

SOCIAL CONCERNS COMMITTEE  
MINUTES OF MEETING  
DECEMBER 10, 2001

[In these minutes: Welcome and Introductions, Fair Trade & Shade Grown Coffee, Mount Graham Telescope Project]

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate or Twin Cities Assembly; none of the comments, conclusions or actions reported in these minutes represent the views of, nor are they binding on, the Senate or Assembly, the Administration or the Board of Regents.]

PRESENT: Robert Brown (Chair), Laura Hamilton, Karen Holtmeier, Jean Niemiec, Greg Schooler, Julie Sweitzer, George French, Margaret Kuchenreuther, Judi Linder, Mark Pedelty, Cameron Brauer, Kari Lindeman, Aimee Martin, Brian Wiedenmeier

REGRETS: Yvonne Redmond-Brown

ABSENT: Catherine Forseide-Hussain, John Jensen, John Beatty, Luis Ramos-Garcia, Patrick Buckle, Anne Decker, Andrew Pomroy

OTHERS: Kirpal Johnson

GUEST(S): Leonard Kuhl, Guy Lopez, Dwight Metzger, Cara Saunders

I). Professor Brown called the meeting to order and asked all present to introduce themselves.

II). Brian Wiedenmeier updated the Committee on a fair trade, shade grown coffee resolution that unanimously passed the Minnesota Student Association (MSA). The resolution supported the sale of fair trade, shade grown coffee in UDS retail operations. The resolution before Social Concerns is an adaptation of the MSA resolution. If Social Concerns adopts this resolution it basically will be the statement of the Committee, and could get forwarded to the full Senate for action. The following amendments to the resolution were made:

- The last whereas statement that reads: “Whereas, shade-grown coffee is generally of better quality than sun-grown coffee” be deleted in an attempt to give more clarity to the point. The point is the Committee supports this initiative because it is the right thing to do. The following statement will replace what was omitted: “Local Minnesota roasters are proactive in promotion and education in regard to these issues.”
- The second resolve is not supported with any whereas statement. The issue of fair trade and shade grown is not clearly tied to local roasters and should be substantiated to make the statement more effective. The second resolve will now

read: “That whenever possible, this coffee be purchased from such local Minnesota roasters.”

The amended resolution unanimously passed.

III). WRC Update: Professor Brown worked with Nancy Hoyt from the General Counsel’s Office on some syntactic changes to the Code of Conduct. The document is now on President Yudof’s desk awaiting his signature. It appears that Social Concerns has finished its business as it relates to this issue.

IV). Professor Brown distributed handouts related to the Mount Graham issue. The first handout was an overview of the Mt. Graham Telescope Project by the University of Minnesota’s Astronomy Department. The subsequent two documents supplied by the Mount Graham Coalition offered chronology and background information on the issue.

Professor Brown called on Len Kuhi, Chair of the Astronomy Department, to brief the Committee on what the University proposes to do about Mount Graham. Professor Kuhi provided the Committee with some history pertaining to how and why the University of Minnesota became involved in this project as well as where the initiative stands now and where the project could hopefully take the University.

The University of Minnesota Astronomy Department has been trying to get involved in a large telescope project for many years because in order to do forefront research the University really needs access to its own telescope. Most recently the University tried to become a member of a consortium called ARC that is located on Apache Point in New Mexico. Before this deal was closed however, the opportunity presented itself for the University to join the Arizona project. The Arizona telescope, a large binocular telescope, is the largest of its kind in the world. Being able to share time on this telescope would put the University of Minnesota in direct competition with the Berkeley’s and Harvard’s of the world. A gift of \$5 million dollars donated by Mr. Hubbard of Hubbard Broadcasting Inc. allowed the University to purchase a 5% share of the Arizona telescope.

To date, the University of Minnesota’s Office of the General Council has been negotiating the details of how the collaboration would work. The University of Minnesota is really a minor player in the entire project compared with the three Arizona universities (University of Arizona, Arizona State and Northern Arizona University), several German institutions, numerous Italian universities and observatories as well as Ohio State. Yet this opportunity would put the University of Minnesota in the “big leagues”, and would give the University access to all the other telescope projects the University of Arizona is involved in.

According to Professor Kuhi the two major concerns facing the Mount Graham Telescope Project are:

1. The red squirrel issue whereby the red squirrel was declared an endangered species on Mount Graham.
2. The sacred peak issue of which Professor Kuhi admitted not knowing all the details. However, after 37 failed lawsuits the University of Minnesota assumed this was a dead issue.

Professor Kuhi went on to add that there were public hearings whereby local Indian tribes were invited to testify and voice their concerns. Two tribes participated, the Zuni and the Hopi. Their concerns were addressed but the San Carlos Apaches did not respond. As a matter of fact, the San Carlos Apache's Tribal Council in the mid 1990's took a neutral position on the observatory project. As a result, the University of Minnesota's perspective was that this was a past issue that had been settled. The University of Minnesota by no means wants to give the impression the University is not willing to listen to the concerns or trample on anyone's rights. Professor Kuhi believes Mount Graham is a huge mountain with plenty of room for all parties involved.

To summarize, the University of Minnesota is in the process of trying to finalize an agreement that will let it join the observatory consortium. The University is entering into this project because "access to the LBT (large binocular telescope) and the Arizona telescopes will be a tremendous boon to research" by the U of M astronomy faculty. The agreement is expected to go before the Board of Regents in the next few months.

Professor Brown strongly encouraged Committee members to visit the following URL: <http://medusa.as.arizona.edu/graham/> for more information on the issue. This University of Arizona web site, although informative, will naturally give the University of Arizona's position on the issue.

Next, Professor Brown invited representatives from the Mount Graham Coalition to provide the Committee with more background information on this issue. The Committee needs to determine if there is an issue that Social Concerns should take a position on.

Dwight Metzger of the Mount Graham Coalition addressed what he felt were inaccuracies in the Mount Graham Telescope Project Overview paper that Professor Kuhi spoke to. The following examples were cited:

- Mr. Metzger pointed out that the Mount Graham Coalition is NOT a small group of activists. Instead the group represents almost every major conservation group in the United States as well almost every major Native American Tribe through the National Congress of American Indians. In addition, the San Carlos Apache traditional people also have two working groups: 1). The Apache Survival Coalition and 2). Apaches for Cultural Preservation both of which oppose the telescope and are part of the Coalition. Thus one can infer that the Coalition is not a marginalized group of activists as Professor Kuhi implied.
- The 37 court challenges Professor Kuhi mentioned represents an inaccurate statement according to Mr. Metzger. Mr. Metzger stated in actuality there were approximately seven lawsuits that went through numerous appeals and the

ultimate outcome of the appeals process was effected largely by the Arizona-Idaho Conservation Act of 1988 (AICA). According to Mr. Metzger this act was the first congressional ruling allowing the bypass of all environmental and cultural protection laws. As a result, the University of Arizona was the first university to:

1. Receive such an exemption;
2. Challenge Native American religious freedom in a court of law; and,
3. Challenge the listing of an endangered species.

This law is significant because while giving permission to build telescopes, it galvanized an international opposition to the Mount Graham Observatory Project because, once again, it allowed an exemption of cultural and environmental studies and was based on fraudulent biological data.

- The squirrel population is declining. The squirrels live in the forest that covers 472 acres on top of Mount Graham. While the actual imprint of the telescope is 8.6 acres, the effective degradation of the forest is 125 acres. There has also been an infestation of an exotic species, the pine bark beetle, because the forest has been opened up and made more vulnerable. All toll, there is an impact on the forest by the encroachment of the telescopes.
- Mr. Metzger strongly objected to sensationalist references concerning a peaceful protest at the University of Arizona. Mr. Metzger believes the University of Arizona has tried to divide, conquer and marginalize the opposition to this project. While many people have protested this project and hundreds have been arrested, the opposition goes much further i.e. National Congress of American Indians, American Indian Tribes, church leaders, the National Council of Churches representing 49 million Christian church-going Americans, Amnesty International, and the United Nations Council on Human Rights.
- The University of Arizona web site has a lot of misinformation, but the most significant violation states that the Apache Tribe is neutral on the telescope project. At one point after the implementation of the Booz Allen Report the Apache Tribal Council passed a 4 to 2 non-quorum vote that expressed neutrality. This position, however, was very shortly lived, and thereafter rescinded. The Tribe is NOT neutral. In the Coalition's view, it is very disturbing that the University of Minnesota is willing to ignore a sovereign nation appealing for their religious freedom because of its interest in an astronomy project.
- Mr. Metzger objected to the statement in the Mount Graham Telescope Project Overview paper that reads: "The public process to gather citizen comment was found by Federal District Court and the 9<sup>th</sup> Circuit Court of Appeals to be in compliance with applicable law." In reality attempts to gather citizen comment were preempted by the Arizona-Idaho Conservation Act (AICA) that circumvented all environmental and cultural protection laws.
- The Apache's relationship to Mount Graham is very well documented in scholarly papers, anthropological testimony, and the Apache's own words. In the University of Minnesota's Mount Graham Telescope Project Overview paper an inference is made that when the San Carlos Apaches were asked for a public statement, they did not respond. However, from a cultural perspective, oral traditions prohibit the Apache from talking to white people about land matters.

Mr. Metzger said the purpose of the Coalition's presence today is to submit to the Committee extensive documentation about the history of this issue that includes:

- Evasion of environmental laws;
- Circumvention of environmental and cultural laws;
- A well documented, historical protest by the Apache people opposing this project; and,
- Targeted, aggressive, and inaccurate claims by the U of A related to the Apache's position on this issue.

Mr. Metzger compared the University of Arizona and Apache relationship to that of a David and Goliath scenario. The University of Minnesota would be guilty by association if they knowingly go into this project in light of the issues that have been presented. The goal of the Coalition today is to ensure that a proper process is initiated by the University of Minnesota to investigate this matter further. Based on conversations with Provost Bruininks and Ted Davis, Dean of the Institute of Technology, it appears that the University of Minnesota Astronomy Department and the Institute of Technology have made up their minds to pursue this project and to ignore due process. As a result, the Coalition is appealing to the Social Concerns Committee to further investigate this issue. Mr. Metzger indicated that the Apaches would like to come to the University of Minnesota next month to speak to the Social Concerns Committee, American Indian Advisory Committee, President Yudof and the University community at large concerning this issue.

Next, Guy Lopez updated the Committee on the Coalition's activities while at the University of Minnesota. He indicated that after speaking with Professor Kuhi, Dean Ted Davis, Provost Bruininks as well as Stanley Hubbard who donated the \$5 million dollars, none of the parties appear to truly understand the depth of the Apache's objection to the observatory. Mr. Lopez asked the Committee to examine the issue and requested the University suspend making any decision with respect to this project until the facts have been collected and the University has met with the indigenous Apache peoples.

Professor Brown outlined the issues before the Committee. These include:

- An environmental dispute
- A religious rights issue
- Material leveraging/lobbyist question
- A scientific issue

Professor Brown believes that in order to make an informed decision more information is needed. Professor Brown called on Professor Kuchenreuther to solicit her biological opinion on the environmental issue on Mount Graham. Without having a lot of time to research this issue, Professor Kuchenreuther stated that the red squirrel probably has already suffered from as many impacts as it is going to on Mount Graham. The squirrel might be actually better protected in the presence of the observatory with its limited

admittance rules. This, of course, does not counteract the objections that Native Americans have that the presence of the telescope itself is offensive. Professor Kuchenreuther raised the following question: What can the Committee actually do to make the project less offensive to Native Americans especially since the building is already there and the disruption has already occurred?

Professor Brown said this is a serious issue involving serious science, serious politics, and serious issues concerning indigenous people. As a result, as part of Social Concerns charter, the Committee is required to pay attention to matters of this sort in a responsible way. Professor Kuhi concurred with Professor Brown's suggestion that the Committee take a good hard look at this issue. The one question Professor Kuhi would like answered is why can't this mountain be shared? Mr. Metzger referred Committee members to Anthropologist Keith Basso's affidavit about the integrity of the mountain as a whole and to Apache documents that indicate that the presence of telescopes is a desecration that will interfere with the ability to practice their religion.

Professor Brown reminded members the Committee votes proxy resolutions in the spring. During this time the Committee always seems to have the same discussion about whether it will do any good to vote on a resolution that doesn't have a chance of passing. Previously the Committee has concluded that voting for a particular resolution is a rhetorical act, and it is the right thing to do.

The following action will be taken related to this issue:

1. Professor Kuhi will provide the Committee with a better sense of what is at stake for the University of Minnesota's Astronomy Department.
2. Mount Graham Coalition representatives will make arrangements for the Committee to talk with the Apaches either in person or via other means in order to hear their point of view.
3. Professor Kuchenreuther will research the environmental issue and the telescope's impact on the red squirrel. Resources for information on this issue include: The U.S. Department of Fish and Wildlife, the Society of Conservation Biologists and Dr. Peter Warshall.
4. Student representative, Brian Wiedenmeier, will solicit input from the American Indian student population.
5. The Mount Graham Coalition representatives will provide the Committee with information pertaining to the legislative history surrounding the Mount Graham telescope issue.
6. Professor Brown will contact Anthropologist Keith Basso requesting a synopsis of the Mount Graham issue as he sees it.
7. Resolutions by the National Council of Churches, Amnesty International and the United Nations Council on Human Rights on the Mount Graham issue will be looked at.
8. Professor Brown will write to Dean Ted Davis and Provost Bruininks indicating that the Social Concerns Committee, on behalf of the University community, will be looking into this matter.

With no further business, Professor Brown adjourned the meeting.

Renee Dempsey  
University Senate