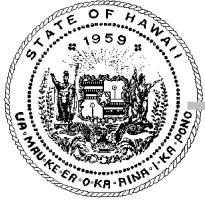


**LATE**



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 17, 2021  
Room 211 and Videoconference, 10:00 a.m.

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith Agaran, Vice Chair  
Members of the Senate Committee on Ways and Means

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1413, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 1413, S.D.1, would amend the HRS § 5-6.5 to require all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation. The amendments establish references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. Clarifies that the full text of bills and other official documents are not required to be written in Hawaiian and that misspelled or incorrectly punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly. S.D. 1 also replaces the Office of Hawaiian Affairs, with the University of Hawai‘i Ka Haka ‘Ula o Ke‘elikōlani or

Kawaihuelani Center for Hawaiian Language as the entity to consult with each office or department on the appropriate translation and use of the Hawaiian language and its spelling and requires the Center to consult with native speakers to determine appropriate use.

Our State Constitution establishes that both Hawaiian and English are the official languages of the State (State Constitution, Article XV, § 4).

Language is closely tied to culture and identity. Indeed, language rights are specifically recognized and protected in Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples:

***Article 13***

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

It is important and appropriate that the State of Hawai‘i take action to respect and promote the use of the Hawaiian language as required in this bill. **The HCRC supports S.B. No. 1413, S.D.1.**

**SB-1413-SD-1**

Submitted on: 2/15/2021 1:10:47 PM

Testimony for WAM on 2/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Juanita Mahienaena Brown Kawamoto, Luna Ho'omalua, Hawaiian Affairs Caucus of DPH	Testifying for Hawaiian Affairs Caucus of Democratic Party of Hawai'i	Support	No

Comments:

We support this bill.

**SB-1413-SD-1**

Submitted on: 2/16/2021 10:02:16 AM

Testimony for WAM on 2/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
HIʻILANI KAʻAI	Testifying for Halau Ku Mana Public Charter School	Support	No

Comments:

Wednesday, February 10, 2021

Hi'ilani Ka'ai

Hä• lau KÅ« MÄ• na Public Charter School

Support for H.B. No. 1357, Relating to Hawaiian Language

Greetings legislators,

My name is Hi'ilani Ka'ai and I am a student from Hä• lau KÅ« MÄ• na Public Charter School located in Makiki Valley where I learn about Hawaiian culture and values. I am writing to express my support for H.B. No. 1357, Relating to Hawaiian Language, which requires the governor, lieutenant governor, state legislators, and heads of principal departments to prominently display a Hawaiian translation of the name of their office or department at least once on the main page of their official website and in the letterhead of their stationery.

Article X, Section 4 of the Hawai'i State Constitution states: "The State shall promote the study of Hawaiian culture, history, and language." Article XV, Section 4 of the Hawai'i State Constitution establishes Hawaiian as one of two official languages of the State of Hawai'i. 'ĀĀlelo Hawai'i is the native language of Hawai'i, so it should be used by and/or accepted by the majority of people who live in Hawai'i. In 2001, native speakers of 'ĀĀlelo Hawai'i amounted to less than 0.1% of the statewide population. The 2010 census reported that 24,000 households identified 'ĀĀlelo Hawai'i as their dominant language.

In order for 'ĀĀlelo Hawai'i, or the Hawaiian language, to expand throughout the State of Hawai'i, it is important for state officials to make use of this language. 'ĀĀlelo Hawai'i is considered to be one of two official languages as stated above, so it should be used just as much as (if not more than) the English language. 'ĀĀlelo Hawai'i was and is the primary language of and is important to all native Hawaiian's. In 1893, our last reigning Hawaiian monarch, Queen Lili'uokalani, was overthrown by American forces. Shortly

after, 'ĀĀelelo Hawai'i was banned as the language of instruction in all schools, and it wasn't until 1986 that the prohibition was officially lifted.

By requiring state officials such as the governor, lieutenant governor, state legislators, and heads of principal departments to prominently display a Hawaiian translation of the name of their office or department at least once on the main page of their official website and in the letterhead of their stationery, it will help bring 'ĀĀelelo Hawai'i back to life. I urge the committee to pass H.B. No. 1357, Relating to Hawaiian Language. Thank you for this opportunity to testify.

**SB-1413-SD-1**

Submitted on: 2/15/2021 6:03:18 AM

Testimony for WAM on 2/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Support	No

Comments:

**Support this bill. I am happy to see the Hawai'i State Legislature put into practice the use of Hawaiian language. Hawaiian is a language that defines the uniqueness and culture of the peoples of these islands; and more importantly, a people's values.**

**STRONG  
SUPPORT FOR  
SB1413**

**LATE**

Daniel Lee

Chair Dela Cruz  
Committee on Ways and Means  
Hawaii State Capitol  
Room 208

**Chair Dela Cruz, members,**

This is an important gesture to ensure we are giving the official language of Hawai'i its proper place in society.

I ask, when our keiki take home letters from their principal and see 'ōlelo written within the letterhead under the state seal, will that not demonstrate the importance that 'ōlelo has in our state? Does it not send the message to the next generation that 'ōlelo is no longer the language which their grandparents were not allowed to speak, no longer a second-class tokenized language, that would have fallen into extinction like so many indigenous languages but for the tireless works of cultural practioners?

Researchers estimate that literacy in the Hawaiian Kingdom was up to 98% in the 1800s, prompting one of the famous mottos of Kamehameha III, "He aupuni palapala ko'u" or, "mine is the kingdom of education." 'Ōlelo was the boast of the nation.

Let us restore the language. With language comes understanding of values, place names, and is the way to make things right. **Let us envision a future in which 'ōlelo is common place.**

I humbly thank you for your consideration.

Warm regards,

Daniel Lee

**TESTIMONY IN STRONG SUPPORT of SB1413 Relating to the HAWAIIAN LANGUAGE**

Chair Donovan M. Dela Cruz  
Committee on Ways and Means  
415 S. Beretania Street  
Honolulu, HI 96813

Mahalo piha Chair Dela Cruz and Committee Members for hearing this bill.

I write in **strong support** for restoring the language of this land in prominent places and communications of our state.

As the 'ōlelo noeau goes:

“I ka 'ōlelo nō ke ola, i ka 'ōlelo nō ka make”

*Pukai #1191*

In words there is life, in words there is death

In language there is life, in language there is death

My only request is that this bill be made much more broader, to follow the **Māori Language Act 1987** in Aotearoa which allowed Māori to be used in courts, to have legal precedent, and establish a commission on the Māori language which perpetuates the languages and provides advice on its use. The state should also codify **Article 13 of the UN Declaration on the Rights of Indigenous Peoples**, which reads:

*“1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.*


*and*

*2. States shall take effective measures to ensure that these rights are protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.”<sup>1</sup>*

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<sup>1</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>





The UNDRIP was originally voted down by the United States on September 2007 under the Bush Administration. Under President Obama this vote was reversed which the State Department describes, "...While not legally binding or a statement of current international law—has both moral and political force. It expresses both the aspirations of indigenous peoples around the world and those of States in seeking to improve their relations with indigenous peoples."<sup>2</sup>

Thank you for your consideration.

With Aloha,

Rikako Ishiki

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<sup>2</sup> <https://2009-2017.state.gov/documents/organization/184099.pdf>

