



LATE

HAWAI'I CIVIL RIGHTS COMMISSION

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

April 23, 2013
Conference Room 325
10:30 a.m.

To: The Honorable Karl Rhoads, Chair
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: S.C.R. No. 166

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 has does not oppose S.C.R. No. 166, which would establish a task force to study the social, economic, and religious impacts of enacting marriage equity in Hawaii. In one respect, the HCRC believes that such task force is not necessary because marriage equity for same sex couples is a constitutional and civil rights issue which should not be determined based on the economic, religious or social impacts on the state, and studies have already shown that civil union status is not equivalent to marriage. However, we understand that in the constitutional equal protection analysis of the impact of the Defense of Marriage Act (DOMA) now pending before the Supreme Court of the United States in *United States v. Windsor*, a critical factor is the economic impact on individuals who are denied the right to marry and/or have their marriages legally recognized. Despite Hawai'i's enactment of civil unions, same-sex civil union partners continue to be denied over 1,000 federal rights and benefits that are available to opposite-sex couples through marriage.

The HCRC supports marriage equity and does not believe further study of its economic, social and religious impacts is needed, but recognizes the usefulness of identification and quantification of the economic benefits associated with marriage that continue to be denied to Hawai'i same-sex civil union partners who are denied the right to marry. On that basis, the HCRC does not oppose this resolution.



PFLAG-OAHU

(Parents, Families and Friends of

Lesbians, Gays, Bisexuals, Transgendered, Intersex & Questioning)

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Celebrating 14 Years of Providing Support, Education and Advocacy for Hawaii's LGBT Community

Tuesday, April 24, 2013

RE: **SCR 166**

In Strong Opposition

TO: House Chair, Vice Chair and members of the Judiciary Committee

Re: Social, Economic, and Religious Impacts of Enacting Marriage Equality in Hawaii

This Senate Resolution (SCR166) is an insult to the LGBT community as well as the justice system and the US Constitution. Heterosexuals don't need studies to validate their civil rights, why in the world would the LGBT Community have to go through a study on the social, economic and religious impact of Marriage Justice unless you think they are 2nd class citizens and don't deserve the same rights.

In some circles, a legislative study is just another way of saying postpone or delay in order to deny obligations for doing their job. The three-page statement from Sen. Clayton Hee presented to Senate President Donna Mercado Kim on SCR 166 is a disservice to the community both heterosexual and gay. All this proposed study does is give a platform for the religious right to expound on their bigoted mindset. This study will be a repeat of the horrid testimony sessions of the 1990's and the years since. Every time the Roman catholic church has an opportunity or takes an opportunity, they repeat their lies and mis-information about our LGBT children/adults.

If the Hawaii Senate and House wanted justice they would have held hearings on the marriage bills. Instead, this study presents a way to opt out of the obligation to serve the liberty and justice of all citizens. Others and I have been told by Rep. Karl Rhoads that they will hear the marriage bills in a year or two. Don't be deceived. 2014 is an election year and we will again see a repeat of the 1990s where marriage bills were avoided due to 'hard elections.' In the meantime, the legislators will hold fundraisers to make sure they stay in office because they are our supporters of social justice. The cycle of injustice continues in Hawaii. In order to side step the legalities, this 'study' was created. I will not be fooled by this latest maneuver. Lawmakers are supposed to make laws, not waste the time of the citizens. If this were an academic organization, a study would be in order. This body of lawmakers are not an academic organization. As lawmakers, they introduce bills for the benefit of the citizens of Hawaii, listen to the citizens during the hearings on said bills and make decisions that govern the state according to the needs of the people. All this is under the guidance of Justice for All.

The time for studies is over. All you have to do is look at the 9 states and District of Columbia or the 14 nations around the world to see the results of justice.

I strongly do not believe that a study is needed, as Civil Rights are not a monopoly game for the self-righteous. A study was done in 1995 by then Gov. Ben Cayetano, which found that there was no inherent danger to society with Same Gender Marriage.

<http://www.lbrhawaii.info/lrbrpts/95/sexor.pdf>

Civil Rights don't become outdated. Injustice becomes outdated by enlightenment just like the Freedom from Slavery in the 1800s; the Civil Rights Movement of the 1960s and now Marriage Justice. The Hawaii Council of Churches did a study in 1996 on eight denominations that approved of Same Gender Marriage. In 2013, there are more denominations who are enlightened and understand that Marriage Justice is the enactment of Religious Freedom.

Just last week New Zealand's lawmakers passed Marriage Justice for their country. The world now has 14 countries with Marriage Justice in addition to the 9 US states and the District of Columbia. How much more does Hawaii require? Hawaii is on record as being the first state in the nation to speak up for Marriage Justice but the way things are going today, Hawaii is on the road to be the last state in the US to take action for Marriage Justice. This 'study' is a disgrace to all of us.

Replace this study with the Marriage Justice bill and pass the bill as is. This would be justice.



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

SUBMITTED ONLINE

Hearing on April 23, 2013 @ 10:30 a.m.
Conference Room #325

DATE: April 20, 2013

TO: House Committee on Judiciary
Rep. Karl Rhoades, Chair
Rep. Sharon Har, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: **OPPOSITION** to SCR 166 REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACT OF ENACTING MARRIAGE EQUALITY IN HAWAII

Mahalo for the opportunity to testify. I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We strongly oppose this resolution establishing a task force to enact “marriage equality,” because we believe it is biased in favor of same-sex marriage by the way it is worded.

The whole resolution is based on the faulty premise that same-sex marriage is a done deal. We strongly disagree. The Catholic Church teaches that marriage between one man and one woman is a sacrament. This is consistent with biology and natural law, and should be obvious to all, no matter what their religion or culture. Marriage between a man and a woman provides the most stable family foundation for children. This has been recognized consistently through the ages, as civil society has universally fostered and respected marriage between a man and a woman.

There is no compelling state interest in granting “marriage equality” to same-sex relationships, and this proposed resolution, we believe, will be stacked with individuals that will disagree. The simple fact that two people have a committed relationship is not a reason for the state to confer upon it the status of marriage. If affection and commitment were the only prerequisites for a marital relationship, then it is conceivable that any two or more individuals could claim the right to “marriage equality,” no matter what their relationship.

Encouraging marriage between a man and a woman serves the state’s best interest. Studies continue to show that children who live with both a mother and a father are much more likely to develop all the tools necessary to contribute to society. Deconstruction of the natural biological family structure will not be without profound and painful consequences. We do not believe that the proposed task force will take this into consideration as the goals included in this resolution are substantially biased in favor of same sex marriage already.

Finally, the question of alleged economic benefits should not be allowed to cloud the discussion because, in truth, the movement for “same-sex marriage” is less about such benefits as more about societal acceptance, approval and endorsement. We believe it is not the business of the state, via this task force recommendation, to attempt to legislate such approval.

We call on you to reject this blatant attempt to alter the sacred institution of marriage even if the promise of protection for churches is waved about in a conciliatory gesture. Mahalo for your kind consideration.



ONLINE SUBMITTAL
Hearing on: Tuesday, April 23, 2013 @ 10:30 a.m.
Conference Room #325

DATE: April 20, 2013

TO: House Committee on Judiciary
Rep. Karl Rhoades, Chair
Rep. Sharon Har, Vice Chair

FROM: Eva Andrade, Executive Director

RE: **OPPOSITION** TO SCR 166 REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII

Mahalo for the opportunity to testify. I am Eva Andrade, **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 oppose this resolution that proposes to set up a task force to enact “marriage equality” because we believe it is set up to favor the legalization of same-sex “marriage” in Hawaii.**

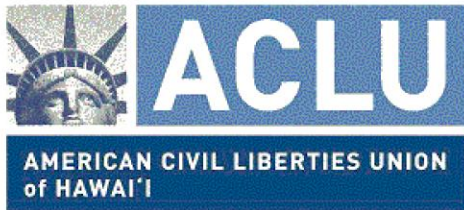
We strongly believe that marriage should be between one man and one woman and will continue to oppose any attempts to redefine it. Passage of same-sex “marriage” is not inevitable. The disadvantages to its potential legalization should be considered as strongly as the supportive rhetoric being tossed about. Common sense and scientific studies continue to report that children show the most developmental benefit when raised by both a mother and father.

Our opposition begins with the usage of the term “marriage equality” in the very title. “Marriage equality” is a slippery slope because by its own terminology, it will ultimately include anyone and his or her personal definition of love and the government will then be forced to license it. The resolution goes on to state that Hawaii’s residents “continue to believe that civil unions do not ensure equal treatment.” Prominent government officials are then named as supporters of “marriage equality” and the promise of “substantial” economic benefits are touted. Finally, for good measure, religious protections are thrown in. The proposed task force is then asked to prove these assertions.

This obviously slanted resolution is simply a way of trying to change the conversation to create the false impression that the debate over the legalization of same-sex “marriage” is over. 41 states still affirm marriage between one man and one woman. Advocates should not be allowed to subvert the political process to accomplish their political agenda by hiding behind a report that we believe will ultimately state that same-sex “marriage” needs to be allowed in Hawaii.

The only way a task force recommendation would be unbiased, would be to ensure that it is balanced with individuals and experts from both sides of the debate. The 1995 Commission on Sexual Orientation and the Law is a true example of what will happen when the discussion is tipped too much in favor of one side of the argument.

At the very least, this legislature should be promoting a resolution that accurately and scientifically reflect the positions of both sides. Mahalo for the opportunity to testify.



Committee: Committee on Judiciary
Hearing Date/Time: April 23, 2013, 10:30 a.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support of S.C.R. 166

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.C.R. 166, which seeks 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 just weeks ago, 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 Rhoads and Committee Members
April 23, 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,

Daniel M. Gluck
Senior Staff Attorney
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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LATE

Tuesday, April 23, 2013 – 10:30 a.m.

COMMITTEE ON JUDICIARY

Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair
Conference Room 325
State Capitol
415 South Beretania Street

RE: SCR 166 (SSCR 1127) – Marriage Equality Task Force – IN SUPPORT

Aloha Chair Rhoads, Vice Chair Har and Committee Members,

My name is Tambry Young. I am the President of Citizens for Equal Rights. I was one of the lead advocates for the passage of civil unions in 2011 and served as a member of the Civil Union Implementation Task Force. I am Native Hawaiian, born and raised here in Hawaii. My wife Suzanne and I were married in 2009 in Massachusetts and have been together for 32 years. We have a 13 year old daughter, Shylar, and in 1999 we were granted one of the first co-parent adoptions in Family Court in Hawaii. Our family was also the lead plaintiff in the lawsuit Young v. Lingle in 2010 when HB 444 was vetoed by then Governor Linda Lingle.

While I do believe that an issue such as marriage equality, which would provide federal benefits to families like ours, should not have to resort to the need for a task force, I am in support of this resolution if it will assist in creating a better understanding of particular issues surrounding the passage of marriage equality legislation here in our home state of Hawaii.

It would be my hope that this task force would yield an outcome that gives legislators the justification and confidence that they are standing on the right side of this historic civil rights issue. As we can see, the world is moving in the right direction and it does seem that in the near future marriage equality will be part of our everyday life and I look forward to the day when that will happen.

I would like to offer a suggestion that the community organization task force member be someone who represents the broad voice of Hawaii's LGBT families; has been in a long-term committed relationship and is in a civil union in Hawaii; can share the knowledge of the impact of having multi-generations of LGBT family members; is in touch with and can speak for local families impacted by civil unions and marriage equality and its impact on children; and has been involved in the legal and legislative fight for LGBT rights in Hawaii. The individual should also have the capability to understand the multiple dynamics and viewpoints that exist when dealing with an issue such as marriage equality.

Through this process, we have been humbled to have been asked by countless families and friends to be their voice before you in representing their needs. It is unfortunate that so many of our local families still feel they cannot speak openly to protect their families and that has given our family the courage and commitment to continue to speak before you and the community regarding this civil and equal rights issue.

Thank you for your time and consideration in this matter.

Tambry R. Young
President - Citizens for Equal Rights

EQUALITY HAWAII

Wednesday, April 23, 2013 • 10:30 a.m. • Conference Room 215
Testifying in Support of SCR166 On Behalf of Equality Hawaii

LATE

Aloha, Chair Rhoads, Vice Chair Har & Members of the House Committee on Judiciary:

On behalf of Equality Hawaii, the state's largest lesbian, gay, bisexual and transgender (LGBT) advocacy organization, we testify in strong support of SCR616, 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 would represent a diverse group of interests and legal scholars 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. Although many studies were completed in the 1990s on this issue, much has changed. When these other studies were conducted, marriage equality was a hypothetical with no real evidence-based data. Today, nine states, the District of Columbia, eleven nations (soon to be 12 when New Zealand's law takes effect in August) and several sub-national jurisdictions on four continents allow the freedom to marry. Then, only 25 to 30 percent of the American people supported allowing same-sex couples to marry. Today, that number has shifted to 52 to 60 percent, depending upon the study. It is time to refresh these decades-old studies with updated, relevant data.

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

Mahalo,
Donald L. Bentz
Executive Director

SCR166

Submitted on: 4/22/2013

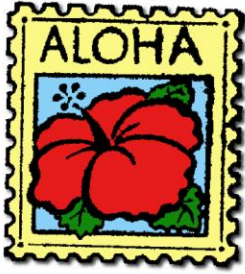
Testimony for JUD on Apr 23, 2013 10:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kina Poulos	Individual	Oppose	No

Comments: I oppose this resolution in its present form because of the lack of provision for a balanced task force. One member must be in support of same-sex marriage, but there are no requirements for the stances of the other members. I would like to see it required that one businessman and one lawyer must be in support of same-sex marriage, and one of each opposed. Furthermore, it would only be fair to both sides to require an equal number opposed and in favor of the resolution.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Holly J. Huber

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House Committee on Judiciary

Hearing on April 23, 2013 @ 10:30 AM in Conference Room 325

**SCR166 A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS
IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII**

TESTIMONY IN OPPOSITION

April 22, 2013

Aloha Committee Members:

I urge you to **OPPOSE** this measure to convene a task force to study the impacts of enacting Marriage Equality in Hawaii.

I agree with the Hawaii Civil Rights Commission that **a task force is not necessary "because marriage equality for same-sex couples is a constitutional and civil rights issue which should not be determined based on the economic, religious or social impacts on the state,** and studies have already shown that civil union status is not equivalent to marriage."

This proposed task force is merely political cover to make up for the House and Senate committees' refusal to hear bills on Marriage Equality this session.

Hawaii used to be a leader in civil rights but our current state legislators have no political will to make the big decisions.

You either believe in freedom and equality or you don't. It is really that simple!

Why don't you convene a task force to study why lawmakers in Hawaii do not have the political will to do what is right?

Sincerely,
Holly J. Huber