

WRITTEN DIRECT TESTIMONY B.07a
Jonathan Kay Kamakawiwo‘ole Osorio, PhD
10 October 2016 for the Contested Case Hearing
For Honorable Hearings Officer R.M. Amano

My name is Jonathan Kay Kamakawiwo‘ole Osorio. I was born in Hilo, Hawai‘i and currently reside in Honolulu. My father was born in Hilo to Eliza Leialoha Kamakawio‘ole whose parents and ancestors come from Hāmākua and Kohala. My mother’s maternal great grandmother, Pi‘ikea was born in Keauhou, Kona. Ancestors on both sides of my family are pili i ka mokupuni ‘o Hawai‘i.

I am also Professor of Hawaiian Studies at the University of Hawai‘i Mānoa where I have taught courses in the history of the Hawaiian kingdom, history of music, history of law and Hawaiian literature since 1992. I have been a member of the board of directors of KAHEA since 2008 and I have testified in opposition to the granting of the CDUP for the construction of the Thirty Meter telescope at the DLNR; and have testified in opposition to the extension of the management lease to the University of Hawai‘i. I have written essays in opposition to the construction of the TMT on Mauna Kea that appeared in the *Honolulu Star Advertiser*.¹ Every scholarly article or public speech or presentation that I have given from 2011 to 2016² has contained references this controversy, and my analysis of its importance.

I do not believe that the struggle over the future of Mauna Kea is a conflict between Hawaiians and non-Hawaiians, nor is it a clash between western science and Hawaiian cultural beliefs. This conflict is actually between people who see the history and future of Hawai‘i very differently from one another, and the issue is about how we manage resources and how we align our laws, our economy and the values of a whole, yet diverse society in Hawai‘i in order to connect a ruptured past, contentious present and very uncertain future.

The Past

Mauna Kea is a part of the 5F Ceded Lands, designated in the 1959 Admissions Act that accompanied statehood. The summit of Mauna Kea, which now comprises the conservation district were Hawaiian Kingdom Government lands, created as the public property of the government by the Mahele of 1847. These lands, like all of the privately owned lands in the Kingdom were protected by law and considered property. Government lands were used to support government responsibilities such as public health and welfare, public education, support for agriculture, and over a hundred thousand acres were sold to poor and landless native Hawaiians for homesteads and small farms for raising the general prosperity of the population.

A close look at the Kingdom’s management of the public lands reveals a strong preference for balancing the needs of its indigenous subjects and the preferences of sugar and other agribusinesses for greater access to inexpensive agricultural lands

and sufficient water. While the demands and profitability of sugar rose exponentially after reciprocity in 1876, the Kingdom continued to support the needs of its own, largely landless subjects until, with the conspiratorial assistance of the US government that kingdom was removed in 1893 and replaced with a series of governments that cared almost exclusively for the profitability of sugar and pineapple.

For the first half of the twentieth century, the prerogatives of sugar were paramount in Hawai'i and territorial government agencies and the Big Five tended to favor economic developments that did not encourage real estate speculation. Statehood and the sudden increase of tourism in Hawai'i has dramatically changed that economic model and from the late 1970s to the present Hawai'i has seen a dramatic rise in the price of real property, and growing shortage of affordable housing along with the concomitant rise of a permanent class of houseless residents.

Present

Since the takeover of our country, we Kānaka Maoli have witnessed the steady and lately, spectacular erosion of our presence on the land that only 4 generations ago was exclusively ours. But of far greater concern, is that neither government nor public interests today effectively regulate the use of our lands in any meaningful way. To put this baldly, the lands of Hawai'i have been offered up for speculation and to fuel expensive capital projects and neither environmental cautions, (Ho'opili, GMOs) ; community concerns (Rail Transit, HPLDC, Kaka'ako) have been able to balance the political trend away from the knee-jerk approvals of development, particularly when large, expensive projects are involved. Kanaka Maoli have been active and often leading in this opposition, but these are not solely Kanaka Maoli issues.

In the past forty years there has also been a significant rise in Native Hawaiian political activity, focusing on serious and viable assertions of rights to self-determination and including claims to the Ceded Lands now controlled by the United States government agencies and the State of Hawai'i. Much of the native protest has also focused on the rapid increase of urbanization of former Hawaiian communities and enclaves (Kalama Valley, Waiahole-Waikāne)³ along with powerful cultural assertions (Kaho'olawe, Waokele o Puna, Mauna Kea) protesting the improper use of places sacred to ancient deities, Kanaloa, Pele and Poli'ahu

Public resistance to the construction of the thirty meter telescope on Mauna Kea must be understood within all of these historical contexts and in particular, signals a growing public frustration with the Departments of Land and Natural Resources, the Department of Transportation, and the state legislature, to pursue a balanced policy of land use and to strictly observe the laws regarding public consultation when it comes to development. We need to remember that the reason this permitting

process has begun again is because the State Supreme Court recognized the lack of actual and meaningful public consultation during the previous application.

Future

Hawai'i is challenged by geo-political, economic and environmental realities that could easily destroy our fragile prosperity. Global climate change, population rise and over-consumption make small islands like Hawai'i extremely attractive to wealthy individuals and nations and to well-funded initiatives like the thirty-meter telescope. Providing a policy of development that balances the need for investment with the needs of local residents and native people for stable and sustainable communities begins with government agencies' commitment to real and meaningful consultation especially when one of the parties is wielding promises of investing billions of dollars. It simply is not enough for a party like TMT to claim economic or social benefits to the residents here merely because of the size of their investment. The investing party needs to assume the burden of proving that their project will improve the communities that rely on the resource they are using and demonstrate that it can meet and ameliorate the objections of the community when there is public and sustained protest.

For this reason, it is especially offensive for the TMT, building a 16 story monstrosity on a sacred place, to claim a cultural connection with the Native people because astronomy looks at the same stars as our voyager ancestors. Hawaiian people are not fooled either by the TMT's agreement to pay a million dollar a year lease, one fifth of which will accrue to the Office of Hawaiian Affairs and to provide NSF scholarships to our young people. There is a reason for these unprecedented offers, or rather, there are a few hundred reasons in the form of men and women who braved the elements and the possibility of arrest last year in order to proclaim their commitment to the mountain.

The DLNR had better be aware that the present and future disputes over land and development in Hawai'i will be conducted within a context of growing resentment of the state's failure to protect vulnerable communities and willingness to ignore inconvenient regulations in its rush to approve sizable capital projects, not to mention Hawaiians' increasing impatience with the state's management of our national lands. The Thirty Meter Telescope may assert a number of things in its favor: that it promotes knowledge and science; that it will spend heavily in Hawai'i; and that not all Hawaiians object to their project.

But there are too many substantial things that weigh against it. TMT will add to the significant, sustained and adverse affects that already resulted from the previous 13 telescopes on the mountain. The conduct of those telescope companies, DLNR and the University of Hawai'i, in terms of the mountain's stewardship have already created a climate of mistrust within the Native Hawaiian Community. And the

renewal of the protest on the mountain, should the TMT prevail in these hearings and try to resume construction, will shake the political foundations of this state.

Mahalo Nui

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¹ "A Sacred Mountain Scarred by Ambition," *Honolulu Star Advertiser*. April 19, 2015.

² "Hawaiian Issues," *The Value of Hawai'i: Knowing the Past; Shaping the Future*, University of Hawai'i Press. 2010.

"Genealogies" Presentation to the First Nations Futures Program, Stanford University and Monterey Aquarium, November 2013

"Kahea i ke Aloha 'Āina" song composed for Hawai'i Island and Mauna Kea, 2013

"What we Might Teach the Oppressed About Empire," Plenary Address to the World Indigenous Peoples' Conference on Education, Honolulu, 2014.

"What we Might Teach the Oppressed About Empire," Plenary Address to the Hawai'i Conservation Alliance, Honolulu, July, 2014.

"Two Perspectives on Political Narrative in One Activist Family," *Hulili: Multidisciplinary Research on Hawaiian Well-Being*, Honolulu, Kamehameha Schools Press. 2015.

"Poli'ahu i ke Hau" Song composed for Mauna Kea, 2015.

"Intimacies: Poetics of a Land Beloved," Presentation to the Pacific Association for the Continental Tradition, *Colony and Resistance*, September, 2016

³ Haunani-Kay Trask, *From a Native Daughter*, Honolulu, University of Hawai'i Press. 2000.

Goodyear-Kā'opu, Hussey, Wright, *A Nation Rising: Movements for Life, Land and Sovereignty*, Raleigh, Duke University Press. 2014.