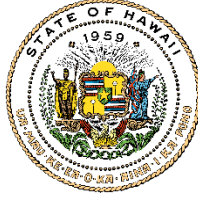


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES

P.O. BOX 621
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DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the Senate Committee on
HAWAIIAN AFFAIRS

Thursday, January 26, 2023
1:00 PM

State Capitol Conference Room 224 and Videoconference

In Consideration of
SENATE Bill 16
RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF
HAWAII

Senate Bill 16 proposes to recognize Hawaiian as one of two official languages of the State of Hawaii, and acknowledges that laws written in Hawaiian and translated into English, may have lost some of their meaning. Senate Bill 16 also proposes to require that the Hawaiian version of a law is held binding if the law in question was originally drafted in Hawaiian and then translated into English. **The Department of Land and Natural Resources supports this bill.**

Thank you for the opportunity to testify on this measure.

LATE



Testimony of the Office of Hawaiian Affairs

SB16
RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF
HAWAII
Senate Committee on Hawaiian Affairs

January 26, 2023

1:00 pm

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB16, which would require that the ‘Ōlelo Hawai‘i (Hawaiian language) version of a law be held binding if the law in question was originally drafted in ‘Ōlelo Hawai‘i, and subsequently thereafter translated into English.

OHA would like to emphasize that language is the carrier of culture and where cultures are so vastly different, incongruence is often prevalent in the (mis)interpretation of one language by the other. One of the most common examples of this incongruence, as it relates to the impetus of this measure, is in the English (mis)translation of the state motto: “ua mau ke ea o ka ‘āina i ka pono,” to mean, “the life of the land is perpetuated in righteousness.”

Ua ha‘i nō ka mō‘ī ‘o Kauikeaouli Kamehameha III – it was King Kamehameha III, who first declared, “ua mau ke ea o ka ‘āina i ka pono,” following the restoration of sovereignty to the Hawaiian Kingdom government in 1843. The King’s declaration, which eventually adorned the royal coat of arms of the Hawaiian Kingdom, could more meaningfully and accurately be translated to mean, “the sovereignty of the State/country is perpetuated as it should be.” There is a stark contrast in meaning between the state’s accepted English translation of this famous motto and the more contextually accurate translation, which evidences the long-standing need to increase and elevate the use of ‘Ōlelo Hawai‘i.

‘Ōlelo Hawai‘i is a beautiful and enigmatically poetic language that invokes adroit use of metaphors and kaona (hidden meaning), which pose a formidable challenge to fully and meaningfully interpret without a deeply engaging understanding of Native Hawaiian culture.

OHA appreciates the opportunity to **SUPPORT** this measure and urges the Committee to **PASS** SB16. Mahalo nui loa.

CARE

COMMUNITY ADVOCACY RESEARCH EDUCATION

to.
the Senate
Committee
on Hawaiian
Affairs

Aloha Chair Senator Maile S.L. Shimabukuro, Vice Chair Senator Kurt Fevella & the Committee on Hawaiian Affairs,

The Hawaii State
Legislature
from
Zhizi Xiong
(Angela
Melody
Young)
Founder

My name is Zhizi Xiong (Angela Melody Young) and I'm testifying in strong support on my behalf of my grassroots, CARE.

The Hawaiian language, 'Ōlelo Hawai'i, is a very essential aspect of our culture here in Hawaii. Hawaiian is a Malayo-Polynesian language of the Austronesian language family that takes its name from Hawai'i, the largest island in the tropical North Pacific archipelago.³ Of the Polynesian languages, Hawaiian on the Hawaiian islands and Rapanui on Easter Island almost became extinct some time ago. New Zealand Maori, in spite of having large numbers of speakers, was also definitely endangered, in the face of English.⁴

King Kamehameha III wrote the first Hawaiian-language constitution around 1840. Around this time in 1840, King Kamehameha III also started the public education system in Hawaii and it is the oldest educational system west of the Mississippi and the only system started by a sovereign monarch. This was the 1st system of Hawaiian education and the curriculum was delivered through Hawaiian language. Shortly after this period, the overthrow of the Hawaiian Kingdom in 1893 happened and teaching & learning through the Hawaiian language was outlawed in 1896. In 1896, the Republic of Hawaii declared English as the official language in schools. People were punished for speaking Hawaiian at school. The Hawaiian language would not be heard in schools for the next 4 generations. About 100 years later around the 1960s & 1970s, a revival started to happen in the Hawaiian language and public Hawaiian-language immersion schools started to emerge. Also around this time, there was a revival of the Hawaiian culture and people started to practice the many aspects of the culture such as music & hula.¹

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CARE

According to the United Nations Education, Scientific and Cultural Organization, an agency of the UN aimed at encouraging world peace and security through international cooperation in education, arts, sciences & cultures, the UNESCO, has declared the Hawaiian language as an endangered language. A Hawaiian language instructor at HCC said, “The Hawaiian language represents a complex system of knowledge that has been developed over thousands of years and is inextricably linked to the care of our lands, waters, and cultural resources. Our language represents a unique framework for understanding the world in all its complexity and is a repository of traditional knowledge that is vital...to peacebuilding and the reconciliation process.”²

In 1978, the Office of Hawaiian Affairs was created in the 1978 Constitutional Convention. The State Constitution was amended to include Article X, Section 4 which mandated the State to encourage “the study of Hawaiian culture, history & language” by providing a Hawaiian education program. Article XC, Section 4 recognizes Hawaiian as the language of the State. These political amendments led to changes in the educational system, such as the Hawaiian Studies Program of 1980 and the Hawaiian Language Immersion Program of 1986. Since the mandated amendments to the State Constitution, HDOE has incorporated many aspects the Hawaiian culture into the education system. In 2003, kupunas were named cultural personnel resources and in 2015, the Office of Hawaiian Education was created by the Office of the Superintendent.¹

The purpose of this Act is to require that the Hawaiian version of the law be upheld if the law in question was originally drafted in Hawaiian and then translated into English. For those who are not native English speakers, one would recognize why this is a necessary technical amendment. Words, letters & characters have different meanings in different languages. To honor the integrity of the original language, one must consider the grammatical meaning and original sentence structure before it’s translated into English.

Thank you for the opportunity to testify.

Blessings,



ANGELA MELODY YOUNG
Zhizi Xiong



SB-16

Submitted on: 1/24/2023 9:19:12 AM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I am in favor of this bill, as it continues to legitimize and cement preserve the Hawaiian Language in the modern day. It would continue the trend of normalizing the language, and encourages its use in a more serious manner.

SB-16

Submitted on: 1/24/2023 5:10:37 PM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Bill makes common sense to utilize the version of the law in the form that it was in effect at the time of the action in question.

LATE

SB-16

Submitted on: 1/25/2023 1:14:21 PM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

In SUPPORT of this bill.

Our hale would expect that Hawaiian law and language would always hold precedent and standing in THESE Hawaiian Islands.

LATE

SB-16

Submitted on: 1/26/2023 1:13:23 AM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Peterson(Nani)	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
(808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS
For hearing Thursday, January 26, 2023

Re: SB 16

RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF HAWAII.

Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English.

TESTIMONY IN OPPOSITION

First let's note that this bill is written entirely in English. Now, why in the world would that happen in view of the main purpose of this bill? It seeks to establish that if a bill is written first in Hawaiian and then translated into English, the Hawaiian version shall take priority as the official version. So why not write this bill first in Hawaiian and then provide an English translation? Indeed, why not write this bill solely in Hawaiian with no English at all? Would the members of this committee feel comfortable with that?

Would you feel confident that you understand what you are enacting? No? Then why in the world would you even so much as fool around with the idea of making the Hawaiian version of a bill take priority over the English version in case of a dispute later on over how it should be interpreted or implemented?

This bill is so poorly written, and lacking in detail -- it's surprising that the Chair of this committee called it up for a hearing (or perhaps that's not so surprising after all, considering that hearing the bill is a virtue signal to celebrate an upcoming "Hawaiian language Month"). But there were bills two years ago and four years ago along the same lines. Those bills failed, and were also poorly written, but at least they had more detail. The best thing about SB701 and SB195 from year 2019 was that they were written in Hawaiian language first, and then had English translations of their various sections. Thus those bills give us an opportunity to do a thought-experiment. Let's put the members of this committee to a test where they can judge for themselves whether they could possibly be serious about enacting the concept "that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English."

Here is a link to full text of SB701 from year 2019:

https://www.capitol.hawaii.gov/session2019/Bills/SB701_.pdf

Go ahead now. Read the first part of that bill, which is in Hawaiian, and then stop the first time you encounter the subordinate English translation. Did you understand it? Even if you as an individual are one of the rare legislators who speaks Hawaiian fairly well, do you understand what you read with sufficient confidence to vote for it even if it was highly controversial? More importantly, do you seriously believe that your colleagues in the legislature are competent to vote on it? If necessary, continue this thought-experiment by reading only the Hawaiian portion of each subsequent part of the bill, and then summarizing its main concepts in whatever language you prefer, before you read the English translation.

A majority of your fellow legislators whose fluency in Hawaiian language is moderate or even non-existent will be relying entirely on the English translation, but they will actually be voting on what the Hawaiian version says, according to the injunction "that the Hawaiian version of a law be held

binding if the law in question was originally drafted in Hawaiian and then translated into English."

If you'd like another example, run the thought-experiment with SB195, also from year 2019:

https://www.capitol.hawaii.gov/session2019/Bills/SB195_.pdf

Giving priority to Hawaiian language is a political stunt to bolster ethnic pride and get votes from a constituency that demands visible tokens of validation and status; but it has no practical usefulness. It seems likely that every person outside Ni'ihau who speaks Hawaiian also speaks English with greater fluency. Hawaiian activists, following the lead of Princess Ruth Ke'elikolani (hoo dat?), sometimes insist on speaking Hawaiian in the courtroom or when giving speeches, interviews, or testimony; but they are perfectly capable of speaking and understanding English. Nobody NEEDS to speak or hear Hawaiian to express himself or to understand what someone is saying -- the activists demand it to score a political point; and sometimes to simply "gum up the works" when there is testimony on an environmental impact statement regarding telescopes on Mauna Kea or construction on a military base.

Please see a large and detailed webpage "Hawaiian Language as a Political Weapon" at

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

Kaleikoa Kaeo is a community college instructor who speaks English fluently. In fact he teaches classes using English as the language of instruction, makes fiery political speeches in English, and has also learned to speak Hawaiian fluently. He demanded to give court testimony in Hawaiian, not because he is unable to speak English, but merely as a stunt -- a form of Hawaiian sovereignty street theatre or political activism.

Kaleikoa Kaeo took his inspiration from the wealthiest person in Hawaii in the 1860s and 1870s, Princess Ruth Ke'elikolani, who could speak perfectly good English but refused to do so when politicians or journalists visited her -- she took great pleasure in humiliating them by forcing them to hire translators. She felt she was having a political and "moral" victory by forcing them to use Hawaiian. Is that what legislators and Hawaiian language zealots doing with this bill?

Hawaii is filled with the Aloha Spirit. Our people are kind and generous, and show our good will to people who cannot speak English by allowing them to

give testimony in their own language and by providing them at our own taxpayer expense with interpreters who have been certified by the court to be fluent in both their own language and English. But Kaleikoa Kaeo's political stunt was neither kind nor generous. It did not display good will, let alone the Aloha Spirit. He could easily have spoken English, but he chose to speak Hawaiian as a way to FORCE everyone else to either learn Hawaiian or to spend taxpayer dollars to hire speakers of Hawaiian. That's what today's bill in our legislature is all about -- a political stunt that would inconvenience everyone and cost a lot of money over time merely for the sake of cultural/linguistic chauvinism.

Hawaii has large numbers of people from many ethnic backgrounds who speak different languages in their homes; but we all come together in shared spaces where we are expected to speak English. Inability to speak English is treated as a disability or handicap. People who cannot speak English are given special accommodation to help them communicate in their own language, just as someone who is deaf gets a sign-language interpreter, someone who is blind is allowed to use a seeing-eye dog even in places where dogs are not normally allowed, and someone who cannot walk is allowed to use a wheelchair and elevator. Kaeo who is fluent in English but insists on speaking Hawaiian is like a marathon runner who might demand just for fun to come to court in a noisy wheelchair with a taxpayer-supplied assistant to push it for him.

If this bill were enacted into law, the Hawaiian language content of a bill would be the official law even though your comprehension of its meaning came only from the English-language version. And you can be quite sure that Hawaiian-language zealots would give top priority to writing many important bills in Hawaiian before getting them translated into English, thereby invoking the new rule that the Hawaiian version takes priority. Would your expertise in Hawaiian be sufficient to enable you to detect kaona (wat dat?) -- subtle double meanings that you would never vote for if you knew they were in the law you just finished enacting? Kaona were widely used orally in ancient times and later in Hawaiian language newspapers, as a sort of secret code, so that insiders "in the know" about obscure cultural metaphors would understand hidden social or political meanings in poetry or songs. For example, a hula might seem to be about a bee spreading pollen while flitting from flower to flower sipping nectar; but in reality one of its hidden meanings was about a man "spreading his seed" while engaging in intimate activities with one after another young ladies. On a more serious note, a phrase that seemed to be celebrating a needle piercing a white

plumeria flower while stringing a lei might actually be an incitement to hurl a verbal or actual spear at a haole opponent.

Perhaps you're aware that there are some Hawaiian sovereignty activists who would love to get you to enact laws whose legally binding meaning in Hawaiian language would undermine or even overthrow the [fake!] State of Hawaii and replace it with a rejuvenated Kingdom; even though the merely advisory subordinate English translation being relied upon to solicit votes appears to pertain only to plowing on a farm as a way to turn over the soil. ("Huli" is to turn over, whether it refers to plowing the soil on a farm or inciting to violent political revolution.)

I conclude this testimony by citing an extremely important example from Hawaiian history illustrating how a single phrase, and especially an individual word in that phrase, has been subjected to deliberate distortion over time because of what the word meant in Hawaiian when proclaimed into law seventeen decades ago and what it has come to mean in English since then. The phrase in the Mahele laws beginning in 1848 and culminating in the Kuleana Act of 1850 is: "koe nae ke kuleana o na kanaka." The individual word whose meaning has morphed is "kanaka." When private land ownership was created by granting royal patent deeds during the unfolding stages of the Mahele, chiefs were given huge swaths of land, while peasants living on and farming individual parcels were given the right to have fee-simple ownership of their parcels. The problem was that the chief's land completely surrounded the peasant's small parcel, thus making it necessary for a peasant to trespass through the chief's land in order to gather materials necessary for daily life, or to go to the ocean for fishing. So in the interest of what we today might call "social justice", the chief's royal patent deed gave him ownership "but reserving the rights of the people" [for gathering or shoreline access]. That Hawaiian phrase "koe nae ke kuleana o na kanaka" today is always translated to mean "reserving the rights of the native tenants." However, there was nothing racial about the word "kanaka" back in 1850, although today it has come to refer to so-called "Native Hawaiians." The word "kanaka" simply meant person, or human being, with an implication that it might be referring to a servant or peasant. If you look up "kanaka" in the big Pukui/Elbert dictionary you will find no racial terms. Furthermore, the word "kanaka" does not mean "tenant" -- that word is "hoaina." Although non-natives made up only a small percentage of Hawaii's population in 1850, the rights reserved to the "kanaka" in the Kuleana Act were reserved for ALL the "people" regardless of race and regardless whether they were tenants under a particular chief.

The Hawaii Constitution Article 12 Section 7, and also the PASH decision by the Hawaii Supreme Court, include racial restrictions which are modern distortions and simply do not grow out of the Mahele or the Kuleana Act. "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." The traditional and customary rights of native Hawaiians from before 1778, and still possessed under the Kuleana Act of 1850 -- those terms describe what rights are being referred to, but those terms should NOT be construed as limiting those rights to members of any particular racial or ethnic group. By interpreting those rights to be possessed by ALL Hawaii's people, we would ensure equality under the law for everyone including ethnic Hawaiians. The fact that my interpretation of "koe nae ke kuleana o na kanaka" is so controversial should serve as an important illustration of why it is dangerous to give primacy to a language which very few people understand with sufficient fluency -- especially when the only people who do have sufficient fluency have been trained by teachers and institutions which are politically active; and the students mastering the language under their tutelage have been indoctrinated with their political views and will interpret the meaning of laws in a manner that facilitates their political agenda.

LATE

SB-16

Submitted on: 1/26/2023 1:15:12 PM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

Aloha Kākou,

Please support SB16. We need to utilize our 'ōlelo Hawai'i in its own homeland. I appreciate and support this bill.

Ke aloha,

Malia Marquez

LATE

SB-16

Submitted on: 1/26/2023 1:59:03 PM

Testimony for HWN on 1/26/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daphne Lindsey	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB16, 'olelo Hawaii is the first and official language of the Hawaiian people, therefore, to be conducted on all avenues! It is imperative too move forward on all Hawaiian measures pertaining to the culture, history, language, and ancient sites. Hawaii is the host culture, even our keiki are well exposed to this knowledge. Don't need a "degree" to figure it out...