

HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 17, 2021

Videoconference, Room 329 , 10:00 a.m.

To: The Honorable Cedric Asuega Gates, Chair
The Honorable Matthew S. LoPresti, Vice Chair
Members of the House Committee on Culture, Arts and International Affairs

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

Re: S.B. No. 1413, S.D.2

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.2, 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.2 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.2.**



SB1413 SD2

RELATING TO THE HAWAIIAN LANGUAGE

Ke Kōmike Hale o ka Mo‘omeheu, nā Hana No‘eau, a me ke Kuleana o Nā ‘Āina ‘ē
House Committee on Culture, Arts, & International Affairs

Malaki 17, 2021

10:00 a.m.

Lumi 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB1413 SD2, which requires the governor, lieutenant governor, state legislators, and heads of principal departments to prominently display a Hawaiian language translation of their offices or departments at least once on the main page of their official website and in stationary letterheads. This bill will also require that all newly created, replaced, or reprinted state and county documents, letterheads, symbols, and emblems contain accurate, appropriate, and authentic Hawaiian names and language usage.

Although once spoken throughout Hawai‘i by Native Hawaiians and foreigners alike, ‘Ōlelo Hawai‘i was thought to be nearly extinct by the 1980s, when fewer than 50 fluent speakers under the age of 18 were left. A major reason for the deterioration of the Hawaiian language was an 1896 law that required English instruction in Hawai‘i schools, which functioned to ban the speaking of the Hawaiian language by keiki, and contributed to the further loss of the language among adults and in home environments.

Fortunately, great strides have been made over recent decades, to bring about a renaissance of the Hawaiian language. In 1978, the Hawai‘i Constitution was amended to recognize the Hawaiian language as an official language of the State along with English, making Hawai‘i the first state in the union to recognize its native language as an official state language. Subsequent efforts and programs such as ‘Aha Pūnana Leo’s Hawaiian language immersion pre-schools, the Department of Education’s Ka Papahana Kaiapuni Hawaiian language immersion program, and the Hawaiian language programs of the University of Hawai‘i system have since helped to substantially revitalize ‘Ōlelo Hawai‘i in the Hawaiian Islands.

However, **although there is much momentum in the revitalization of the Hawaiian language, for ‘Ōlelo Hawai‘i to thrive, rather than simply survive, its usage must be normalized.** SB1413 SD2 could further the normalization of ‘Ōlelo Hawai‘i by requiring the use of proper Hawaiian spelling and punctuation in official state and county documents, letterheads, symbols, and emblems, and in the process, reflect the deserved respect for the co-official language of Hawai‘i.

OHA notes that the use of accurate, appropriate, and authentic Hawaiian names and language, as required by this bill, would have a negligible financial impact on the State because corrections would only have to occur when the document, letterhead, symbol or emblem requires replacement or reprinting, or otherwise requires revision. Revisions to main pages of official websites are likely to have low, if any, costs as well and would further the normalization of Hawaiian for the many internet users in Hawai‘i and beyond. Therefore, the negligible cost of this action is far outweighed by the benefits realized by further revitalizing our islands’ linguistic heritage, and providing an appropriate level of official respect and recognition that should be directed towards one of the official languages of the State.

Therefore, OHA urges the Committee to **PASS** SB1413 SD2. Mahalo for the opportunity to testify on this important measure.

SB-1413-SD-2

Submitted on: 3/13/2021 1:17:39 PM

Testimony for CAI on 3/17/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments:

Continue to 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.

SB-1413-SD-2

Submitted on: 3/13/2021 7:52:54 PM

Testimony for CAI on 3/17/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

As a Hawaiian language speaker, i am in strong support of this measure.

TESTIMONY IN STRONG SUPPORT of SB1413 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>



STRONG SUPPORT FOR SB1413

Daniel Lee

Chair Cedric Gates
Committee on Culture, Arts, and International Affairs
Hawaii State Capitol
Room 311

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

Me ke aloha o ka Aina ia oukou apau e na Poo o ko Hawaii Aha Kau Kanawai

I would like to thank you for the intent and work that you have put into SB1413 SD2 to support the normalization of Hawaiian Language in the domains of state government. I would also like to thank you for the corrections made to this bill that has come a long way from it's first proposal. However I would like to draw attention to a few points and suggestions. First, I would like to draw attention to those acknowledge and thank those who helped draft and pass Article 10 section 4:

The State shall promote the study of Hawaiian culture, history and language.

The State shall provide for a Hawaiian education program consisting of language, culture and history in the public schools. The use of community expertise shall be encouraged as a suitable and essential means in furtherance of the Hawaiian education program

As a legal responsible party in the preservation and promotion of Hawaiian culture, history and language it is paramount that the language to be used and displayed in the documents this bill seeks to mandate be consistent with the language that sought to be preserved, that is the language of our parents, grandparents and ancestors.

This is not only an issue of following the mandate provided in Article 10, section 4 but also one that concerns equity and being culturally appropriate. I highly recommend that the use of Mamaka Kaiiao, and other newly invented terms by that lexicaon commision, who are the authors of that text, not be included in these offical documents, nor should it be authenticated through it's mention in this bill. Instead we should allow Mamaka Kaiiao to exist as it is, a suggestion on terms the commitee thought was important, and a document that still has not been vetted or accepted by the native speaking community, as well as portions of second language learning community of Hawaiian. If these future documents are to be written with language used from this text (Mamaka Kaiiao) it may very well end up being unitellegible to these portions of the Hawaiian speaking community. It also shows the state's preference for this "variety" of Hawaiian and by doing so sends a message to the native speaking community, and all speakers of Hawaiians as well, that the language of our ancestors who produced hundreds of thousands of pages in the Hawaiian language newspapers of the 1800s and early 1900s that it is "insufficient", "lacking", or simply "wrong". Is this the intention of this bill? Is this the intention of Article 10, section 4? More importantly is this our intention for the future of the Hawaiian language? If I could be so bold as to answer for you, I think not.

What is important to remember is that in Article 10, section 4, Hawaiian language does not exist by it's self. Rather it exists with culture and history. Culture is important here as Hawaiian culture is very clear on honoring the knowledge of experts, and I'm not talking about people of my language pedigree, but those who have learnt it in from a community of speakers who have never experienced language lost. Secondly, I share the warning of my own elder that in effect ended that unbroken lineage of speakers within my family, "if you can't speak Hawaiian properly; don't speak at all." My point of sharing this is to bring awareness to the power of the language the state chooses to put forth and the responsibility it has to put forth language recognizable (and approved) by our native speaking community, it should also be consistent with the history of Hawaiian language excellence found in the 1800s and 1900s, and created with goal of preserving our cultural ties to our ancestors. Thank you again for your attention to the issues surrounding this humble, yet important initiative.

Me ke aloha no,
Brian Faria
Brian Keoki Faria

Ke aloha no ia oukou apau e na Poo o ko Hawaii Aha Kau Kanawai,

Eia no au ke waiho aku nei i kahi manao no ia palapala S.B. 1413 S.D. 2 i hoolaha ia maila imua o ka lehulehu. Ke hoomau aku nei no keia ma o ka olelo elua o Hawaii nei.

I **support the intent** of the bill to require state officials to include Hawaiian language in their office's or department's name, thereby complying with Article X, Section 4 of the State Constitution. I **strongly recommend** the following revisions:

- **Pages 2-4, Section 3. Section 1-13.5: Hawaiian language; spelling.** Historically, Hawaii's residents, both native speakers and second language speakers, were able to function without the use of diacritical markings, publishing thousands of pages of newspaper articles. Diacritical markings have been used as a tool for learning Hawaiian language but by no means does it ensure proper pronunciation, authenticity, accuracy, or even appropriateness.
- **Page 2, Section 3. Section 1-13.5, lines 17 and 18**
 - Highly recommend deleting lines 17 and 18 "including macrons and glottal stops that punctuate the name or word to which they relate" as it does not ensure proper pronunciation, authenticity, accuracy or appropriateness.
- **Section 3. Section 1-13.5 Hawaiian language; spelling.**
 - Highly recommend that native speakers be replaced with Ka Leo o na Kupa, a hui of native speakers (i.e., those who come from an unbroken lineage of native speakers) of the County of Kauai, to ensure that the University System consults with a qualified native speaker (i.e., understand English, as most of this work will be a cut and pasting Hawaiian words on to English thought/English generated documents).

Although S.B. 1413 S.D. 2 may have been moving forward with good intentions, it however, mirrors Act 57, sec. 30 of 1896 where it simply states that "...English...shall be the medium and basis of instruction..." and does not "ban" the use of Hawaiian outside of school, however the effects of that act is devastating. As a traditional native speaker of the Hawaiian language, this bill, S.B. 1413 S.D. 2, in its current form reflects Act 57 sec. 30 of 1896. S.B. 1413 S.D. 2 however, goes a step further than Act 57, where it mandates a version of Hawaiian at the detriment of traditional native speakers of Hawaiian. This act marginalizes the last Hawaiian language native speaking community in the world, and sadly ensures language death – therefore, in direct conflict with the intention of S.B. 1413.

I highly recommend **deleting page 3, lines 11-13** "Mamaka Kaiāo: A Modern Hawaiian Vocabulary", developed by the Komike Huaolelo, the Hawaiian Lexicon Committee" because **Section 1, lines 2-4:** states "[t]he State shall **promote** the study of Hawaiian culture, history and language. It does not say to invent new vocabulary and/or replace the current set of Hawaiian vocabulary. Mamaka Kaiāo (page 3, line 11-13) includes newly, invented vocabulary by a Lexicon Committee that are foreign to native speakers of Hawaiian – this is in direct conflict with Article X, Section of 4 of the Hawaii State Constitution of promoting the study of Hawaiian language, history and culture.

It is in the best interest of all of Hawaii that we uphold and preserve the Hawaiian language in its most original form in public and governmental documents and proclamations, as this is in direct alignment with the United Nation's efforts to preserve indigenous languages. In my view, language revitalization cannot happen without language preservation. Furthermore, my

hope for Hawaiian language is that it continues in a manner consistent with the way that it has been transmitted from generation to generation within the native speaking community and, that this be the model and the goal of our Hawaiian language revitalization efforts.

No ka pono o ka aina, a no ke ola o ka lahui,
Kahea Kaohelaulii Faria

Palapala Kakoo a Kue no ka Ahaolelo 31 o ka mokuaina o Hawaii, 2021

S.B. No. 1413

Hoole a kue i na huaolelo hou i haku ia ai a hoopuka ia maloko o ka puke wehewehe olelo, o Mamaka Kaiao e ka Lexicon Committee.

<i>O makou, ka poe i kuni ia ai ka inoa malalo nei, ua heluhelu makou i ka palapala maluna ae nei i pili me ke Kanawai o ke Aupuni, Palapala X, Mahele 4.</i>	<i>We, the undersigned, have read the above proposal, and are highly recommending revisions in alignment with Article X, Section 4 of the Hawaii State Constitution.</i>
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