

HAWAI‘I CIVIL RIGHTS COMMISSION

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

Friday, April 1, 2022; 10:30 a.m.
Via Videoconference, and Room 211

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: H.B. No. 2491, H.D.2, 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.

H.B. No. 2491, H.D.2, S.D.1, would amend the HRS § 1-13.5 to require all letterheads of the State and counties to include consistent Hawaiian names, spelling, and punctuation.

It also clarifies that bills and other official documents are not required to be written in Hawaiian and that incorrect Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

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 H.B. No. 2491, H.D.2, S.D.1.**



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Ways and Means
Friday, April 1, 2022 at 10:30 a.m.

By
Bonnie Irwin
Chancellor
University of Hawai'i at Hilo

HB 2491 HD2 SD1 – RELATING TO THE HAWAIIAN LANGUAGE

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

Mahalo for the opportunity to submit testimony on HB 2491 HD2 SD1. The University of Hawai'i at Hilo (UH Hilo) supports HB 2491 HD2 SD1 that proposes to establish a standard for the spelling and punctuation of Hawaiian names and words as they appear in official State and County letterheads, and seeks to provide equal support and standing for both native speakers and second language speakers of Hawaiian language.

UH Hilo is home to Ka Haka 'Ula O Ke'elikōlani, College of Hawaiian Language, that has been leading efforts to revitalize the Hawaiian language while also serving as a model to national and international Indigenous communities who also seek to revive their endangered languages. The college has translation expertise among faculty, M.A. and Ph.D students and the Hale Kuamo'o Hawaiian Language Center at UH Hilo. Ka Haka 'Ula O Ke'elikōlani has also established minimum qualifications (MQs) for demonstrated Hawaiian language proficiency of faculty and staff positions of the college. Ka Haka 'Ula O Ke'elikōlani has the expertise in identifying traditional dialects of Hawaiian existing before language shift to English throughout the state, including Ni'ihau.

UH Hilo supports this bill and through our Hale Kuamo'o and other resources at Ka Haka 'Ula O Ke'elikōlani we are willing to provide support and expertise to the State in carrying out the requirements of this bill. We see that the responsibilities as requiring additional funding, as like the increased attention to the Hawaiian language college and its partner 'Imiloa mandated in Act 46, SLH 2020, it calls for increased support for the larger state use of Hawaiian beyond university language courses.

We see the bill as an important step towards strengthening the vitality of Hawaiian through increasing government documents, functions, services and a growing workforce community of Hawaiian speakers as a critical effort to ensure the revitalization of the Hawaiian language for generations to come.

Mahalo for allowing UH Hilo to testify on this issue.

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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON WAYS AND MEANS

For hearing Friday, April 1, 2022

Re: HB 2491, HD2, SD1 RELATING TO THE HAWAIIAN LANGUAGE.
Requires all letterheads of the State and counties to include consistent Hawaiian names, spelling, and punctuation. Effective 7/1/2044. (SD1)

TESTIMONY IN SUPPORT

The Center for Hawaiian Sovereignty Studies is delighted to support both the intent and the actual contents of this bill, which is a vast improvement over previous bills regarding Hawaiian language that were active during numerous recent years.

Hawaiian language is a great treasure for the people of Hawaii and for all the world. It deserves not only to survive but to thrive. It needs to be "normalized" meaning that people should see it written and hear it spoken in the context of everyday life, even if they themselves do not routinely write or speak it themselves. Hopefully people will casually, informally, and gradually "pick up" the vocabulary, sentence patterns, cadence, and

metaphors from hearing fluent speakers in the same way as tourists or immigrants acquire the language of the place where they sojourn or take up permanent residence.

This bill correctly states "[D]ue to a myriad of political, economic, and social pressures, the Hawaiian language was materially marginalized, leading to its atrophy and eventual formal and practical exclusion from public and civic spaces."

Previous bills have stated or implied the racially inflammatory falsehood that Hawaiian language was made illegal as a method whereby the evil haoles who overthrew the beloved Queen oppressed the native people and destroyed their culture. This idea is even found in three places in a short subpage on the Department of Education's website, which the administrators refused to correct despite strong evidence disproving it. See

"Was Hawaiian Language Illegal?"

<https://www.angelfire.com/hi2/hawaiiansovereignty/hawlangillegal.html>

"Holding the State of Hawaii Department of Education accountable for propagating the lie that Hawaiian language was banned."

<https://www.angelfire.com/big11a/DOEHawnLangBan.html>

"Examples of Some Angry or Bitter Published Articles Claiming That Ethnic Hawaiians Were Victimized by Having Their Language Made Illegal or Suppressed"

<https://www.angelfire.com/hi2/hawaiiansovereignty/hawlangpublvictclaims.html>

"Hawaiian Language as a Political Weapon"

<https://www.angelfire.com/big09/HawLangPolitWeapon.html>

For more than a century, from about 1850 to about 1980, Hawaiian language continuously declined as a language of everyday usage. The decline accelerated as King Kalakaua vigorously recruited tens of thousands of Japanese and Chinese to work on the sugar plantations, while the economy and culture (and hence revenues for the government) were increasingly dominated by English-speaking businessmen. Immigrants who chose to make Hawaii their permanent home nearly always chose to learn English rather than Hawaiian for everyday use, because English was far more practical; and native Hawaiian parents began demanding that their children speak English even at home so they could thrive in their own homeland. Two UH "liberal" scholars confirmed that by 1892, while the monarchy still held power, 95% of all the government schools were using English as the

language of instruction because that's what parents and government leaders demanded [John Reinecke dissertation 1935 and UH Press book 1969; Albert Schutz, "Voices of Eden", 1994]. Even Queen Lili'uokalani chose English as the language for her speech on opening day of the legislature. Starting around 1980 there has been a growing effort to revive Hawaiian language and pride in Hawaiian culture, including large levels of funding from the federal and state governments. I was a beneficiary of one such program as I spent three years immediately upon immigrating to Hawaii from Boston, taking Hawaiian language courses free of charge at Windward School for Adults night school at Kalaheo High School, 1992-1995 under Kumu Allison Ledward, and continued occasionally thereafter through community, TV and internet programs.

Some sovereignty activists have chosen language revival as one of their major weapons, as illustrated by the hostile, vindictive tone of bills offered in recent years at the Legislature. This present bill, by contrast, displays aloha, reconciliation, cooperation, and practical methods of implementation. Congratulations and appreciation to the author(s)!

This bill generously proposes a very practical way of normalizing Hawaiian language. "Additionally, the intent of this Act is not to require that legislative bills and other official documents be written in Hawaiian as well as English; rather, if documents and letterheads prepared by or for state or county agencies or officials contain Hawaiian names and words, this Act only requires that the Hawaiian names and words be written in a consistent manner." By contrast, bills in previous years demanded that every official document be written in Hawaiian; and that if both language were used then Hawaiian must come ahead of English.

Versions of this bill in previous years demanded that if a law or bill was written in both Hawaiian and English, then any dispute or disagreement over what the bill means must be resolved in favor of the Hawaiian version -- despite that fact that very few legislators know Hawaiian well enough to comprehend the meaning of the Hawaiian version which they are officially voting upon as taking precedence over the English version which they are basing their vote upon. Such an absurd rule of interpretation would allow all sorts of mischief by bill-authors who could include either straightforward concepts or kaona (double meanings) in the Hawaiian version which would escape the awareness of a legislator relying on the English version. By contrast, the original version of this bill in 2022 explicitly and strongly declared "Whenever there is found to exist any radical and irreconcilable

difference between the English and Hawaiian version of any of the laws of the State, the English version shall be held binding. Hawaiian shall not be required for public acts and transactions." Unfortunately that requirement has been deleted from this latest amended version. However, the scope of this bill has now been narrowed to only letterheads, names, spelling, and punctuation and does not apply to laws or the text of legislation or regulations; hence, the absence of the declaration of English primacy in interpretation does no harm. That matter will need to be made explicitly clear in future legislation governing how to resolve conflicts in interpretation when a law or regulation is written in both English and Hawaiian.

Bills in previous years also demanded that UH academic-style 'okinas and kahakos must be used, whereas this bill generously resolves the internal dispute between academic Ali'i vs. maka'ainana styles by saying "The legislature recognizes that Hawaiian language practitioners generally employ two written orthographies, namely unmarked language and marked language. The unmarked orthography was the first writing system of Hawaiian language. The marked orthography, which includes the kahakō and 'okina, was created as a means to help learners of Hawaiian language determine when to elongate a vowel or where to insert a glottal stop. The intent of this measure is not to claim the superiority of one version of orthography over the other, or to invalidate communities with an unbroken lineage of Hawaiian speakers who do not follow contemporary Hawaiian writing or structures, as communities such as these are vital to Native Hawaiian culture and the State as a whole." Also, "This measure further clarifies that Hawaiian spelling not in conformance with the standards established by this measure will not invalidate an official document, nor will it allow a cause of action to arise."

Once again, thanks to the author(s) of this bill. Please pass it as written. Imua!

HB-2491-SD-1

Submitted on: 3/31/2022 10:00:32 AM

Testimony for WAM on 4/1/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken H Takayama	Individual	Support	Written Testimony Only

Comments:

Testimony of Ken H. Takayama

5567 Pia Street

Honolulu, HI 96821

Subject: HB 2491, HD2, SD1; Relating to the Hawaiian Language

Before the Senate Committee on Ways and Means

Committee Room 211 and by Videoconference

Chair Dela Cruz, Vice-Chair Agaran, and Members of the Senate Committee on Ways and Means.

Thank you for the opportunity to comment on this measure relating to the Hawaiian language. My name is Ken Takayama, and I am submitting comments on this measure because it addresses an issue of great interest to me--namely, the ability of government agencies to promote to the general public, the proper meaning, spelling, and pronunciation of words in the Hawaiian language.

I cannot and do not claim to be any part Hawaiian or Native Hawaiian but there are probably few who believe more strongly than I of the importance of preserving and promoting the correct pronunciation of the Hawaiian language. Over forty years ago, the City and County of Honolulu enacted an ordinance requiring on a prospective basis, the inclusion of okina, kahako, and other diacritical marks in the street signs erected by the county. The Honolulu City Council enacted this ordinance over the vehement opposition of the City administration--but we have seen the proliferation of street signs in Honolulu that promote the correct pronunciation of those Hawaiian street names.

Educating the general public about anything is a major effort. In seeking to educate the general public on the correct pronunciation of the Hawaiian language, all tools at our disposal should be used. The intent of this measure is to establish a standard for the spelling and

punctuation of Hawaiian names and words when they appear in letterheads created by state and county agencies for the purposes of consistency and uniformity. This, like the street signs ordinance, provides a large scale de-facto educational opportunity from an authoritative source at minimal effort and less cost.

Prior proposals to promote Hawaiian language education tended to be overly ambitious and costly, often placing a great burden on the agencies that would be required to implement the effort. This bill proposes movement toward a significant goal through one of many small steps. Whether large or small, any step in the right direction will ultimately be worthwhile, when combined with many others in a collaborative effort.

Thank you very much for this opportunity to comment,

Ken Takayama

Before the Senate Committee on Ways and Means

TESTIMONY IN STRONG SUPPORT of HB1357 Relating to the HAWAIIAN LANGUAGE

Chair 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.”¹

¹ <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."²

Thank you for your consideration.

With Aloha,

Rikako Ishiki

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



TESTIMONY IN STRONG SUPPORT of HB2491

Senator Dela Cruz
Committee on Ways and Means

LATE

Aloha Chair and Members,

I write in strong support of ensuring the Hawaiian language is perpetuated and frequently used in the appropriate manner.

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 come home from school and see 'ōlelo written on letters from the principal, will that not demonstrate the importance that 'ōlelo, and particularly diacriticals, 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