

RICHARD
BORRECA
ON POLITICS



12/8/15 HSA

Protests over Mauna Kea unlikely to ever go away

When Peter Apo, the former state legislator and current Office of Hawaiian Affairs trustee, first suggested that the protests regarding Mauna Kea had the potential to be more explosive than the movement to stop the Kahoolawe bombing, I thought the usually steady author, musician and politician was exaggerating.

It turns out Apo may

have nailed it.

The protests over construction of the world's largest infrared telescope atop Mauna Kea have been continuing in one form or another since the 1960s, when the University of Hawaii and former Gov. John A. Burns launched plans to bulldoze a road to the summit area to explore the area's suitability for a telescope.

It turned out that the

summit was not just a good place, it was spectacular.

As officials with the now-controversial 30-meter telescope project have said: "The 'best night' at other telescope locations is just an 'average' night on Mauna Kea. And the 'best nights' on Mauna Kea cannot be found anywhere in the world."

Native Hawaiian groups were not impressed and have been protesting the telescopes for the last 50 years.

Just last week, the Hawaii Supreme Court invalidated the TMT conservation district use (CDU) permit, saying the state Board of Land and Natural Resources gave UH a permit before holding the required contested case hearing.

It sounds like just bother-

some details, but those steps really do determine the rights, duties and privileges for everyone — so as UH and state officials found out, you do have to pay attention.

While there may be ways to march a proper CDU permit through the bureaucracy, it will take time and there is a greater looming cause of action available to the protesters: the state Constitution. Article XII, Section 7 reaffirms the customary and traditional rights of those descendants of Native Hawaiians who lived here prior to 1778.

"Mauna Kea is a very significant and sacred place. Mauna a Wakea. Wakea, sky father, under the creation story, partner to Papanau-moku, earth mother," noted Richard N. Wurde-

man, winning attorney in the TMT lawsuit.

"The Mauna today represents real nation building of the Hawaiian people. Not the OHA stuff. Protecting Mauna Kea means 'aloha aina.' It means standing up for what it is to be Hawaiian and for what the kupuna stood for. It is where many Hawaiians, young and old, have now drawn the line," Wurdeman said in an email.

Mauna Kea is now the locus and the cause, just as Kahoolawe forged the Hawaiian pride movements decades ago. This is not going away; it is a cause ripe to build upon and those wanting a separate Hawaiian nation will work to own the issue.

If the state's TMT supporters have a case to build in response to the "tradi-

tional and customary" lawsuit that will be filed to block TMT, the answer may have to be in the limitations in the Constitution.

The state is directed to protect "all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes," according to the Constitution, but with the tiny hedge that the rights are "subject to the right of the state to regulate such rights."

That is a tiny bit of wiggle room for the state to maneuver, and it will get even smaller as the protests grow louder.

Richard Borreca writes on politics on Sundays, Tuesdays and Fridays. Reach him at rborreca@staradvertiser.com.

Mauna Kea dispute ^{9/27/2015} actually a clash of religions

By Jean E. Rosenfeld

Mauna Kea, the "white mountain," is sacred.

To its protectors it serves as a temple, a place set aside where the world as they know and worship it began.

Places of creation are made sacred by what happened there and the power from beyond that continues to wield its force for those who respect them and against those who profane them.

To worshipers, profanation brings lethal consequences. That's why profanation of a sacred place can be a cause of especially determined opposition, even cause for war.

Religion is an abstraction when spoken of in general terms. We think we know it when we see it, but it exists before our eyes even when we are blind to it. It is the source of the most intense emotion human beings are capable of.

In the service of their deities, humans have sacri-

ficed themselves in a transaction they believe will have ultimate consequences. Theologian Paul Tillich identified religion as "ultimate concern," what human beings live by and are willing to die for.

Religions, on the other hand, are particular and distinct cultural practices, handed on from generation to generation.

They serve a societal purpose, binding a self-identified group together in shared activities called rituals. No nation can exist without its holidays and enactments.

So, what is happening on Mauna Kea — and Haleakala — in the most basic religious

terms?

Throughout history, nations have invaded the land of other peoples and imposed their rituals, myths and temples upon people of the land.

In the Andean capital of Cuzco, Spanish priests built their cathedral on top of the ruin of a Qechua temple. In Athens, Christian soldiers beheaded the

statues at the site of the Eleusinian mysteries. Religions succeed one another as alien armies invade native grounds.

I would argue that the rising religion of the Western world is science, which means "knowledge." Gods reveal knowledge when experts perform prescribed practices.

Religious knowledge is believed to protect and maintain society, which is why it is defended so fiercely.

At Mauna Kea and Haleakala, we see the old pattern repeating itself: an invasive power is building its temples — telescopes — in the sacred space of the kanaka maoli.

The new religion promises to reveal ultimate truth about the origin of the world by connecting astronomers to the heavens at or near the time of the creation of the universe.

This truth will be told in myth — cosmogeny — to all of us by the priesthood that discovers it. To scientists, the motivation for building the telescopes is to access and surpass any knowledge revealed by older divinities.

Protest is not war, but if the Mauna Kea protectors

were more numerous, the struggle would probably be violent. What is most important in our brave new search for ultimate truth is that scientists recognize that they are engaging in an intensely tribal need to impose their version of truth and power upon another.

Before building telescopes on top of mountains in Hawaii and Chile (where natives also consider them sacred), scientists need to appreciate how ultimate the attachment to sacred places is.

The Polynesians accomplished astounding feats powered and sustained by their religion. They traveled farther on vast oceans and preserved their deeds in the most impressive oral genealogies known.

Respecting sacred places is essential to maintaining peace between peoples. Before building telescopes, scientists need to hear the protectors and negotiate the co-existence of new and old in the same space.

Decades ago a proposal to run a cable car to the top of Mount Sinai was narrowly defeated.

Mauna Kea is no less sacred to the protectors than Sinai is to monotheists.



Hawaii resident Jean E. Rosenfeld, Ph.D., is a historian of religions and author of "The Island Broken in Two Halves: Land and Renewal among the Maori of New Zealand."

Cultural claims at the core of

By Jennifer Sinco Kelleher
Associated Press

Long before dozens of people were arrested while protesting against building a giant telescope atop Hawaii's Mauna Kea, there were environmental studies, public hearings and court proceedings. The Hawaii Supreme Court is scheduled to hear oral arguments Thursday in a lawsuit challenging the project's permit from the state Land Board to build the telescope on conservation land.

Protesters are planning a rally before the hearing outside the Supreme Court building in downtown Honolulu. Many opponents say they are against building the Thirty Meter Telescope on land they consider sacred.

Here are questions and answers about the lawsuit that's before the high court.

Question: What is the lawsuit challenging?

Answer: In 2013, the state Board of Land and Natural Resources issued a conservation district use permit for the Thirty Meter Telescope. A group of opponents appealed, but a Circuit judge affirmed the Land Board's decision. The group then ap-



KRYSTLE MARCELLUS / JUNE 26

Opponents of the Thirty Meter Telescope sit in prayer outside the Mauna Kea visitor center.

pealed to the state Intermediate Court of Appeals, arguing in part that the Land Board failed to uphold Hawaii constitutional obligations to cultural and environmental rights.

Q: Who is appealing?

A: According to their lawsuit, Kealoha Pisciotta is president of Mauna Kea Anaina Hou and engages in "traditional and customary practices related to Hawaiian astronomy, cosmology ... on Mauna Kea, practices that were taught to her by her elder family members."

Clarence Kukauakahi Ching is a Native Hawaiian

and traditional subsistence and cultural practitioner. "Mauna Kea is Mr. Ching's temple and spiritual retreat," the lawsuit said.

The Flores-Case family argues in the lawsuit that if the telescope is built it "would cause a substantially new visual obstruction (on the mountain) and cause a visual and spiritual interference ... when directing chants and prayers toward the mountain during cultural practices, protocols and ceremony gatherings."

Deborah J. Ward is not Native Hawaiian, but wants to "preserve and protect the natural resources from deg-

radation," the lawsuit said.

Paul Neves, who is a hula dancer and teacher, has genealogical ties to the mountain, according to the lawsuit, and the telescope would harm his traditional and customary practices on Mauna Kea.

KAHEA, a Native Hawaiian environmental alliance, is also part of the appeal.

Q: Why is the permit significant?

A: The permit allowed the nonprofit company building the telescope to proceed with construction on land that is within the Mauna Kea conservation district.

Q: How did the case get to the Supreme Court?

A: After the permit was issued, the opponents filed a lawsuit appealing it.

Attorneys for the state and the University of Hawaii, which manages the land, argue in court papers that the permit was approved after extensive public input. In 2010, the University of Hawaii Board of Regents unanimously approved the plan to build the telescope, which cleared the way for applying for the conservation permit. At that meeting, seven members of the pub-



The VLBA seen from above.



The true summit of Mauna Kea.

Observatory Pictures



telescope lawsuit

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lic testified in favor of the telescope. No opponents spoke, though critics had been vocal about their arguments against the telescope.

While the permit appeal was before the Intermediate Court of Appeals, the opponents asked to bypass the court and have the case go directly to the Supreme Court. The high court agreed to hear the case.

Q: How does the case affect the project?

A: Telescope construction began in March near the summit of Mauna Kea on the Big Island after seven years of environmental studies, public hearings and court proceedings.

The company building the telescope suspended construction in April after protesters were arrested for blocking the road to the summit and refusing to leave the construction site. More protesters were arrested again after a subsequent attempt to resume construction. The company hasn't indicated when it will make another construction attempt.

There is no stay in place pending the appeal so the project can proceed pending the outcome of the case,

said Joshua Wisch, a spokesman for the state Attorney General's Office.

Q: What are similarities with the Maui telescope case?

A: The justices heard oral arguments on April 2 in a similar case challenging the permit issued for a solar telescope atop Maui's Haleakala. Opponents are against that project for many of the same reasons as the Big Island telescope. However, construction of the Maui telescope's buildings is about 80 to 90 percent complete.

Q: When will there be a ruling?

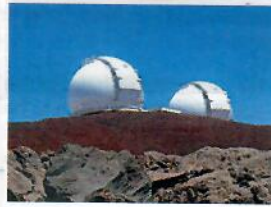
A: It's not known when the justices will issue a ruling. There hasn't yet been a ruling issued in the Maui case.

Q: What are the possible outcomes?

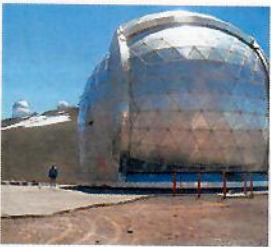
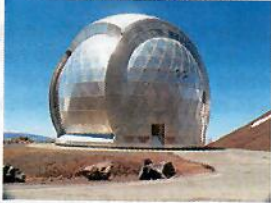
A: The court could side with the petitioners or side with the state. Or the justices could send the case back to the Land Board.

ON VACATION: Christine Donnelly is on vacation. Kokua Line returns Friday.

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Caltech Submillimeter Observatory



Subaru Telescope



NASA Infrared Telescope

