write as resident of Hilo regarding the "Resolution Urging De-escalation of Tension and Non-violent Solutions on Maunakea". While I believe that the resolution has good intentions, I believe as written it does more harm than good.

Due process has already been followed. TMT has a legal right to build. UH should be supporting that right, and doing all it can to get TMT construction underway *NOW*.

The protestors have nothing more to add to the arguments they made during the many hearings on TMT construction. Those arguments have been heard, considered by the appropriate courts and hearings, and the outcome of that process was to approve construction of TMT. Continued discussion at this point gets us nowhere. The discussion has been had and a decision made. It's now time to get construction underway.

Yes, there are many outstanding issues facing our community. Let us not hold TMT hostage in addressing those.

I firmly believe at this point that UH should be adopting a resolution calling on Governor Ige to open the road and get construction of TMT underway.

Regards,

Paul Hirst,

Hilo.

**LATE TESTIMONY**

BOR Testimony <bortest2@hawaii.edu>

Maunakea and TMT

1 message

Remillard, Laurent <laurent_remillard@alumni.brown.edu>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 10:27 AM

Hello Board of Regents,

I am a Hawaii resident born and raised. I feel that building the Thirty Meter Telescope here honors Maunakea because it will study the heavens and answer mysteries of existence that we have yet to even ponder.

The TMT is a non profit project with the goal of furthering human understanding of existence. The project has made a concerted effort to respect Maunakea's cultural and natural resources. Its site to be was chosen for its absence of cultural and natural resources. The lava plain is not the preferred habitat of the indigenous Weiku Bug, and not conducive to burials. The closest site of cultural practice is nearly a mile away. It was then surveyed by cultural experts to confirm the lack of archaeological sites (including burials), and geological experts to confirm the lack of lava flows that may be studied in the future. The telescope's design itself has been altered and customized from the tried and true conventional design to shorten its focal length allowing its dome to be significantly smaller than other extremely large telescopes. It then went through a 10 year legal process where it met every state requirement and was approved by the Hawaii Supreme Court.

I understand the state wants to deal with the illegal road blockade in the most diplomatic way possible. The protesters have refused to participate and rejected all diplomatic attempts made by the state . I feel that this method of resolution has been exhausted.

It is time to open the road.

Mahalo,
L.J. Remillard
808.783.3880

**LATE TESTIMONY**

BOR Testimony <bortest2@hawaii.edu>

Testimony in Opposition to BOR Resolution on Mauna Kea

1 message

hawaiianreyes <hawaiianreyes@yahoo.com>
Reply-To: "hawaiianreyes@yahoo.com" <hawaiianreyes@yahoo.com>
To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>

Wed, Oct 16, 2019 at 11:03 AM

Aloha,

My name is Annette Reyes and I am writing this email in opposition to your resolution to de escalate tension on Mauna Kea. I believe it will do more harm than good. Please remember TMT has the legal right to build. The protesters are there illegally. They are camping, having parties, concerts, ho'olaule'a all illegally. Now since they're getting away with it, other people are starting their own protests and it's spiraling out of control.

My family is Hawaiian and we all support the building of TMT NOW. Please help us urge Governor Ige to open the road NOW. So TMT can start construction NOW.

Thank you for this opportunity to submit testimony.

Annette Reyes

[Sent from Yahoo Mail on Android](#)



Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

1 message

Marc Lefebvre <mauibeachbumm@gmail.com>

Wed, Oct 16, 2019 at 11:25 AM

To: bor.testimony@hawaii.edu

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Hawaiian supporters of TMT have it the worst. They have been told that they are “fake Hawaiians”, “coconuts”, “traitors”. They have been harassed at their place of work. In school, they have been forced to participate in actions supporting the protesters against their will. It is trivial to find examples of these threats and intimidation (see: https://www.instagram.com/kapu_aloha_ole/).

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Issues requiring quick action include but are not limited to: compensation for the Mauna Kea Access Road, the management structure of the astronomy precinct, and homesteading on DHHL lands.

—

Marc Lefebvre

[327 Kuualoa St](#)

[Kahului, HI. 96732](#)

(808)298-3560



Support TMT!

1 message

Genevieve Runningwind <genevieve.runningwind@gmail.com>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 11:51 AM

I support TMT's legal right to begin construction NOW.

The protestor leaders are unwilling to compromise.

The time is NOW to OPEN THE ROAD and move forward with TMT's construction.

Genevieve Runningwind
TMT/Astronomy Supporter

**LATE TESTIMONY**

BOR Testimony <bortest2@hawaii.edu>

In Support of TMT Construction Moving Forward and Opening Mauna Kea Access Road

1 message

huskymom808@gmail.com <huskymom808@gmail.com>
To: bor.testimony@hawaii.edu

Wed, Oct 16, 2019 at 12:16 PM

Dear UH Board of Regents,

I and a lifelong Hawaii resident born and raised on the Big Island and I support the building of TMT at the proposed site on Mauna Kea and believe they should be allowed to proceed with construction as they have followed the lawful steps to proceed. I also support opening Mauna Kea Access Road, not only for TMT's construction, but also to the general public and to visitors to the island. The protestors have brought to light very important issues, however, these issues run much deeper than the construction of TMT and it appears that they are not willing to compromise from the position of no TMT on the Mauna. I believe that TMT should be allowed to proceed immediately and that the State, University of Hawaii, and County should acknowledge and listen to the issues that have been brought to light and work with the protestors to effect change as necessary moving forward. However, TMT should not be a victim to this movement. They have gone to great lengths and expense to be respectful of the community. If TMT is forced out of Hawaii, it creates a precedent that has the potential to cripple our economy for generations to come. The lack of action on the part of the government to allow TMT access to the site for this long has already set a dangerous precedent. The funds spent by the state to ensure the safety of the protesters and the public continues to rise every day in a society where we are already sorely hurting for funds to support our community. I do not support violence of any kind, however, those who intentionally break the law should be subject to the required punishment. Arrest in itself is not violent, no matter how many people on social media make it seem that way. Arrest those breaking the law and infringing on the rights of others. Protests should be allowed as long as they do not impede the safety of others, for example, on the sides of the road a safe distance from the roadway. The divide in our community has gone on long enough and every day that goes on without addressing the issue makes things worse. It is time to take action. We cannot move forward if we continue to stand still.

Renee Ishisaka



LATE TESTIMONY

BOR Testimony <bortest2@hawaii.edu>

Resolution 19-02

1 message

Eugene Magnier <eugene@ifa.hawaii.edu>
To: bor.testimony@hawaii.edu

Thu, Oct 17, 2019 at 7:54 AM

Please find my personal statement attached.

aloha
Eugene Magnier

 **Magnier_BoR_Testimony_20191017.pdf**
46K

Board of Regents
University of Hawai`i
October 17, 2019

Dear Board of Regents,

I am writing regarding Resolution 19-02 on Maunakea; this written statement matches my oral testimony to be presented at the Board of Regents meeting Oct 17, 2019.

I am an astronomer on the faculty at the Institute for Astronomy. I am also a child of Hawai`i: I grew up here and graduated from Punahou School in 1985. Growing up, I always had a love of science, and astronomy in particular. I was inspired by reading about the leading work done by astronomers on Maunakea even in the early 1980s.

Like many Hawai`i kids, at college I was split by my desire to pursue intellectually challenging STEM topics and by a longing to return home to the islands. Watching the growth of astronomy on Maunakea, by then already clearly the best site in the world, I was motivated by the idea that I could pursue astronomy as a career and do world-class research back home. Most of my friends who pursued technical careers ended up in California, Seattle, or Boston.

After 15 years of college and astronomy positions on the mainland and Europe, I was able to get a position with the IfA at UH. Now I lead the data analysis system of the Pan-STARRS telescopes which are making many discoveries, including the recent interstellar visitor `Oumuamua.

Astronomy on Maunakea is a clean, forward-looking endeavour which provides opportunities in STEM fields to people in Hawai`i, and continues to inspire keiki today to consider science as a valid career choice. It is an area in which Hawai`i is recognized around the world as a leader.

Today, the Board is considering what appears to be a fairly anodyne resolution calling on all sides to work together in harmony. However, it fails to note that one side of this conflict has illegally occupied the road to the summit and, in completely undemocratic fashion, is blocking the legal right of TMT to start construction.

One side is following the rule of law; the other is attempting to subvert the democratic process.

In just a few years, the Maunakea master lease will be up for renewal. Among the stated goals of the TMT opponents is to block the master lease and remove all telescopes from the summit. If UH implicitly supports those who would block the legally approved construction of TMT by failing to call out their actions, the future of all astronomy on Maunakea is threatened. By extension, all future development in Hawai`i is threatened when we allow mob rule to overcome the democratic process.

Currently, I teach undergraduates studying astronomy at UH. I ask you: In 5 years, will I be telling my students, "YES, Hawai`i is the world leader in astronomy because Maunakea is the best place in the world to study the stars" or will I be saying, "NO, if you want to live in Hawai`i, don't bother studying astronomy. It has no future."

If we want our keiki to have opportunities, we need to give them opportunities.

Aloha,

Eugene A. Magnier
University of Hawai`i - Manoa
Institute for Astronomy
2680 Woodlawn Dr.
Honolulu, HI 95822



Testimony in Opposition to University of Hawai'i Board of Regents Resolution on Mauna Kea

1 message

Bri Onde <brialynonodera@gmail.com>
To: BOR Testimony <bor.testimony@hawaii.edu>

Thu, Oct 17, 2019 at 8:21 AM

Aloha all,

I would like to indicate my opposition to the "Resolution Urging De-escalation of Tension and Non-violent Solutions on Maunakea". Despite the good intentions that were in place during the drafting of this resolution I would like to point out that the board has failed to recognize that TMT has a legal right to proceed after being subjected to a thorough contested case hearing and a decade of community consultation and legal proceedings. Not only that but in light of the 2015 protests, TMT has continually tried to work with opponents to provide compromise via contributions to the community and cooperation with other Mauna Kea based telescopes to limit the number of telescopes on Mauna Kea.

I would also like to point out that though many opponents of TMT fall within Kapu Aloha, many do not and have indicated violent tendencies via threatening messages online or through racism against non-Hawaiians. Being a Hawaiian myself I have been told that I am a fake Hawaiian and that I have turned my back on Hawaiian people, implying that other individuals are "more Hawaiian" than I am and to disagree would mean that I have no sense of Hawaiian identity.

Instead of this resolution I believe the community would like to see support for TMT's start of construction with a request that during construction we must see respect from all sides in order to not escalate the matter further. We encourage David Ige to take action and open the road, especially in light of various other protests that have sprung up in communities around Hawaii. Already this standoff has been going on for too long and a call for de-escalation may end up being a waste of everybody's time. This movement has elevated beyond Mauna Kea and though I support the broader issues that have been brought up (Hawaiian sovereignty, land mismanagement, etc), they have nothing to do with TMT.

Thank you for the opportunity to submit testimony

Brialyn Onodera
Makawao, Hawaii

**LATE TESTIMONY**

BOR Testimony <bortest2@hawaii.edu>

Fwd: Auto reply – Testimony submitted past deadline Re: KPerry Testimony for BOR Meeting 10/17/2019

Wendell Perry <wperry@hawaii.edu>
To: bor.testimony@hawaii.edu

Thu, Oct 17, 2019 at 7:28 PM

Aloha Board Members,

I submitted my testimony for today's meeting via the wrong email address. I am resending it now. Please add this to your record.

Peace,
Kekailoa.

----- Forwarded message -----

From: **UH - Hawaii Administrative Rules** <uhhar@hawaii.edu>

Date: Thu, Oct 17, 2019 at 8:24 AM

Subject: Auto reply – Testimony submitted past deadline Re: KPerry Testimony for BOR Meeting 10/17/2019

To: <wperry@hawaii.edu>

This email is not currently receiving testimony for Chapter 20-26, Hawai'i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands." The deadline to submit testimony during this phase of the rule-making process was Friday, June 7, 2019, at 11:59 p.m. However, you may also provide testimony at the Board meeting that will be held on this matter. Board agendas and materials are posted at <http://www.hawaii.edu/offices/bor/archive/>.

Mahalo.

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"If the learner believes that institutional education is all that there is to learning, then their growth as a whole person will be stunted upon completion of the institutional credential." - Nicole R. Harper.

"Until the philosophy which holds one race superior than another, is finally and permanently discredited and abandoned,... until there no longer first class and second class citizens of any nation, until the color of a man's skin is of no more significance than the color of his eyes,... until that day the dream of lasting peace, world citizenship, rule of international morality, will remain in but a fleeting illusion to be pursued, but never attained." - Robert Nester Marley

**KPerry BOR Testimony on Resolutions Oct 2019.pdf**

113K

**Testimony Opposing the
Misleading and Sanctimonious Approaches to
Maunakea and Anti-Discrimination
in BOR Resolutions 19-03 and 19-02.**

October 17, 2019

Sent Via Email Attachment to uhhar@hawaii.edu

TO: The University of Hawai'i Board of Regents
c/o UH System Government Relations Office
2442 Campus Road, Administrative Services Building 1, Room 101

FR: Kekailoa Perry 
Hawaiian Subject & Kumu of Hawaiian Studies UHM
2645 Dole Street, Room 209

I am Kekailoa Perry, a citizen of the Hawaiian Kingdom and Associate Professor at Kamakakūokalani Center for Hawaiian Studies. I oppose the proposed Board of Regent Resolutions outlined in items VIC and VID of your October 17 agenda.

THE BOR MIG REPORT AND RESOLUTION IS A SANCTIMONIOUS APPROACH TO MAUNAKEA MANAGEMENT THAT DEBASES THE HAWAIIAN AND LOCAL COMMUNITIES PROTECTING MAUNAKEA.

- (1) The BOR MIG report states that Maunakea is “a special place to all Hawai’i, and that Native Hawaiian cultural practices need to be acknowledged in planning for the use of Maunakea.” The statement maintains colonial-like domination and control over any meaningful participation by the Native Hawaiian community stakeholders. The dubious appointment and involvement of “Hawaiian” individuals or advisory groups by the BOR, OMKM and the UH President exacerbates the concern that the BOR has no real intention of working with the practitioners and protectors representing the larger Hawaiian community. No effort is made in the report or the proposed resolution to engage with these important stakeholder communities. No commitment is made to purposely empower the practitioners and protectors of Maunakea with voting and decision making powers in the proposed process. In short, the BOR MIG report and resolution lacks substance and integrity by continuing to relegate Hawaiians as invisible bystanders in the management process.
- (2) The BOR MIG report recognizes the University of Hawai’i’s past and present mismanagement of Maunakea, but provides no clear directive to the UH administration, Office of Maunakea Management, state agencies and private partners on the actual care and protection of the mauna.
- (3) The BOR MIG report claims to understand the issues affecting Hawaiians. But, the BOR MIG report and resolution oversimplifies the Hawaiian concerns for Maunakea by calling it a “symbol” of Hawaiian self-determination. Relegating the Hawaiian relationship with Maunakea as politically “symbolic” is ignorant and dismisses the more complex issues clearly expressed by the protectors on Maunakea.

- (4) The BOR claims to have the ultimate responsibility to “carryout” the directives of the Mauna Kea Reserve Master Plan and several other management plans developed since 2000. However, the BOR MIG completely ignores the BOR’s constitutional obligation to responsibly carryout the protection and perpetuation of Hawaiian traditional and customary practices, including religious beliefs, on Maunakea. That glaring omission negates the BOR MIG assertion that the future management will be conducted fairly and justly.
- (5) The BOR MIG says that the BOR is governed by several plans including: the Mauna Kea Science Reserve Master Plan (2000), Mauna Kea Comprehensive Management Plan UH Management Areas (2009), A Cultural Resources Management Plan for the University of Hawai’i Management Areas on Mauna Kea (2009), Natural Resources Management Plan for the UH Management Areas on Mauna Kea (2009), Public Access Plan for the UH Management areas on Mauna Kea (2010). The plans incorporate TMT sublease agreements and the MK long term reports, among others, that specifically outline the development of the TMT on Maunakea. Therefore, the BOR MIG supports the development of the TMT without openly stating that fact in the BOR MIG report or resolution. The fact that the resolution makes no mention of the TMT is deceptive and misleading.
- (6) The BOR MIG resolution supports building the TMT and other facilities on Maunakea shamelessly plugging scholarships, facility sharing and programs as a quid pro quo for future development support before consulting with the cultural practitioners protecting the mauna. Bribery should not be a functional part of any plan or resolution!
- (7) The BOR MIG report claims that it will “collectively do better with regard to efficiency, effectiveness, and transparency in the functional structure of Maunakea management” and claims that it will include multiple stakeholders. The report fails to identify native Hawaiian community stakeholders or UH Hawaiian community stakeholders but does identify OMKM as leaders in the process. OMKM’s lack of proper management, transparency, and inclusiveness is a direct cause of the tension and damage to cultural sites on Maunakea. OMKM’s illegal behavior and sullied reputation makes the BOR MIG’s promise to “do better” suspect and untrustworthy.
- (8) The BOR MIG report and resolution presumes that the BOR will “bridge” the gaps between faculty and students who “stand up for their beliefs” and astronomers who have “brought great distinction to the University.” The BOR MIG report and resolution statement redeploys negative, disgraceful tropes that maintain Western imperialistic hierarchies elevating the contributions of astronomy (“science”) over individual beliefs (“culture”). To maintain such shallow and disgraceful racialized profiles corrupts the proposed process.
- (9) The BOR MIG report and resolution suggests the Maunakea Science Reserve might be better served if transferred to another governmental authority. The BOR MIG discounts the honest, culturally sound and skillful management of the protectors on Maunakea as a managing authority for Maunakea. The lack of foresight by the BOR MIG to include such valuable and skilled stakeholders in the management demonstrates BOR’s intent to distance the Hawaiian community from meaningful management and decision making power.
- (10) The BOR MIG report and resolution are incredible disappointments. As a result, they lack any serious or material changes to the existing plans and projected uses on Maunakea. The report and resolution does appear to have one dangerous function. It supports Mayor Harry Kim’s plan and therefore may be used to justify the removal and arrests of the protectors on Maunakea by law enforcement.

THE BOR RESOLUTION URGING DE-ESCALATION OF TENSION IS FECKLESS AND EXCUSES UH FROM TAKING AFFIRMATIVE STEPS TO END INSTITUTIONAL RACISM

- (11) The BOR Resolution 19-02 is littered with coded words that mimic some of the worst forms of cultural appropriation since the US occupation. In 2019, the University of Hawai'i should know that the indiscriminate flaunting of phrases like "ho'oponopono" and "spirit of aloha" or "aloha spirit" is perverse. Ho'oponopono is an intensive cultural process designed to forge commitments and/or express separation. Western academics and law claim the term for dispute resolution purposes that are weak, superficial expressions of the actual cultural process. Research on the corrosive function of the term "spirit of aloha" is widely known. And, most credible Hawaiian scholars would conclude that using the term "spirit of aloha" in resolutions like this will not only incense Hawaiians but cause more tension and trauma.
- (12) In cases of racism and racial discrimination, the laws are quite clear. The University must take immediate steps to stop the racial discrimination and protect those affected by the acts. In the "post-race" era, the term "civility" is used to falsely equate acts of racial discrimination with victims of discrimination. Perpetrators of racial discrimination are violators of the law. Victims of racial discrimination are protected under the law. The parties are not equal and the BOR should be ashamed of such twisted characterizations.
- (13) The resolution appropriates "kapu aloha" in ways that bastardizes the function and practice of that cultural principle.
- (14) The resolution foolishly suggests that the TMT "conflict" is the cause of the racial discrimination and tensions on campus. Clearly, Maunakea has exposed racial animosity or hatred toward Hawaiians. However, if the BOR insists on drawing a correlation between the TMT and racial tension, then you should look at the actions of TMT supporters. In the last month, the racist statements that were written in the UHARI listserv and the racist outburst at the astronomy forum were perpetrated by professors who support TMT against people who were Hawaiian or local. These facts highlight a very strange and troubling coincidence. One logical conclusion is that racial slurs are deployed purposely by TMT supporters against Hawaiians on the UH campus. Why not investigate the pro-TMT folks who are actually engaging in racist, bigoted and racialized slurs?
- (15) The resolution's plea for non-violence is insulting to all those who practice kapu aloha at UH. Kapu aloha is a sincere commitment to a fundamental cultural behavior and principle that, by its very nature, is peaceful and non-violent. The resolution insults the cultural integrity of kapu aloha by wrongly asserting that "all sides" need to work toward a peaceful resolution. Hawaiians who are practicing kapu aloha are already peaceful. Others who make racial slurs against Hawaiians and locals are engaging in violence. Administrators who know or should know that such violence is occurring and do not act, give cover and protect the violent actors. The BOR resolution is an insult to victims of racial discrimination and to those practicing kapu aloha.
- (16) Other faculty and student statements were submitted to the BOR and Lassner so I will not belabor those issues. The BOR resolution is a toothless document that does little to demonstrate the "good faith efforts" it claims. The resolution freely uses Hawaiian words that the BOR barely understands while refusing to say the word "racist" or "racism" to describe the discrimination occurring on campus. The resolution fails for lack of substance and truthfulness.

CONCLUSION.

Gandhi once said that “in politics, the use of truth and love is based upon the immutable maxim that government of the people is possible only so long as they consent, either consciously or unconsciously, to be governed.” I, along with thousands of other Hawaiians who openly march and assemble to protect Maunakea, do not consent to the BOR’s assertion of power over the management of Maunakea. Nor do I consent to your feckless promises of safety and protection on campus.

Members, you are driven by fear in this situation. You fear the economic loss, the political turmoil, the loss of professional connections and the loss of power you once held tightly. Those fears prevent you from seeing the value of the faculty, staff and students on your campuses. Faculty, staff and students have love for this university but will not consent to the kind of leadership that leads us on a path to ruin.

Turn to your family occupying Bachman, your professors teaching and giving back to the community; turn to the protectors here at UH and embrace the value that we bring to making this institution a safe and healthy environment of Hawaiian learning. We do not fear the truth, we embrace it. As Gandhi notes, “When a man abandons truth, he/she does so owing to fear in some shape or form.” It’s time to embrace your own truth and end the TMT.