



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third State Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025, 2:00 p.m.
Conference Room 325 & Videoconference

by:

Johanna K. Chock-Tam
‘Ölelo Hawai‘i Program Administrator

Bill Number and Title: House Bill Number 146, Relating to the Judiciary's ‘Ölelo Hawai‘i Initiatives.

Purpose: To provide funds to support the Judiciary’s ‘Ölelo Hawai‘i projects.

Judiciary’s Position:

Mahalo ka ‘Oihana Ho‘okolokolo i ka Pila o ka Hale o nā Luna Maka‘āinana 146 no ka hā‘awi ‘ana i \$300,000 no kā ka ‘Oihana Ho‘okolokolo papa hana ‘Ölelo Hawai‘i no nā makahiki kālā 2025 – 2026 a me 2026 – 2027 pākahi.

Maopopo nō mākou i ka mana‘o o ka ho‘opiha ‘ana i ka waihona kālā o ka Papa Hana ‘Ölelo Hawai‘i, a ho‘omana‘o aku ha‘aha‘a mākou, ma o kā ka ‘Aha‘ōlelo kāko‘o ‘ana i ke kau aku nei, he waihona kālā mau loa a lawa pono ko ka Papa Hana ‘Ölelo Hawai‘i no ka ho‘okō ‘ana i kona kuleana kānāwai. He mea ko‘iko‘i iā mākou ke kāko‘o mau ‘ana o ka ‘Aha‘ōlelo i kā ka ‘Oihana Ho‘okolokolo Papa Hana ‘Ölelo Hawai‘i a me nā hana ho‘ōla hou i kēia ‘ōlelo kūhelu o ka moku‘āina.

Mahalo no ka manawa no ka ha‘i mana‘o ‘ana i ka Pila o ka Hale o nā Luna Maka‘āinana 146.

* * * * *

The Judiciary is thankful for House Bill No. 146, which appropriates \$300,000 for the Judiciary’s ‘ōlelo Hawai‘i projects for each of the fiscal years 2025 - 2026 and 2026 - 2027.



House Bill No. 146, Relating to the Judiciary's 'Ōlelo Hawai'i Initiatives
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We greatly appreciate the intent of the funding for the 'Ōlelo Hawai'i Program, and we would respectfully note that through the Legislature's support last session, the 'Ōlelo Hawai'i Program has a permanent operating budget that will allow the 'Ōlelo Hawai'i Program to fulfill its statutory responsibilities. We value the Legislature's strong support of the Judiciary's 'Ōlelo Hawai'i Program and the efforts to revive the state's co-official language.

Thank you for the opportunity to testify on House Bill Number 146.

HB-146

Submitted on: 1/26/2025 9:08:53 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth R. Conklin, Ph.D.	Center for Hawaiian Sovereignty Studies	Oppose	Written Testimony Only

Comments:

This poorly written bill would appropriate \$300,000 for this year and an additional \$300,000 for next year "to support the judiciary's 'Olelo Hawai'i initiatives." The money would be given to the judiciary for a few vaguely identified purposes "to explore ways of providing 'Olelo Hawai'i resources, interpreter, and translation services to the public."

List of 3 main points

1. \$300,000 proposed in this bill this year is merely seed money for a project that will mushroom to hundreds of millions in future, as shown by demands made in previous legislation and in Chief Justice Recktenwald's own 50-page report.
2. Practical need for using a language vs. ethnic pride or vanity in seeing a language displayed -- who should pay?
3. The case of Samuel Kaleikoa Kaeo.

1. \$300,000 proposed in this bill this year is merely seed money for a project that will mushroom to hundreds of millions in future, as shown by demands made in previous legislation and in Chief Justice Recktenwald's own 50-page report.

A similar bill in a previous year proposed to appropriate \$300,000 seed money to establish the beginnings of a new bureaucracy inside the Judiciary for the purpose of fostering and normalizing Hawaiian language, by translating various legal documents into Hawaiian. First comes \$100,000 for salary for a chief bureaucrat (who might already have been chosen behind the scenes); and then an additional \$200,000 "for implementation, including translation services, website upgrades, preparation of materials, and educational efforts." Of course that's only the beginning.

A hidden purpose of this bill is to set up a bureaucracy that will expand by leaps and bounds to provide paid employment for the growing number of people who become fluent in Hawaiian language but cannot find jobs as teachers of it. Let's remember how the labor unions lobbied aggressively for the Honolulu rail project because they wanted jobs; but now the people of

Hawai'i are stuck paying more than \$10 Billion for an ugly makework project that most people don't want and will never use (like translating the Hawai'i Revised Statutes into Hawaiian).

As that bill points out, "[I]n 2015, the legislature adopted a concurrent resolution, H.C.R. No. 217, Session Laws of Hawai'i 2015, that requested the judiciary to convene a task force to examine and report on establishing 'Ōlelo Hawai'i resources for the judiciary... made several recommendations and identified projects that can serve as a guide to the judiciary."

In the regular session of 2016 this legislature entertained companion bills SB2162 and HB2180 whose purpose was to appropriate \$500,000.00 in seed money for the judiciary to begin a program to train people to become expert in both Hawaiian language and the specialized concepts of the legal profession to the point where they can translate the Hawai'i Revised Statutes into Hawaiian, along with case law that might be cited to support or oppose legal briefs or memos in current courtroom proceedings. And that was only seed money!

Bill SB560 in the legislature of 2017 provides evidence of the costs for translation services. For translating just one document from English to Hawaiian -- the state Constitution -- SB560 proposed an appropriation of \$25,000.00 for year 2017 and an additional \$25,000.00 for year 2018, to be given to the University of Hawai'i.

The \$300,000 proposed in this year's bill is merely an acorn poised to grow into a mighty oak tree. Why is the Judiciary proposing a make-work boutique project when it presumably has plenty of work to cope with the practical realities of a huge backlog of cases [especially jury trials] resulting from the COVID pandemic?

I have read the 50-page report by Chief Justice Mark Recktenwald to the House Judiciary Committee dated December 16, 2015: "Report of the Hawaiian Language Web Feasibility Task Force" appointed pursuant to House Concurrent Resolution No. 217, House Draft 1, Senate Draft 1 adopted by the Legislature in 2015. IT PROPOSES A PAY RATE OF \$500 PER HOUR FOR THE EXPERT TRANSLATORS proposed in SB2162 regular session of 2016. How many hundreds of millions of dollars would be needed to translate the Hawai'i Revised Statutes into Hawaiian, along with case law that might be cited to support or oppose legal briefs or memos in current courtroom proceedings? Mr. Recktenwald did NOT hire anyone to translate his own report into Hawaiian language. Why not? He should be willing to take a pay cut to get the job done! His document was 50 pages long. If each page required one hour to translate, the cost for just that one document alone, at his proposed pay rate of \$500.00 per hour, would be \$25,000.00.

2. Practical need for using a language vs. ethnic pride or vanity in seeing a language displayed -- who should pay?

There is no practical NEED for anyone to speak Hawaiian in court, nor to have state laws or legal pleadings or documents available in Hawaiian, because everyone who can speak Hawaiian is more fluent in English. By contrast, there is great NEED for translations of documents into and from Asian and European languages, and NEED for courtroom interpreters for those languages. Let's spend taxpayer dollars for what is NEEDED; not for using Hawaiian language as a vanity display of ethnic heritage and pride.

According to OHA's latest annual report, on June 30, 2021 OHA had assets of \$822,738,000.00. And according to bills which were winning unanimous approval in "Hawaiian Affairs" legislative committees in 2022, OHA demanded \$638 Million in arrears plus \$79 Million per year in future from ceded land revenues. Let OHA pay for using Hawaiian language as a vanity display of ethnic heritage and pride. The \$300,000 called for in this bill, and all the money needed to fund the future dreams of Mark Recktenwald and the Hawaiian language empire, is a smaller portion of OHA's wealth than a single puakenikeni blossom on a Kamehameha Day float.

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.

Princess Ruth Ke'elikolani insisted on speaking Hawaiian when giving speeches, interviews, or testimony, even though she was perfectly capable of understanding and speaking English fluently. She was famous for humiliating haole diplomats and news reporters this way, forcing them to hire translators. She felt she was having a political and "moral" victory by forcing them to use Hawaiian. Hawaiian sovereignty activists and language zealots follow her lead and do this same stunt nowadays -- see discussion about the case of Samuel Kaleikoa Kaeo who did precisely this stunt in court recently, humiliating the individual judge by forcing him to knuckle under to the demand for a court interpreter and humiliating the entire Judiciary by eliciting a policy to unnecessarily provide interpreters for Hawaiian language in the same manner as they provide necessary interpreters for speakers of other languages who lack understanding of 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 <https://www.angelfire.com/big09/HawLangPolitWeapon.html>

There are numerous Hawaiian sovereignty activists and Hawaiian language zealots who certainly would make demands for thousands of documents -- not because there is any real need to have those documents in Hawaiian language, but merely for the pleasure and ethnic pride of seeing them and with the conscious intention of providing employment for their friends.

3. The case of Samuel Kaleikoa Kaeo.

Samuel 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.

Hawai'i 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 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, over time, would cost a lot of money merely for the sake of cultural/ linguistic chauvinism.

Hawai'i 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.

Honolulu Star-Advertiser of January 25, 2018 reported: "A Maui District Court judge on Wednesday issued a bench warrant for the arrest of a University of Hawai'i-Maui College assistant professor of Hawaiian studies after he refused in court to acknowledge himself in the English language. Kaleikoa Kaeo, who was scheduled to start a trial for his August 2017 arrest for trying to block a shipment of parts to the Daniel K. Inouye Solar Telescope under construction atop Haleakala, spoke only in the Hawaiian language when Judge Blaine J. Kobayashi asked him repeatedly if he was present for the trial. While an interpreter was provided for Kaeo during his initial court appearance, Kobayashi in December approved a motion by the Maui Prosecutor's Office requiring that the trial be conducted in English. There is no legal requirement to have Hawaiian language interpreters for those who speak English but prefer to speak Hawaiian in court, according to the state Judiciary. Nevertheless, Wednesday's events prompted outrage within the Hawaiian community. Office of Hawaiian Affairs Chief Executive Officer Kamana'o pono Crabbe issued a statement saying the agency is "deeply disturbed and offended" that Kaeo was prohibited from defending himself in the Hawaiian language and that a bench warrant was issued for his arrest. Office of Hawaiian Affairs Chief Executive Officer Kamana'o pono Crabbe issued a statement saying the agency is "deeply disturbed and offended" that Kaeo was prohibited from defending himself in the Hawaiian language and that a bench warrant was issued for his arrest. "Punishing Native Hawaiians for speaking our native language (evokes) a disturbing era in Hawai'i's history when olelo Hawai'i (Hawaiian language) was prohibited in schools, a form of cultural suppression that substantially contributed to the near extinction of the Hawaiian language," the statement said. "It is disappointing that the state government continues to place barriers on olelo Hawai'i, 40 years after Hawai'i's Constitution was amended to recognize the Hawaiian language as an official language of the state. We demand that the state Judiciary find an immediate solution to this issue.""

Honolulu Star-Advertiser, January 26, 2018 reported: "An interpreter was not available when Kaeo showed up for a Nov. 22 hearing at which the prosecutor told Kobayashi she wanted to conduct the trial in English. In its written request the prosecutor says requiring a Hawaiian-language interpreter will cause needless delay and unnecessary expense because Kaeo is fluent in English. The prosecutor also said a federal judge had ruled in a civil case that the right to assert a federally protected language does not extend to judicial proceedings. Kaeo did not submit a written response. ... The Hawai'i Judiciary says Title VI of the Civil Rights Act of 1964 requires it to provide language interpreters when a party or a witness in a case has limited English proficiency or is unable to hear, understand, speak or use English sufficiently to effectively participate in court proceedings. Hawaiian cultural practitioner Daniel Anthony says he has intentionally gotten traffic tickets so he can go to court and assert his right to participate in the proceeding in Hawaiian. "I've been detained a couple of times," he said, but no longer than six hours. When the judge ordered him back into court in the afternoon to conduct the hearing, the prosecutor would ask to have the case continued every time he refused to speak in English. Anthony said the cases were dismissed, and the court eventually provided him a Hawaiian-language interpreter."

Chelsea Davis, Hawai'i News Now, January 26, 2018, 3:45 PM reported: "The state Judiciary says it will provide interpreters to those seeking to speaking Hawaiian in court "to the extent reasonably possible." ... In a statement, the Judiciary said it will start implementing the new policy immediately. It also asked those interested to serve as Hawaiian interpreters to contact the Office of Equality and Access to the Courts at 539-4860. The policy stands in contrast to the Judiciary's previous statements on using Hawaiian in court. Earlier this week, the Judiciary said: "There is no legal requirement to provide Hawaiian language interpreters to court participants who speak English but prefer to speak in Hawaiian. In those cases, judges have the discretion to grant, or deny, a request for an interpreter." ... Kaeo said. "This is not just about language. This is a larger questions in which Hawaiians have been struggling to become visible within Hawai'i and the world." ... The Hawai'i State Judiciary issued a statement to Hawai'i News Now on Wednesday stating, "there is no legal requirement to provide Hawaiian language interpreters to court participants who speak English but prefer to speak in Hawaiian. In those cases, judges have the discretion to grant, or deny, a request for an interpreter."

Honolulu Star-Advertiser, January 26, 2018, Breaking news at 4:28 PM reported: "The Hawai'i State Judiciary will allow the use of Hawaiian language interpreters in courtrooms when participants in legal proceedings "choose to express themselves through the Hawaiian language." The new policy was announced today, following a widely reported incident ... In announcing the new policy yesterday, the Judiciary said it would develop implementation procedures and solicited public input. Comments may be sent to pao@courts.hawaii.gov."

On January 27, 2018 I, Kenneth Conklin, sent an email to the Judiciary's public affairs office at the email address in the news report, which included the following points:

The Hawaiian language is a great treasure for Hawai'i's people of all races, and indeed for all the world. Most people of good will are pleased to assist in preserving the language, reviving it and helping it to thrive in everyday use. I myself have spent considerable time and effort over a

period of many years learning Hawaiian language to a level of moderate fluency; and I'm proud to use it for reading, writing, and occasionally in public speaking.

However, the primary purpose of our courts is to adjudicate cases in controversy in accord with the Constitution and statutes; it is not to engage in well-meaning adventures in cultural expression or "social justice."

Virtually 100% of the people who speak Hawaiian are native speakers of English (i.e., they grew up speaking English) even though they are genetically natives of Hawai'i.

Probably everyone who chooses to use Hawaiian language in court proceedings will do so for political reasons as an act of resistance, defiance and hostility toward the United States and its "puppet regime" the State of Hawai'i. The Hawaiian-speakers in your courtrooms are engaged in street-theatre. They are literally in contempt of court, because they claim your court has no jurisdiction over them due to the "illegal military invasion and occupation" of Hawai'i as admitted in the U.S. "confession" of 1993 (i.e., the apology resolution). My dear legislators, please do not (perhaps unknowingly) function as an enabler and accessory to racial divisiveness, anti-Americanism, anarchy and revolution. Please see my large, detailed webpage "Hawaiian Language as a Political Weapon" at <http://tinyurl.com/668vqyz>

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January 24, 2025

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

HB 146, RELATING TO THE JUDICIARY'S 'ŌLELO HAWAII' INITIATIVES

House Committee on Judiciary & Hawaiian Affairs

Thursday, January 30, 2025

2:00 p.m.

Conference Room 325

Via Videoconference

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 146, Relating to the Judiciary's 'Ōlelo Hawai'i Initiatives. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 146, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 146. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:slr

HB-146

Submitted on: 1/28/2025 10:58:56 PM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonavann Kaululaau	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Comitee members,

I am in strong support of this bill.

Mahalo,

Jonavann Kaululaau