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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS
For hearing Monday, April 06, 2015

Re: SCR 154 AND SR 96
REQUESTING THE DEPARTMENT OF HEALTH TO REVISE ITS
ADMINISTRATIVE RULES AND POLICIES TO FACILITATE AND
ENCOURAGE TRADITIONAL HAWAIIAN BURIALS.

TESTIMONY IN SUPPORT BUT URGING IMPROVEMENTS

I note that this resolution contains much of the same language found in SB1166 and HB1297, and this resolution can be seen as a request that the Department of Health develop regulations for implementing those bills. I supported the intent of those bills but urged that they be amended in two ways. This resolution should also be amended to accommodate those two concerns, as follows:

1. Broaden the applicability to ensure that all ethnic groups are treated equally. Ethnic or religious groups other than Native Hawaiian should be given the same rights as Native Hawaiians to identify ways of treating corpses and conducting burials that might be outside "normal" or "mainstream" practices. Laws and regulations should be developed to allow and encourage all ethnic or religious groups to identify and specify ethnic-based or religion-based practices to be done safely and without fear of prosecution. Please do not limit the scope of this resolution to Native Hawaiians alone.

2. Narrow the applicability to ensure that no individual corpse or burial can be "hijacked" by any ethnic or religious group such that the individual is treated in a way contrary to what he would have wanted or what his next-of-kin wants on his behalf. An overly zealous group of cultural practitioners might try to treat an individual in a manner he or his family might find offensive or repulsive, merely because the group focuses on that individual's race or ancestry and holds a stereotype that all individuals of that ethnicity should be treated in the same way. Such a group of zealous cultural practitioners might conceivably try to dictate that every individual who lives or dies in a particular place must be treated in accord with the group's cultural or religious practices. Please limit the scope of this resolution to ensure that no individual corpse or burial can be hijacked in such a manner contrary to what the individual would have wanted or what his next-of-kin wants. There are Native Hawaiians who wish to have their corpses treated according to Christian, Buddhist, or Muslim customs rather than according to ancient Hawaiian customs.