



The Judiciary, State of Hawai‘i

**Testimony to the House Committee on Ocean, Marine Resources
and Hawaiian Affairs**

Representative Kaniela Ing, Chair
Representative Nicole E. Lowen, Vice Chair

Wednesday, March 25, 2015 9:00 AM
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY

by
Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: House Concurrent Resolution No. 217 and House Resolution No. 152
Judiciary Website; Hawaiian Language Translation

Purpose: Requesting the Judiciary to convene a task force to examine establishing Hawaiian language resources for the State of Hawai‘i Judiciary.

Judiciary's Position:

The Judiciary supports the intent of House Concurrent Resolution No. 217 and House Resolution No. 152 to further the intent of the state constitution and acknowledge the State's respect for the native language of the State of Hawai‘i.

Thank you for the opportunity to testify on this measure.



HCR217/HR152
REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE ESTABLISHING
HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

March 25, 2015

9:00 a.m.

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **SUPPORT WITH AMENDMENTS** for HCR217/HR152, which requests the Judiciary to convene a task force to examine the establishment of Hawaiian language resources.

While once spoken throughout Hawai‘i by Native Hawaiians and foreigners alike, ‘Ōlelo Hawai‘i or the Hawaiian language was considered 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’s schools, which functioned to ban the speaking of Hawaiian language throughout the school system.

Fortunately, great strides have been made in recent decades, to bring about a renaissance of the Hawaiian language. Programs such as the ‘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 helped to revitalize and perpetuate the Hawaiian language. Also, in 1978, the Hawai‘i Constitution was amended to recognize the Hawaiian language as an official language of the State, making Hawai‘i the first state in the union to recognize its native language as an official language. Most recently, in 2013, the first law to be published in ‘Ōlelo Hawai‘i since 1943 was passed, recognizing February as Mahina ‘Ōlelo Hawai‘i or Hawaiian Language Month.

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. Convening a task force to examine and thereby facilitate the establishment of Hawaiian language resources for the state Judiciary would further the normalization of ‘Ōlelo Hawai‘i, and reflect a deserved respect for the co-official language of Hawai‘i.

To more appropriately reflect the administrative structure of the OHA, OHA respectfully requests amending the language on page 3, line 16, to read as follows:

- (8) The administrator of the office of Hawaiian affairs, or the administrator’s designee;

Accordingly, OHA urges the Committee to **PASS WITH AMENDMENTS** HCR217/HR152. Mahalo nui loa for the opportunity to testify on this measure.

Center for Hawaiian Sovereignty Studies
46-255 Kahuhipa St. Suite 1205
Kane'ohe, HI 96744
Tel/Fax (808) 247-7942
Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Re: HCR217/HR152

REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY.

For hearing on Wednesday, March 25, 2015

TESTIMONY IN OPPOSITION

Let's be clear about the purpose of this resolution, and let's be considerate of the financial resources of our people and our government.

This resolution envisions a future when individuals or institutions will be allowed to use Hawaiian language to read or write government documents, including the Hawaii Revised statutes, and legal briefs and memos submitted during court proceedings.

That would be very helpful to the preservation and flourishing of Hawaiian language.

However, allowing some people or institutions to use Hawaiian language for official court documents would also FORCE everyone else to read and write in Hawaiian language, or to spend lots of money to hire translators. If Kimo Kekanakaolelohawaii is allowed to submit his legal complaint, brief, or memo in support to a court solely in Hawaiian language, then defendant Jim Englishonly will be forced to hire someone to translate the document into English. And there's no need for Kimo to thrust such a burden onto Jim, because Kimo is able to read and write English at least as well, and almost certainly better than, he can read and write Hawaiian.

There is no NEED for anyone to use Hawaiian language, for the simple reason that everyone who is fluent in Hawaiian is also at least as fluent in English language.

Someone who would choose to use Hawaiian as the only language in his court filings would be essentially engaged in performing a stunt for personal gratification, or using the court as a stage for political theatre to assert ethnic privilege at everyone else's considerable expense and annoyance.

I'm reminded of Princess Ruth Ke'elikolani, who could understand and speak English perfectly well but who insisted on using Hawaiian language exclusively, as a sort of political weapon, forcing the haoles to knuckle under to her demands and to use translators.

See my large, detailed webpage on "Hawaiian Language as a Political Weapon" (and especially section 2) at <http://tinyurl.com/668vqyz>

One of the "whereas" clauses says "other countries recognizing more than one official language provide access to government services and documents in all official languages." Yes, of course those countries do that, for the very obvious reason that many thousands of people are fluent in only one of the official languages while other thousands of people are fluent in only a different one of the official languages. So those governments have a need to publish documents and deliver services in all the official languages to ensure that all groups of people are able to understand what's happening. That is not the situation in Hawaii regarding Hawaiian language. Far more people in Hawaii are fluent only in Ilocano or Cantonese or Japanese than are fluent in Hawaiian; and all who are fluent in Hawaiian are at least equally as fluent in English (whereas the Ilocano, Cantonese, or Japanese speakers might not be capable of understanding either English or Hawaiian). If our government, and especially our courts, have extra money for language services, it would be far more useful to spend the money for Asian languages than for Hawaiian language.

One of the "whereas" clauses says "Hawaiian is an official language of the State of Hawaii, which citizens should have a choice to use as their medium of communication and in receiving comprehensive services from state agencies." But no. What is true is that government should make documents and services available to citizens in a language they are capable of understanding. But government should not have any burden to make documents and services available in a language which a small number of people might prefer merely for aesthetic or political reasons, but which is not necessary for them to be capable of understanding what is being said.

It is an important and worthy goal of the State of Hawaii to preserve Hawaiian language, including providing help to people who wish to use

Hawaiian as their language in everyday life and as a language for their children to use in learning the subject matter taught in school.

The Judiciary should consider carefully whether it wishes to allocate substantial resources to make the Hawaii Revised Statutes available in Hawaiian language as a way to show respect to the goal of preserving that language and as a stunt to give Hawaiian-speakers a sense of pride when they go to the law library. Or would it be better to spend those substantial resources in other ways to improve access to the courts for all Hawaii's people? Or -- OMG -- might it be better to reduce the taxes we must pay to support our Judiciary, by refraining from spending that money?

Instead of asking the Judiciary to spend tax dollars, or individuals or institutions to spend their own funds, to generate legal documents in Hawaiian, let's propose the following startup project for the Hawaiian language departments at UH Manoa and UH Hilo:

Professors of Hawaiian language teaching advanced-level courses should be asked to assign their students to translate sections of the U.S. Constitution, State of Hawaii Constitution, and Hawaii Revised Statutes into Hawaiian, until those documents have all been translated and made available on the internet and perhaps in print.

A friend of mine with a Ph.D. in linguistics, whose dissertation focused on Hawaiian language, translated into Hawaiian a few years ago the Bill of Rights (the first 10 Amendments to the U.S. Constitution). If the professors of Hawaiian language agree to the project I proposed, I will ask my friend to contribute his translation of the Bill of Rights to that project.