



KE'ŌPŪALI'I
ENDOWMENT

a registered tradename of the KEALAMĀKIA FOUNDATION

September 10, 2015

Honorable Suzanne Case
Dept. of Land & Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Aloha Director Case and Deputy Director Kaluhiwa,

This letter is written in response to the continued arrests of those Aloha 'Aina advocates who are currently on Mauna Kea to protest the further desecration of the Mauna by the Thirty Meter Telescope.

Section XII, Hawaii State Constitution, states, "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights."

While the State has the authority to "...regulate such rights...", it certainly does not have the authority to create and establish rules which eliminate the practice of cultural and religious customs - especially on Mauna Kea, which has historically been, and continues to be, a sacred site for the native Hawaiian people.

To enforce such rules, and arrest peaceful activists who are exercising Constitutionally-protected rights, is **HEWA LOA**. It is wrongful on the part of the State and the Department of Land and Natural Resources.

We encourage the State and DLNR to reconsider the further enforcement of such "emergency" rules; and, refrain from seeking legal charges against those wrongfully arrested.

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'O wau iho no, me ka 'oia'i'o,

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