



*National Association for the Advancement of Colored People
Honolulu Hawai'i Branch*

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March 17, 2012

Hawaii State Senate
Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Aloha,

The Honolulu-Hawaii Branch of the National Association for the Advancement of Color People (NAACP) strongly supports the confirmation of Kim Coco Iwamoto to the Hawaii Civil Rights Commission. Kim is a champion of civil rights and equality. We feel strongly that she will faithfully represent the best interest of the people living in Hawaii and strongly urge her confirmation!

Sincerely,

Alphonso Braggs
President

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March 19, 2012

Testimony With Comments Concerning GM 646
Nominating Kim Iwamoto to the Hawaii Civil Rights Commission

State of Hawaii
Senate Committee on Judiciary and Labor

Hearing Date: March 20, 2012; **10:15 a.m.** Conf 016

TO: Committee on JDL
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee Members

Honorable Chair, Vice Chair and members of the Senate Committee on Judiciary and Labor, this testimony comments on the Governor's nomination of Kim Iwamoto to the Hawaii Civil Rights Commission pursuant to GM 646.

My name is Jim Hochberg and I have been an attorney in Honolulu since 1984, during most of which time I have included in my practice a pro bono project protecting the 1st Amendment rights of religious folks in Hawaii. I also served as one of seven members on the Governor's Commission of Sexual Orientation and the Law in 1995. I testify and lobby on my own behalf as part of that pro bono service.

Please ask these questions of Kim Iwamoto in connection with the nomination to the Civil Rights Commission:

1. The HCRC's jurisdiction is limited to discrimination in employment (HRS 378) and real estate transactions (HRS 515) and public accommodations (HRS 489).
 - a. Have you read those statutes?
 - b. If not, why not? When do you plan on reviewing them?

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- c. HRS 489 prohibits discrimination, among other reasons, on the basis of sex. The Catholic Churches does not allow women to be ordained as priests, the required initial stepping stone to Bishop, ArchBishop, Cardinal and Pope.
- i) Should a woman be able to bring a claim before the HRCR against the Catholic Church because of that under any of the statutes the HCRC enforces?
 - ii) HRS 489 also prohibits discrimination on the basis of religion. Don't churches discriminate on the basis of religion? Should a non-believer be permitted to bring a claim at the HCRC against a church for discriminating on the basis of religion?
 - iii) If a person rents out a room in his/her home, should the HCRC have jurisdiction?

If yes, under which of the 3 subject matter jurisdiction statutes mentioned above?
 - iv) Are you aware of the Hosana Tabor opinion under Title 7 claim that Supreme Court of the United States issued? (It was a unanimous decision protecting religious freedom for religious institutions. Issued Jan 2012).
 - v) Should a private Christian school be compelled by the HCRC to hire a non-Christian teacher, or a teacher who fails to meet the standard of conduct required for its employees?
 - vi) If there is a case before the HCRC involving a conflict between the statutory rights of LBGT people and the constitutional rights afforded to religious institutions, which do you think should prevail?
- d. As an attorney, are you familiar with the common law history of public accommodations?
- (1) What historically were considered to be public accommodations?
 - (2) What role do public accommodation statutes play in that history?

JAMES HOCHBERG

ATTORNEY AT LAW

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2. Many Christians believe that same sex civil unions and marriages are morally wrong according to their faith. Would you, as a member of the HCRC, support the right of churches, holding such views, to deny same sex couples the use of the church sanctuary, facilities, and other property to solemnize or celebrate their same sex union?


3. When you served on the Board of Education, you used BOE stationery to testify in support of civil unions. Did the BOE vote to support the passage of a civil union law?

As was stated in January, 2012 by the a three judge panel of the Sixth Circuit Court of Appeals:

"Tolerance is a two-way street. Otherwise, the rule mandates orthodoxy, not anti-discrimination." JULEA WARD v. VERNON POLITE; United States Court of Appeals, Sixth Circuit. Decided and Filed: Jan. 27, 2012.

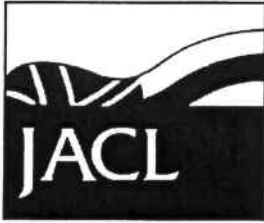
Thank you for your consideration of my testimony and I remain available to assist in any way that I can to resolve this issue to protect the religious freedom of the churches in Hawaii with respect to the use of their properties concerning civil unions.

Sincerely,



JAMES HOCHBERG

JH:lz



JAPANESE AMERICAN CITIZENS LEAGUE

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March 19, 2012

Testimony in Support of GM 646: Nominating Kim Coco Iwamoto to the Hawai'i Civil Rights Commission

The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

Thank you for this opportunity to submit testimony in support of Kim Coco Iwamoto's nomination to the Hawai'i Civil Rights Commission. The JACL is honored to present comments about Ms. Iwamoto's dedication to public service and civil rights. Always vigilant, always thorough and thoughtful in researching the issues and looking at the big picture, always fearless in speaking out for what is right—these characteristics all demonstrate that Kim Coco will be a strong commissioner on the Hawai'i Civil Rights Commission.

Founded in 1929, JACL is the nation's oldest and largest Asian Pacific American civil rights organization. Locally our organization works to protect the civil and human rights of all. This work includes support for legal recognition of same-sex unions, Native Hawaiian self-determination, and protections for immigrant rights.

Kim Coco Iwamoto's commitment to civil rights is paramount. Kim Coco has tirelessly worked on a number of issues including civil unions, workers' rights, public accommodations, Hawaii's youth, and legal services for the poor. She consistently works with and on behalf of those who are or have been silenced or marginalized.

In addition, Kim Coco will bring to the Commission her experiences as a therapeutic foster parent, member of the Board of Education, attorney, and small business owner. Elected to two terms on the Board of Education, Ms. Iwamoto researched, worked, and spoke on the issues involving Hawaii's public education system. While keeping students a priority, she ensured the Department of Education was fulfilling its obligation to students and the people of Hawai'i.

The JACL extends its full support of Kim Coco Iwamoto's nomination to the Hawai'i Civil Rights Commission.

Sincerely,

Trisha Y. Nakamura, Esq.
President

UNITE HERE!

LOCAL 5 HAWAII

Eric Gill, Financial Secretary-Treasurer

Hernando Ramos Tan, President

Godfrey Maeshiro, Senior Vice-President

Monday, March 19, 2012

The Honorable Clayton Hee, Chair
and Members
Hawaii State Legislature
Senate Committee on Judiciary and Labor
State Capitol
415 S. Beretania Street

Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor:

On behalf of UNITE HERE Local 5, a local labor organization representing approximately 10,000 hotel, health care and food service workers employed throughout our State, I hereby register our organization's strong support of GM 646 and the confirmation of Ms. Kim Coco Iwamoto to the Hawaii State Civil Rights Commission.

As a proven and dedicated community leader, our organization has had the privilege of working closely with Ms. Iwamoto since 2006. In that time, we have observed first-hand her steadfast commitment towards defending the public's interest.

We know Ms. Iwamoto to be an outstanding member of our community with a distinguished record of community service. She has been a strong advocate for the thousands of members of Local 5 who work tirelessly to provide for a better future for themselves and their families, and has dedicated countless hours advocating for fairness and equality in our community. As an educator, community leader and civil rights advocate, we are confident that Ms. Iwamoto, if confirmed, will continue to serve in our community's best interest.

We stand in strong support of GM 646 and humbly ask for your Committee's support of Ms. Iwamoto's nomination.

Sincerely,

Cade Watanabe
Community/Political Organizer