



**EXECUTIVE CHAMBERS**  
HONOLULU

LINDA LINGLE  
GOVERNOR

**TESTIMONY OF  
LINDA L. SMITH**  
Senior Policy Advisor to the Governor

Before the  
**SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**

Tuesday, March 17, 2009, 9:30 a.m.  
Room 016, State Capitol

in consideration of  
**GM 355**  
**Gubernatorial Nominee Mark G. Valencia**

Chair Taniguchi and Members of the Committee:

My name is Linda L. Smith and I serve as Governor Lingle's Senior Policy Advisor. It is my pleasure to appear before you today in support of the re-appointment of Mr. Mark G. Valencia to the Hawaii Civil Rights Commission.

I have known Mr. Valencia for the past several years when he initially applied for a position as a policy analyst. His legal skills were exactly what was needed in the policy team and, although I had not known him previously, we asked Mr. Valencia to become a policy analyst. Mr. Valencia ably served from June 3, 2004 to April 30, 2005 in this role helping Cabinet agencies with their testimony and legislation that was being considered before the House and Senate.

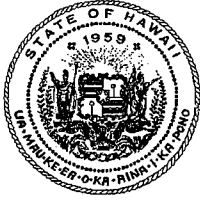
Mark has always shown a fair and balanced approach to any task presented to him. He was particularly valued as a member of the policy team for his thorough legal review of pending bills and his ability to perform detailed legal historical research to help us analyze the implications of various proposals being considered in the Legislature

Currently Mr. Valencia is an attorney in private practice with Case Lombardi & Pettit, a position he took after leaving our office to return to the private sector. He has brought the same thoughtful, balanced, and objective approach to his role as a Commissioner on the Civil Rights Commission as he did while a member of the staff and now as a private attorney.

Mark's fairness and objectivity are hallmarks of what people expect when they bring a matter before this Commission. He has given generously of his time to help the Commission address the difficult and important cases before it. He has also worked

with the staff to help reduce the number of cases that has been pending for a considerable period of time. This is something that continues to concern Mr. Valencia and it will be a priority for him should you deem him worthy of reappointment.

Finally, Mr. Valencia is a solid family man grounded in his community and his faith. He cares about the people of this state and will continue to do his best to help guide the Commission in its deliberations. I urge you to support him for re-appointment to the Civil Rights Commission.



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

March 17, 2009  
Rm. 016, 9:30 a.m.

TO: The Honorable Brian Taniguchi, Chair  
The Honorable Dwight Takamine, Vice Chair  
Senate Committee on Judiciary and Government Operations

FROM: Coral Wong Pietsch, Chair,  
and Commissioners of the Hawaii Civil Rights Commission

RE: Governor's Message 355

Nomination of Mark G. Valencia  
to the Hawaii Civil Rights Commission

The Hawaii Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawaii's laws prohibiting discrimination in employment, housing, public accommodations, and access to State and State-funded services. The HCRC carries out the Hawaii constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sect. 5.

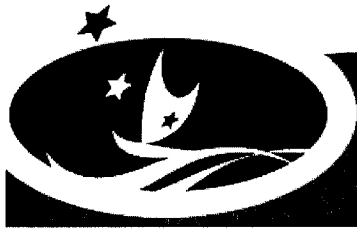
The HCRC supports the confirmation of the nomination of Mark G. Valencia to the Commission. Mr. Valencia meets the requirements of HRS § 368-3 of having "knowledge and experience in civil rights matters" and "a demonstrated commitment to the preservation of the civil rights of all individuals." Mr. Valencia is a director and shareholder in the law firm of Case Lombardi & Pettit, with a civil litigation practice that includes employment law matters. His litigation has included both plaintiff and defense practice, in contract, insurance, tort, product liability, employment, and other cases. One emphasis of his representation of employers in labor and employment law is the importance of compliance with fair labor practices and equal employment opportunity laws, both state and federal. He understands that fair employment practices benefit employers as well as workers and society at large.

Mr. Valencia's commitment to preservation of civil rights of all individuals is forged through his personal and family experience. A first generation American citizen of Honduran national origin, the son of a Hispanic father and African American mother, Mr. Valencia and his family have experienced racial, color, and ancestry discrimination. Born out of this experience is a sensitivity to discrimination and a recognition of the importance of civil rights protections for all people.

Mr. Valencia has a record of service, having served on the Ethics Committee of the Kuakini Medical Center, and as a volunteer for the Professionals for Drug Free Kids Project and the Read Aloud America Program. His commitment to serve is demonstrated in his record of military service.

Mr. Valencia has served as a Commissioner since April 2007. Commissioner Valencia has contributed to Commission discussions and deliberations that have been collegial and serious. He has been conscientious and engaged, attending meetings and actively participating in Commission business.

Mark G. Valencia's experience and expertise make him a valued member of the Hawai'i Civil Rights Commission. He will serve the public interest and the people of Hawai'i well. We support confirmation of his nomination.



WOMEN'S CAUCUS  
DEMOCRATIC PARTY OF HAWAII

March 17, 2009

To: Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair and  
Members of the Committee on Judiciary and Government Operations

From: Jeanne Y. Ohta, Legislative Chair

Re: GM 355 Confirmation of Mark Valencia to the Civil Rights Commission  
Hearing: Tuesday, March 17, 2009, 9:30 a.m., Conference Room 016

Position: COMMENTS

The Hawaii State Democratic Women's Caucus writes to express concern on the lack of gender parity on the Hawaii Civil Rights Commission. Of the five-member commission, only one, Coral Wong Pietsch is a woman. She is on leave, her appointment expired in 2007. Under consideration today are two male nominees.

Women have a distinct point-of-view and perspective that deserve representation on the Civil Rights Commission; especially at this time as still open on the agenda of the commission is a proposal that would make major changes to 25-year old administrative rules on sexual harassment. The rules under consideration would substantially weaken protections of employees.

HSDWC urges the committee to ensure that women are equally represented on this important commission.

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**From:** Alan R. Spector [alan@familyequalitycoalition.org]  
**Sent:** Sunday, March 15, 2009 3:11 PM  
**To:** JGO Testimony  
**Subject:** Tuesday 3/17/09 at 9:30 a.m., Conference Room 016, GM 355,  
STRONG OPPOSITION

Chair Taniguchi, Vice-Chair Takamine, and Members of the Senate Committee on Judiciary and Government Operations:

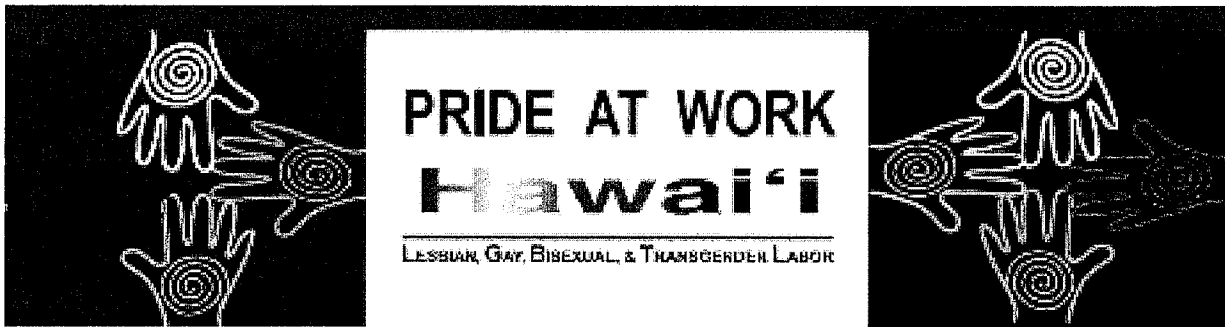
I am writing on behalf of **Family Equality Coalition** to express our **strong opposition** to GM 355. Mark Valencia should not be serving on the Hawaii Civil Rights Commission. His strong conservative and religious views put him at odds with the very mission of this commission which is to protect civil rights, including enforcement of Hawaii's civil rights laws that protect people based on sexual orientation.

Mr. Valencia was one of two members of the Hawaii Civil Rights Commission that opposed HCRC's testimony in support of HB 444, Civil Unions. Additionally, Mr. Valencia, also opposed Hawaii House Resolution No. 7, requesting the US Congress to establish a non-discrimination policy based upon sexual orientation for members of the US armed forces.

We fail to see how someone who does not believe in supporting civil rights for all of Hawaii's residents can be allowed to serve on such an important commission.

Sincerely,

Alan R. Spector, LCSW  
Co-Chair  
Family Equality Coalition  
PO Box 11444  
Honolulu, HI 96828  
[www.familyequalitycoalition.org](http://www.familyequalitycoalition.org)



PO Box 22416 Honolulu, HI 96822  
(808) 543-6054

[prideatworkhawaii@hawaiiintel.net](mailto:prideatworkhawaii@hawaiiintel.net)

[www.hawaflcio.org/PAWHI](http://www.hawaflcio.org/PAWHI)

March 17, 2009

Hawaii State Senate

Committee on Judiciary and Government Operations

Chair, Sen. Taniguchi

Vice Chair, Sen. Takamine

Testimony in opposition to the confirmation of Mark Valencia to the Hawai'i Civil Rights Commission (GM355)

Pride At Work Hawai'i, an affiliate of the Hawai'i State AFL-CIO whose mission is to advocate for full equality for lesbian, gay, bisexual, and transgender (LGBT) workers and to build mutual support between the labor movement and the LGBT community, strongly opposes the confirmation of Mark Valencia as a commissioner for the Hawai'i Civil Rights Commission.

Commissioners are supposed to be committed to protect the civil rights of *all* individuals. By opposing Hawai'i House Resolution 7, which requests that the US Congress establish a non-discrimination policy based upon sexual orientation for members of the US armed forces, and by opposing HB444, which would create civil unions for same-sex partners, Mr. Valencia has demonstrated his unwillingness to protect the civil rights of lesbian, gay, bisexual and transgender people. Both of these issues - supporting economic justice and equality for LGBT couples and their families, and opposing discrimination on the basis of sexual orientation in the US armed forces - are clear indicators of anti-gay bias, making Mr. Valencia an inappropriate choice to serve on the HCRC.

Every day, LGBT people in Hawai'i face discrimination in their workplaces and in their communities. They rely on the HCRC to protect and defend them from such discrimination. This is not an issue which is open for debate. If Mr. Valencia is confirmed to serve on the HCRC, LGBT citizens can no longer count on the Commission to uphold their legal rights, as his recent actions on the Commission have shown. Surely there are other community leaders who support the civil rights of all Hawai'i's people and who would be better candidates for the HCRC. Please vote against confirming Mr. Valencia to the HCRC.

Respectfully submitted,

Steve Dinion, President, Pride At Work Hawai'i

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 16, 2009 11:25 AM  
**To:** JGO Testimony  
**Cc:** golojuchc@hawaii.rr.com  
**Subject:** Testimony for GM355 on 3/17/2009 9:30:00 AM

Testimony for JGO 3/17/2009 9:30:00 AM GM355

Conference room: 016  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Carolyn Golojuch  
Organization: PFLAG - Oahu  
Address: 92-954 Makakilo Dr. #71 Kapolei, HI  
Phone: 672-9050  
E-mail: [golojuchc@hawaii.rr.com](mailto:golojuchc@hawaii.rr.com)  
Submitted on: 3/16/2009

Comments:  
I strongly oppose the nomination of Mark Valencia.



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**From:** NJHawaiiWalter@aol.com  
**Sent:** Sunday, March 15, 2009 3:32 PM  
**To:** JGO Testimony  
**Subject:** Measure Number GM 355 (Valencia)

Reference:  
Measure Number: GM 355  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.  
Location: Conference Room 016, Hawaii State Capitol  
415 S. Beretania Street, Honolulu

Gentlemen:

I am in **STRONG OPPOSITION** to the confirmation of Mark Valencia. He has put his own personal religious views first to harm others by contradicting existing state laws and decisions to protect people based upon their sexual orientation. His proven record of bias makes him unfit to fulfill the duty to uphold the very important mission of the Hawaii Civil Rights Commission.

For example, as a Hawaii Civil Rights Commission member, he opposed the HCRC in submitting testimony in favor the equal rights civil union bill, HR 444. Discrimination against the lesbian and gay citizens of Hawaii is very wrong and it is **ESPECIALLY WRONG** coming from the Hawaii Civil Rights Commission.

No one should put their own personal religious views before the rights of all Hawaii citizens. It's wrong and Mr. Koki has no place on the Civil Rights Commission. **NO ONE SHOULD FORCE THEIR RELIGIOUS VIEWS ON OTHERS.**

**PLEASE KEEP STAN KOKI OFF THE CIVIL RIGHTS COMMISSION. Mahalo.**

Walter Mahr  
95-1020 Paemoku Place  
Mililani, Hawaii 96789

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**From:** Nathan Braulick [braulick@gmail.com]  
**Sent:** Sunday, March 15, 2009 3:39 PM  
**To:** JGO Testimony  
**Subject:** I OPPOSE the CONFIRMATION of Mark Valencia to the HCRC

Dear Members of the Senate Committee on Judiciary and Government Operations:

I'm writing this testimony to strongly oppose the confirmation of Mark Valencia to the Hawaii Civil Rights Commission (GM 355 Tuesday 3/17/09, 9:30 am).

Valencia opposed HCRC submitting testimony in favor of the civil unions bill, HB 444. He also opposed Hawaii House Resolution No. 7 requesting the US Congress to establish a non-discrimination policy based upon sexual orientation for members of the US armed forces.

Valencia is a religious right conservative who has put his religious views ahead of civil rights. In doing so, he is contradicting existing State laws and decisions to protect people based upon sexual orientation.

His proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission.

I oppose Mark Valencia's confirmation to the Hawaii Civil Rights Commission.

very sincerely,

Nathan Leo Braulick  
917 16th Avenue  
Honolulu, HI 96816

808.265.0508

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**From:** Beth and Lee Garrow [b.andl.garrow@gmail.com]  
**Sent:** Sunday, March 15, 2009 4:23 PM  
**To:** JGO Testimony  
**Subject:** GM 350 (Valencia)

My name is Lee Garrow. I live on Maui (110 Kaanapali Shores Pl), and I am writing to STRONGLY oppose the confirmation of Mark Valencia for another term. Valencia is a religious right conservative that has put his religious views ahead of civil rights! In doing so, Valencia is contradicting existing State laws and decisions to protect people based upon sexual orientation. His proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission.

I strongly urge you to END Valencia's term!

Lee Garrow

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**From:** Richard Barton [richardshunyabarton@mac.com]  
**Sent:** Sunday, March 15, 2009 5:04 PM  
**To:** JGO Testimony  
**Subject:** GM 355

This is to strongly oppose the GM 355 confirming Mark Valencia as a member of the Civil Rights Commission. Mr. Valencia's actions in this area have shown that he is either unwilling or unable to work to ensure that the civil rights of Hawaii citizens are not abrogated based on sexual orientation as directed by Hawaii state law. For this reason confirmation of Mr. Valencia would bring into question the validity of the Commission as the enforcer and advocate of such protections.

Most sincerely,  
Richard Barton  
Honolulu, Hawaii

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**From:** Jose Bulatao, Jr. [mrb@hawaiiink.net]  
**Sent:** Sunday, March 15, 2009 5:26 PM  
**To:** JGO Testimony  
**Subject:** opposition to religious perspectives in civil rights bill pending

It has been called to my attention that religious right conservatives in the persons of Stan Koki and Mark Valencia oppose the passage of the Civil Union bill that is before the Hawaii State Legislature.

As a Christian conservative myself, I feel that it is inappropriate to impose religious perspectives on the civil rights of any individual in a democratic society.

If Mr. Koki and Mr. Valencia are expressing the viewpoint that civil unions must reflect a religious perspective, I feel that they are in error.

Sincerely,

Jose Bulatao, Jr.  
Member, West Kauai United Methodist Church  
Registered Republican

4614 Kokee Road  
Kekaha, HI 96752

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**From:** Doran J. Porter [Porter@hawaii.rr.com]  
**Sent:** Sunday, March 15, 2009 5:30 PM  
**To:** JGO Testimony  
**Subject:** Opposition to the appointment of Mark Valencia

Measure Number: GM 355 (Valencia).

Date: Tuesday, 3/17/09

Time: 9:30 a.m.

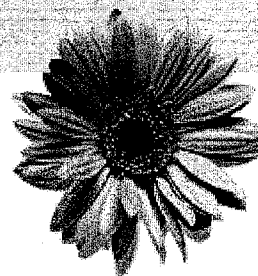
Location: Conference Room 016, Hawaii State Capitol, 415 S.  
Beretania, Honolulu

I wish to express my **STRONG OPPOSITION** to the appointment of Mark Valencia to serve on the Hawaii Civil Rights Commission. Mr Valencia does not appear to have a grasp of the role of the commission in the protection of the civil rights of the citizens of Hawaii and I do not believe his appointment would serve the citizens of Hawaii well.

Doran J. Porter  
46-462 Hulupala Place  
Kaneohe, Hawaii 96744

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**From:** Siobhán Ní Dhonacha [nidhonacha@hawaii.rr.com]  
**Sent:** Sunday, March 15, 2009 6:31 PM  
**To:** JGO Testimony  
**Subject:** Commissioners to the Hawaii Civil Rights Commission (HCRC) - Mark Valencia - Please Do Not Reappoint!!!  
**Attachments:** top.jpg; bottom.jpg; bg\_pattern.jpg; bg\_letter.jpg



Dear Senate Committee on Judiciary and Government Operations,

Mark Valencia of the HCRC Commissioners opposed the HCRC submitting testimony in favor of Civil Unions bill, HB 444.

Mark Valencia also opposed Hawaii House Resolution No. 7 requesting the US Congress to establish a non-discrimination policy based upon sexual orientation for members of the US armed forces.

It appears that Mark Valencia is a religious right conservative that has put his personal religious views ahead of civil rights for all.

In doing so, Commissioner Mark Valencia has contradicted existing State laws and decisions to protect people based upon sexual orientation. This proven bias makes Commissioner Mark Valencia unable to fulfill the duty to uphold the very important mission of the Hawaii Civil Rights Commission.

It is time to replace this Commissioner with a Commissioner who embodies and lives the ethics, concept and true mission of the Hawaii Civil Rights Commission (HCRC).

The HCRC needs to do the job it was intended to do, which is to protect, support and help to create a just Hawai'i for all, and a society of equality. One not impeded by personal religious views.

Thank you for taking the time to read this testimony. Please, **do not** reappoint Mark Valencia.

Let real change and equality for all come to Hawai'i!

Sincerely,

Siobhán Ní Dhonacha  
171 Mott-Smith Drive, #1112  
Honolulu, HI 96822

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**From:** Bran-D Foster Heckman [brand808@gmail.com]  
**Sent:** Sunday, March 15, 2009 7:06 PM  
**To:** JGO Testimony  
**Subject:** Fwd: Don't Confirm Mark Valencia

Measure Number: GM 355 Valencia

Date: Tuesday, 3/17/09

Time: 9:30 a.m.

Location: Conference Room 016, Hawaii State Capitol, 415 S.Beretania, Honolulu

Please do not confirm Mark Valencia. Mr.Valencia opposed Hawaii House Resolution No. 7 requesting the US Congress establish a non-discrimination policy based upon sexual orientation for members of the US armed forces.

Mark Valencia has put his religious views ahead of civil rights. In doing so, Mr. Valencia is contradicting existing State laws and decisions to protect people based upon sexual orientation. Mark Valencia proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission. He is not for equal rights.

Aloha,  
Bran-D Foster Heckman  
2507A Rainbow Dr  
Hon, Hi 96822



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**From:** E Foster Heckman [efoste@gmail.com]  
**Sent:** Sunday, March 15, 2009 7:22 PM  
**To:** JGO Testimony  
**Subject:** Please do not confirm Mark Valencia

Measure Number: GM 355 Valencia  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.  
Location: Conference Room 016, Hawaii State Capitol, 415 S.Beretania, Honolulu

Please do not confirm Mark Valencia. Mr.Valencia opposed Hawaii House Resolution No. 7 requesting the US Congress establish a non-discrimination policy based upon sexual orientation for members of the US armed forces. Furthermore, he opposed HCRC submitting testimony in favor of the important civil unions bill, HB 444.

Mark Valencia has put his religious views ahead of civil rights. In doing so, Mr. Valencia is contradicting existing State laws and decisions to protect people based upon sexual orientation. Mark Valencia proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission. He is not for equal rights.

Thank you for your consideration.

Aloha,  
E Foster Heckman  
2507A Rainbow Dr  
Honolulu, Hi 96822

--  
Elizabeth Foster Heckman, M.Ed.



Let the beauty of what you love be what you do ~Jalal ad-Din Rumi

Be the change you want to see in the world. ~Mahatma Gandhi

May all beings be safe and free from anger, fear, greed, dilution and all ill being. ~Buddhist Peace Delegation

<http://www.bpf.org/html/home.html>



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**From:** Beth I [irikura@yahoo.com]  
**Sent:** Sunday, March 15, 2009 7:15 PM  
**To:** JGO Testimony  
**Subject:** GM 355: Opposition to reappointment of Mark Valencia

Measure Number: GM 355 (Mark Valencia)

Date: Tuesday, 3/17/09

Time: 9:30 a.m.

To Whom It May Concern:

I strongly oppose the reappointment of Mark Valencia to the Hawaii Civil Rights Commission. As Commissioner, Mark Valencia refused to defend civil rights, specifically refusing to present the viewpoint that the civil rights of same-sex couples and their families matter. It is farcical to allow someone who failed in his commission as a public servant and defender of civil rights to be part of such a commission.

Sincerely,  
Beth Irikura

March 15, 2009

Senate Committee on Judiciary and Government Operations  
Hawaii State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813

Re: Measure Number GM 355 – Mark Valencia

Hearing Date: Tuesday, March 17, 2009

Time: 9:30 am

Location: Conference Room 016, Hawaii State Capitol, 415 S. Beretania,  
Honolulu, HI

Chairman Brian Taniguchi and members of the Committee on Judiciary and Government Operations:

As a resident of Hawaii and registered voter, I strongly urge you to **vote against** the confirmation of Mark Valencia as a member of the Hawaii Civil Rights Commission.

In his past service on the Commission, Mr. Valencia has not defended the civil rights of all of the citizens of the State of Hawaii. Instead, he has been governed by his religious beliefs in matters coming before the Commission and has actively promoted an agenda to advance these beliefs. Among many issues, his votes have been in conflict with Hawaii laws and decisions that give protection to Hawaii citizens based on sexual orientation.

We need members on the Commission who respect the separation of Church and State. Mr. Valencia has clearly demonstrated that he is unwilling to do so.

Again, please vote against the confirmation of Mark Valencia.

Thank you for listening.

Sincerely,

Gary Okabayashi  
1551 Ala Wai Blvd. #2304  
Honolulu, HI 96815

March 15, 2009

Senate Committee on Judiciary and Government Operations  
Hawaii State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813

Re: Measure Number GM 355 – Mark Valencia

Hearing Date: Tuesday, March 17, 2009

Time: 9:30 am

Location: Conference Room 016, Hawaii State Capitol, 415 S. Beretania,  
Honolulu, HI

Chairman Brian Taniguchi and members of the Committee on Judiciary and Government Operations:

As a resident of Hawaii and registered voter, I strongly urge you to **vote against** the confirmation of Mark Valencia as a member of the Hawaii Civil Rights Commission.

In his past service on the Commission, Mr. Valencia has not defended the civil rights of all of the citizens of the State of Hawaii. Instead, he has been governed by his religious beliefs in matters coming before the Commission and has actively promoted an agenda to advance these beliefs. Among many issues, his votes have been in conflict with Hawaii laws and decisions that give protection to Hawaii citizens based on sexual orientation.

We need members on the Commission who respect the separation of Church and State. Mr. Valencia has clearly demonstrated that he is unwilling to do so.

Again, please vote against the confirmation of Mark Valencia.

Thank you for listening.

Sincerely,

Lenny Zimmerman  
1551 Ala Wai Blvd. #2304  
Honolulu, HI 96815

**Testimony in Opposition  
to the Appointment of Mark G. Valencia as Civil Rights Commissioner  
(Governor Message 355)**

To: Judiciary and Governmental Operations Committee.  
Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice-chair  
Members: Senator Robert Bunda, Senator Mike Gabbard, Senator Sam Slom

Fm: Jo-Ann M. Adams, Member, GLBT Caucus, Democratic Party of Hawaii

Thank you for the opportunity to testify in opposition to the Appointment of Mark G. Valencia as Civil Rights Commissioner.

In establishing the Civil Rights Commission, the Legislature declared that “the practice of discrimination because of race, color, religion, age, sex, sexual orientation, marital status, national origin, ancestry, or disability in employment, housing, public accommodations, or access to services receiving state financial assistance is against public policy.” [Underlining added.]

Section 368-2 states in pertinent part: “The members appointed to the commission shall be selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals.” [Underlining added.]

Mark G. Valencia fails to meet the requirements set forth in Section 368-2. He lacks experience in civil rights matters, and he has not demonstrated a commitment to the preservation of civil rights of all individuals. To the contrary, he has a demonstrated commitment to limit or deny civil rights based on sex and sexual orientation.

He voted not to support House Resolution No. 7, “Requesting the United States Congress to Establish a Policy of Nondiscrimination on the Basis of Sexual Orientation for Members of the United States Armed Forces.”

In “*Mitchell V. Helms and The Modern Cultural Assault on The Separation of Church and State*” by Derek H. Davis states: “Conservative religious groups, convinced of the connection between Supreme Court decisions and school violence, have set about once again to find ways in which to gain official sanction for the ‘return’ of religious practice to public school classrooms” and cites an article written by Mark G. Valencia, *Take Care of Me When I am Dead: An Examination of American Church-State Development and the Future of American Religious Liberty*, 49 SMU L. Rev. 1579, 1632 (1996).

When a person takes the oath of office, he places his hand on the Bible and swears to uphold the Constitution; he does not put his hand on the Constitution and swear to uphold the Bible. Mark G. Valencia has a track record which shows that he does the latter rather than the former. Consequently, he is not qualified to serve as a Civil Rights Commissioner.

I oppose the appointment of Mark G. Valencia as Civil Rights Commissioner.

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**From:** kenplonsky@aol.com  
**Sent:** Sunday, March 15, 2009 10:38 PM  
**To:** JGO Testimony  
**Subject:** GM 355 (Valencia) - hearing Tuesday 3/17/09 9:30 Strong opposition

Dear Chair and committee members,

I am testifying in strong opposition to the confirmation  
(GM 355 (Valencia))

This commissioner has put their religious views ahead of civil rights.  
In doing so, Valencia is contradicting existing State laws and  
decisions to protect people based upon sexual orientation. Their  
proven bias makes them unable to fulfill their duties to uphold  
the very important mission of the Hawaii Civil Rights  
Commission.

Thank for the opportunity for testifying.

Aloha,  
Ken Plonsky  
1778 Ala Moana Blvd apt 2208  
Honolulu, Hi 96815

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**From:** Kate E Sample [katesample@mac.com]  
**Sent:** Sunday, March 15, 2009 11:16 PM  
**To:** JGO Testimony  
**Subject:** GM 355 NO

Re: Measure Number: GM 355 (Valencia).  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.  
Location: Conference Room 016, Hawaii State Capitol, 415 S.  
Beretania, Honolulu

I am submitting testimony in opposition to this nomination.  
Mr. Valencia is not supportive of equal civil rights and his appointment is purely a political ploy to undermine the work of the Civil Rights Commission.

Please do not confirm Valencia for this position.

Rev. Kate Sample  
1334 Ihona Place  
Kapaa, HI 96746

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**From:** MICHAEL GOLOJUCH [mjgolo@email.phoenix.edu]  
**Sent:** Monday, March 16, 2009 12:05 AM  
**To:** JGO Testimony  
**Subject:** Confirmation Hearing - GM355 (Valencia)

Senate Committee on Judiciary Government Operations: Chair Brian Taniguchi and all committee members

Tuesday, March 17, 2009 – 9:30 a.m.  
Hawaii State Capitol – Conference Room 016

RE: Measure Number: GM 355 (Valencia) – STRONG Opposition

Mark Valencia should not be confirmed to another term on the Hawaii Civil Rights Commission.

As an attorney he should be using a civil interpretation of the law instead of any particular religious convictions. His votes against HCRC measures supporting civil unions and issues concerning sexual orientation shows that he does serve the best interest of civil rights for all people.

Please do not vote to confirm Mark Valencia. Thank you for listening to my position.

Mike Golojuch  
92-954 Makakilo Drive #71  
Kapolei, HI 96707-1340



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**From:** Leah Koeppel [mocha\_deliciousness@yahoo.com]  
**Sent:** Monday, March 16, 2009 6:49 AM  
**To:** JGO Testimony  
**Subject:** Testimony GM 355(Valencia); 3-17-09; 9:30 am

To whom it may concern,

I strongly oppose allowing Mark Valencia to serve another term in the Hawaii Civil Rights Commission. I am aware of his religious affiliations, and of the influence that his beliefs have in his decision-making, and I do not believe that he's capable of remaining unbiased when it comes to civil rights-like civil unions.

I hope my opinion is something that you will take into consideration.

Thank you,

Leah Koeppel

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**From:** John Bickel [jbickel15@yahoo.com]  
**Sent:** Monday, March 16, 2009 7:06 AM  
**To:** JGO Testimony  
**Subject:** Koki and Valencia

John Bickel  
2415 Ala Wai Blvd. 901  
Honolulu, HI 96815

I am writing to testify against the nominations of Stan Koki and Mark Valencia to the Civil Rights Commission. Nationally we have just witnessed the results of a banking industry where the regulators didn't believe in the regulations. We don't want to do a parallel thing to Hawaii Civil Rights. If we should have learned something from the Holocaust, it is that rights need to be for all people or they are no longer rights; they are privileges. Remember the words of Rev. Martin Niemoller and vote against these two nominations: "In Germany at first they came for the Communists. I wasn't a Communist; so I didn't speak up. Then they came for the Jews. I wasn't a Jew; so I didn't speak up. Then they came for the trade unionists. I wasn't a trade unionist; so I didn't speak up. Then they came for the Catholics. I was Protestant; so I didn't speak up. Then they came for me. By that time, no one was left to speak up."

## Testimony

Testifying: Nancy Moser  
To: Senate Judiciary and Government Operations Committee  
Hearing Date: March 17, 2009 at 9:30 am Conference Room 016  
Item: Strongly Opposing GM 355 Nomination of Mark Valencia

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Chair Taniguchi, Vice-Chair Takamine, and members of the Committee:

I ask that this committee turn aside the nomination of Mark Valencia to the Hawaii Civil Rights Commission.

Mr. Valencia placed religious dogma and political party interests ahead of the Constitution and law. This is not compatible with what is required from a Civil Rights Commissioner.

Thank you for this opportunity to testify in strong opposition to the nomination of Mark Valencia.

Nancy Moser  
3931 Pili Place  
Honolulu, HI 96816

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**From:** Thomas Luna [themooninc@yahoo.com]  
**Sent:** Monday, March 16, 2009 9:47 AM  
**To:** JGO Testimony  
**Subject:** Measure Number: GM 355

Measure Number: GM 355 (Mark Valencia)  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.  
Location: Conference Room 016, Hawaii State Capitol, 415 S.  
Beretania, Honolulu

JGOTestimony:

Denying the civil rights of some citizens because of the religious beliefs of other citizens is against the United States Constitution. The First Amendment to that Constitution grants freedom of speech and thought; it also grants freedom of religion - all of which were often denied in other countries at the time. By insisting on a separation of State and Church, the Amendment guarantees that no one's religious beliefs can affect the fair proceedings of government.

By using his religious beliefs as the measure by which he determines his vote on issues before the Civil Rights Commission, GM 355 (Mark Valencia) denies the validity of the First Amendment, thereby making him unfit to serve on that Commission. Renewing his position would be a further denial of the Constitution.

Therefore, I strongly recommend that he not be renewed in his position.

Sincerely,

Thomas Luna

## Testimony from Pamela DaGrossa in Opposition

Measure Number: **GM 355** (Mark Valencia)  
Date: **Tuesday, 3/17/09**  
Time: **9:30 a.m.**  
Location: **Conference Room 016, Hawaii State Capitol, 415 S. Beretania**

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Aloha Sen. Taniguchi, Sen. Takamine, and committee members,

I am writing to **oppose the confirmation of Mr. Mark Valencia** to the Hawaii Civil Rights Commission (HCRC).

Mr. Valencia has a record of imposing his own religious moral framework on the public via his public positions. There is no place for this in government, and certainly no place for this on the HCRC.

A capable commissioner is able to set aside his own particular views and practices in order to provide our citizens protection from discrimination “because of race, religion, sex or ancestry,” whether or not that commissioner believes those citizens’ role, identity, or behavior is acceptable. A commissioner who applies a discriminatory belief system is not able to do this job.

Please, in the interest of civil rights, do NOT confirm Mr. Valencia to the HCRC.

Sincerely,

Pamela DaGrossa  
327 Keaniani St.  
Kailua, HI 96734  
261-7652

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 16, 2009 11:26 AM  
**To:** JGO Testimony  
**Cc:** mgolojuch@hotmail.com  
**Subject:** Testimony for GM355 on 3/17/2009 9:30:00 AM

Testimony for JGO 3/17/2009 9:30:00 AM GM355

Conference room: 016  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Michael Golojuch, Jr.  
Organization: Individual  
Address: 92-954 Makakilo Dr. #71 Kapolei, HI  
Phone: 672-9050  
E-mail: [mgolojuch@hotmail.com](mailto:mgolojuch@hotmail.com)  
Submitted on: 3/16/2009

**Comments:**

I strongly oppose the nomination of Mark Valencia.

He has a history of not supporting the Civil Rights for gay community.

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**From:** Three Ring Ranch [animals@threeringranch.org]  
**Sent:** Monday, March 16, 2009 11:48 AM  
**To:** JGO Testimony  
**Subject:** GM 355 -Valencia- oppose

Aloha Senate Committee on Judiciary and Government Operations,

I oppose the confirmation of Mark Valencia. He has proven unable to separate his religious views from his civic duties.

Kind Regards,

Ann Goody PhD

Three Ring Ranch Exotic Animal Sanctuary  
Kona, Hawaii  
Ann Goody, Curator  
[www.threeringranch.org](http://www.threeringranch.org)

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**From:** Kristin Bacon [kbacon@hawaii.edu]  
**Sent:** Monday, March 16, 2009 1:12 PM  
**To:** JGO Testimony  
**Subject:** Testimony regarding GM 355

Regarding Hearing:  
Measure Number: GM 355  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.  
Location: Conference Room 016, Hawaii State Capitol, 415 S.  
Beretania, Honolulu

Dear Senate Committee on Judiciary and Government Operations,

I am writing to testify that I strongly oppose the confirmation for another term of Mark Valencia as Commissioner to the Hawaii Civil Rights Commission (HCRC).

Valencia has proven himself to be a religious right conservative that has chosen to put his religious views ahead of civil rights. In doing so, Valencia is contradicting existing State laws and decisions to protect people based upon sexual orientation. This proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission.

As a proud citizen of Hawai'i who whole-heartedly believes in our government's ability to care for all of our people, I take it very seriously when a government official puts their personal religious beliefs and opinions before their responsibility to uphold their position and serve everyone equally. I believe such a person is unfit to hold public office. Mark Valencia is such a person.

Thank you for upholding the mission of the Hawaii Civil Rights Commission by not confirming Mark Valencia for another term.

Aloha,  
Kristin Bacon  
1717 Mott-Smith Drive  
Apartment #1112  
Honolulu, HI 96822



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**From:** ajoyhawaii1@aol.com  
**Sent:** Monday, March 16, 2009 1:36 PM  
**To:** JGO Testimony  
**Subject:** opposed to the appointment of both Mr.Koki and Mr.Valencia

I am opposed to the appointment of both Mr. Koki and Mr.  
Valencia.

Aloha,

Agnes Joyce

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**Dear Chair Taniguchi, Vice-Chair Takamine and Members of the Senate Judiciary & Government Operations Committee:**

My name is Colleen Murphy, and I am a Realtor, homeowner, and real estate investor (properties in both Kaneohe and Mililani) and I stand in STRONG OPPOSITION to the confirmation of Mark Valencia to the Hawaii Civil Rights Commission.

Members of the HCRC need to support the preservation of civil rights for all of Hawaii's residents and the track record of Valencia indicates otherwise. In evidence of this, I cite votes against both support of HB444—civil unions, which would provide basic civil rights to same-sex couples in Hawaii—and against House Resolution 7, requesting the US Congress to establish a non-discrimination policy based upon sexual orientation for members of the US armed forces.

Valencia has put his religious views ahead of civil rights. In doing so, he is contradicting existing State laws and decisions to protect people based upon sexual orientation. His proven bias makes him unable to fulfill his duties to uphold the very important mission of the Hawaii Civil Rights Commission. Being pro-civil rights and anti-discrimination should be basic requirements for this commission, and I strongly urge you not to confirm Mark Valencia to the HCRC.

Mahalo,



Colleen Murphy  
44-160 Kou Pl. #7  
Kaneohe, HI 96744  
(808) 218-0408  
(808) 554-4122  
[cmurphyrealtor@yahoo.com](mailto:cmurphyrealtor@yahoo.com)  
[grantmonica@yahoo.com](mailto:grantmonica@yahoo.com)

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**From:** Claire Gearen [clairegearen@gmail.com]  
**Sent:** Monday, March 16, 2009 3:14 PM  
**To:** JGO Testimony  
**Subject:** GM 355, March 17th, 9:30

RE:

Measure Number: GM 355 (Valencia).

Date: Tuesday, 3/17/09

Time: 9:30 a.m.

Location: Conference Room 016, Hawaii State Capitol, 415 S.  
Beretania, Honolulu

Aloha.

I am writing in opposition to the confirmation of Mark Valencia as Hawaii Civil Rights Commission Commissioner. He is unfit for the job, as he has shown a disregard for the civil rights of some individuals.

A member of the commission according to the revised Hawaii statute "shall be selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals." Valencia has neither qualification.

Thank you,  
Claire Gearen  
1212 Punahou St. #2601  
Honolulu, Hawaii 96826

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**From:** Steve Hire [steve@maui aids.org]  
**Sent:** Monday, March 16, 2009 2:50 PM  
**To:** JGO Testimony  
**Subject:** Oppose GM 355 (Valencia) confirmation

Measure Number: GM 355 (Valencia).  
Date: Tuesday, 3/17/09  
Time: 9:30 a.m.

Please be advised that I oppose the confirmation of Mr. Valencia.

Thank you,

Steve F. Hire  
1662 Kalama St.  
Wailuku, HI  
96793

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**From:** Lino Laure [linolaure@hotmail.com]  
**Sent:** Monday, March 16, 2009 3:49 PM  
**To:** JGO Testimony  
**Subject:** GM 355 (Confirmation of Mark Valencia)

Measure Number: GM 355 (Valencia)  
Date: Tuesday, 3/17/09  
Time: 9:30 am  
To: Senate Committee on Judiciary and Government Operations

Dear Committee Chair and Senators,

My name is Lino Laure and I submit testimony against the confirmation of Mark Valencia for another term in the Hawaii Civil Rights Commission (HCRC).

According to Hawaii Revised Statutes, 368-2: "The members appointed to this commission shall be selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals."

Mark Valencia had the opportunity to demonstrate the ideals of the HCRC by supporting the Civil Union Bill HB444, but instead voted against the bill. From one who holds an important post in the HCRC, Mark Valencia's nonsupport of HB444, a civil rights legislation, clearly shows his inability to fulfill his duty as an agent committed to protecting the rights of all citizens of Hawaii.

Thank you,  
Lino Laure

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