

Committee: Committee on Judiciary and Labor
Hearing Date/Time: March 25, 2013, 10:30 am
Place: Conference Room 016
Re: Testimony of the ACLU of Hawaii in Support of S.R. 123/S.C.R. 166

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.R. 123 and S.C.R. 166, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii. This task force will provide information that will allow the Legislature to perform a measured, balanced, and reflective analysis as to Hawaii's laws on the topic of marriage equality.

This task force is especially important given that by the end of June – just after this year's Legislative Session concludes – the United States Supreme Court will decide two landmark cases. The first, *United States v. Windsor*, challenges the constitutionality of the Defense of Marriage Act ("DOMA"). DOMA currently requires the federal government to discriminate against married same-sex couples by treating them as legal strangers for purposes of all federal statutes and programs, and by excluding them from over 1,100 federal benefits (ranging from eligibility for family medical leave, to social security survivor's benefits, to access to health care for a spouse). The task force will be able to consider the legal, economic, social, and religious implications of this decision; for example, if the Supreme Court strikes down DOMA, as many experts predict, the task force will have an opportunity to consider the effect that decision would have on Hawaii's civil union laws.

The second case, *Hollingsworth v. Perry*, concerns the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8. Again, the task force will be able to consider the legal, economic, social, and religious implications of the Court's decision, and provide a detailed report to the Legislature on what the decision means for Hawaii's families.

Today, there are approximately 120,000 married same-sex couples in the United States. Nine states (plus the District of Columbia) allow for same-sex marriage, and last week, Colorado became the ninth state to have civil unions. With these rapid changes in the legal and social landscape across the country, the task force proposed by this resolution gives the Legislature an opportunity to study the issue in depth; it also gives stakeholders from many different

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Chair Hee and Committee Members
March 21, 2013
Page 2 of 2

communities an opportunity to pause, to reflect upon Hawaii's history, economy, and diversity, and to consider carefully the ramifications of any possible change to Hawaii law.

Thank you for this opportunity to testify.

Sincerely,

Lois K. Perrin
Legal Director
ACLU of Hawaii

The American Civil Liberties Union ("ACLU") is our nation's guardian of liberty working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.

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HAWAII FAMILY ADVOCATES

DATE: March 22, 2013
TO: Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
RE: **Opposition/Comments on SR 123 and SCR166**
Hearing Monday, 3/25/13, 10:30 am Rm. 016

My name is James Hochberg, and I have been a civil rights attorney in Honolulu since 1984. Currently I am also the president of Hawaii Family Advocates, a 501©(4) independent expenditure, non-candidate committee.

We are OPPOSED to SR 123 and SCR 166 which propose to convene a task force to study the social, economic, and religious impacts of enacting marriage equality in Hawaii. In our opinion, as elected officials, you should do the work of the task force and take responsibility for your decisions. You need to be accountable to the voters in this state and not push your responsibilities off on an unaccountable task force.

If, however, you decide to proceed any way, the task force envisioned in these resolutions appear designed to result in a process that is biased in favor of same-sex marriage.

In 1995, I served as one of the seven commissioners on the Governor's Commission on Sexual Orientation and the Law, which issued our report December 8, 1995. I wrote the Minority Report which is found here: <http://lrhawaii.info/lrb/rpts/95/sexor.pdf> . From the first moment, that Commission was strongly biased in favor of same-sex marriage. The conduct of the proceedings sought to eliminate any discussion of any topic other than why Hawaii should permit same-sex marriage. I am concerned that this or any other Task Force not result in the same biased efforts that completely wasted time and resources in 1995.

My concerns arise because the resolution itself is clearly biased in favor of same-sex marriage. The use of the words "marriage equality" instead of "same-sex marriage" indicates this bias. In addition, the following facts that are cited in the resolution also evidence the bias because of facts that are not also stated:

1. "WHEREAS, many of Hawaii's residents continue to believe that civil unions do not ensure equal treatment for all of Hawaii's people" but leaving out the equally true facts that although many people oppose civil unions and still others are satisfied with civil unions; and

2 “WHEREAS, same-sex partners in a civil union are excluded from the approximate 1,138 federal rights and benefits that are available to opposite-sex married couples” (this is misleading based on our prior task force work); and

3. “WHEREAS, the President of the United States, the Governor of Hawaii, Hawaii's entire Congressional Delegation, the Mayor of the City and County of Honolulu, and many members of the County Councils throughout Hawaii support marriage equality” but leaving out the fact that many residents and most legislators in Hawaii are opposed to same-sex marriage; these legislators actually have the responsibility for passing any same-sex marriage laws;and

4. “WHEREAS, there is substantial evidence that enacting marriage equality would have a significant economic impact on Hawaii” does not address the fact that it could be a very negative economic impact if Hawaii's famous family-friendly brand is tarnished in the tourism industry;

The resolution then asks the Dean of the William S. Richardson School of Law at the University of Hawaii at Manoa to select the following members:

(1) Two esteemed members of Hawaii's legal community, preferably including at least one attorney who has served the State or one of the State's counties, or their designees;

(2) Two members of Hawaii's business community, including at least one member representing Hawaii's tourism industry, or their designees;

(3) One current or former clergy member, or the clergy member's designee;

(4) One member of a prominent community organization that advocates for marriage equality, or the member's designee; and

(5) One professor of economics from the University of Hawaii at Manoa who co-authored a study on the impact of same-sex marriage on Hawaii's economy and government, or the professor's designee;

This further insulates the elected officials from responsibility for the work of the task force. Why not require that one of the attorneys and one of the businessmen support and the other oppose same-sex marriage to assure balance? It is unconstitutional to use a religious test to serve on the commission so having a category of current or former clergy member can't stand. Why don't you have two of each category, with one supporting and the other

HAWAII FAMILY ADVOCATES

opposing same sex marriage? Selecting the prominent community organization that advocates for marriage equality is also plainly biased. The professor of economics who co-authored a study on the impact of same-sex marriage on Hawaii's economy and government is Sumner Lacroix or his co-author. He testified shamefully at our 1995 commission and was soundly rebutted by Professor Moheb Ghali. How about a balanced task force?

If you decide to go forward with the Task Force, I suggest that you include the requirement that the proceedings be videotaped from the first moment until the last so there is an unambiguous record of the proceedings. That is the only way you can make sure the work that is done is honest, unbiased and therefore useful to the people of Hawaii.

Sincerely,

James Hochberg, Esq.
President



Report of the Commission
On Sexual Orientation
And the Law

Thomas P. Gill, Chair
Morgan Britt
L. Ku'umeaaloha Gomes
Lloyd James Hochberg, Jr.
Nanci Kreidman
Marie A. "Toni" Sheldon
Bob Stauffer

December 8, 1995
ADVANCE COPY

Chapter 5

MINORITY OPINION

The irony of this "minority" opinion is that its conclusions actually reflect the view of a majority of Hawaii's residents.¹⁴⁴ According to the most recent poll taken by SMS Research, *The Honolulu Advertiser* and KHON July 19-29, 1994, more than two-thirds¹⁴⁵ of the respondents stated that Hawaii should not allow people of the same sex to marry. The public response to the Draft Final Report of this Commission confirms this as well. Of 1033 written comments received, 455 were in favor and 578 were opposed to homosexual marriage.¹⁴⁶ At the December 6, 1995, meeting, where public comment was received, of 103 who testified, 22 were in favor and 81¹⁴⁷ were opposed to homosexual marriage. In addition, the Legislative Reference Bureau (LRB) received so many telephone calls concerning the Draft Report that they could not record the messages because it would interfere too much in their ability to do their other work.

Opposition to changing the definition of marriage is also consistent with the policy in Hawaii prohibiting "common law marriage". The State of Hawaii has protected traditional marriage and has narrowly circumscribed marriage rights since 1920.

So zealously has this court guarded the state's role as the exclusive progenitor of the marital partnership that it declared, over seventy years ago, that 'common law marriages'--i.e., 'marital' unions existing in the absence of a state-issued license and not performed by a person or society possessing governmental authority to solemnize marriages--would no longer be recognized in the Territory of Hawaii.¹⁴⁸

The irony of the Majority Response to Minority Opinion, is that the majority's rebuttal to the minority opinion validates the content of the minority opinion. In the Response, the majority excuses its conduct on its understanding that it had to address its efforts "with speed and decisiveness if it was to complete its work within the limited time allowed."¹⁴⁹ That force

144. See "Five Hawaii Polls On Legalizing Same-Sex Marriages" attached as Appendix G.

145. *Id.*

146. These numbers represent comments from individuals and do not include the approximately 2000 signatures submitted in petitions opposing same-sex marriage from thirty different groups.

147. Several written testimonies, not presented orally, were received at the December 6, 1995, meeting. In addition, one of the members of the public who did testify presented 800 signatures on a petition opposed to homosexual marital rights.

148. *Baehr v. Lewin*, 74 Haw. 530, 559 (1993) quoting *Parke v. Parke*, 25 Haw. 397, 404-05 (1920).

149. See Section II.F. of Chapter 6 of this report.

and a disinterest in opinions opposed to homosexual marital rights drove what the minority describes as a railroad job in this minority opinion.

I. Introduction

A. Reason For Minority Opinion

Due to the five-member majority of Commission members who vigorously support homosexual rights, the debate needed for serious analysis did not occur. The Governor's Commission on Sexual Orientation and the Law failed in its effort to seriously analyze the issues presented. See letters to Chairman Gill dated October 10, 1995, from Commissioner Hochberg and October 11, 1995, from Commissioner Sheldon attached hereto as Appendix H.

This opinion of a minority of the Governor's Commission on Sexual Orientation and the Law is written because the two-member minority disagreed with the substance of the majority's analysis and because the process employed by the majority to reach their conclusions is faulty. Instead of looking to Act 5, 1995 Session Laws, for guidance, the majority of the Commission saw its role as validating favorable portions of the court opinion in *Baehr v. Lewin*,¹⁵⁰ even though in Act 217, 1994 Session Laws, the legislature roundly criticized the court opinion in *Baehr*. As a result, during the actual Commission meetings, the majority of Commissioners refused to examine the major legal and economic benefits reserved for married couples, but instead simply reached their conclusions. In addition, the majority refused to examine substantial public policy reasons not to extend these benefits in part or in whole to homosexual couples.¹⁵¹ The overwhelming credible evidence available to the Commission requires that the State of Hawaii not recognize homosexual unions as equivalent to traditional, heterosexual marriage.

B. Recommendations

The minority of the Commission recommends that no action be taken to extend any legal or economic marital benefits to homosexual couples that they do not already enjoy. In addition, the minority finds that the majority's recommendation that the legislature embrace same-sex marriage will severely, negatively affect the Attorney General's ability to prevail in the pending *Baehr v. Miike* litigation. In light of this, the minority also strongly recommends that the legislature undertake to amend the Constitution of the State of Hawaii to reserve marriage and marital rights to unions between one man and one woman. If any marital rights are granted to homosexual couples, the minority vigorously recommends that the legislation

150. See Preface to this report at item IA.

151. Laboring under the misapprehension that any opposition to homosexual marital rights is simply wrong, the majority rejects outright all opposition to homosexual marital rights without seeking to understand the reason for that judgment.

MINORITY OPINION

contain a sweeping religious exemption. Finally, the minority recommends that the legislature consider reviewing Hawaii laws to determine whether it should enlarge the definition of "family" in some statutes in order to protect legitimate "family" needs for unmarried people. In evaluating which, if any, statutes should be changed in this regard, the minority also strongly recommends that the legislature evaluate the cost to the state from such change.

C. Summary

This report presents information received from persons who testified before the Commission as well as material included in the Commission's bibliography. This modern literature concerns legal, economic and social policy analysis of marriage and marital rights, family and child rearing, the attributes of homosexuality and the effects of homosexuality on the community. Many people testified that they were opposed to homosexual marital rights on economic, religious, historical, medical and psychological grounds. Of critical importance to many people who testified was the protection of children. The majority report simply rejects all these bases of opposition to homosexual marital rights. The majority's argument relies on the tenuous assumption that the present legal status of gay marriages parallels the laws against interracial marriages in the 1960s. The minority opinion addresses some of the reasons why this is a false assumption. Race and gender are immutable characteristics. Clearly, sexual orientation is not in the same category--sexual orientation is known to change and is, to a large extent, behavioral. The argument that homosexuality is genetically determined and so in the same category as race or gender has not valid scientific support. There are many elements of behavior, such as the propensity to violence for which a genetic determinant has been found. This does not mean that such a behavior should be elevated to the status of the most favored in the State. Homosexual marital rights are simply not civil rights. As discussed in more detail below, homosexuality is not immutable but is caused by disturbed family environment and interaction between the parents and their children.

Regardless of any person's philosophy that homosexuality is either deviant or an acceptable alternative lifestyle, the issue of homosexual marital rights must be resolved on the basis of what is good for society. While the majority were not interested in discussion of reasons not to extend the benefits of marriage to homosexual couples, this minority opinion identifies the following major reasons why there should not be a drastic revision of the marriage law.

- The minority refutes the assumption that legalizing same-sex marriage will be of any benefit at all to Hawaii's economy. On the contrary, it is more likely that Hawaii's major industry, tourism, will be negatively affected, as the image of Hawaii deteriorates from the aloha state to the gay honeymoon and wedding destination of the world.
- The minority is seriously concerned about the adverse effect legalizing homosexual marriage will have on the social, sexual and psychological

development of children. The majority did manage to find some "expert" to testify that being raised in a homosexual household had no detrimental effects on children, but the vast body of work done on the issue suggests the opposite.

- The minority believes that the ramifications on the education system would be far-reaching, touching all elements of the curriculum. Parents are protective and concerned about their children's education, as demonstrated by the outrage caused by the misguided Project 10 on the Big Island. The rights of parents must be favored over the rights of the homosexual community.

Every person's review of this report should focus on resolving the issue of homosexual marital rights in such a manner as to protect and preserve society, both in Hawaii and the United States. Clearly, this issue will affect everyone in the State. It will affect the entire country, since other states will be forced to deal with whether their states must accept any homosexual marital rights granted on a statewide basis in Hawaii. There is even a home page on the Internet where homosexual activists freely discuss this issue across the country.

The majority supports its position by arguing that withholding marital rights constitutes discrimination against homosexuals. However, even the Hawaii Supreme Court in *Baehr* held that there is no fundamental right to homosexual marriage:

Applying the foregoing standards to the present case, we do not believe that a right to same-sex marriage is so rooted in the traditions and collective conscience of our people that failure to recognize it would violate the fundamental principles of liberty and justice that lie at the base of all our civil and political institutions. Neither do we believe that a right to same-sex marriage is implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if it were sacrificed. Accordingly, we hold that the applicant couples do not have a fundamental constitutional right to same-sex marriage arising out of the right to privacy or otherwise. (Emphasis added.)¹⁵²

Therefore, the resolution of this issue cannot be analyzed solely on the basis of the value of autonomous freedom for homosexuals, or an assumption of improper discrimination. Permissible discrimination occurs in many ways on a daily basis.

Not all forms of discrimination are inappropriate, and one should not jump to the conclusion that opposition to endorsing homosexuality constitutes inappropriate discrimination.¹⁵³ Discrimination (approval or disapproval of a person or group) based on judgments in the absence of evidence is inappropriate. However, certain distinctions can reflect prudent judgment based on evidence.¹⁵⁴ Therefore, the Commission should have first

152. *Baehr*, 74 Haw. at 556, 557.

153. See Minutes of October 11, 1995, pgs. T-8 to T-13, for testimony of Dallas Willard, Ph.D.

154. Dinesh D'Souza, "Prudent Discrimination, Myth of the Racist Cabbie," *National Review*, October 9, 1995 pg. 36.

MINORITY OPINION

examined the evidence of the attributes of homosexuality and the effects those attributes have on children, family and society. Although the majority of the Commission did not even consider such information important, only with that information can one take a rational position regarding the extent to which the State of Hawaii should endorse--and by its endorsement encourage--homosexual practices. The majority's recommendations actually constitute prejudiced discrimination against those whose prudent judgment, based on the evidence, does not equate homosexuality and heterosexuality.

II. Act 5, Session Laws of Hawaii 1995: The Legislative Charge

The Legislature charged this Commission to "examine the major legal and economic benefits extended to married opposite-sex couples, but not to same-sex couples; to examine the substantial public policy reasons to extend or not to extend such benefits in part or in total to same-sex couples; and to recommend appropriate action which may be taken by the legislature to extend such benefits to same-sex couples."¹⁵⁵ Act 5 repealed part of Act 217 from the 1994 legislature, and redefined the Commission's instructions. However, Act 5 did not repeal that portion of Act 217 which contained the Legislature's vigorous chastisement of the Hawaii Supreme Court's opinion in *Baehr v. Lewin*. Nonetheless, the majority of the Commissioners ignored the legislative intent contained in Acts 217 and 5, and instead addressed its analysis to validating parts of *Baehr v. Lewin* to scuttle the Attorney General's defense of the marriage laws in the *Baehr v. Miike* case pending before the court. Substantially all of the public policy discussion at the Commission dealt with invalidating the defense of the litigation, and very little of the Commission's efforts addressed any public policy reasons not to extend benefits to homosexual couples.¹⁵⁶

The minority members of this Commission understood the legislative charge to be to examine the institution of marriage and family, including the major legal and economic benefits, and recommend to the legislature whether or not it is appropriate, based on substantial public policy reasons, to change the long-standing, zealously guarded definition of the marital partnership by opening that partnership to same-sex couples in whole or in part.

The minority members of this Commission understand that because there are good reasons to support the heterosexual norm, due to the fact that it has been developed with great difficulty and can be maintained only if it is cared for and supported, we cannot be indifferent to attacks upon it.

155. Act 5, Session Laws of Hawaii 1995 (see Appendix A).

156. See Minutes of October 11, 1995 and Minutes of November 8, 1995.

EQUALITY HAWAII

Monday, March 25, 2013 • 10:30 a.m. • Conference Room 016
Testifying in Support of SCR166 & SR123 On Behalf of Equality Hawaii

Aloha, Chair Hee, Vice Chair Shimabukuro & Members of the Judiciary & Labor Committee:

On behalf of Equality Hawaii, the state's largest lesbian, gay, bisexual and transgender (LGBT) advocacy organization, we testify in strong support of SCR616 and SR123, requesting the convening of a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii.

Hawaii – and the entire nation – has witnessed a shift in public attitudes during the last two decades regarding support for the civil rights and equal treatment of LGBT friends and family members. Many Hawaii residents support marriage equality. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States announced his support for marriage equality before being elected to a second term.

The requested task force represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* (regarding the constitutionality of the Defense of Marriage Act (DOMA)), and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). It is in the best interest of all residents of Hawaii for the legislature to be prepared to address the legal realities for same-sex couples here after the U.S. Supreme Court issues its rulings.

We believe that the information from the task force will provide the background information needed to educate the Legislature on marriage equality.

Equality Hawaii respectfully asks that you please approve the convening of this task force and advance SCR166 and SR123..

Mahalo,
Scott Larimer
Co-Chair



JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

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Senate Committee on Judiciary and Labor
Monday, March 25, 2013 at 10:30 a.m.
Hawai'i State Capitol – Room 016

Testimony in **SUPPORT of SCR 166**, requesting the convening of a task force to study the social, economic, and religious impacts of enacting marriage equality in Hawai'i

Dear Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter supports Senate Concurrent Resolution No. 166, requesting the convening of a task force to study the social, economic, and religious impacts of enacting marriage equality in Hawai'i.

JACL is the nation's oldest and largest Asian Pacific American civil rights organization with over 20,000 members. Locally our organization has consistently supported efforts to ensure equal rights to all citizens of this state.

We believe in and support marriage equality, and we support this resolution because we believe the convening of the task force and the performing of its duties to evaluate marriage equality will provide important information to the Legislature.

We respectfully urge you to move to convene the task force per SCR 166. Thank you for your time and consideration.

Respectfully,

Kent Mori Walther
Legislative Committee Chair

Kat Brady
katbrady@hotmail.com



COMMITTEE ON JUDICIARY AND LABOR

Sen. Clayton Hee, Chair

Sen. Maile Shimabukuro, Vice Chair

Monday, March 25, 2013

10:30 a.m.

Room 016

SUPPORT FOR SCR 166/SR 123 – MARRIAGE EQUALITY

Aloha Chair Hee, Vice Chair Shimabukuro and Members of the Committee!

I am testifying in support of SCR 166/SR 123 as a Justice Advocate and Vice President of Citizens for Equal Rights.

SCR 166/SR123 requests the convening of a task force to study the social, economic, and religious impacts of enacting marriage equality in Hawai'i.

A recent poll by ABC News and the Washington Post-ABC News reported on March 18, 2013 that public opinion in support of marriage equality is rising.

Gay marriage support hits new high in Post-ABC poll¹

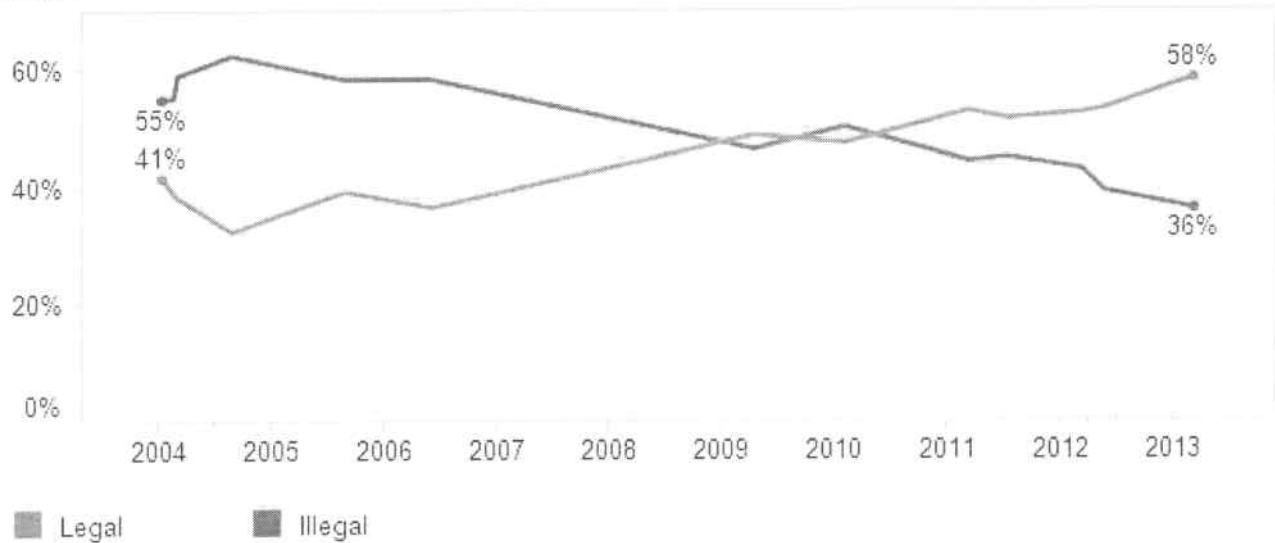
Public support for gay marriage has hit a new high as Americans increasingly see homosexuality not as a choice but as a way some people are, according to a new Washington Post-ABC News poll.

The poll shows that 58 percent of Americans now believe it should be legal for gay and lesbian couples to get married; 36 percent say it should be illegal. Public attitudes toward gay marriage are a mirror image of what they were a decade ago: in 2003, 37 percent favored gay nuptials, and 55 percent opposed them.

The Supreme Court takes up the issue of gay marriage next week, and nearly two-thirds of all Americans say the matter should be decided for all states on the basis of the U.S. Constitution, not with each state making its own laws.

¹ Gay marriage support hits new high in Post-ABC poll, Posted by Jon Cohen on March 18, 2013 at 2:00 pm.
http://www.washingtonpost.com/blogs/the-fix/wp/2013/03/18/gay-marriage-support-hits-new-high-in-post-abc-poll/?wpisrc=al_comboNP_p

Do you think it should be legal or illegal for gay and lesbian couples to get married?



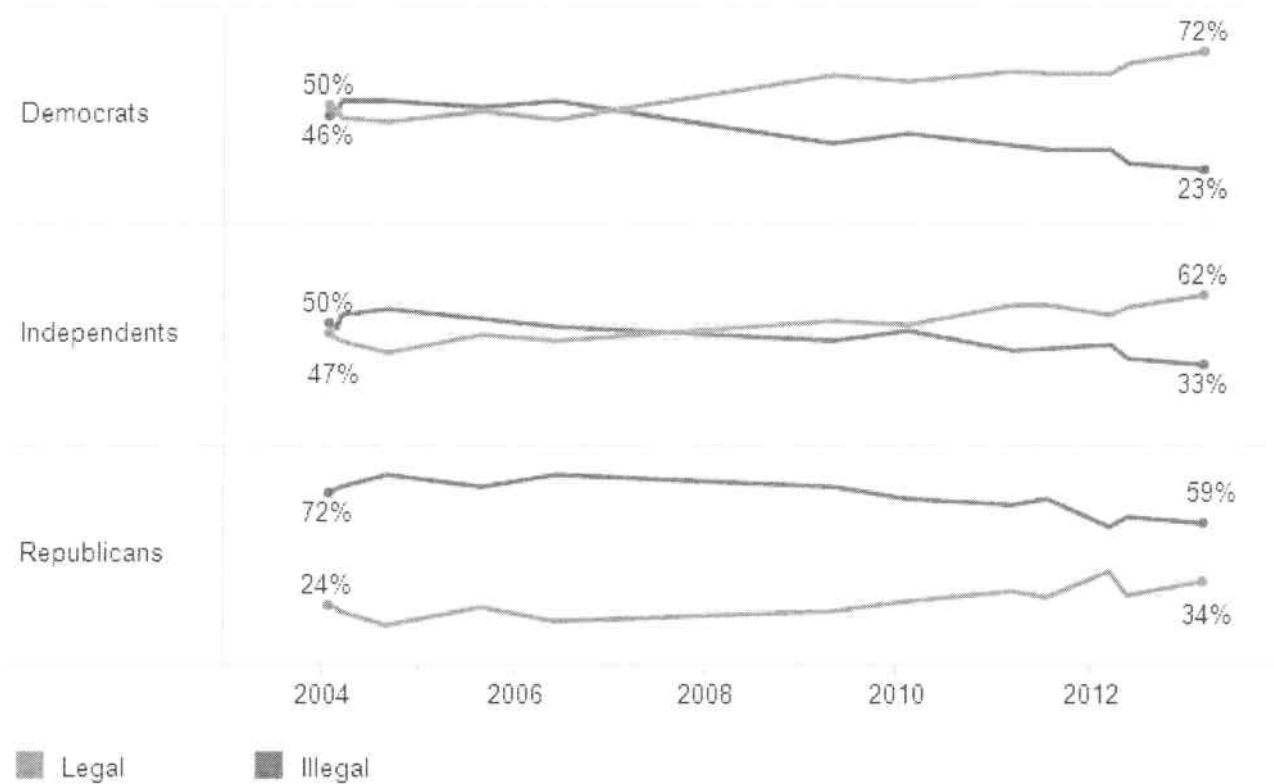
Washington Post-ABC News polls, 2004-2013



Among young adults age 18 to 29, support for gay marriage is overwhelming, hitting a record high of 81 percent in the new poll. Support has also been increasing among older adults, but those aged 65 years old and up remain opposed, on balance: 44 percent say same-sex marriage should be legal; 50 percent say illegal.

The Washington Post abc NEWS POLL

Do you think it should be legal or illegal for gay and lesbian couples to get married?

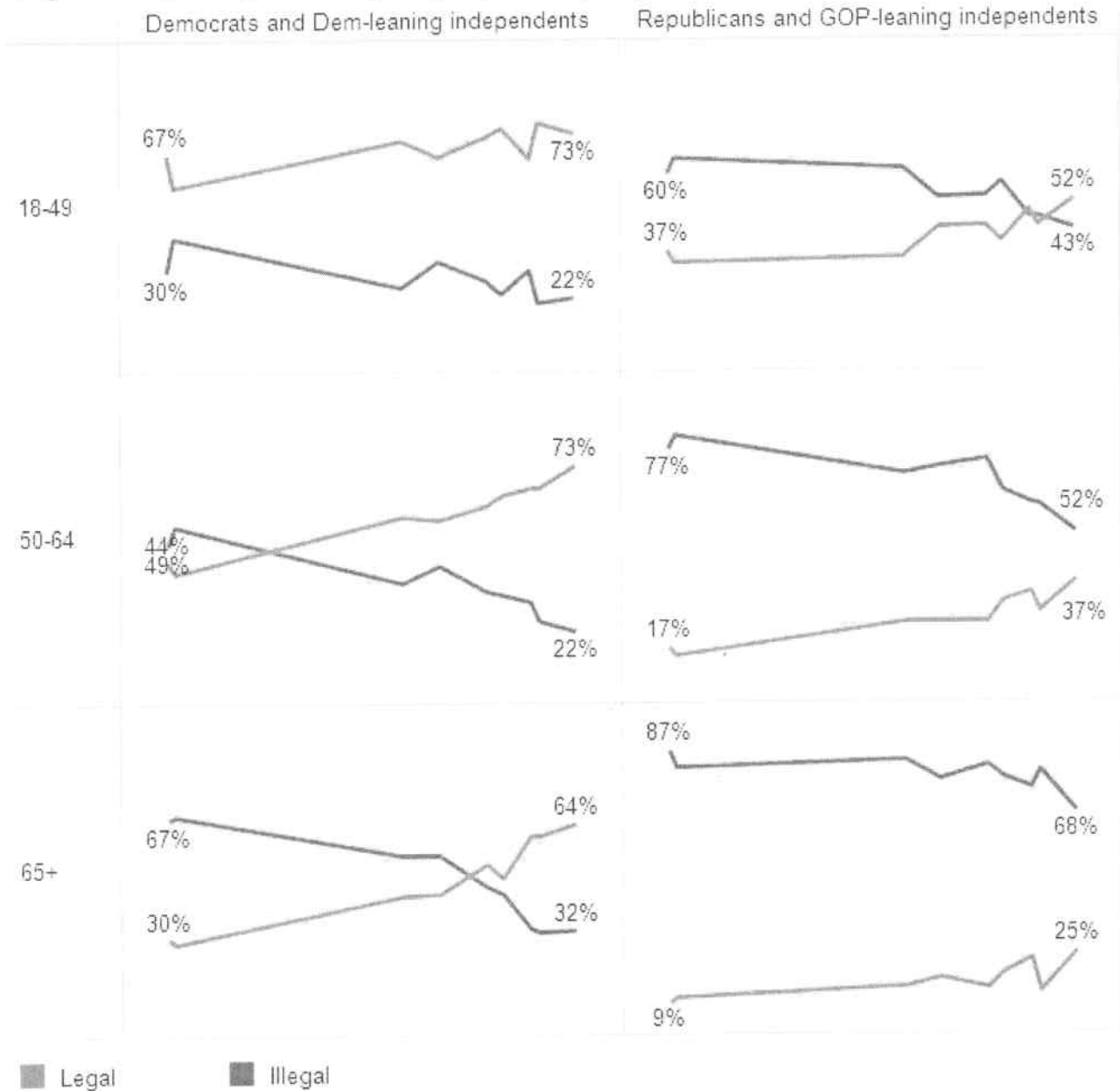


Washington Post-ABC News polls, 2004-2013



A slim majority of Republicans and GOP-leaning independents under 50 years old now support gay marriage. Nearly seven in 10 of those aged 65 and up oppose it, although that is down from more than eight in 10 just four years ago.

Gay marriage: legal or illegal by age and party



Washington Post-ABC News polls, 2004-2013



There has been a related movement in public opinion about homosexuality. Fully 62 percent of Americans now say being gay is just the way some people are, not something people choose to be. About 20 years ago, fewer than half of the public said so.

In the current data, about three-quarters of those who do not see homosexuality as a choice support gay marriage, with most supporting it “strongly.” More than two-thirds of those who see it as a choice oppose gay marriage, with almost all intensely against it.

Currently, gay marriage is legal in only nine states and the District of Columbia, but public views are more similar than not across state lines. In the states that allow gay marriage, 68 percent say such same-sex marriages should be legal, but so too do 56 percent of those in states where the practice is not legal.

Intensity on the matter is, however, different in those states. In places where gay marriage is legal, 52 percent feel strongly that it should be. That falls to 39 percent feeling strongly that it should be legal in states where it currently is not.

The Washington Post-ABC News poll was conducted March 7 to 10, among a random national sample of 1,001 adults. The margin of sampling error for the full survey is plus or minus 3.5 percentage points.

Go to http://www.washingtonpost.com/page/2010-2019/WashingtonPost/2013/03/18/National-Politics/Polling/release_221.xml for interactive poll results and complete question wording.

For complete trends over time are available go to <http://apps.washingtonpost.com/g/documents/politics/washington-post-abc-news-poll-march-7-10-2013/381/>.

Hawai'i now sees that the sky has not fallen with the enactment of civil unions. It is time for full marriage equality now.

This study will confirm what many other states and countries have found = granting equality is a good thing.

Please support the task force.

Mahalo for this opportunity to testify.

hee2 - Kathleen

From: Edward Asato [eddie.asato@gmail.com]
Sent: Saturday, March 23, 2013 7:29 AM
To: JDLEstimony
Subject: SR 123 / SCR 166

RE: REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII.

"Marriage Equality" is language used instead of "Same-Sex Marriage" with the hopes of making an anti-traditional marriage movement acceptable to our society.

Making this acceptable will only have a greater negative impact on families already having difficulties due to struggle they face because of current economic and other cultural pressures.

I am against Same-Sex Marriage and will express it in testimony if a task force is convened.

Eddie Asato, Wailuku, Hawaii

hee2 - Kathleen

From: Steven Bielinski [steven.bielinski@gmail.com]
Sent: Friday, March 22, 2013 4:51 PM
To: JDLTestimony
Subject: Hearing on Resolution to Study Marriage in Hawaii (Unable to attend in person)

Committee: Committee on Judiciary and Labor

Hearing Date/Time: March 25, 2013, 10:30 am

Place: Conference Room 016

Re: *Testimony of Steven Paul Bielinski in Support of S.C.R. 166 and S.R. 123*

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

My name is Steven Paul Bielinski and I am writing in support of S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii.

Over the past twenty years, Hawaii – and the entire nation – has seen a shift in public attitudes towards support for our gay and lesbian friends and family members. Many Hawaii residents support marriage equality. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States announced his support for marriage equality before being elected to a second term.

The requested task force represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* (regarding the constitutionality of the Defense of Marriage Act (DOMA)), and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). It is in the best interest of all residents of Hawaii for the legislature to be prepared to address the legal realities for same-sex couples here after the U.S. Supreme Court issues its rulings.

We believe that the information from the task force will provide the background information needed to educate the Legislature on marriage equality.

Sincerely,

Steven Paul Bielinski

Committee: Committee on Judiciary and Labor

Hearing Date/Time: March 25, 2013, 10:05 am

Place: Conference Room _016_

Re: *Testimony of Chuck Spence in Support of S.C.R. 166 and S.R.123*

To the Honorable Chair Hee and Members of the Committee on Judiciary and Labor; My name is Chuck Spence and I am writing in support of S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii.

I am the owner of the Maui Sunseeker LGBT Resort located in Kihei, HI, where I also reside. I have owned this business since 2008. The Maui Sunseeker has welcomed the LGBT community for many decades before I owned it with roots back to the 1980's. As an expert on LGBT tourism, I would like to submit facts and testimony about the economic impact of LGBT tourism with a special focus on marriage equality for all. I believe that these facts are so compelling, it clearly defines why the task force and ultimate passage of full marriage equality is vital to this Great State.

On December 31, 2012, I was contacted by Rick Daysog, a reporter from Hawaii News Now, for an interview on the topic of the effect of the Civil Unions law on tourism in Hawaii. Here is a link to the resulting story that ran on Hawaii News Now on January 1st, in case you missed it:

<http://www.hawaiinewsnow.com/category/240193/new-video-landing-page?clipid=8120327&autostart=true>

The main fact I would like to extract from this video, that even surprised me, is that out of 700 civil unions performed in the entire state of Hawaii in 2012, my small resort with only 26 guest rooms was accountable for 52 of those civil unions. How can such a small property have arranged 7.5% of all Civil Unions in Hawaii last year, you may wonder? It's because we welcomed those couples with open arms. Those couples spent money on the wedding coordinators, bought champagne and special meals, bought expensive leis made by our local Maui lei-maker and hired our local photographers and limo drivers. The couples and their guests paid for hotel rooms that generated large amounts of GET and TAT tax revenue for the state. Then the couples and their guests rented cars and toured our beautiful and welcoming island and took snorkel tours and biked down Haleakala with LGBT friendly activity providers. We sent their bed sheets and towels to Ali'i Linen, where dozens of people are employed to wash and iron and fold them and deliver them back to us. And 7 full time employees were paid by the Maui Sunseeker with full benefits.

If 700 couples were unionized, that accounts for 1400 tourists we would not have had last year. But these couples did not travel alone. Some took over our entire hotel with guests and some came with just each other. Our civil union couples brought with them an average of 4 other guests. That's another 2800 tourists and still doesn't count the number of LGBT tourists that came because they felt the civil union law told them Hawaii was gay-friendly. Unquestionably, the legalization of Civil Unions in Hawaii has dramatically contributed to the economic well-being of this state. As a sidenote, about 15% of our 2012 civil union couples came from outside the USA.

So the question stands, if civil unions has generated so much business for Hawaii, why do we need full marriage equality? That is exact the purpose of the committee we ask you to form. If called to testify before this committee, I would advise that on average of 1-2 times per week we get calls from same sex couples looking for full marriage equality because they want to say they are wedded to each other, not unionized. Sometimes we sell them on being unionized and sometimes we lose them to other states that have full marriage equality where they can be wed.

As stated in my interview with Rick Daysog, I can also attest to how the tourists from the LGBT community call us daily asking how the 'attitude' of Maui is toward gays. We respond that the native Hawaiians are a very loving and welcoming people that just want to live peacefully and share their paradise with everyone, with no discrimination. Pointing to full marriage equality would be such a strong statement to add to that response.

Regarding the impact of marriage equality on religious beliefs, I would like to add that not only am I am a parishioner of the Trinity Episcopal Church in Kihei, I am also a Vestry member of this august church. In case you are not aware, the Episcopal Church now blesses and performs same-sex weddings, as do several other mainstream religions. Full marriage equality in the eyes of the law would finally match the beliefs of this long established Christian religion.

I firmly believe that the information from the task force will provide the background information needed to educate the Legislature on the economic and religious impact of marriage equality on this beautiful state. Therefore, we loudly stress the need for this task force and voice our strong support of S.C.R. 166 and S.R.123.

Sincerely,

Chuck Spence, Owner
Maui Sunseeker LGBT Resort
551 South Kihei Road
Kihei, HI 96753

Committee: Committee on Judiciary and Labor
Hearing Date/Time: March 25, 2013, 10:30 am
Place: Conference Room 016
Re: Testimony of Thomas Karol
in Support of S.C.R. 166 and S.R.123

Dear Chair Hee and Members of the Committee on Judiciary and Labor,

Our business participates in tourist accommodations as well as Kona Coffee sales to tourists. Marriage/honeymoon tourism is a vital economic asset to the state of Hawaii. I bring it to your attention that essential all Hawaii accommodations business are typically labeled as "gay friendly" already (reference any "gay guide" such as "Damron"). It has been a "long time" business practice non to discriminate based on sexual orientation here in Hawaii. Since Hawaii is already known as a marriage or honeymoon destination, it makes sound economical sense to open this new marriage/honeymoon market for Hawaii. We have been searching for ways to boost the state economy and it would be negligent not to consider how beneficial recognizing gay marriage would be not only to our economy but to our belief in non discrimination.

Our US Declaration of Independence belief that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and "the pursuit of Happiness". Is not marrying the one you love the pursuit of Happiness? Christians are suppose to emulate Christ. Christ believe that love conquers all. He only taught love. Therefore, our business supports Gay Marriage for both economic, moral, religious, and patriotic reasons.

We predict that Gay marriage is inevitable as civil rights were in our past. Looking back, those people who support discrimination and apartheid are seen today as "being on the wrong side". I Strongly urge the committee members to be on the right side of history. Take a solid stand supporting gay marriage, expand our tourism. Your consideration could mean Hawaii is looked back as a state that didn't waiver in it duty to the Aloha Spirit and equality.

Aloha;

Thomas Karol

President

KonaLani Inc.

KonaLani Inn and Coffee Plantation, KonaLani Consulting, KonaLani Coffee

www.konalani.com

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 23, 2013 4:41 PM
To: JDLTestimony
Cc: daveraatz@gmail.com
Subject: Submitted testimony for SCR166 on Mar 25, 2013 10:30AM

SCR166

Submitted on: 3/23/2013

Testimony for JDL on Mar 25, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
David Raatz	Individual	Support	No

Comments: Please vote yes on S.C.R. 166. Most Hawai'i residents support marriage equality. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States supports marriage equality. The requested task force represents a diverse group of interests and legal scholars. Information from the task force will provide the background information needed to educate the Legislature on marriage equality.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Jess Glasser

1600 Ala Moana Boulevard Apt 2200, Honolulu, Hawaii 96815

Committee: Committee on Judiciary and Labor
Hearing Date/Time: March 25, 2013, 10:30 am
Place: Conference Room 016
Re: Testimony of Jess Glasser **in Support** of S.C.R. 166 and S.R.123

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

My name is Jess Glasser, and I am writing in support of S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii.

Over the past twenty years, Hawaii – and the entire nation – has seen a shift in public attitudes towards support for our gay and lesbian friends and family members. Many Hawaii residents support marriage equality, myself included. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States announced his support for marriage equality before being elected to a second term.

The requested task force represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* [regarding the constitutionality of the Defense of Marriage Act (DOMA)], and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). It is in the best interest of all residents of Hawaii for the legislature to be prepared to address the legal realities for same-sex couples here after the U.S. Supreme Court issues its rulings.

I believe that the information from the task force will provide the background information needed to educate the Legislature on marriage equality.

Thank you for the opportunity to submit testimony in support of S.C.R. 166 and S.R. 123,

Jess Glasser

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 24, 2013 12:18 PM
To: JDLTestimony
Cc: tylerdst@gmail.com
Subject: Submitted testimony for SCR166 on Mar 25, 2013 10:30AM

SCR166

Submitted on: 3/24/2013

Testimony for JDL on Mar 25, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Dos Santos-Tam	Individual	Support	No

Comments: Please support S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii. Over the past twenty years, Hawaii and the entire nation has seen a shift in public attitudes towards support for our gay and lesbian friends and family members, and many Hawaii residents – myself included – are in full support of marriage equality. Although Hawaii passed a civil unions law in 2011, it is high time for our state to take further steps toward full marriage equality for all couples. The task force requested by these resolutions represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* (regarding the constitutionality of the Defense of Marriage Act, also known as "DOMA"), and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). Regardless of how the Supreme Court might rule on these issues, Hawaii ought to take proactive steps now to recognize the legal rights and benefits which all loving couples deserve.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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hee2 - Kathleen

From: June Dillinger [junedillinger@gmail.com]
Sent: Friday, March 22, 2013 5:41 PM
To: JDLEstimony
Subject: Testimony

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

My name is June Dillinger and I am writing in support of S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii. Over the past twenty years, Hawaii – and the entire nation – has seen a shift in public attitudes towards support for our gay and lesbian friends and family members. Many Hawaii residents support marriage equality. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States announced his support for marriage equality before being elected to a second term.

The requested task force represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* (regarding the constitutionality of the Defense of Marriage Act (DOMA)), and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). It is in the best interest of all residents of Hawaii for the legislature to be prepared to address the legal realities for same-sex couples here after the U.S. Supreme Court issues its rulings.

We believe that the information from the task force will provide the background information needed to educate the Legislature on marriage equality. As a local business owner who supports this endeavor, I am happy to share whatever means of information I can, in order to bring equality to our islands.

With Sincere Aloha,
June Dillinger

Dillinger Arts LLC
I DO HAWAIIAN [WEDDINGS.com](http://www.idohawaiianweddings.com) & CIVIL UNION [CEREMONIES.com](http://www.civilunionceremonyhawaii.com)
GAY MARRIAGE IN [PARADISE.com](http://www.paradise.com) & CIVIL UNIONS [HONOLULU.com](http://www.honolulu.com)
Cell (808) 330.5555
<http://idohawaiianweddings.com/>

June Dillinger
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Facebook: I DO HAWAIIAN WEDDINGS

"It is the way you serve others, that your greatness will be felt."



hee2 - Kathleen

From: Harrison White [harrison@bookkeepervirtual.com]
Sent: Saturday, March 23, 2013 8:37 AM
To: JDLEstimony
Subject: Marriage Equality

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

My name is Harrison White, owner of BookkeeperVirtual.com, and I am writing in support of S.C.R. 166 and S.R. 123, which seek to convene a task force to study the social, economic and religious impacts of enacting marriage equality in Hawaii.

Over the past twenty years, Hawaii – and the entire nation – has seen a shift in public attitudes towards support for our gay and lesbian friends and family members. Many Hawaii residents support marriage equality. Our entire Congressional Delegation supports marriage equality. Our Governor supports marriage equality. And the President of the United States announced his support for marriage equality before being elected to a second term.

The requested task force represents a diverse group of interests and legal scholars, and requires them to study the effects of enacting marriage equality in Hawaii. The task force is quite timely given the anticipated U.S. Supreme Court decisions in *United States v. Windsor* (regarding the constitutionality of the Defense of Marriage Act (DOMA)), and *Hollingsworth v. Perry* (regarding the constitutionality of California's ballot initiative banning same-sex marriages known as Proposition 8). It is in the best interest of all residents of Hawaii for the legislature to be prepared to address the legal realities for same-sex couples here after the U.S. Supreme Court issues its rulings.

We believe that the information from the task force will provide the background information needed to educate the Legislature on marriage equality.

Mahalo
Aloha
Harrison White
BookkeeperVirtual.com
425 Ena Rd., 508C
Honolulu, HI 96815
email: harrison@bookkeepervirtual.com
Web: www.BookeeperVirtual.com
Cell: 808-206-2060
Fax: 866-438-6087

hee2 - Kathleen

From: Dr. John Heidel [jheidel@hawaii.rr.com]
Sent: Saturday, March 23, 2013 4:25 PM
To: JDLEstimony
Subject: Testimony in support of S.C.R. 166 and S.R. 123

Committee: Committee on Judiciary and Labor
Hearing Date/Time: March 25, 2013, 10:30 am
Place: Conference Room 016
Re: Testimony of Rev. Dr. John R. Heidel in Support of S.C.R. 166 and S.R.123

As a minister of the United Church of Christ (UCC) here in Hawaii since 1962, I offer this testimony in support of SCR 166 and SR 123; Minister of Youth at Central Union Church in Honolulu for 5 years and Chaplain of Punahou School for 32 years. Retiring in 2001, I served as President of The Interfaith Alliance from 2004-2012, as a volunteer with Family Promise from 2004-present and several other community groups. I'm an active member at Christ Church, Uniting Disciples and Presbyterians in Kailua.

The majority of Americans support marriage equality and virtually all of the Democratic leadership from Hawaii are in support. In addition, denial of marriage equality is unconstitutional and the granting of this basic civil right is our responsibility. Please support this effort to more fully explore this issue.

Mahalo.