



HAWAI'I CIVIL RIGHTS COMMISSION

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

February 8, 2011
State Capitol Auditorium
2:15 p.m.

To: The Honorable Gilbert Keith-Agaran, Chair
Members of the House Committee on Judiciary

From: Coral Wong Pietsch, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 1244

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC opposes H.B. No. 1244 in large measure, because the bill would establish a broad religious exemption to laws of general applicability, including the public accommodations anti-discrimination law that fall under HCRC jurisdiction. However, the HCRC supports the establishment of a narrow religious exemption which would allow clergy who are authorized to perform marriages to refuse to perform solemnizations of civil unions.

S.B. No. 232, S.D. 1, which is currently under consideration, proposes an express religious exemption allowing clergy who are authorized to perform marriages to refuse to perform solemnizations of civil unions. The HCRC has supported this narrowly crafted religious exemption, consistent with free exercise of religion and other religious exemptions in our civil right laws.

However, this bill creates an exemption that is much broader in scope and vague in definition and parameters. Religious organizations provide a range of social services (marriage counseling, adoption and foster care services, etc.), some funded by state funding through grants or purchase of service contracts. Many own, operate, or control enterprises that offer goods, services, or facilities to the general public as public accommodations. Under the vague and overly broad language of the bill, these religious organizations could arguably be exempted from legal obligations to provide those services in a non-discriminatory manner to same sex couples who are married or in civil unions, on the basis that such relationships violate the organization's religious beliefs.

Impact of the proposed exemption

H.B. No. 1244 expressly provides:

(b) Religious institutions or organizations, or religious or charitable organizations operated, supervised or controlled by a religious institution or organization, shall not be required to provide to an individual or individuals, services, accommodations, benefits, advantages, facilities, goods, or privileges that are related to a solemnization or celebration of a same-sex relationship, such as a same-sex marriage or a civil union between persons of the same sex, if the solemnization or celebration is in violation of the institution or organization's religious beliefs and faith. Any refusal to provide services, accommodation, benefits, advantages, facilities, goods, or privileges that is made in accordance with this subsection shall not create any civil claim or cause of action or result in any state action to penalize or withhold benefits from the institution or organization that refused.

The proposed statutory exemption is vague and overly broad. The newly created exemption could arguably allow religious institutions or organizations to discriminate against same-sex couples in civil unions in: 1) social services to the public, both state and privately funded; 2) use of church facilities that are offered to the general public for a fee (e.g., grounds, halls, catering services) for marriages and other celebrations; and 3) commercial enterprises owned, operated, or controlled by a religious institution or organization that rent out accommodations or facilities or sells goods or services.

Basis for HCRC Opposition

The proposed exemption would allow religious institutions and organizations to discriminate on the basis of a protected basis, sexual orientation, that does not conform with their religious doctrines and beliefs. This exemption to discriminate would not be religious ceremonies, but would extend to social services and

public accommodations. Arguably, it would allow religious organizations that own, operate, or control places of public accommodations to discriminate against same-sex couples who are married or in civil unions in the provision of services, accommodations, benefits, advantages, facilities, goods, or privileges. This broad exemption conflicts with the H.R.S. chapter 489 protections against discrimination in places of public accommodations on the basis of sexual orientation, and diminishes the legitimacy and recognition of civil unions (if enacted). Religious exemptions to laws of general applicability, including civil rights laws that prohibit discrimination, should be narrowly drawn. The HCRC opposes the establishment of such a broad exemption to the public accommodations law that falls under HCRC jurisdiction.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 6:18 PM
To: JUDtestimony
Cc: William.D.Hoshijo@hawaii.gov
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: HB 1244 HCRC test. House JUD 2-8-11.doc

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: Yes
Submitted by: William Hoshijo
Organization: Hawai`i Civil Rights Commission
Address: 830 Punchbowl St., Rm. 411 Honolulu, Hawai`i
Phone: 586-8636
E-mail: William.D.Hoshijo@hawaii.gov
Submitted on: 2/7/2011

Comments:

If there is any problem or question regarding this testimony, please contact Bill Hoshijo at the email address above.



HAWAI'I CIVIL RIGHTS COMMISSION

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

February 8, 2011
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JUDtestimony

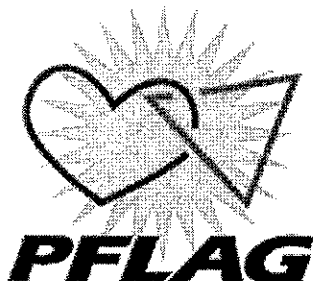
From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 12:23 AM
To: JUDtestimony
Cc: gomama808@gmail.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: HB1244 Oppose 2-8.doc

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Pres. Carolyn M. Golojuch, MSW
Organization:
Address: 92-954 Makakilo Dr. #71 Kapolei, HI
Phone: 779-9078
E-mail: gomama808@gmail.com
Submitted on: 2/8/2011

Comments:

**PFLAG-OAHU (Parents, Families and Friends of
Lesbians, Gays, Transgendered, Bisexuals,
Transgendered & Questioning)**



92-954 Makakilo Dr. #71, Kapolei, HI 96707 (808) 672-9050
golojuchc@hawaii.rr.com www.pflagoahu.org

ATTN: House Judiciary Committee

HEARING DATE: February 8, 2011
HEARING TIME: 2:15 p.m.
PLACE: Auditorium

IN OPPOSITION TO HB1244 - RELATING TO LEGAL RELATIONSHIPS

Dear Chair Keith Agaran and members of the Judiciary Committee:

PLACE: Auditorium

IN OPPOSITION TO HB1244 - RELATING TO SOLEMNIZATION

Dear Chair Keith Agaran and members of the Judiciary Committee:

PFLAG-Oahu opposes the passage of HB1244. This bill is unnecessary.

HB1244 seeks to codify that no church or charitable organization operated by a church be required to perform same-sex ceremonies. It is time that Hawaii stops bowing to the radical Christian churches that pay no taxes but continue to dictate state treatment of all citizens whether they believe in the churches rules or not. We live in a country governed by Separation of State and Church. Healthy spiritual guidance promotes social justice for all, not denying others social justice.

There is nothing in the law that requires any individual or any institution to perform these ceremonies, just as there is nothing in the law that requires any individual or any institution to perform marriages. Civil Unions are not marriage as they don't carry Federal coverage.

Currently the parties to a marriage ceremony voluntarily agree to enter into a contract. This will also be true for any same-sex ceremony.

There is no reason to codify that this contractual relationship is voluntary and not mandated by law.

Sincerely,

Carolyn Martinez Golojuch, MSW
President

WITH LIBERTY AND JUSTICE FOR ALL

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 10:01 AM
To: JUDtestimony
Cc: director@hawaiidemocrats.org
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: CU House.dot

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Debi Hartmann
Organization: Democratic Party of Hawai'i
Address: 1050 Ala Moana Blvd. Honolulu, HI
Phone: 596-2980
E-mail: director@hawaiidemocrats.org
Submitted on: 2/7/2011

Comments:

Debi Hartmann
Executive Director
Democratic Party of Hawai'i

House Committee on Judiciary
February 8, 2011
2:15 PM
State Capitol Auditorium

HB 1244
HB1453
SB232 SD1

Monday, February 7, 2011
State Capitol Auditorium
2:15 PM

HB 1244
HB 1453
SB 232 SD1

To: House Committee on Judiciary
Representative Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Testimony of: Debi Hartmann
Executive Director
Democratic Party of Hawai'i

My testimony this afternoon will address the three Bills before the Judiciary Committee today.

HB 1244 – We support the intent of the Bill but question the need. The purpose of this bill, religions protection, has always been included in a civil union bill before the legislature.

HB 1453 – We applaud the work that went into the preparation of this bill – especially the opportunity to view all sections of HRS that are impacted by inserting a new section entitled, “Civil Union. There are strengths in the sections after section “A” such as what happens when the union is terminated, a partner is sick/hospitalized, or death occurs. Section A language is lacking regarding the rights, obligations, and protection of those who can enter into a civil union.

SB232 SD1 – This bill is a replica of a prior civil union bill. We testified during that bills process, as did others, that there were areas in the bill that needed to be strengthened. I do not wish to take time going into great detail; page-by-page or line-by-line of the areas we previously were concerned about. We would rather like to make the following recommendation.

We are requesting the Judiciary Committee consider the language of SB 231. The language in SB 231 best meets the changes we and others previously requested. Either HB1453 or SB232 SD1 could be used as the vehicle.

Again we respectfully request you use the language from SB 231 as it meets the requirements of equality and protection for not just the couple involved but also the entire family.

JUDtestimony

From: Integrity Hawaii [integrityhi@ymail.com]
Sent: Monday, February 07, 2011 8:38 AM
To: JUDtestimony
Subject: In Favor of Civil Unions
Attachments: CivilUnion 110207.pdf

Attached please find our letter in favor of the Civil Union bills being considered by the House.

INTEGRITY HAWAII

February 7, 2011

House Judiciary Committee
(SB 232 SD 1, HB 1453, HB 1623)
Civil Union Legislation Hearing
Tuesday, February 8, 2011

Subject: IN FAVOR OF CIVIL UNIONS

Dear House Committee,

Integrity is the organization for full inclusion of LGBT people in the Episcopal Church, one of the oldest and best known Christian denominations in the United States. We are writing *in favor* of the bills for the establishment of Civil Unions in Hawai'i. We know there are a number of them, we would not presume to tell you which is best for Hawaii, but we deeply believe the time has come to move forward on this matter.

Last year the State Legislature spent much time soul-searching and deliberating, with a clear majority of both houses coming to the conclusion that a bill addressing Civil Unions should be passed. You as a body voted in favor of a bill in spite of its being an election year, and in the face of vociferous opposition from some segments of the population. We applaud that courageous action, and we hope you will see fit to do so again this session.

Our former Governor, while stating that a solitary individual should not make such an important decision, did exactly that. She contravened the will of the legislature when she alone negated months of deliberation and study by a well informed body and singlehandedly condemned your bill.

The concept of minority rights is deeply embedded in the foundation of our laws and our psyche. This is especially true in Hawai'i where we have no ethnic majority, where people of many cultures, backgrounds, and beliefs have long worked and lived side by side and even intermingled, a concept that was abhorrent and in some cases illegal in large sections of the mainland. Those Jim Crow laws were eventually overturned in state after state. The 2008 election of our President, a person of mixed ancestry born and largely raised in Hawaii, proves how unjust such institutionalized discrimination was.

The people of Hawai'i have always known that *ohana* comes in many guises. We understand that diversity and acceptance creates strength. A broad definition of family has long been an essential part of our culture. It is time to honor our history of embracing a spectrum of human relationships.

We deeply appreciate the time and energy you have devoted to this fundamental issue, our future is in your hands.

Sincerely,

Donald R. Botsai

Donald R. Botsai
Convener, Integrity HI

Keola Akana

Keola Akana
Secretary, Integrity HI

David Jackson

Fr. David Jackson
Member Integrity HI

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 8:23 AM
To: JUDtestimony
Cc: fracturedpolitics@gmail.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: testimony-HB1244.docx

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: No
Submitted by: Kris Coffield
Organization: Individual
Address: 46-063 Emepela Pl. #U101 Kaneohe, Hawaii
Phone: 8086797454
E-mail: fracturedpolitics@gmail.com
Submitted on: 2/7/2011

Comments:

TESTIMONY ON HOUSE BILL 1244, RELATING TO SOLEMNIZATION

House Committee on Judiciary
Hon. Gilbert S.C. Keith-Agaran, Chair
Hon. Karl Rhoads, Vice Chair

Wednesday, February 8, 2011, 2:15 PM
State Capitol, Auditorium

Honorable Chair Keith-Agaran and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network born out of internet activism. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in strong opposition to HB 1244.

On its surface, HB 1244 provides religious organizations or nonprofits backed by religious organizations a guarantor that they would not be forced to solemnize a civil union or otherwise aide in the performance of celebrations related to the solemnization of civil unions. Hawaii law already prohibits clergy from being penalized for refusal to solemnize a union, though, either heterosexual or same-sex. Furthermore, section § -4 of SB 232, SD 1, the mostly likely vehicle for enacting civil unions during this year's legislative session, explicitly states, "Nothing in this section shall be construed to require any person authorized to perform solemnizations of marriages or civil unions to perform a solemnization of a civil union, and no such authorized person who fails or refuses for any reason to join persons in a civil union shall be subject to any fine or other penalty for the failure or refusal." If HB 1244 is intended to confer the same protection upon religious organizations, it is legally and politically redundant, and, therefore, unnecessary.

More concerning, however, is the measure's potential for judicial usurpation. Section §572-1.6(b) of HB 1244 says that religious institutions and organizations, as well as charitable organizations operated by religious institutions, "shall not be required to provide to an individual or individuals, services, accommodations, benefits, advantages, facilities, goods, or privileges that are related to solemnization or celebration of a same-sex relationship, such as same-sex marriage or a civil union between persons of the same sex, if the solemnization or celebration is in violation of the institution or organization's religious beliefs and faith." It is my understanding that this arises out of requests made by same-sex couples to religious organizations—particularly, the Catholic Diocese of Honolulu—about the renting of space for romantic ceremonies. Whether or not this is the case, questions can, and should, be asked about the impunity for discrimination this section provides to organizations receiving public funds. If an organization receives taxpayer support, should it be allowed to discriminate based on sexual

orientation in its allocation of resources, including access to property usage? Hawaii state law says no in many cases, like education, housing and employment. Also, this measure fails to delineate what services can be withheld and, thus, could be potentially interpreted or abused as an anti-adoption measure. Most, if not all, adoptions in Hawaii are facilitated by nonprofit, charitable organizations, many of which limit adoptions to married couples. Yet, more than a few of these organizations don't define marriage at all in their charters, much less along heterosexual lines. That being the case, it is plausible that a group could construe adoption as a "service" legally "related" to the solemnization of a civil union, if civil unions are afforded the same privileges as marriages and marital unions are the predicate for adoptions at a given agency. At best, this murky juridical question deserves further interrogation by the committee before HB 1244 is allowed to become law. At worst, HB 1244 could become a backdoor attempt to further block same-sex couples from adopting children, as well as receiving countless other services from charitable organizations that provide, for example, transitional housing assistance or medical care.

Civil unions are an attempt to right a historical wrong. For too long, same-sex couples, as well as couples that view marriage as anachronistic and patriarchal, have had their relationships enjoined from legal recognition, effectively marginalizing such relationships as antithetical to the social fabric of our island home. This year, we are poised to overturn decades of discrimination and extend civil rights to those for whom such rights have been denied for far too long. Unfortunately, HB 1244, if passed, would mar such efforts for the sole purpose of appeasing the outdated prejudices of local religious organizations. That is not what the Aloha State, or its elected representatives, should stand for.

Mahalo for the opportunity to testify in strong opposition to this bill.

Sincerely,
Kris Coffield
Editorial Director
Fracturedpolitics

JUDtestimony

From: Andrade, Eva [eandrade@rcchawaii.org]
Sent: Wednesday, February 02, 2011 5:41 PM
To: JUDtestimony
Subject: Testimony for House JUD hearing on 02/08/11 @ 2:15 p.m. in the auditorium | Support for HB 1244 Relating to Solemnization
Attachments: HB1244_110208_JUD_Solemnization.pdf

Testimony submitted by:

Walter Yoshimitsu
Executive Director
Hawaii Catholic Conference
6301 Pali Highway | Kaneohe, HI 96744 | Phone: (808) 203-6735 | Email: hcc@rcchawaii.org

HEARING INFORMATION:

Measure Name: HB 1244 Relating to Solemnization
Committee: House Judiciary
Date: February 8, 2011
Time: 2:15 p.m.
Room: Auditorium

He will be present at the hearing.

JUDtestimony

From: sherlane dick [sherlanedick@msn.com]
Sent: Wednesday, February 02, 2011 5:53 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

I support HBI244 in that it gives the churches the opportunity to choose. This is still a free country and an institution should not be forced to adhere to something they firmly disagree with.

Please support HB 1244.

Sherlane Dick
2140 Kuhio
Honolulu Hawaii

282-7671

JUDtestimony

From: Mmoorelvi75@aol.com
Sent: Wednesday, February 02, 2011 8:21 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

Aloha,

I am in support of this bill. Our pastors and churches who are following the Lord in obedience cannot disobey God just to accommodate the will of man. Please continue to fight for what is moral, as our country is living in immorality and lack of values; so we can continue to uphold for our future generations what morals are still left.

Mahalo nui loa,
Samlynn N Moore

JUDtestimony

From: Hawaii Family Forum [info@hawaiifamilyforum.org]
Sent: Wednesday, February 02, 2011 8:39 PM
To: JUDtestimony
Subject: Testimony for JUD hearing on 02/08/11 @ 2:15 p.m. in the auditorium | Support for HB 1244 (Solemnization)
Attachments: HB1244_110208_JUD_Solemnization.pdf

Testimony from:

Allen Cardines, Jr.
Executive Director

Hawaii Family Forum
6301 Pali Highway
Kaneohe, HI 96744-5224
Phone: (808) 221-4022 | Direct email: allen@hawaiifamilyforum.org

Bill & Title: HB 1244 Relating to Solemnization
Committee Hearing: House JUD
Date: 02/08/11
Time: 2:15 p.m.
Room #: Auditorium

HE WILL BE PRESENT AT THE HEARING.



Email to: JUDTestimony@Capitol.hawaii.gov
Hearing on: February 8, 2011 @ 2:15 p.m.
Auditorium

DATE: February 2, 2011

TO: House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: **STRONG SUPPORT FOR HB 1244 Relating to Solemnization**

Honorable Chairs and members of the House Committee on Judiciary, I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly support this bill that would allow the refusal of services or accommodations related to the solemnization of same-sex "marriages," civil unions, or any other same-sex unions on religious grounds.

We support this measure because we strongly believe that should this legislature decide to adopt civil unions (which we believe is same-sex marriage by another name) without robust protections for religious liberty, church-state conflicts could arise.

At this juncture in our State's political life, civil unions (same-sex "marriage") and religious liberty stand in direct conflict. Given that conflict—acknowledged by many in the legal and wider community—it is reasonable for religious organizations to ask for you to protect our rights of conscience and our First Amendment rights of religious liberty. Indeed, it is a fundamental right that led to the formation our country and our Constitution.

Mahalo for the opportunity to testify.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 02, 2011 10:49 PM
To: JUDtestimony
Cc: toddhairgrove@yahoo.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
Address:
Phone:
E-mail: toddhairgrove@yahoo.com
Submitted on: 2/2/2011

Comments:
Strong Support of This Bill

JUDtestimony

From: Stan Zitnik [jmuawp@hawaiiantel.net]
Sent: Thursday, February 03, 2011 9:25 AM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)


Aloha,

I am submitting testimony in support of HB 1244 and hope that this will pass to protect Hawaii's faith based institutions.

Thank you,

Stan

Stan Zitnik
Wailuku, Maui
385-1405

 please consider the environment before printing this email and any attachments

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The information transmitted (including attachments, if any) is intended only for the person or entity to which it is addressed and is privileged and confidential material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

JUDtestimony

From: Moe, Delsa [moed@polynesia.com]
Sent: Thursday, February 03, 2011 10:01 AM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

I strongly support HB 1244 and ask that you support this bill to protect religious institutions from solemnizing homosexual relationships.

Delsa Moe

Laie, HI
808-293-5901

JUDtestimony

From: Pati Moe [pakimoe75@gmail.com]
Sent: Thursday, February 03, 2011 10:06 AM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

Please support HB 1244 Relating to Solemnization in efforts to protect religious organizations from being forced to recognize same sex unions of any kind.

Sinapati Moe
Laie, HI
808-293-5901

JUDtestimony

From: David Wilson [matthew_7879@yahoo.com]
Sent: Thursday, February 03, 2011 12:23 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

I Encourage you to please vote yes on this Bill. considering that Christian and other religious minorities will be drastically affected by the current legislatures attempt to lift up alternative moral values that are antithetical to the morals of those who hold to Biblical or traditional understandings of sexual morality. My concern is that certain organizations will be discriminated against and even forced to close or cease their services as in the case with Catholic charities in Washington D.C. They had to cease their adoption services or violate their faith. that really isn't a choice. I foresee a real persecution of the church if a protective law isn't put into place.

thank you for your consideration

David Wilson

Ewa Beach

JUDtestimony

From: Blake Arakawa [blakearakawa@gmail.com]
Sent: Thursday, February 03, 2011 12:35 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

I'm for it. Listen to the majority. Represent us!

JUDtestimony

From: Richard [richard.koob@kalani.com]
Sent: Thursday, February 03, 2011 3:02 PM
To: JUDtestimony
Subject: In Support Of SB232: opposed to 1244 and HB1453. Hearing February 8, 2011 at 2:15pm

Richard Koob
Founder/Director, KALANI Oceanside Retreat Village

The Committee on Judiciary
February 8, 2011 at 2:15pm
RE: Bill numbers: **1244, HB1453, SB232 (SD1).**

I strongly support SB232 (SD1)

I am opposed to 1244, HB1453

Aloha Legislators,

Here at Kalani Oceanside Retreat Village, everyone I know of our 100 residents, 500 coastal residents, 17,000 members, 30,000 annual visitors, and 7 million annual web viewers, is supportive of Hawai'i joining other socially responsible and equal rights focused countries, like Canada, and States like Vermont, Iowa and Massachusetts, in supporting marriage and/or civil unions for same-gender couples.

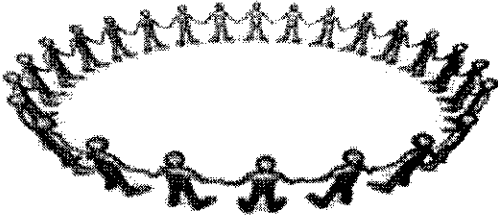
Hence, I personally request that you please support SB232(SD1).

You support honors the growing demographic of socially responsible residents and travelers interested in improving their lives through authentic Hawai'i nature-culture-wellness experiences. They are creating today's emerging global village through supporting and honoring Hawai'i as a model eco-sustainability destination and civil-rights supportive host culture. This demographic increasingly contributes to Hawai'i goals for greater ecology, humanism, and heritage awareness among residents as well as visitors, whose expenditures continue to grow as both residents and travelers look for experiences that provide in-depth cultural immersion.

Respectful of Hawai'i heritage and honoring Hawaii's rainbow diversity and multi-ethnic cultures, the passage of SB232(SD1) helps both residents and visitors be increasingly supportive of authentic Hawai'i, often volunteering as well as financially supporting the Hawai'i economy. [For example, Kalani's educational programs generate an annual \$5 million boost to the local economy].

Thank you for supporting SB232(SD1).

"Be the change you want to see in the world." - Gandhi



Richard

Richard Koob

Founder/Director, KALANI Oceanside Retreat Village

Skype Name: **richardkoob** 808-965-0468 X104

12-6860 Kalapana-Kapoho Beach Road, Pahoehoe, HI 96778

KALANI Reservations 800-800-6886 www.KALANI.com

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"Be the change you want to see in the world." - Gandhi

JUDtestimony

From: David Monk [dbmonk49@yahoo.com]
Sent: Thursday, February 03, 2011 4:04 PM
To: JUDtestimony
Cc: Amy Monk
Subject: Testimony on Civil Unions (SB232, HB1244, HB1453) for hearing Feb. 8, 2011, 2:15 pm

Re: SB232, HB1244, HB 1453 (Civil Unions), hearing on February 8, 2011, 2:15 p.m.

We have been married over thirty years and do not regard civil unions as a threat in any way to our marriage or to the institution of marriage. On the contrary, we view it as a just measure that will strengthen all families and enable all Hawaii's citizens to enjoy equal rights and privileges under the law. We urge its passage.

Amy and David Monk
7476 Keka'a St.
Honolulu, HI 96825
396-5959

JUDtestimony

From: Bobby [mcbobby@hawaii.rr.com]
Sent: Thursday, February 03, 2011 4:08 PM
To: JUDtestimony
Subject: HB 1244 and HB 1453 JUD Auditorium Feb 8, 2011, 2:15PM

Committee: JUD
Room: Auditorium
Hearing Date: 2/8/2011 2:15:00 PM

My name is Bobby McClintock and I **SUPPORT HB 1244 and HB 1453**- Civil Unions. This bill is not about religion but about children, equality, and decency. Religions have the right to define their beliefs to the people who follow them. But in this country we have been separatists from when this country was founded. People came here because they wanted religion separated from their governing bodies. This is basic history. Please let us not forget this.

The religions pushing for not passing this bill do NOT represent me or my Christian family. Please know there are far more out here who support this than do not. And, we will stand with you to help everyone have equality in our country.

B.A. McClintock, Honolulu, HI

JUDtestimony

From: Joeysmom [estherjoeysmom@gmail.com]
Sent: Thursday, February 03, 2011 4:20 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

Dear Sir or Madam:

I am hereby entering my testimony in support of HB 1244 relating to Solemnization which would allow for the refusal of services or accommodations related to the solemnization of same-sex marriages, civil unions, and other same-sex unions on religious grounds.

Sincerely yours,
Esther Gefroh

--

[A Catholic Mom in Hawaii](#)

[Spiritual Moms Apostolate Blog](#)

[Prayers for Our Pets](#)

St. Augustine's Prayer to the Holy Spirit

Breathe in me O Holy Spirit that my thoughts may all be holy;
Act in me O Holy Spirit that my works, too, may be holy;
Draw my heart O Holy Spirit that I love but what is holy;
Strengthen me O Holy Spirit to defend all that is holy;
Guard me then O Holy Spirit that I always may be holy.

JUDtestimony

From: Kimberly Tice [kimtice@gmail.com]
Sent: Thursday, February 03, 2011 7:19 PM
To: JUDtestimony
Subject: HB 1244; HB 1453 and SB 232 on Feb 8 at 215pm

To Whom It May Concern,

I am a kama'aina who was born and raised on the windward side of O'ahu. I believe a civil unions bill is needed to preserve the integrity of our promise of aloha to all. Without a civil unions bill, we tell the world that in the land of aloha, some families are less equal than others. This is not a message that is consistent with Hawaiian culture or other local traditions of hospitality. I have numerous friends who are gay or lesbian, and it is entirely unfair for them to be treated as less than equals. They deserve the right to start loving, committed families. This is a right that the rest of us take for granted, because it really is a fundamental civil right that his unjustly being denied to a small minority. I urge you to do the right thing and please vote for civil unions on February 8 at 2:15pm when you consider HB1244, HB 1453 and SB 232. Thank you so much for your time.

Sincerely,
Kimberly Tice
PO Box 128
Kalaupapa, HI 96742
808-343-6329

JUDtestimony

From: Dennis & Leona Martin [kapuaponi@hawaiiantel.net]
Sent: Thursday, February 03, 2011 9:05 PM
To: JUDtestimony
Subject: Support for HB 1244 (Relating to Solemnization)

Sir,
I totally support this bill. Please vote for this bill.
Pastor Dennis
New Hope Waimea

JUDtestimony

From: Joel Weaver [weaver.joel@gmail.com]
Sent: Thursday, February 03, 2011 10:28 PM
To: JUDtestimony
Subject: Testimony in Support of HB 1244

Dear HB 1244 relating to solemnization to JUDtestimony@capitol.hawaii.gov.

Dear members of the House Judiciary Committee--

I understand that you are going to be hearing testimony on HB 1244 regarding the solemnization of civil unions this Tuesday. I am writing requesting that you support this bill.

HB 1244 allows for religious organizations to follow the time-honored tenets of all major faiths in refusing to solemnize civil unions.

This is a crucial right that must not be interfered with by the government. Thomas Jefferson's oft-cited reference to the separation of church and state (in a private letter to Baptist constituents) was not, as is often wrongly stated, a promise not to let church interfere with the state; it was a promise that the state would not interfere with the right of the church to practice their beliefs. This is no less true today than when he promised it nearly 200 years ago.

Thanks for supporting HB 1244.

Joel Weaver
Manoa

JUDtestimony

From: Susie Kaohi [susie5310@msn.com]
Sent: Friday, February 04, 2011 7:22 AM
To: JUDtestimony

I am **STRONGLY AGAINST** the following three bills that will be heard on Feb. 8, 2011 in the Judiciary Committee.

The three bills are: HB 1244, HB1453, and SB 232 (SD1).

It is my opinion that marriage is with ONE man and One woman in GOD's eyes.

It is a SHAME that this state is so over run with Homosexual people that the STRAIGHT people are almost losing any say.

I have lived in and watched this state for 50 years. The morals of this state has gone down slowly but surely over the years. The mainland opinions about things have taken over with everything. Crime and Drugs are running wild..Instead of worrying about civil unions, We SHOULD be building more prisons, pay more money to our teachers, build..no, FIX our rundown schools, fix our pot holes in the roads (some that you can lose your car in..If you don't believe me..Drive to the end of the road in Kokee)..and hire more police. And probably the Most important one..is to get OUR state up and running as it was before this last 8 years.

Worry about the local people (they are moving out like rats) because of the economy of this state. All the politicians that we voted for said the first order of business was to FIX our state..instead the first order of business is to get these 3 bills passed..SHAME ..SHAME..put your ear to the ground and listen to the local people instead a few..This should go to the people instead of the poiticians.

Thank you..

Elizabeth S. Kaohi

P.O. Box 658

Hanapepe, Hi. 96705

JUDtestimony

From: carl johnson [cdj3333@yahoo.com]
Sent: Friday, February 04, 2011 10:15 AM
To: JUDtestimony
Subject: Bills---Testimony

I Carl Johnson oppose HB1244 and HB1453 and strongly support SB232(SD1).

ALOHAAAAA,

Carl

JUDtestimony

From: jim@jameshochberglaw.com
Sent: Friday, February 04, 2011 3:23 PM
To: JUDtestimony
Subject: *****SPAM***** RE: Updated Opposition to HB 1453 (Relating to Legal Relationships) | Opposition to SB 232 SD1 (Relating to Civil Unions) and Support of intent of HB 1244
Attachments: JH testimony 2-4-11 HB 1244 , 1453 & SB 232 SD1.pdf

Please accept this testimony on the referenced bills (in place of the earlier version) for the House Judiciary Committee hearing on Tuesday, February 8, 2011 at 2:15 in the Auditorium. I plan to attend and testify in person. Please let me know if there are any specific requirements in that regard. Thank you for the opportunity to participate in the governmental process at the legislature. I trust your committee members will give due attention to the public.

Jim

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James Hochberg, Attorney at Law
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ATTORNEY AT LAW

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Honolulu, Hawaii 96813

Digital Pager:
(808) 256-7382

Email Address:
Jim@JamesHochbergLaw.com

February 4, 2011

Transmitted via Email to www.capitol.hawaii.gov/emailtestimony/

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON JUDICIARY

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Bill Numbers: HB 1244, 1453 and SB 232 SD 1 (SSCR 2)
Date and Time: **Tuesday, February 8, 2011 at 2:15 pm**
Location: **State Capitol, Auditorium**

Committee: **Committee on the Judiciary**

I OPPOSE SB 232 SD1 AND HB 1453. I oppose both of these bills because a vote for civil unions under these two bills is a vote for same sex marriage in accord with the national litigation strategy of the ACLU and LAMBDA Legal Defense Fund.

I SUPPORT THE INTENT OF HB 1244 BUT SUGGEST AMENDMENTS.

THERE ARE SEVERAL RELATED BILLS THAT HAVE BEEN LEFT OUT OF THE HEARING NOTICE WHICH SHOULD HAVE BEEN INCLUDED INCLUDING HB 164 & 165 PROPOSING TO AMEND THE CONSTITUTION CONCERNING MARRIAGE AS WELL AS HB 1345 EXTENDING MARRIAGE BENEFITS TO RECIPROCAL BENEFICIARIES

HB 1244, 1453 and SB 232 SD 1 (SSCR 2)

February 4, 2011

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My name is Jim Hochberg. I am a civil rights attorney in private practice in Honolulu. In 1995, Governor Cayetano appointed me to the Governor's Commission on Sexual Orientation and the Law. Prior to that I served as the volunteer president of the Rutherford Institute of Hawaii, a non profit legal and educational institution dedicated to enforcing constitutional religious freedoms in the courts, legislatures and in the public square. Since 1999 I have been an allied attorney with the Alliance Defense Fund, continuing the efforts to enforce constitutional religious freedoms. I currently have such a case before the Hawaii Civil Rights Commission dealing with a complaint based on discrimination on the basis of sexual orientation in the rental of a bedroom in my client's home.

Both SB 232 SD1 and HB 1453 seek to segregate out of the current members of our citizens that qualify for reciprocal beneficiary status, a new class of citizens with special rights to be granted by these bills. Currently, all those who cannot marry qualify for reciprocal beneficiaries status. These civil unions bills, however, elevate from the R.B. group certain members and endow them with greater rights than those left behind. If it is necessary in some sense of fairness to provide those benefits to some of the members of the reciprocal beneficiaries class, why is not necessary to extend the benefits to all the members of that class? How is it not fundamentally unfair to individuals related by blood to deny them the benefits being extended to some members of their group but not them too?

Hawaii currently provides for R.B. rights and benefits to those who together form the group that are not qualified to marry under Hawaii law. It is a domestic partnership law we have wisely named the Reciprocal Beneficiary law. It is discriminatory to split the citizens who qualify for that status into two groups, one of which is extended additional benefits and the other which is left out. Brothers and sisters biologically more closely resemble the matching of the opposite sex couples which occurs in marriage, than do same sex couples who are given the new status under these two bills. Why are parents and children, grandparents and grandchildren and aunts/uncles/nephews/nieces no longer worthy of the same protections under the laws that they have enjoyed since the 1990's? Do you really want to make a third class of citizens? I trust not. It is important to treat like citizens alike, in this case, those who can marry and those who cannot marry.

In addition, creating civil unions status for those covered by these two bills creates another problem in the State of Hawaii: namely, that setting up a marriage alternative creates another separate-but-equal legal problem which the civil unions proponents will be seeking to redress shortly after the ink dries on whatever civil unions bill comes out of this session, if you are unwise enough to pass one. You must recognize that across the country, for the

HB 1244, 1453 and SB 232 SD 1 (SSCR 2)

February 4, 2011

Page 3

past many years, the proponents of civil unions/domestic partnerships have convinced legislative bodies to enact the separate status for them under the guise of not wanting to change marriage, only to turn and bite the legislative hand that fed them by thereafter demanding same-sex marriage. As the Connecticut Supreme Court reasoned in the 2008 Kerrigan case, the term marriage itself is rich in tradition and meaning, and if a look-alike status under a different name is created, there is a constitutional violation if the same tradition and meaning is withheld. The ACLU and LAMBDA Legal Defense Fund have been pushing this legal strategy successfully in state after state. You, however, have the luxury of seeing that history and protecting the citizens of our state from a similar outcome. If you do not pass a law setting up an different relationship which is substantially marriage under a different name, you save the state from having to defend against the argument that the tradition and meaning of the name marriage cannot constitutionally be withheld. In addition, you do not segregate the other members of society that currently qualify for reciprocal beneficiary status, and drop them behind their co-traveling citizens who are unqualified to marry.

I oppose both of these bills because a vote for civil unions under these two bills is a vote for same sex marriage in accord with the national litigation strategy of the ACLU and LAMBDA Legal Defense Fund.

However, I support in concept the intention of HB 1244 in the sense that it recognizes that same sex legal issues always confront unavoidably the long tradition, history, culture and religious beliefs in our state and country that regard homosexual activity dimly and with unapproving concern. Clearly, homosexual activity is not a right protected by the two constitutions under which we govern our lives, although religious freedom is protected by both legal authorities. I therefore agree that HB 1244 is a necessary component of any creation of a civil unions bill. However, it does not go far enough. For the orthodox christian who happens to offer rooms in her home to tourists on a vacation basis, she must be protected from claims of unlawful discrimination if she does not agree that civil unions are the equivalent of marriage and does not want to welcome into her home a homosexual couple. There are cases such as that currently before the Hawaii Civil Rights Commission, and your body must protect her. I suggest that the scope of the protections afforded by HB1244 be enlarged to accommodate both the institutions and the members of the institution that hold the same religious views HB1244 seeks to protect.

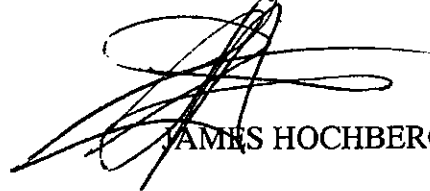
HB 1244, 1453 and SB 232 SD 1 (SSCR 2)
February 4, 2011
Page 4

If HB1244 is not passed but a civil unions bill is passed, you must honor the valid concerns of your citizens and include the substance of HB1244, as extended pursuant to this testimony, into the successful civil unions bill

Furthermore, ask yourself whether you personally have a "sexual orientation" or whether you happen to be oriented in your life more toward things other than with whom you have sex. I believe that most people do not have sexual orientations, but focus on other aspects of their character for their orientation to life. For instance, most people are oriented in life not towards with whom or how they see themselves sexually. Instead, they are oriented toward their faith, family and profession and view most of life from those perspectives.

Thank you for considering this matter. If you have any questions, I would be happy to discuss this with you further.

Sincerely,



JAMES HOCHBERG

:JH

JUDtestimony

From: Scrawford2@aol.com
Sent: Saturday, February 05, 2011 12:28 AM
To: JUDtestimony
Subject: *****SPAM***** SB 232; HB 1244 and HB 1453

I am writing to in support of SB 232, HB 1244, and HB 1453.

We need to recognize that the time for discrimination against people who are gay is past. Committed gay couples deserve to be treated equally with committed straight couples. It's an issue of basic fairness.

The situation that exists today is inherently unfair. Britney Spears and a friend can marry on a whim in Las Vegas -- and during their brief fling will automatically receive all the legal, tax, governmental, insurance, and other benefits and rights that marriage grants to them, while a gay couple who may have lived together for 30 years, cared for each other through illnesses, comforted each other after the loss of loved ones and shared their entire lives together remain strangers in the eyes of the law.

The faithful gay partner has no legal right to make important medical decisions for an incapacitated partner. She gets no help from federal legislation that would protect her job in the event she must care for her sick partner. Insurance companies may deny them the opportunity to obtain joint policies for automobile, health and home insurance. (This is true of HMSA.) Or may charge them more than their heterosexual neighbors. When one of them dies, the other may have no legal right to continue living in their home. The deceased unaccepting family member can contest a will and leave the long-term partner bankrupt and tossed out of her home. Such insensitive maneuvers are well known to gay men and lesbians grieving the loss of a longtime partner.

Some people oppose gay unions because they say it is against their religion. In our country, however, one's religious beliefs do not provide veto power over others who have different beliefs.

Some say this decision will dilute or harm the institution of marriage. I think it will reinforce it. Society has a compelling interest in encouraging stable, monogamous relationships between adults - straight and gay. If it's good when straight couples settle down in permanent, legally sanctioned relationships, why is it bad when gay couples do likewise?

People who are in committed relationships buy houses and save money. They are good neighbors; they tend to be more helpful and quieter than singles. The sheer joy and comfort of having a publicly acknowledged close relationship makes one a happier person, and happy people cause less grief to others.

There isn't a limited amount of love in America. It isn't a nonrenewable resource. If Bob and Koa or Carol and Mimi love each other, it doesn't mean Malia and John can't. If homosexuals win the right to civil unions, the victory doesn't come at the expense of heterosexuals, who will retain all the pleasures, prerogatives, and duties that come with existing matrimony. And do not the children of gay folks deserve the protections of civil unions, too?

Gay people have the same needs for genuine affection and committed companionship as do heterosexuals. And so they deserve the same rights and responsibilities in the eyes of the law.

Mahalo for your consideration.

Aloha,

JUDtestimony

From: Loyd Clayton [loydclayton@hawaii.rr.com]
Sent: Saturday, February 05, 2011 11:44 AM
To: JUDtestimony; Bev & Sharon; Brent Kincaid; Carol Curran; Georgia Lomosad; Linda Estes; Pastor Phylis Meigen; Roy Buduan; Michael Ceurvorst
Subject: Civil Unions Bill

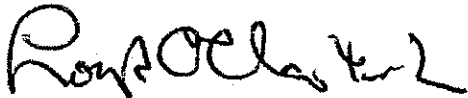
I strongly request your support for SB232 (SD1) and ask that you not support HB1244 and HB1453.

HB1244 Allows for the refusal of services or accommodations related to the solemnization of same-sex marriages, civil unions, and other same-sex unions on religious grounds. This is totally unnecessary since no one since SB232-SD1 explicitly states in Section 4(c) that a judge/minister is not required to perform the solemnization ceremony. It is not necessary and will just serve as another thorn in the gay community's side reminding them they are not equal citizens. **PLEASE DO NOT SUPPORT THIS BILL.**

HB1453 is unnecessarily complicated and burdened down. By trying to name every possible scenario, items will be left out and loop-holes created. **PLEASE DO NOT SUPPORT THIS BILL.**

SB232-SD1 extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. This is a simple, straight-forward bill and is nearly the same (with a few editorial changes made by the senate) as the original bill that already passed but was vetoed by Gov. Lingle. **PLEASE SUPPORT THIS BILL!**

Thanks,



Loyd Clayton Jr
PO Box 17
Hanapepe, HI 96716

JUDtestimony

From: Carol Curran [Carol@cacurran.com]
Sent: Saturday, February 05, 2011 1:55 PM
To: JUDtestimony
Subject: I strongly support SB232-SD1

I strongly request your support for SB232 (SD1) and ask that you not support HB1244 and HB1453.

SB232-SD1 extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. This is a simple, straight-forward bill and is nearly the same (with a few editorial changes made by the senate) as the original bill that already passed but was vetoed by Gov. Lingle.

Carol A. Curran
1972 Haleukana Street
Lihue, HI 96766
808-245-6437

JUDtestimony

From: KUALI'I for Kaua'i [kipukai.kualii@gmail.com]
Sent: Saturday, February 05, 2011 2:20 PM
To: JUDtestimony
Subject: Oppose HB1244 and support SB232 (SD1) instead

TO: The Committee on Judiciary
FROM: KipuKai KUALI'I - Director of Operations, YWCA of Kaua'i; Secretary, Hui Kako'o `Aina Ho`opulapula (DHHL/State of HI); Boardmember, Hawai'i Alliance for Community Based Economic Development (HACBED); Candidate, KUALI'I for Kaua'i candidate committee (Kaua'i County Council); Member, Nutrition and Physical Activity Coalition/Get Fit Kaua'i Steering Committee; Member, Policy Advisory Committee/Council for Native Hawaiian Advancement (CNHA)
RE: February 8, 2011 at 2:15pm hearing on HB1244
POSITION: I oppose HB1244 and support SB232 (SD1) instead

As a Kaua'i born-and-raised, native Hawaiian who spent over ten years away from Hawai'i, I feel strongly that passage of a civil unions bill that provides full equality for all our families is necessary to be consistent with our genuine and unconditional love, acceptance, respect and even celebration of humanity that is the Aloha Spirit. This law [2010's HB444 or 2011's SB232 (SD1)] should have been passed years ago. Unfortunately, deceitful and misguided media campaigns by an opposing minority has meant that justice would be delayed for over ten years and that the fair-minded citizens of Hawai'i would have to wait until now.

The people of Hawai'i do not want to see any of our families treated as second or third-class families any longer. Our local Hawaiian culture and history demands that we honor everyone's dignity and rights. And yet, this is about so much more than our traditions of open, enduring hospitality; instead, it is about compassion and decency. It's about being "pono" and doing what is "right"!

Please do what's right for our State and our people, reject HB 1244 and pass SB232 (SD1) instead.

Mahalo nui loa!

--
Me ka ha`aha`a,
KipuKai

KipuKai Kualii
PO Box 662061
Lihu'e, HI 96766

kipukai.kualii@gmail.com

H: (808) 212-9192
C: (808) 652-3684

JUDtestimony

From: Cheryl Toyofuku [healthjourney@hawaii.rr.com]
Sent: Saturday, February 05, 2011 4:45 PM
To: JUDtestimony
Subject: OPPOSITION TO CIVIL UNIONS

Testimony from: Cheryl Toyofuku
Bill Numbers: SB 232, HB 1453 and HB 1244 relating to Civil Unions
Committee: House Judiciary Committee
Hearing Date: Tuesday, February 8, 2011
Hearing Time: 2:15 p.m.
Hearing Location: State Capitol Auditorium

RE: STRONG OPPOSITION TO CIVIL UNIONS BILLS SB 232 AND HB 1453
STRONG SUPPORT FOR HB 1244

Dear Representative Keith-Agaran and Members of the House Judiciary Committee,

Thank you for your service to Hawaii as legislators. Please vote against Civil Unions Bill SB 232 and HB 1453 and do not allow it to leave your committee. Please support HB 1244. I appeal to your wisdom and integrity in honoring and preserving our generational legacy and historical tradition of marriage between one man and one woman. In 1998, the people of Hawaii already voted that the marriage institution must be protected and remain between one man and one woman. We have spoken and this issue has already been settled by the people of Hawaii. To usurp the people's voice through the passage of a Civil Unions bill is a travesty that our legislators will be accounted for. Traditional marriage is a basic human and social institution for as long as we can remember and the foundation of the traditional nuclear family should not be undermined. Every child has a biological father and mother and there is substantial evidence that our children develop best in a home with a father and mother role model. This has been our heritage of our parents, grandparents, great-grandparents and so forth.

The people of Hawaii deserve an honest debate with astute clarity and understanding about the language of these bills. The people of Hawaii have a right to know about how SB 232 and HB 1453 are nearly identical to bills passed in California and Connecticut which led to courts ultimately imposing same-sex "marriage" on those states. Other states such as Massachusetts, Vermont, New Hampshire and New Jersey were also plagued with similar situations where activists submitted legislation for "domestic partnerships" or "civil unions" that eventually concluded with same-sex "marriage". For a clearer perspective, please see the attached article "*What Same-Sex Marriage Has Done to Massachusetts*".

Although SB 232 states, "*it is not the legislature's intent to revise the definition or eligibility requirements of marriage*", it is very obvious that the activists lobbying for civil unions really want same-sex marriage. Since there really isn't any difference and the goal is the same, it is very clear that **a vote for civil unions is a vote to force same-sex marriage on Hawaii**. This is not a civil rights or equality issue. In my limited understanding of the language in legislative documentation, the careful reading of SB 232 and HB 1453 makes it clear to me that these bills will be setting the stage to re-define "marriage" to include same-sex couples. The goal will be to establish same sex marriage... just under a different name for now to make everyone think it's not about "marriage", but about "equality" or "civil rights". Consider and research the above mentioned states where same-sex advocates initially introduced "civil unions" or "domestic partnerships" bills and later demanded legislative imposition for same-sex "marriage".

The American Civil Liberties Union and its many allies are determined to force all students to undergo indoctrination in homosexual behavior with or without parental permission. If you think this kind of propaganda isn't having a devastating impact, just check out what is going on in California. A state law passed there several years ago eliminates a publicly funded school's ability to make any distinctions based on biological sex, resulting in the wholesale moral subversion of school children. Specifically, this law, S.B. 777, requires that homosexual behavior be presented to young people – all the way down to kindergarten – as a choice just as legitimate and even desirable as heterosexual behavior. What's more, anything that might promote a "discriminatory bias" toward someone's orientation must be removed from the curriculum.

As a Registered Nurse, I am also concerned with the potential increase in diseases to our already burdened health care system. According to the Hawaii State Department of Health website, "As of December 31, 2007, a total of 3,011 AIDS

cases were reported by health providers. Men who have sex with men (MSM) account for the majority of AIDS cases (73%), followed by injection drug use (IDU) (8%), MSM/IDU (7%), and heterosexual contact (6%)." Other similar STD statistics are listed on the website. Thus, there is a genuine concern for the gay community and Hawaii's community with such detrimental, irrefutable health statistics and evidence.

The negative impact on health care providers is also a grave concern. Enacting Civil Unions in our state will open the door to additional law suits when a healthcare provider decides, based on personal conscience, not to provide elective services to a same-sex couple. Such was the artificial insemination case in August 2008, when the California Supreme Court ruled "that patient demand for nonessential care trumps the freedom of conscience of physicians and their ability to practice medicine in accordance with their religious or moral beliefs."

I conclude summarizing that historical research confirms the negative consequences of Civil Unions and the governmental elevation of same-sex relationships. State-sanctioned Civil Unions will have devastating implications on adoption, parental and family rights, health care provider rights and individual religious rights. I believe that you will continue to hear the strong collective voice of social justice of Hawaii's people in the coming weeks if SB 232 and HB 1453 proceeds to legitimize the destruction of our most basic belief of traditional marriage in a family unit. I respectfully request that you preserve Hawaii's desire to protect the legacy and tradition of marriage between one man and one woman, therefore I urge you to please oppose SB 232 and HB 1453. Please support HB 1244 in order to protect clergy from civil or criminal penalties for refusing to perform same-sex ceremonies.

Thank you for your time and consideration on this very critical issue.

Sincerely,
Cheryl Toyofuku
Ph: (808) 561-0369

JUDtestimony

From: Lynne Matusow [lynnehi@aol.com]
Sent: Saturday, February 05, 2011 10:52 PM
To: JUDtestimony
Subject: *****SPAM***** HB 1244, Relating to Solemnization, hearing Feb 8, 2011

This testimony is opposed to HB 1244. This bill is unnecessary. SB232 SD1 clearly states that a judge/minister is not required to perform the solemnization ceremony.

Please vote no.

Lynne Matusow
60 N. Beretania, #1804
Honolulu, HI 96817
531-4260

JUDtestimony

From: Kanuji Parmar [kanujiparmar@gmail.com]
Sent: Sunday, February 06, 2011 8:45 AM
To: JUDtestimony
Subject: Bill #s HB1244, HB1453, SB232(SD1)

This is to let you know that we oppose Bill number HB1244 and HB1453 and strongly support Bill SB232(SD1).

Sajjan and Kanuji

JUDtestimony

From: Kent Hirata [khirata2@hawaiiantel.net]
Sent: Sunday, February 06, 2011 8:46 PM
To: JUDtestimony
Subject: In support of SB232 (SD1)

For:

Public hearing on HB1244, HB1453, and SB232 (SD1)
February 8, 2011 at 2:15 p.m.
Auditorium
State Capitol
415 South Beretania Street
Honolulu, HI 96813-2425

Honorable Members of the House Judiciary Committee:

I have been following the struggle to enact civil unions in Hawaii with great interest, because it concerns the strength of our state's commitment to liberty and justice **for all**.

Let me begin by saying that HB1244 seems to be unnecessary, and that SB232 may provide a more efficient way to accomplish what HB1453 is intended to accomplish. Now, having said that, I would like to observe that the same reasons that made last year's HB444 worthy of passage, apply with equal force to SB232. In my testimony on SB232 which I recently e-mailed to the Senate Judiciary Committee, I presented the following points, some of which I have further edited and expanded.

(1) The passage and signing of SB232 would legislatively correct a long-standing injustice that conflicts with the equal-protection provisions of the state and federal constitutions. A legislative remedy for this injustice would be preferable to intervention by the courts, which would be inevitable if they rule in favor of the gay and lesbian plaintiffs in *Young v. Lingle*.

(2) Simple considerations of fairness more than justify legislative efforts to provide equal benefits and equal protections, not only to gays and lesbians, but also to their children.

In a letter to the editor which was published in the January 28, 2010 Honolulu Advertiser, Dr. Joshua Hawley, a local physician, stated that he has "witnessed firsthand the odious effects of discrimination against gay and lesbian families. Same-sex couples, many of whom are raising children, do not receive the same protection under the law as heterosexual married couples. Children of gay and lesbian families can enter legal limbo and be forced into the foster system should the biological parent die and the other parent is not legally recognized." He went on to say that "all families in Hawaii deserve equal dignity and respect under the law."

(3) In enacting civil unions, Hawaii would not be initiating an unprecedented social and legal experiment. A number of other states have enacted civil unions or domestic partnerships, and same-sex marriages are now legal in the District of Columbia, Massachusetts, Connecticut, Iowa, Vermont, and New Hampshire. In addition, ten foreign countries--Belgium, the Netherlands, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, and Argentina--have already legalized same-sex marriages.

(4) Same-sex marriages have been legal in Massachusetts since May 17, 2004. From that time forward (a period of nearly seven years), Massachusetts has not experienced dire consequences attributable to same-sex

marriages. Among other things, it still enjoys a healthy tourist industry.

For example, the Massachusetts Office of Travel and Tourism reports that "domestic and international travelers in Massachusetts directly spent nearly \$14.4 billion on transportation, lodging, food, entertainment and recreation and incidentals during 2009." In that same year, "domestic and international traveler spending in Massachusetts generated \$2.2 billion [in] tax revenue for [the] federal, state and local governments," of which close to \$574 million went to the state government and nearly \$342 million went to local governments. The total tax revenue contributed by tourism to the state and local governments in Massachusetts in 2009 was therefore close to \$916 million.

If legalization of same-sex **marriages** in Massachusetts did not result in a boycott that substantially damaged Massachusetts' tourist industry, or bring about other dire consequences, there is no reason to think that Hawaii would experience dire consequences if **civil unions** were enacted here.

(5) According to an article in the May 25, 2010 Honolulu Advertiser, two UH-Manoa economists, Sumner La Croix and Kimberly Burnett, have reported that civil unions would not impose undue administrative or economic burdens on the state. In fact, they estimate that civil unions could add \$6.9 million annually to the state's economy. This suggests that civil unions could enhance Hawaii's ability to compete with other destinations for a share of tourist dollars.

(6) In a May 6, 2010 commentary in the Honolulu Advertiser, John Webster, director of the Hogan Entrepreneurs Program at Chaminade University, stated that civil unions would be good for business. As he put it, "businesses of all size[s] thrive when governments are clean and their employees and partners and clients are afforded basic civil rights and civil liberties." He remarked that the 2010 Legislature's passage of HB444 was "a political and human reaction to the overwhelming case for justice that the bill's proponents brought to the table, time and time again."

(7) The contention that enactment of civil unions would be inevitably followed by court-ordered legalization of same-sex marriages has been refuted by retired Hawaii Supreme Court Associate Justice Steven Levinson. He pointed out that Hawaii's courts cannot override the Legislature's discretionary authority to restrict marriage to opposite-sex couples, because that authority resides in the Hawaii Constitution--the state's highest law.

(8) Justice Levinson also pointed out that "by definition, civil rights can't be defined by the majority. That's why we have a Bill of Rights, both at the federal and the state level."

(9) The argument that civil unions are not needed because Hawaii's reciprocal-beneficiaries law could be expanded to provide a wider range of benefits and protections is defective. Expanding that law in a way that falls short of providing truly equal benefits and truly equal protections would still perpetuate inequality and would still invite intervention by the courts.

Equality under the law cannot be achieved through incomplete, piecemeal measures which would continue to deny tax-paying, law-abiding gays and lesbians access to the full menu of benefits and protections that heterosexual citizens automatically receive, simply by virtue of their being heterosexual. The reciprocal-beneficiaries law could not serve as a replacement for SB232, unless it were rewritten so as to match SB232 in sum and substance.

(10) On the subject of civil unions, the religious community is divided, rather than united. People who express faith-based opposition to civil unions do not speak for **all** people of faith, nor should their views be given more weight than the views of believers who **support** civil unions.

In a commentary which was published in the December 11, 1996 issue of The Anderson News, the Reverend

Dave Charlton, a Southern Baptist, wrote that "the opponents of same-sex marriage [or civil unions] . . . who base their position on scriptural interpretations fail to understand . . . that the state will not set legal precedents based upon what is recorded in scripture. The state will base its decision upon what is in keeping with the rights that are given to [all of] its citizens. Gay people have legitimate rights in our society and the state has an obligation to protect those rights."

(11) When complying with tradition would leave palpable injustice uncorrected, tradition must yield to measures that restore justice. As Jay Sakashita, assistant professor of religion at Leeward Community College, stated in his May 22, 2010 commentary in the Honolulu Advertiser, "traditions . . . should . . . not be invoked to mask [or perpetuate] discrimination."

Thomas Jefferson put it this way: "**Laws and institutions must go hand in hand with the progress of the human mind.** . . . We might as well require a man to wear still the coat which fitted him as a boy, as a civilized society to remain ever under the regimen of their barbarous ancestors."

(12) Finally, to correct a common false belief, civil unions are **not** marriages under a different name. Unlike marriages, they are **not** transportable from one state to any other state. Moreover, because of the Defense of Marriage Act, participants in civil unions (and even same-sex marriages) are denied access to 1,138 federal benefits, rights, and privileges which are available only to married **heterosexual** couples.

Thank you very much for this opportunity to testify.

Kent Hirata
1666-A Lusitana Street
Honolulu, HI 96813-1690

JUDtestimony

From: Karen Kahn [KKahn@PHInational.org]
Sent: Sunday, February 06, 2011 12:21 PM
To: JUDtestimony
Subject: Testimony SB 232, HB1453, and HB1244, Hearing February 8, 2:15
Attachments: Testimony House 2.8.11.doc

Testimony Regarding SB 232, HB1453, HB1244

Hearing February 8, 2011; 2:15 pm, before the House Judiciary Committee

Submitted by Karen Kahn, co-author of *Courting Equality: A Documentary History of America's First Same-Sex Marriages*

Address: 4188-1 Keanu St. Honolulu, HI

Dear Representatives of the House Judiciary Committee:

I am writing in support of passing a civil unions bill through the Hawaii legislature during the 2011 session. In the state of Massachusetts, where I live for half the year, I am married to my partner, Patricia Gozemba. When I travel to Hawaii each year, for half the year, our marriage is not recognized. That means, during the months that we are here, that we could be faced with an emergency in which we were not recognized as next of kin. Imagine if you traveled to another state, and had to leave behind the protections you share as a family.

It is imperative that our nation meet the challenge of providing full civil rights to same-sex partners—including the right to love and marry the person of our choice. But while that may take some time, Hawaii can make a difference for the thousands of same-sex couples who live here and contribute to the community by paying taxes, raising children, volunteering, helping to preserve Hawaiian culture, and so on. These families need—and deserve—the rights, benefits, and protections that heterosexual couples and their children are granted under Hawaii law. These protections are intended to help families maintain economic security and stability, no small thing in these difficult times.

I would like to share a short story with you. Recently, my partner and I assumed joint ownership of our house and asked our mortgage company to add my name to the mortgage, which had been held in my partner's name only. We were told that our bank did not recognize domestic partnerships or same-sex marriages. Because of our legal marriage, we were able to resolve this issue; but this is the type of discrimination that our families face on a daily basis. We are not treated as equals when it comes to buying a home, saving for retirement, accessing health coverage, or even dissolving our partnerships. This is not healthy for our families or our communities.

During the recent Senate hearing on SB232, several people mentioned the supposed negative consequences of same-sex marriage in Massachusetts. All of the testifiers were misinformed about the history of same-sex marriage in our state, and about how our communities have adapted to this change in marriage law. In fact, Massachusetts is an ongoing demonstration of the fact that same-sex marriage is pretty much a non-issue once it is enacted. It does not affect heterosexual marriages, and it does not impact the religious or spiritual life of those who oppose it. Only those who wish to marry, and can benefit from the state sanctioning their family relationships, are affected—and for them it is a change that brings the joy, security and affirmation that strengthens the bonds of family and community.

Same-sex couples have been granted legal family recognition through civil unions or marriage in Massachusetts, Connecticut, New Jersey, New Hampshire, Vermont, Washington, Oregon, California, Iowa, Illinois, and Washington, DC.

Similar legislation is likely to pass in Maryland and New York this year. Hawaii, where diversity is honored more than in any other state in the union, should act quickly to ensure equality and justice for all.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 2:06 PM
To: JUDtestimony
Cc: mgsmart@yahoo.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: HB 1244 Solemnization submit.doc

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: Yes
Submitted by: Mary Smart
Organization: Individual
Address: 94-210 Kakaili Pl Mililani, HI
Phone: 627-1220
E-mail: mgsmart@yahoo.com
Submitted on: 2/6/2011

Comments:

I support with Amendments. The individual must be protected.

Attention: House Judiciary Committee

Hearing: Tuesday, February 08, 2011

Conference Room: Capitol Auditorium

Subject: **SUPPORT HB 1244 AMENDED WITH ADDITIONAL PROTECTIONS**

Submitted by: Mary Smart, Mililani, HI

Chairman Josh Keith-Agaran, Vice Chair Rhoads and Members:

1. I request you **SUPPORT HB 1244 with the following requested Amendments:**

- a. Each protection to refrain from participating in “solemnization” ceremonies for same sex relationships must be extended to individual who hold the same values of the religious organizations and institutions. For example, change Section 1 after refusal to provide services, etc. (a) to: Nothing in this chapter shall be construed to render unlawful, or otherwise affirmatively punishable at law, the solemnization of same-sex relationships by individual, religious organizations, or religious or charitable organizations operated, supervised or controlled by a religious institution or organization. ... **Rationale:** It is an individual choice to have a “solemnization” ceremony; therefore it must be an individual choice to participate in the solemnization ceremony. No one’s personal ethics or their source of employment should be placed in jeopardy by refusing to participate in a ceremony that a large portion of the population deem immoral.

- b. Paragraph b should be modified in the same manner: “Individuals, religious institutions or organizations, or religious or charitable organizations operated, supervised , or controlled by an individual, a religious institution or organization, shall not be required to provide to an individual or individuals, services, accommodations, benefits, advantages, facilities, goods, or privileges that are related to a solemnization or celebration of same-sex relationship, such as a same-sex marriage or a civil union between persons of the same sex, if the solemnization or celebration is in violation of the individual’s, institution or organization’s religious beliefs and faith. **Rationale:** Individuals require the same conscience protections as religious organizations and institutions so they can act in accordance with those religious values. No individual should be forced to participate in an act which they deem harmful to the individual requesting the service.

2. It is a sad day in America, the land of the free, that we must put legislation in place to protect one of our Constitutional freedoms, the freedom of religion. That freedom extends to individuals, not just organizations and institutions.

3. This bill is needed because the religious community never forced their values on others, but OTHERS continue to force their beliefs and values on the religious community and are willing to threaten a citizen's livelihood and a religious community's existence to get their value system imposed on others.

4. This bill (with amendments) is needed because the Constitution is repeatedly circumvented and violated. Same-sex solemnizations are not Constitutional rights but freedom to practice one's religion is protected by the Constitution.

5. Recommendation: Approve this bill with the requested protections for individuals.

JUDtestimony

From: JosephMG [joeymg@hawaii.rr.com]
Sent: Sunday, February 06, 2011 6:15 PM
To: JUDtestimony
Subject: Support HB 1244

Categories: Red Category

I support HB 1244.

Religious institutions should have the option of refusing same-sex marriages or civil unions.

Joseph Gefroh
Honolulu, HI

JUDtestimony

From: Elaine Brown [elainebrown@hawaii.rr.com]
Sent: Sunday, February 06, 2011 9:21 PM
To: JUDtestimony
Subject: Oppose SB 232, SD1 and HB 1453. And Support HB 1244

Aloha Judiciary Chair and Committee Members,

I respectfully request that you OPPOSE SB 232, SD1 and HB 1453 because it is flawed and it will have unintended consequences to our families, children, community, economy and state. There are better alternatives for us to consider in this legislative session, with the foremost being HB 165 which allows clarification of marriage be put on the ballot so voters to can make their voices known and whether we should amend our constitution accordingly. I also do not agree with the "equality and civil right" stance to justify civil union because homosexual preference does not arise from genetic makeup but rather choices. A series of scientific research suggesting homosexual preference is linked to genetic makeup is NOT fact and one need only look at who is funding the research scope. Other scientific research shows there is no link to genetic preference.

I support HB 1244 as pastors and ministers should be protected if they refuse to perform union ceremonies. As it is, they can decline to perform a marriage ceremony if they believe the man and women are not suited for marriage at the time or right for the other person. This is not discrimination, just that they do not agree to perform the ceremony in their good judgements.

JUDtestimony

From: Sukwah Grace Lin [sukwahlin@earthlink.net]
Sent: Monday, February 07, 2011 1:19 AM
To: JUDtestimony
Subject: *****SPAM***** OPPOSITION TO CIVIL UNIONS

Dear Sirs/Mdms,

I strongly oppose SB 232 SD1, HB 1453 and I strongly support HB 1244, HB 165

As a registered dietitian, I had worked in hospital settings for a number of years. I had helped provide nutritional support to numerous AIDS patients. These patients usually require isolation rooms, i.e. a room all by themselves, whoever went into the rooms require special gowns and masks. Everyone on the medical team must take extra measure when we dealt with patients like that. They usually stayed for months. Then a few months later, they would come back again, again and again. According to my observations, they suffered very slow and agonizing deaths, which a lot of times include cancers and tumors. As I got to know them better, I found that these are usually very bright, intelligent and nice people who were supposed to be in the prime of their years. I had great respect for them. At the same time, I felt great loss for these very valuable human beings.

While we cannot dictate how people conduct their private lives, it does not make sense to me why we have to actively support the homosexual lifestyle, which can cost us millions of dollars to support their medical treatments. It does not make sense to me even more why we have to teach our children that this is an acceptable alternative lifestyle. It is like teaching our children how to get cancer and to die young, and tell them that this is acceptable and good.

God loves the homosexuals. He has also provided ways for them to be made whole. There are ministries such as Love Won Out by Focus on the Family, or the Exodus that help homosexuals heal. Sy Rogers, David Kyle Foster who were gay, or bi-sexual are excellent examples of how God transform their lives. Homosexuals are not stuck. They have choices to make. God has provided ways for them.

Secondly, the law must not force ministers to violate their conscience and their commitment before God to solemnize the same sex marriage vows. That would be violating their constitutional right of freedom of speech.

Lastly, I also support that marriage should be defined as between a man and a woman as how God ordained it to be in the Book of Genesis.

Thank you.

Sukwah Grace Lin, M.S., R.D.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 7:00 PM
To: JUDtestimony
Cc: sheelajane.menon@gmail.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: Equal Dreams Equal Rights.doc

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Sheela Jane Menon
Organization: Individual
Address:
Phone:
E-mail: sheelajane.menon@gmail.com
Submitted on: 2/6/2011

Comments:

Equal Dreams, Equal Rights: Testimony In Support of Civil Unions

Sheela Jane Menon

February 2011

I have always been passionate about education. I believe that what we offer students through education is the chance to build the dreams they imagine, and live the lives they dream of. The formula appears to be simple and straightforward: an equal opportunity to be educated gives all students an equal opportunity to live meaningful lives.

Yet, as someone who has worked with LGBTQ students at the university level, I find it very hard to reconcile the idea that while we promise them an equal chance at a good education and an equal chance at building lives for themselves, we simultaneously deny them the civil rights afforded heterosexual students. In essence, we are saying to our students: get a good education, get a good job, and go live your life - but do so without the monetary benefits, health benefits, or legal benefits that other students (just like you) will one day share with those they love.

The spring semester of a new year is underway, and before we know it another class of college seniors will be getting ready to graduate. As a state that offers students a diverse environment rich with aloha in so many ways, how can we possibly justify ushering graduates into the next phase of their life by denying them the rights and dreams shared by so many of their classmates? Our representatives must recognize that passing civil unions is a testimony to the life we've always promised our students.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 11:29 AM
To: JUDtestimony
Cc: HawaiiVotingProject@gmail.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: No
Submitted by: Dorothy Cornell
Organization: Individual
Address: 545 Queen St. #717 Honolulu HI 96813
Phone:
E-mail: HawaiiVotingProject@gmail.com
Submitted on: 2/3/2011

Comments:

JUDtestimony

From: William Albinger [billalbinger@aol.com]
Sent: Monday, February 07, 2011 11:35 AM
To: JUDtestimony
Subject: HB1244 - Testimony in OPPOSITION

TESTIMONY IN OPPOSITION TO HB1244

Dear Chairman Keith-Agaran and Members of the House Judiciary Committee:

I am the Fr. William J. Albinger, Jr, Rector of Holy Innocents Episcopal Church in Lahaina, Maui. I am also a retired attorney. I oppose HB1244 for the following reasons:

1. Current law already protects clergy that may oppose civil unions. Under current law clergy are free to marry or not marry, to give communion to or not give communion in accordance with their denomination's rules and their own consciences. Clergy are free to minister to or not minister to people in accordance with their beliefs. For example, Roman Catholic clergy are already able to refuse to marry those who have been previously divorced.

2. HB1244 is too broad. Religious institutions are already free under current law to refuse to hire or to fire people whose position requires adherence to denominational doctrine and discipline – for example, clergy, nuns, Sunday school teachers, parochial school teachers, professors of theology, etc. HB1244 extends to any religiously affiliated organization and would allow benefits to be denied to civil union partners and their children (eg medical insurance, group life insurance, etc.).

In my opinion, HB1244 is unnecessary to protect religious groups' legitimate concerns and creates law to establish a special (and unequal) class of civil rights for Hawaii citizens in accordance with a particular religious group or groups' sectarian beliefs.

Respectfully submitted,

the Rev. William J. Albinger, Jr.

billalbinger@aol.com

808-344-5549

JUDtestimony

From: stephkonnnect@yahoo.com
Sent: Monday, February 07, 2011 1:34 PM
To: JUDtestimony
Cc: repkeitharagan@capitol.hawaii.gov
Subject: STRONGLY SUPPORT HB 1244
Attachments: HB 1244.House 020811.docx

Aloha Chair Keith-Aragan,

I am submitting my testimony in support of HB 1244 relating to solemnization. I urge you to conduct an earnest dialogue on this practical legislature, which would provide great assurance to churches and religious groups of all faiths in favor of their right to choose solemnization.

I support pastors and churches that choose to practice traditional marriages, which this bill would provide the necessary legal protections for them to maintain their beliefs and practices. Without such a measure, any passing of civil unions and the ensuing threat of same-sex marriage in Hawai'i poses a tangible threat for harm and damages to individuals and congregations/ministries. That threat is real and can be avoided NOW through the early, concurring legislation of this bill with the civil unions bill.

I believe my testimony accounts for at least 1,000 and more supporters who feel their voice is being unheard on civil unions this session and who are very concerned by the negative impacts like this bill responsively addresses. Thank you,

Stephanie Kon
Resident of Kalihi/Honolulu

February 8, 2011

2011 State Legislative Testimony

RE: Relating to Solemnization

Dear House Judiciary Committee Members:

My name is Stephanie Kon. I am a resident of Honolulu and a registered voter in the State of Hawai'i.

I urge you to support and take early action to pass this bill, which would allow the right to refuse services for solemnization of same-sex marriages by clergy, lay-ministers, churches and their members of all faiths in Hawai'i, and also provide them legal protections against any lawsuits or other state action.

I think it is *prudent to effect such a law early in Hawai'i* based on the concurring legislative bills relating to civil unions and the precedence of enacting same-sex marriage laws after adopting civil unions in other States like Connecticut, Massachusetts and California. Opponents will argue that this is premature since civil unions have not been established in Hawai'i. However, civil unions has been a topic of discussion and heated debate for more than 20 years here. Therefore, it is not too early to be pro-active in preventing unnecessary lawsuits and losses, not to mention further community factions and spiritual malaise.

The freedom of religion is one of our nation's founding principles. Every church, ministry or spiritual gatherings has the freedom to express their unique faith, to determine their own polity. Should marriage and civil unions/same-sex marriages co-exist in Hawai'i there will be supportive churches/religious groups on either sides of the issue. Those that condone one and not the other have to be able to maintain their religious beliefs and practices free of harm to themselves individually and corporately, or their freedoms are taken away. We can and must anticipate for differences in religious expressions and morality, and we must support the right to choose.

Please *SUPPORT this bill NOW* to establish the protection and the right to choose to maintain one's religious conviction, practice and affiliation relating to solemnization. We can learn from the civil unions legislation and not wait or belabor this kind of measure another one-to-twenty years. Anything less is impractical and negligent on the part of law-making in Hawai'i.

I believe my testimony accounts for at least 1,000 and more supporters who feel their voice is being unheard on civil unions this session and who are very concerned by the negative impacts like this bill responsively addresses. Mahalo for receiving my written testimony.

Stephanie Kon
3019 Ukiuki Place
Honolulu, Hawaii 96819

JUDtestimony

From: LCicotello@Gmail.com
Sent: Monday, February 07, 2011 12:50 PM
To: JUDtestimony
Subject: Testimony in SUPPORT of HB1244
Attachments: House Bill 1244 Testimony.docx; ATT00001..txt

Testimony in SUPPORT of HB1244

Hearing: 2:15 p.m., Tuesday, Feb. 8, 2011, Conference Room 016

Dear Rep. Keith-Agaran, Rep. Rhoads, Rep. Brower, Rep. Cabanilla, Rep. Carroll, Rep. Herkes, Rep. Ito, Rep. Luke, Rep. McKelvey, Rep. Morita, Rep. Oshiro, Rep. Souki, Rep. Tsuji, Rep. Fontaine, Rep. Marumoto and Rep. Thielen:

Aloha. My name is Laurie Cicotello and I live in Moili'ili. I come before you today in support of House Bill 1244 regarding the solemnization of Civil Unions.

I support this bill because it will provide a fine resource of houses of worship where I know families like mine will never feel welcome. By allowing these non-tax-paying entities the legal right to not solemnize a same-sex relationship, we give these entities what they want while families like mine, who seek joy on the most important day of their lives, will simply find houses of worship that actually practice what they preach, which is a much healthier religious doctrine.

Laurie Cicotello

2740 Kuilei St., #2404

Honolulu HI 96826

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 12:57 PM
To: JUDtestimony
Cc: allisoncara@care2.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: 7 February 2011.pdf

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Allison C. Aosved, Ph.D.
Organization:
Address: 41-521 Inoaole Street
Phone: 253-212-6093
E-mail: allisoncara@care2.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 1:00 PM
To: JUDtestimony
Cc: doylelm@care2.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: 7 February 2011, Doyle.pdf

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Lisa M. Doyle
Organization:
Address: 41-521 Inoaole Street
Phone: 253-212-6096
E-mail: doylelm@care2.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: Ann Freed [annfreed@hotmail.com]
Sent: Monday, February 07, 2011 2:40 PM
To: JUDtestimony
Subject: IN OPPOSITION TO HB 1244 RELATION TO SOLEMNIZATION
Attachments: Solemnization Jan 2011; ATT00001..htm

ATTN: COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee Members

Aloha, Members, Chair Keith-Agaran and Vice-Chair Rhoads

HEARING DATE: Tuesday, February 08, 2011
HEARING TIME: 2:15 PM
PLACE: Auditorium

IN OPPOSITION TO HB 1244 RELATION TO SOLEMNIZATION

Aloha, Members, Chair Keith-Agaran, Vice-Chair Rhoads and committee members,

We urge you to defer this measure. It is clearly an attempt to prey upon base fears and prejudices against the LGBT communities. It sounds way too much like the "separate but equal doctrine" once so popular in certain parts of our country.

It is also yet another attempt to codify into law certain particular religious views, a clear violation of the separation of church and state. I believe that the courts will eventually strike down all such fear-based laws. Why create more work for our justice system?

Regards,

Ann S. Freed
Co-Chair Women's Coalition
Mililani, Hawai`i

808-623-5676

ATTN: COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee Members

HEARING DATE: Tuesday, February 08, 2011
HEARING TIME: 2:15 PM
PLACE: Auditorium

IN OPPOSITION TO HB 1244 RELATION TO SOLEMNIZATION

Aloha, Members, Chair Keith-Agaran, Vice-Chair Rhoads and committee members,

We urge you to defer this measure. It is clearly an attempt to prey upon base fears and prejudices against the LGBT communities. It sounds way too much like the "separate but equal doctrine" once so popular in certain parts of our country.

It is also yet another attempt to codify into law certain particular religious views, a clear violation of the separation of church and state. I believe that the courts will eventually strike down all such fear-based laws. Why create more work for our justice system?

Regards,

Ann S. Freed
Co-Chair Women's Coalition
Mililani, Hawai'i

808-623-5676

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 2:48 PM
To: JUDtestimony
Cc: theede@hawaii.rr.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: No
Submitted by: Teri Heede
Organization: Individual
Address: 92-994 Kanehoa Loop Kapolei, HI
Phone: 8086726312
E-mail: theede@hawaii.rr.com
Submitted on: 2/7/2011

Comments:
ATTN: COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee Members

Aloha, Members, Chair Keith-Agaran and Vice-Chair Rhoads

HEARING DATE: Tuesday, February 08, 2011
HEARING TIME: 2:15 PM
PLACE: Auditorium

IN OPPOSITION TO HB 1244 RELATION TO SOLEMNIZATION

Aloha, Members, Chair Keith-Agaran, Vice-Chair Rhoads and committee members,

I strongly urge you to defer this measure. This approach should never be supported. This is just "separate but equal doctrine" reguritated and let's just not go there. In this country we enjoy a separation of Church and State and this legislation doesn't go compliment that premise. Mahalo ahead of time for your time and cooperation in voting to oppose this.

Regards,
Teri Heede

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 3:18 PM
To: JUDtestimony
Cc: newswireh@yahoo.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: oppose
Testifier will be present: No
Submitted by: jesse ponce de leon
Organization: newswirehawaii
Address: 1541 kalakaua ave #1504 honolulu, hi
Phone: 808.955.0044
E-mail: newswireh@yahoo.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: Margaret Scow [aaadrywall@hotmail.com]
Sent: Monday, February 07, 2011 4:42 PM
To: JUDtestimony
Subject: Strong SUPPORT of HB1244
Attachments: Testimony in Strong SUPPORT of HB1244.doc

Aloha Chairman Representative Keith-Agaran & House Judiciary Committee Members,

Attached is my Testimony in strong SUPPORT of HB1244.

Best Regards,

Margaret Scow

AAA Drywall & Masonry, LLC

Mililani, HI 96789

Ph/Fax (808) 627-0872

February 7, 2011

To: Chairman Representative Gilbert Keith-Agaran & House Judiciary Committee
From: Margaret Scow
Re: In **Strong SUPPORT of HB1244, relating to Solemnization**

Dear Chairman Representative Keith-Agaran & Committee Members,

IF any of the civil unions bills pass, it would be very important for you as our legislators to maintain all of the freedoms we currently enjoy: Freedom of Speech, Freedom of Religion, Parental Rights, Business Owner Rights, etc.

I believe that pastors and/or ministers licensed in the state of Hawaii to perform marriages should be exempt from performing civil unions. Most pastors and licensed ministers believe that marriage or unions should only be between a man and a woman. Please uphold their Freedom of Religion by not mandating that they perform any same sex union.

Solemnization is a sacred and holy act for pastors & ministers to perform. They should only be required to unite those individuals that their conscience allows them to solemnize. Because the Bible is the Word of God and states:

Thou shalt not lie with mankind, as with womankind: it is abomination. Leviticus 18:22

Pastors and ministers should not be mandated to unite same sex couples. This would go against their "religious" beliefs and against their consciences.

Mahalo for honoring God and for honoring our pastors by not passing laws which would cause them to sin against God, to sin against man and to sin against their own conscience.

Sincerely,

Margaret Scow
(808) 627-0872

JUDtestimony

From: Mark and Jean Au [jmj@hawaiiantel.net]
Sent: Monday, February 07, 2011 4:48 PM
To: JUDtestimony
Subject: Testimony Relating to HB 1244
Attachments: Testimony HB1244.doc

My name is Jennifer Au. I am a concerned citizen and I support HB1244. Attached, please find my testimony. Thank you

Dear House Judiciary Committee Members-

I strongly ask you to vote 'yes' to the HB 1244 solemnization bill. This bill is so very important because it gives us a right to refuse accommodations toward same-sex individuals and/or couples if it violates organizations or religious beliefs.

During all the hearings for the Civil Union bill, HB 444, I'm sure you heard many same-sex supporters come up and ask you to give them equal rights. As much of Hawaii opposed HB 444, and even now opposes its new senate form, SB232, passing this bill gives US an equal right. The right to say NO. Quite honestly, since a majority of Hawaii is saying no to civil unions, equal rights is most needed in this solemnization bill, not legalization of civil unions. And of course, since you represent the people, it is your duty to vote in favor of the majority.

Civil Union supporters will no doubt consider this discrimination, but this is not so. Under SB232, those who do not believe or support civil unions are forced to give same-sex individuals or couples accommodations, benefits and privileges, no questions asked and could violate their personal or religious convictions. This is unfair. However HB1244 fairly allows people to simply say no if they feel violated. If same-sex unions are approved in Hawaii, please give the majority of non-supporters the equal right and vote 'yes' to HB1244.

Thank you very much for your time,

Jennifer Au

818 Kaha Place

Kailua, HI 96734

808-383-5635

JUDtestimony

From: Esther Abbey [esther.abbey@gmail.com]
Sent: Monday, February 07, 2011 6:22 PM
To: JUDtestimony
Subject: In Support of HB 1244

Dear JUD Committee Members:

As a U.S. citizen in the State of Hawaii, I humbly ask for your support of HB 1244 Relating to Solemnization. It would be against the very foundation of freedom of this Nation and this State to force any member of clergy to perform "marriage" ceremonies for same-sex couples that would be against their own beliefs and/or to penalize them for choosing not to perform such ceremonies.

Mahalo,
Esther Abbey

JUDtestimony

From: Steve Ziadie [zrfamily@yahoo.com]
Sent: Monday, February 07, 2011 8:35 PM
To: JUDtestimony
Subject: My Support for HB 1244

Dear Sir/Madam,

As a concerned citizen of Hawaii and an active voter, I respectfully request that you lend your power and vote to pass HB 1244, and oppose and defeat HB 1453 and SB 232SD1.

HB 1244 is key to reinforcing the solemnity of true marriage.
Thank you for your support.

Very Respectfully,

Steve Z.
Kaneohe, HI 96744

JUDtestimony

From: Karlyn Miyashiro [dkmiyashiro@hawaii.rr.com]
Sent: Monday, February 07, 2011 9:06 PM
To: JUDtestimony
Subject: Support of HB 1244

Importance: High

I would like to ask for your support of HB1244. It should be the right, with our beliefs to be able to refuse to participate in any activity that would be against our belief or faith without penalty. Coercion to force a religious entity go against their beliefs should be deemed wrong! Even businesses have the right to refuse service to a customer and not be penalized. Why would this be any different?

Again, I humbly ask for your support of this bill.

Thank you for your time and consideration.

Respectfully Submitted,
Karlyn Miyashiro

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 1:47 PM
To: JUDtestimony
Cc: belinda_jacobs@hotmail.com
Subject: Testimony for HB1244 on 2/8/2011 2:15:00 PM
Attachments: Senate Bill 232.doc

Testimony for JUD 2/8/2011 2:15:00 PM HB1244

Conference room: Auditorium
Testifier position: support
Testifier will be present: Yes
Submitted by: Belinda L. Jacobs
Organization: ChristianCounselingofAmerica.org
Address: 1188 Bishop Street, Ste. 603 Honolulu, HI 96816
Phone: 808-271-1416
E-mail: belinda_jacobs@hotmail.com
Submitted on: 2/7/2011

Comments:

* Please Notice "Separation of Church and State" Section of Our document, attached. Please DO NOT Force The Civil Unions Doctrine, which is against Our Christian religion, and favors this doctrine over Ours, upon us.

Lev. 18: 22-23.

Respectfully,

Belinda L. Jacobs
ChristianCounselingofAmerica.org

Belinda Jacobs
Founder and Director

Christian Counseling and Research Centers of America®
(Proud to be registered in, and based out of Hawaii)

ChristianCounselingofAmerica.org

Store Front: 1188 Bishop Street, Ste. 603
Honolulu, HI, 96813

Mailing Address: P.O. Box 160963
Honolulu, HI 96816

P.O. Box 160963
Honolulu, HI 96816

Because, "**The Truth Remains**", and **unbiased numbers** resulting from true **scientific research Point to the Truth.**

February 7, 2011

Dear Honorable House of Representatives,
Committee On Judiciary

Ref. HB 1244 RELATING TO SOLEMNIZATION

We Support **HB 1244.**

Priority Issues Facing Our State:

While the State Legislative Body introduces more Stray Initiatives, Gambeling, Same-Sex Marriage, Pot Smoking, Legalized Euthanasia, and this despite: Looming Deficits, Joblessness, Highest Rents in the Nation, "Social service funding dries up", etc.

"Social service programs for the state's most needy population will terminate on April 1 to save the Department of Human Services \$84 million over the next two years and three months. ... will eliminate funding for 41 children, youth and family programs such as ... the Institute for Human Services." Retrieved from: http://www.staradvertiser.com/news/hawaii/news/20110204_Social_service_funding_dries_up.html

This is Shameful for a State that highest Rents in the Nation !

What misplaced priorities. The 2011 Legislature needs to FOCUS and priorities its efforts on Taxpayer's dime.

Hawaii State *needs to produce a "Groundhog Day" -type movie as the State Government votes over-and-over-and-over again, and year after year Civil Unions, gambleing, etc. ... Legislature needs to enact a Bill that puts an end to repetative Legislative initiatives at Taxpayers expense ..*

However, **Gay and Lesbian Minority** Gets Legislative Time and Funding Initiatives, of course.

Unfortunately,

Research DOES NOT SUPPORT Civil Unions:

$$\text{♂} + \text{♂} \neq \text{♂} + \text{♀}$$

NOT EQUAL

(as research provides, below) ~ But loved by Us and God, of course.

I. **Born Homosexual ?** How did your Doctor determine this ? **Prove it.**

Fact: No Scientific Evidence for Homosexuality.

The homosexual community/researchers have failed to produce **any scientifically definable** variable that makes a person homosexual. Human DNA identifies individuals as having African, Hawaiian, Irish, Korean, etc. origin. There is no definable variable for homosexuality.

How can you discriminate against something you can not define ?

II. **H**omosexuality is a moving target. **H**ow are you going to Legislate This ?

Love Conquers All: Our Homosexuals, bi-sexuals go straight and heterosexual individuals become homosexual, even late in life.

**** Former Lesbian, Hawaii Resident, Goes Straight:** Influenced by flamboyant "Queen" in auto accident, was on ground/street and was being **prayed over by a stranger, woman** who he eventually married ! Watch conversion and meet Former Lesbian @: **BeverlyB.org** . ~More HIV Healings & testimonies on our web site.

III. **Hawaiian**, Minority, is the #2 Population of HIV Active Cases in Hawaii (2006).

FACT: - Civil Unions, minority No Cost to Hawaii ? The Cost is Already Alarming.

Demand: Environmental Impact Statement Demand and HIV Solutions Priority for Hawaii State Senators.

This is shamefully alarming. In an environment of limited funding, Hawaii needs to fund solutions for HIV Prevention and Solutions, rather than legislating funding to promote the Civil Union, minority. - The

homosexual "couple" attempts to "walk down the aisle" should be compared to a bride attempting to "walk down the aisle" when her hair is on fire ~ with HIV. Put out this Fire **BEFORE** "walking down the aisle". What shamefully misguided priorities by promoting Civil Union funding.

(CCRCA is interested in studying the sources of these infections. -Prison systems ? Addiction ties to sex ?)

Hawaii State Department of Health HIV/AIDS Statistics:

(HIV Stage 3, is AIDS) HIV/AIDS SURVEILLANCE SEMI-ANNUAL REPORT, Cases to December 31, 2008, Retrieved from: http://hawaii.gov/health/healthy-lifestyles/std-aids/aboutus/prg-aids/aids_rep/2h2008.pdf

58.2% of Total Hawaii's 3,011 AIDS cases are Dead 1,752 AIDS Deaths. Retrieved from Hawaii State Department of Health: <http://hawaii.gov/health/healthy-lifestyles/std-aids/aboutus/prg-aids/hivaids-epi-data.html>

IV. Statistics: MAN with MAN SEX 60 TIMES the HIV Than the General Population - ONE (1) TIME Sex (since 1977)

**** Must See CNN Video, (air date: 5-31-10): National HIV Epidemic "men having sex with men" Statistics:** [Scientific Medical Community refutes U.S. Senator John Kerry's Epidemiology Statistics.] Retrieved from: <http://www.cnn.com/2010/HEALTH/05/25/gay.blood.donation.ban/index.html?iref=allsearch>

- The "Prevalence of HIV in the community of men having sex with men, since 1978, is **60 Times Higher** than in the general population.
- **800 Times Higher** than first-time blood donors.
- **8000 Times Higher** than repeat blood donors."
- One study in the United Kingdom, showed that if the U.S. goes to a one (1) year deferral there will be a 60 % increase of HIV in the Blood Supply.
- No deferral, whatsoever, "it will be a 500 % increase of HIV in the Blood Supply."
Dr. Brooks, Professor of Pathology at the University of Texas Health Science Center in San Antonio.

[Background:

Under Food and Drug Administration rules, men who have had sex -- even once -- with another man since 1977 are not permitted to give blood. The rule was implemented in 1983, sparked by concerns that HIV, the virus that causes AIDS, was tainting the blood supply. Screening tests to identify HIV-positive blood had not been developed. The policy was seen as a safety measure.]

Other high HIV risk communities include Prostitution and Porn Stars. We are pleased the State Legislature is not promoting initiatives that **endorse** these communities, as well. The High HIV statistics are possibly indicative of promiscuity in lifestyle amongst the homosexual community, perhaps promiscuity trumps the "long-term stable relationships" this community totes, and frequently refers.

V. Nature Discriminates Against Civil Union Families:

who:

- **Can't Procreate** without a Third Person, so that the "Family" requires a three-adults to procreate.
- and, **Children of the Civil Union "Family" Does Not share the DNA**, nor **Family bloodline** of one of the same-sex pair, so that best, one of the "Parents" is truly a Stepparent.

VI. The Optimum Child Rearing Model:

□□□ **Decades of Research:** shows that children need both a mother and a father in order to grow into emotionally mature adults.

- In his paper, Dr. Byrd summarized the Research Results

Dr. A. Dean Byrd, "Gender Complementarity and Child-Rearing: Where Tradition and Science Agree," Geneva, Switzerland (August 23-25, 2004). Retrieved from: <http://www.narth.com/docs/needboth.html>

VII. 'My Daddy's Name is Donor', a Pathbreaking New Study of Young Adults Conceived Through Sperm Donation.

Elizabeth Marquardt, Norval D. Glenn, and Karen Clark, co-investigators Retrieved from: <http://familyscholars.org/2010/05/10/sperm-bank-children-and-black-hole-syndrome/>

Fact: ** Sperm Donor Children DO NOT fair as well As Even Adoptive Children !

15 Findings: Termed the black hole syndrome, Young adults conceived through sperm donation (or "donor offspring") experience profound struggles with their origins and identities. Retrieved from: http://www.familyscholars.org/assets/Donor_15findings.pdf

- 65 % of donor offspring agree, "My sperm donor is half of who I am."
- 45 % agree, "**The circumstances of my conception bother me.**"
- Almost 1/2 report that they think about donor conception at least a few times a week or more often.
- The role of money in their conception disturbs a substantial number of donor offspring.
- 45 agree, "It bothers me that money was exchanged in order to conceive me."
- 42 % of donor offspring, compared to 24 % from adoptive families and 21 % raised by biological parents, agree, "It is wrong for people to provide their sperm or eggs for a fee to others who wish to have children."
- When they grow up, donor offspring are more likely to agree, "**I don't feel that anyone really understands me.**", with **25 % of them agreeing strongly**, compared to 13 % of the adopted and 9 % of those raised by biological parents.

2. Family relationships for donor offspring are more often characterized by confusion, tension, and loss.

- More than 1/2 (53 %) agree, "I have worried that if I try to get more information about or have a relationship with my sperm donor, my mother and/or the father who raised me would feel angry or hurt."
- **70 %** agree, "I find myself wondering what my sperm donor's family is like."
- **69 %** agree, "I sometimes wonder if my sperm donor's parents would want to know me."
- Nearly 1/2 of donor offspring (48 %), compared to about 1/5 of adopted adults (19 %) agree, "**When I see friends with their biological fathers and mothers, it makes me feel sad.**" Similarly, more than half of donor offspring (53 %, compared to 29 % of the adopted adults) agree, "It hurts when I hear other people talk about their genealogical background."
- 43 % of donor offspring, compared to 15 % of adopted persons and six % of those raised by their biological parents, agree, "I feel confused about who is a member of my family and who is not."
- Almost 1/2 of donor offspring (47 %) agree, "I worry that my mother might have lied to me about important matters when I was growing up," compared with 27 % of the adopted and 18 % raised by their biological parents.
- Similarly, 43 % of donor offspring, compared to 22 % and 15 %, respectively, of those raised by adoptive or biological parents, agree, "I worry that my father might have lied to me about important matters when I was growing up."
- When they grow up, well over 1/2 (57 %) of donor offspring agree, "**I feel that I can depend on my friends more than my family**" – about twice as many as those who grew up with their biological parents.

3. Donor offspring often worry about the implications of interacting with – and possibly forming intimate relationships with – unknown, blood-related family members.

- Well over 1/2 of donor offspring—58 %—agree, "When I see someone who resembles me I often wonder if we are related," compared to 45 % of adopted adults and 14 % raised by their biological parents.
- Nearly half—46 %—of donor offspring, but just 17 % of adopted adults and 6 % of those raised by their biological parents, agree, "When I'm romantically attracted to someone I have worried that we could be unknowingly related."
- Similarly, 43 % of adult donor offspring, and just 16 % of adopted adults and 9 % of those raised by their biological parents, agree, "I have feared having sexual relations unknowingly with someone I am related to."

4. Donor offspring are more likely to have experienced divorce or multiple family transitions in their families of origin.

- The married heterosexual parents of the donor offspring are unusually likely to have divorced, with 27 % of donor offspring reporting that their parents divorced before the

respondent was age 16, compared to 14 % of those who were adopted and 25 % of those raised by their biological parents. (The comparison between the parents of donor offspring and those of the adopted is apt, because in both cases the parents would likely have turned to donor conception or adoption later in their marriages, when marriages on average are more stable.) See Figure 4. (p. 117)

- Overall, 44 % of donor offspring experienced one or more “family transitions” between their birth and age 16, compared to 22 % of the adopted, and 35 % of those raised by their biological parents. See Figure 3a. (p. 116).

5. Donor offspring are significantly more likely than those raised by their biological parents to struggle with serious, negative outcomes such as delinquency, substance abuse, and depression, even when controlling for socio-economic and other factors.

- Donor offspring and those who were adopted are **twice as likely** as those raised by biological parents **to report problems with the law** before age 25.
- Donor offspring are about **1.5 times more likely** than those raised by their biological parents **to report mental health problems**, with the adopted being closer to twice as likely as those raised by biological parents to report the same thing.
- Donor offspring are more than **twice as likely** as those raised by biological parents **to report substance abuse problems** (with the adopted falling between the two groups). See Figure 1. (p. 115).

6. Donor offspring born to heterosexual married couples, single mothers, or lesbian couples share many similarities.

- In our survey, 262 of the donor offspring report they were born to heterosexual married couples, 113 to single mothers, and 39 to lesbian couples.
- While at first glance the number of those born to lesbian couples might seem rather small, this study is notable for having even 39 respondents who grew up with this experience. Most studies of the offspring of lesbian or gay parents are based on a smaller or similar number of respondents, and they typically lack the comparison groups that our survey offers. However, we must caution that due to the size of the sample of offspring of lesbian 10 couples, most reported findings related to that particular group can only suggest differences or similarities, although where significant differences emerge they are noted.
- All three groups of donor offspring appear fairly similar in a number of their attitudes and experiences. For example, they are all about equally likely to agree that they feel confused about who is a member of their family and who is not, that they fear being attracted to or having sexual relations with someone they are unknowingly related to, that they worry their mother might have lied to them about important matters, and that they have worried about hurting their mother’s or others’ feelings if they tried to seek out their sperm donor biological father. See Table 2. (p. 109).

Donor offspring born to single mothers:

7. At the same time, there appear to be notable differences between donor offspring born to heterosexual married couples, single mothers, and lesbian couples.

- Overall, donor conceived persons born to single mothers seem to be somewhat more curious about their absent biological father, and seem to be hurting somewhat more, than those born to couples, whether those couples were heterosexual or lesbian.
- Donor offspring born to single mothers are more likely than the other two groups to agree, "I find myself wondering what my sperm donor's family is like."
- Most (78 %) born to single mothers agree, compared to 2/3 of those born to lesbian couples or married heterosexual parents. With regard to "My sperm donor is half of who I am,"
- 71 % of those born to single mothers agree, compared to 46 % born to lesbian couples and 65 % born to married heterosexual parents. Regarding family transitions, the single mothers by choice appear to have a higher number of transitions, although if the single mother married or moved in with someone, that would count as at least one transition.
- Still, with about 1/2 (49 %) of the offspring of single mothers by choice in our sample reporting one or more family transitions between their birth and age 16, it's clear that family change was not uncommon for them. See Figure 3b. (p. 116).
- Regarding troubling outcomes, even with controls, the offspring of single mothers who used a sperm donor to conceive are almost 2.5 times as likely as those raised by biological parents **to report problems with the law before age 25.**
- Similarly, even with controls, the offspring of single mothers who used a sperm donor to conceive are more than 2.5 times as likely as those raised by biological parents to **report struggling with substance abuse.** See Figure 2. (p. 115).

Donor offspring born to lesbian couples:

- Meanwhile, compared to those born to single mothers or heterosexual couples, those born to lesbian couples seem overall to be somewhat less curious about their absent biological father, and somewhat less likely to report that they are hurting. However, substantial minorities of **those born to lesbian couples** still do report distressing experiences and outcomes, for example agreeing that the circumstances of their conception bother them, that **it makes them sad to see friends with biological fathers and mothers,** and that it bothers them that money was exchanged in their conception.
- Nearly 1/2 (46 %) of the donor offspring born to lesbian couples in our study agree their sperm donor is half of who they are, and more than 1/2 (**59 %**) say they **sometimes wonder if their sperm donor's family would want to know them.**

- Finally, **more than 1/3 of donor offspring born to lesbian couples in our study agree it is wrong deliberately to conceive a fatherless child.** See Table 2. (p. 109).
- Regarding family transitions, the donor conceived born to lesbian mothers appear only slightly less likely to have had one or more family transitions before age 16, compared to the donor conceived born to heterosexual married parents. See Figure 3b. (p. 116)
- **Regarding troubling outcomes, even with controls, the offspring of lesbian couples who used a sperm donor to conceive appear more than twice as likely as those raised by their biological parents to report struggling with substance abuse.** See Figure 2. (p. 115).

8. Donor offspring broadly affirm a right to know the truth about their origins.

- Depending on which question is asked, approximately 2/3 of grown donor offspring support the right of offspring to have non-identifying information about the sperm donor biological father, to know his identity, to have the opportunity to form some kind of relationship with him, to know about the existence and number of half-siblings conceived with the same donor, to know the identity of half-siblings conceived with the same donor, and to have the opportunity as children to form some kind of relationship with half-siblings conceived with the same donor.
- In recent years **Britain, Sweden, Norway, the Netherlands, Switzerland, and some parts of Australia, and New Zealand have banned anonymous donation of sperm and eggs.** Croatia has recently considered such a law. In Canada, a class-action suit has been launched seeking a similar outcome. This study affirms that a majority of donor offspring support such legal reforms.

9. About half of donor offspring have concerns about or serious objections to donor conception itself, even when parents tell the children the truth about their origins.

- Of the donor conceived adults we studied, a sizeable portion – 44 % – are fairly sanguine about donor conception itself, so long as parents tell their children the truth. But another sizeable portion – 36 % – still have concerns about donor conception even if parents tell the truth. And a noticeable minority – **11 % – say that donor conception is hard for the kids even if the parents handle it well.** Thus, **about 1/2 of donor offspring – about 47 % – have concerns about or serious objections to donor conception itself,** even when parents tell their children the truth.

10. Openness alone does not appear to resolve the complex risks that are associated with being conceived through sperm donation.

- In our study, those donor offspring whose parents kept their origins a secret (leaving the donor offspring to find out the truth in an accidental or unplanned way) were substantially more likely to report depression or other mental health issues (51 %), having struggled with substance abuse (36 %) or having had problems with the law (29 %). These differences are very large and striking. See Table 4 (p. 112).

- Still, while they fared better than those whose parents tried to keep it a secret, those donor offspring who say their parents were always open with them about their origins (which are 304 of the donor offspring in our study) still exhibit an elevated risk of negative outcomes. Compared to those raised by their biological parents, the donor offspring whose parents were always open with them are significantly more likely to have struggled with substance abuse issues (18 %, compared to 11 % raised by their biological parents) and to report problems with the law (20 %, compared to 11 % raised by their biological parents).

11. While a majority of donor offspring support a right to know the truth about their origins, significant majorities also support, at least in the abstract, a strikingly libertarian approach to reproductive technologies in general.

- Well over 1/2 (61 %) of donor offspring say they favor the practice of donor conception (compared to 39 % of adopted adults and 38 % raised by their biological parents).
- The majority of donor offspring – about 3/4 – agree, “I think every person has a right to a child;” “Artificial reproductive technologies are good for children because the children are wanted;” “Our society should encourage people to donate their sperm or eggs to other people who want them;” and “Health insurance plans and government policies should make it easier for people to have babies with donated sperm or eggs.”
- These numbers are substantially higher than those from adoptive or biological parent families who agree with the same statements. Moreover, in a particularly startling finding, a majority of donor offspring (64 %) agree, “Reproductive cloning should be offered to people who don’t have any other way to have a baby,” compared to 24 % who are adopted and 24 % raised by their biological parents.

12. Adults conceived through sperm donation are far more likely than others to become sperm or egg donors or surrogates themselves.

- In another startling finding, a full 20 % of donor offspring in our study said that, as adults, they themselves had already donated their own sperm or eggs or been a surrogate mother. That’s compared to 0 % of the adopted adults and just 1 % of those raised by their biological parents – an extraordinary difference.

13. Those donor offspring who do not support the practice of donor conception are more than three times as likely to say they do not feel they can express their views in public.

We asked donor offspring whether they favor, oppose, or neither favor nor oppose the practice of donor conception.

- Of those who favor donor conception, just 14 % say they do not feel they can express their positive views about donor conception in “society at large.” By contrast, of those who oppose it, 46 % said they do not feel they can express these negative views about donor conception in “society at large.”

- **More than 1/3 of donor offspring** in the study (37 %), compared to 19 % of adopted adults and 25 % raised by their biological parents, agree, **“If I had a friend who wanted to use a sperm donor to have a baby, I would encourage her not to do it.”**

14. Donor conception is not “just like” adoption.

- Adoption is a good, vital, and positive institution that finds parents for children who need families. There are some similarities between donor conception and adoption, but our study reveals there are also many differences.
- And, if anything, the similarities between the struggles that adopted people and donor conceived people might share should prompt caution about intentionally denying children the possibility of growing up with their biological father or mother, as happens in donor conception.

15. Today’s grown donor offspring present a striking portrait of racial, ethnic, and religious diversity.

- A full 1/5 – 20 % – of the donor offspring in our sample said they are Hispanic, compared to just 6 % of those from adoptive families and 7 % of those raised by biological parents.
- The donor offspring are also well represented among races in general. Many of them grew up with Catholic, Protestant, or Jewish religious identities and/or identify with those traditions today.

This striking diversity helps to illustrate the complexity of their experience and the reality of their presence in every facet of American life today. **“No Dad, it’s a feeling that, empty space, it is difficult to explain,”** says Jonathan born sperm mother single mother

VIII. Muslims are Allowed **FOUR (4) Wives** and the Separation of Church and State.

Americas Legislatures DO NOT have to legislate EVERY Religion Known To Man !

Same-sex Marriage/ Civil Unions [- Different Names, but same effect.] **IS A DOCTRINE** ? -- That this lifestyle works, is effective, worthwhile, doesn’t send people to hell [*Lotsa true-life after death Hell and Heaven videos on Our web site !*], and so forth.

Move to Canada where this social experiment is legal. Amsterdam has legalized prostitution, drugs, and so forth. Have you ever met anyone from Amsterdam ? An acquaintance friend of

Will Hawaii discriminate against the **Qur'an** too ?! Mormonism "Bible" affords pluralistic marriages. Joseph Smith was a **Polygamist** ...

If you wish to have four (4) wives, move to a **Muslim country** were this is legal. Unapologetically, America was founded upon Judeo Christian ideals. [*And unapologetically, many, many, many countrymen from around the world are eager to become U.S. citizens.*]

- **IF IT AIN'T BROKE, DON'T "FIX IT".**

Civil Unions **IS AGAINST MY MESSIANIC JEWISH [i.e. Christian] Religion.**
Which Religion Wins ?

Lev. 18:22-23. Issues go back to Biblical Times ~
Sodom [-The scenario from which we get the term "Sodomy"] & Gomorra went up in smoke !

Know the Facts: "Separation of Church and State":

KNIGHT: Appeasing the gods, Hawaii style

State government throws Jesus off a cliff

The Washington Times

7:08 p.m., Tuesday, January 25, 2011

In the state where pagan natives once threw people off cliffs to placate the gods, the Hawaiian state Senate has voted to end the practice of opening its sessions with prayer.

It's probably just silly Internet prattle that some of the more intemperate civil liberties advocates want to follow this up by throwing pastors into Kilauea, the volcano home of the fire goddess Pele.

The Jan. 21 vote came after the American Civil Liberties Union (ACLU) threatened to sue because of a single complaint by Mitch Kahle, founder of Hawaii Citizens for the Separation of State and Church.

The sticking point is that some speakers invoke Jesus, which sends the ACLU into a bout of "separation of church and state anxiety syndrome." It seems that they are functionally "anti-Christ."

The phrase "separation of church and state," of course, appears nowhere in the U.S. Constitution and was derived from a Jan. 1, 1802, letter by Thomas Jefferson to the Danbury, Conn., Baptist Association assuring them that no particular Christian denomination would be declared a state religion. The liberal U.S. Supreme Court picked up on this nearly a century-and-a-half later and concocted an extraconstitutional doctrine that the ACLU has wielded like a pineapple scythe against public religious symbols or prayers.

During the period he sent the letter, Jefferson attended weekly Christian services held in the House of Representatives. No historical text as far as I know includes references during those services to Pele or to Buddha or even to Islam. Frequent mention, however, was made of Jesus Christ, since the overwhelming majority of the Founders and the legislators at the time were professing Christians.

According to the Associated Press, the Hawaii Senate is the first state Senate to ban prayer. In 2008, the 7th U.S. Circuit Court of Appeals overturned a 2005 ruling by U.S. District Judge David Hamilton that had barred the Indiana House from mentioning Jesus in opening prayers. President Obama then appointed Judge Hamilton to the same court that had overturned Judge Hamilton's ruling, and the U.S. Senate confirmed him 59-39 on Nov. 19, 2009. The sole Republican "yes" vote? Indiana's own Sen. Richard G. Lugar.

The ACLU's determination to silence prayer in the Hawaii Senate chamber contrasts with their own indifference in 2009, when the Hawaii Senate approved a resolution declaring Sept. 24, 2009, to be "Islam Day" on a 22-3 vote. The Senate's mighty Republican bloc of two rejected it, along with a single Democrat who worried about church-state separation.

When legislators celebrate Islam, that's "multiculturalism." When they allow individuals to pray according to their own faiths, that's unconstitutional establishment of religion. It makes perfect sense if you think about it long enough to make your head hurt.

On Jan. 21, the GOP Hawaii Senate bloc of one - Sam Slom - argued for making prayers voluntary, rather than getting rid of them entirely. "As intelligent as we may be, we can still call on someone higher to help us and guide us," he argued in vain, ignoring the evidence that his assessment of the legislators' collective IQ might be, well, overly generous.

Perhaps the Hawaii Senate could get around the whole thing by opening legislative sessions with invocations to Pele. They could call it a celebration of the Aloha State's cultural heritage, and blunt ACLU objections by insisting they are referring to a currently famous person instead of the volcanic deity.

They could even present Pele with a commemorative soccer ball. That might appease him.

Robert Knight is senior writer for Coral Ridge Ministries and a senior fellow for the American Civil Rights Union.

IX. The Cost of Civil Unions:

Lynn D. Wardle Brigham Young University - J. Reuben Clark Law School. Retrieved from: *Widener Journal of Public Law, Vol. 11, pp. 401, 2002*

X. Promote Hawaii as a Family and Eco-Friendly Destination, Endorsements, vice Endorsing Civil Union Destination

We, your constituents, the people of Hawaii, residents of Hawaii, have consistently and regularly (annually) requested, with a resounding majority, by voting, marching, campaigning, donating and petitioning, that we Do Not want Civil Union endorsements for our State. Stop legislating initiatives with such PROVEN detrimental social and psychological, and well documented research consequences.

Thank you, Our Governing Body, for consistently governing us justly, and promoting "Pono" Righteousness in Our land.

Hope this helps ~

Respectfully and with Aloha for ALL people, but as Minister and Researcher, I don't let my friends miss meeting their Maker !
He made our body parts after all ~ allow me to defer to Our Creator, until someone else can create the body parts of this matter ...

Belinda Jacobs
Intake Line: 808-271-1416

Some things of God's creation should not be "touched" ~ touch a butterfly and you may spoil it, because you have harmed it's wing ... Dr. Lester Sumeral.