

HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 2, 2022
Videoconference , 10:30 a.m.
Room 329

To: The Honorable Cedric Asuega Gates, Chair
The Honorable Adrian K. Tam, Vice Chair
Members of the House Committee on Culture, Arts, & International Affairs

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

Re: H.B. No. 2491

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 would amend the HRS § 1-13.5 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 bill establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian 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

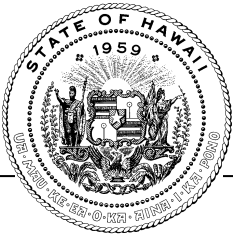
languages of the State (State Constitution, Article XV, § 4).

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.**



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

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Coastal Zone
Management
Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Program

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development

before the
**HOUSE COMMITTEE ON CULTURE, ARTS,
AND INTERNATIONAL AFFAIRS**

Wednesday, February 2, 2022
10:30 AM

State Capitol, Conference Room 329

in consideration of

HB 2491

RELATING TO THE HAWAIIAN LANGUAGE.

Chair Gates, Vice Chair Tam, and Members of the House Committee on Culture, Arts, and International Affairs.

The Office of Planning and Sustainable Development (“OPSD”) offers the following comments on HB 2491, which requires all letterheads, documents, state highway signs, symbols, and emblems of the State and other political subdivisions that include Hawaiian names or words to include consistent Hawaiian names, spelling, and punctuation, including the use of kahakō and ‘okina. HB 2491 also establishes references for consistent Hawaiian names and words, including consistent Hawaiian spelling and punctuation.

The Hawai‘i State Board on Geographic Names (“Board”) was established in OPSD by Act 50 of the 1974 Hawai‘i State Legislature. Act 50 ([Chapter 4E, Hawai‘i Revised Statutes](#)) states that the purpose of the Board is “... to assure uniformity in the use and spelling of the names of geographic features within the State.” The Board is responsible for designating the official names and spellings of geographic features in Hawai‘i.

As such, OPSD recommends amending HB 2491, section 1-13.5 (b) to include consultation with the Board:

“(b) For the purposes of consistency, Hawaiian names and words shall be printed in conformance with:

- (1) “Hawaiian Dictionary: Hawaiian-English, English Hawaiian”, by Mary Kawena Pukui and

Samuel H. Elbert, University of Hawai'i Press, copyright 1986;

- (2) "Māmaka Kaiāo: A Modern Hawaiian Vocabulary", developed by the Kōmike Hua'ōlelo, the Hawaiian Lexicon Committee;
- (3) "Place Names of Hawaii", by Mary Kawena Pukui, Samuel H. Elbert, and Esther T. Mookini, University of Hawai'i Press, copyright 1974, as revised and expanded in 1976;
- (4) Any other commonly used Hawaiian-language dictionary, including dictionaries that account for the unique characteristics of the Ni'ihau dialect and other Hawaiian dialects; [~~or~~]
- (5) Consultations from members of the Hawaiian-speaking language community, including individuals who are fluent in the Ni'ihau dialect and other Hawaiian dialects[~~-~~]; or
- (6) Consultations with the Hawai'i Board on Geographic Names for the names and spellings of geographic features in Hawai'i."

Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Culture, Arts, and International Affairs
Wednesday, February 2, 2022 at 10:30 a.m.
Conference Room 329

By
Bonnie Irwin
Chancellor
University of Hawai'i at Hilo

HB 2491 – RELATING TO THE HAWAIIAN LANGUAGE

Chair Gates, Vice Chair Tam, and members of the committee:

Thank you for the opportunity to submit testimony on HB 2491. The University of Hawai'i at Hilo (UH Hilo) supports HB 2491 that proposes to establish a standard for the spelling and punctuation of Hawaiian names and words as they appear in official State and County documents, letterheads, and signage.

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. We see this bill as further recognition of the Native Hawaiian people by emphasizing the importance of language and the proper spelling of language that is reflective of the pronunciation.

Mahalo for allowing UH Hilo to testify on this issue.

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON CULTURE, ARTS, AND INTERNATIONAL AFFAIRS

For hearing Wednesday, February 2, 2022

Re: HB 2491 RELATING TO THE HAWAIIAN LANGUAGE.

Requires all letterheads, documents, state highway signs, symbols, and emblems of the State and other political subdivisions that include Hawaiian names or words to include consistent Hawaiian names, spelling, and punctuation, including the use of kahako and 'okina. Establishes references for consistent Hawaiian names and words, including consistent Hawaiian spelling and punctuation. Requires the governor, lieutenant governor, state legislators, and heads of principal departments to prominently display a Hawaiian language translation of the name of their respective office or department at least once on the main page of their official website and in the letterhead of their stationery. Clarifies that the full text of bills and other official documents are not required to be written in Hawaiian and that inconsistently spelled or punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

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, this bill explicitly and strongly declares that the English version is the official one: "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"

Previous bills 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!

STRONG SUPPORT FOR HB2491

Daniel Lee

Chair Cedric Gates
Committee on Culture, Arts, and International Affairs
Hawaii State Capitol
Room 441

Chair Gates, 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 HB2491 Relating to the HAWAIIAN LANGUAGE

Chair Cedric Gates
Committee on Culture, Arts, and Intl. Affairs
415 S. Beretania Street
Honolulu, HI 96813

Mahalo piha Chair Gates 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.

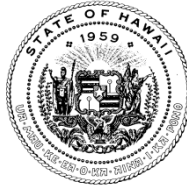
With Aloha,

Rikako Ishiki

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



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TESTIMONY BY:

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February 2, 2022
10:30 A.M.
State Capitol, Teleconference

H.B. 2491
RELATING TO THE HAWAIIAN LANGUAGE

House Committee on Culture, Arts, & International Affairs

The Department of Transportation (DOT) **supports** this measure that seeks to set standards for consistent use of Hawaiian punctuation and spelling in certain documents, letterheads, and highway signage by state and county agencies.

The DOT appreciates the language within H.B. 2491 to phase in replacement of state highway signs. Based on current sign inventory there are roughly 101,400 signs that may require replacement to conform to the place names printed in the resources identified in Section 3(b). Without the phased approach incorporated in the bill, cost to replace installed signs would be approximately \$101.4 million not including potential structural retrofits needed should the size of the signs change.

Thank you for the opportunity to provide testimony.