



# HAWAI‘I CIVIL RIGHTS COMMISSION

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April 2, 2013  
Conference Room 325  
2:00 p.m.

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

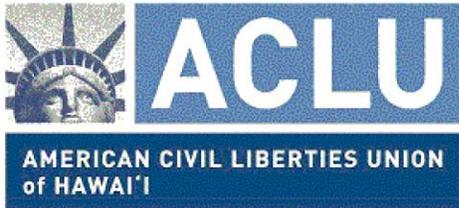
From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.C.R. No. 217

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 does not oppose H.C.R. No. 217, 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.



Committee: Committee on Judiciary  
Hearing Date/Time: April 2, 2013, 2:00 pm  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawaii in Support of H.C.R. 217

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of H.C.R. 217, 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 2, 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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**TESTIMONY FOR HOUSE CONCURRENT RESOLUTION 217,  
REQUESTING THE CONVENING OF A TASK FORCE TO STUDY THE  
SOCIAL, ECONOMIC, AND RELIGIOUS IMPACTS OF ENACTING  
MARRIAGE EQUALITY IN HAWAII**

**House Committee on Judiciary  
Hon. Karl Rhoads, Chair  
Hon. Sharon E. Har, Vice Chair**

**Tuesday, April 2, 2013, 2:00 PM  
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of HCR 217, relating to marriage equality.

As advocates for social equality and civil rights, we fully support measures that move Hawaii toward instituting marriage equality. While we are saddened that the State Legislature decided not to hear, much less advance, a bill legalizing same-sex marriage during the 2013 legislative session, we are confident that the task force called for by this bill will conclude that marriage equality will have a positive impact on Hawaii. We note that a 2013 report prepared by University of Hawaii economist Sumner La Croix found that legalizing same-sex marriage would inject \$46 million to \$258 million into Hawaii's economy. More importantly, such a law would end discrimination against into same-sex couples, whose attraction to one another has been shown to be primarily based on biological and developmental factors—the basis for relationships and attraction, no matter what they may be, *should not* be used a barrier to expanding civil rights. Put simply, institutionalized religion should not trump individual rights when it comes to enacting just public policy. That said, we encourage the committee to include the Attorney General or Attorney General's designee, Department of Taxation or DoTax's designee, and Chair of the Hawaii Civil Rights Commission or chair's designee to the list of task

force members, thereby ensuring that the executive's legal, financial, and labor rights expertise is represented in considerations of the sensitive issues involved in marriage equality discussions.

Mahalo for the opportunity to testify in strong support of this resolution.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance



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## JAPANESE AMERICAN CITIZENS LEAGUE

HONOLULU CHAPTER

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House Committee on Judiciary  
Tuesday, April 2, 2013 at 2:00 p.m.  
Hawai'i State Capitol – Room 325

Testimony in **SUPPORT of HCR 217**, requesting the convening of a task force to study the social, economic, and religious impacts of enacting marriage equality in Hawai'i

Dear Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Japanese American Citizens League (JACL) Honolulu Chapter supports House Concurrent Resolution No. 217, 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 HCR 217. Thank you for your time and consideration.

Respectfully,

Kent Mori Walther  
Legislative Committee Chair

**LATE**

**GAY LESBIAN  
BISEXUAL AND  
TRANSGENDER  
CAUCUS**



**DEMOCRATIC  
PARTY OF HAWAII**

**TO: COMMITTEE ON JUDICIARY  
REP. KARL RHOADS, CHAIR  
REP. SHARON E. HAR, VICE CHAIR  
Members: Rep. Della Au Belatti, Rep. Tom Brower, Rep. Rida T.R. Cabanilla, Rep.  
Mele Carroll, Rep. Ken Ito, Rep. Chris Lee, Rep. Clift Tsuji, Rep. Jessica Wooley,  
Rep. Bob McDermott and Rep. Cynthia Thielen**

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### **TESTIMONY IN SUPPORT OF HCR217**

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The Supreme Court of the United States just heard two cases, which could impact the legal status of same-sex couples here in Hawaii: *The United States v. Windsor and Hollingsworth v. Perry*. The first case concerns the federal Defense of Marriage Act; the second case concerns California's Proposition 8, a state Defense of Marriage Act. Oral Arguments were heard on March 26 and 27. The decision is expected in June 2013.

This joint resolution forms a task force to study the legal status of same-sex couples regarding civil unions, the two U.S. Supreme Court cases, the economic impact of passing (and not passing) marriage equality legislation and the general projected impacts of marriage equality on Hawaii.

By forming this task force, the legislature can take advantage of the time between Sine Die 2013 and the beginning of session in 2014 to have a panel of experts evaluate the legal status of same-sex couples in Hawaii and make recommendations based on a timely and thorough review of the fact, and the law given the rulings issued by the Supreme Court..

While the fate of Proposition 8 seems characteristically uncertain, as true during most U.S. Supreme Court hearings, the media took great note of the questions asked by Justice Kennedy, who is considered a swing vote on this issue. Justice Kennedy's questions seemed to indicate that he finds the Defense of Marriage Act an abridgment of states' rights, and, therefore, unconstitutional. Based on his comments, all the pundits seemed to agree that the Defense of Marriage Act will be found indefensible.

This task force can help provide a smoother transition for Hawaii in a post-Windsor World.

Mahalo for your consideration.

Jo-Ann M. Adams, Legislative Liaison



## PFLAG-OAHU

(Parents, Families and Friends of

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

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golojuhc@hawaii.rr.com ▼ www.pflagoahu.org

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

Tuesday, April 2, 2013

RE: **HCR 217**

In Strong Opposition

**LATE**

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

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

As a Master's Level Social Worker, I strongly oppose HR 217 for Social, Economic, and Religious Impacts of Enacting Marriage Equality in Hawaii on the grounds that further studies are unnecessary because there are standing studies that already address the issues named in these resolutions and will cost Hawaii funds that are so badly needed for other state requirements: education, help for the homeless and additional budgetary items.

1) Hawaii has a history of studies already completed, such as the **1995 Report of the Commission on Sexual Orientation and the Law** commissioned by former Governor Ben Cayetano on Same Gender Marriage that found no inherent harm would be done to Hawaii when social justice would be reality for our GLBT community. I have a gay son who deserves the same marriage rights that my husband, Mike and I have enjoyed for the past 47+ years.

<http://www.nytimes.com/1995/12/11/us/panel-in-hawaii-recommends-legalizing-same-sex-marriage.html>

2) There is the **1996 study by the Hawaii Council of Churches** that states

a) The Jewish tradition (1996, the Annual Convention of the Central Conference of American Rabbis resolved to the support the right of gay and lesbian couples to share fully and equally in the rights of civil marriage, "oppose governmental efforts to ban gay and lesbian marriage," and further that "this is a matter of civil law, and is separate from the question of rabbinic officiation at such marriages.");

b) The Buddhist (Buddhist principles which would serve to show that same gender relationships and the rights that follow from them, such as marriage, can be positive in assisting a person to discover their own true nature and to realize the depth of their spiritual potentiality.");

c) The United Church of Christ General Synod (declares its support for the enactment of legislation at the federal, state, and local levels of government that would guarantee the liberties of all persons without discrimination related to affectional or sexual preferences.");

d) The Episcopal Church (1976 affirmed that "homosexual persons are entitled to equal protection under the law.; in 1991 reaffirm w/further resolution 'upon municipal councils, state legislatures and the United States Congress to approve measures giving gay and lesbian couples protection such as: bereavement and family leave policies, health benefits, pension benefits, real estate transfer tax

benefits, and commitments to mutual support enjoyed by non-gay married couples.");

e) The United Methodist Church (Book of Discipline 1992: "Certain basic human rights and civil liberties are due all persons. We are committed to support those rights and liberties for homosexual persons.');

f) The General Assembly of the Christian Church (Disciples of Christ) (urge(s) the passage of legislation on local, state and national levels which will end denial of civil rights and the violation of civil liberties for reasons of sexual preference, and calls upon ");

g) The Unitarian Universalist Association ('1996 General Assembly "in support of the legal recognition for marriage between members of the same sex;" and urging its "member congregations to proclaim the worth of marriage between any two committed persons and to make this position known in their home communities."');

h) The Presbyterian Church ("recognized that committed same-sex partners seek equal civil liberties in a contractual relationship with all the civil rights and privileges and status of married couples." The General Assembly further urged the office of the Stated Clerk to explore the feasibility of entering friend-of-the-court briefs and support legislation in favor of giving civil rights to same-sex partners."');

3) There is the **2010 UCLA “Economic impact of allowing same-sex marriage in Hawaii”** that addresses the economic impacts of same gender marriage.

4) There is the **2013 American Academy of Pediatrics study** (AAP) The AAP policy statement, “Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian,” which supports civil marriage for same-gender couples – as well as full adoption and foster care rights for all parents, regardless of sexual orientation – as the best way to guarantee benefits and security for their children. This is a professional study with empirical data that address the social issues of adoption and foster care for the best interest of ALL our keiki and their families.

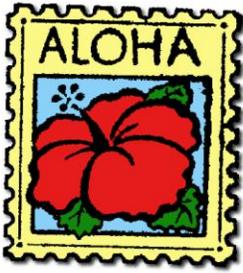
In the beginning of the 1990’s Hawaii started a journey for Civil Rights, Social Justice started in Hawaii. Other states dreamt about it but Hawaii did something about it.

It is said in **“Same-Gender Marriage and Religious Freedom”** by the Rev. Dr. C. Welton Gaddy President, Interfaith Alliance:

“In our nation, however, issues of social acceptability and civic equality have a secure foundation independent of religion. That foundation is called the United States Constitution. Informing that document and standing alongside it is the force of the Declaration of Independence that, as far back as 1776, trumpeted to the world that “all men are created equal . . . endowed by their Creator with certain unalienable Rights.” The founders of this nation did not encumber basic rights and liberties with a requirement of affirmation from any religion. Their resolute compliance with core democratic values prevailed despite differences in opinions about religion and beliefs shaped by religion. The founders launched this grand experiment in democracy in order to find ways to work together for the betterment of this government and for assurances of liberty and justice for all of their present and future fellow patriots.”

Please save Hawaii and our LGBT community any more time and money by refusing to pass this resolution that is unnecessary due to the variety of studies already complete. Rev. Martin Luther King, Jr. is quoted as saying: "Justice delayed is justice denied."

The Social Justice History of Hawaii is in your hands.



# Holly J. Huber

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**LATE**

## House Committee on Judiciary

Hearing on April 2, 2013 @ 2:00 PM in Conference Room 325

**HCR217 A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND RELIGIOUS  
IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII**

### TESTIMONY IN OPPOSITION

April 1, 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.

Across the nation the tide of public opinion has turned in favor of Marriage Equality. Even Bill O'Reilly has admitted that the arguments in favor of same-sex marriage are more compelling and meaningful than the relentless Bible-thumping opponents offer in response.

Hawaii used to be a leader in civil rights but now our state legislators are happy to sit at the back of the bus.

**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

# CAROLYN MARTINEZ GOLOJUCH, MSW

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Tuesday, April 2, 2013

RE: **HCR** 217

In Strong Opposition

**LATE**

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

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

As a Master's Level Social Worker, I strongly oppose HR 217 for Social, Economic, and Religious Impacts of Enacting Marriage Equality in Hawaii. I have been testifying in support of full marriage rights for my gay son and my LGBT friends since January 1996. This resolution is ten steps backward.

Since 1996, we have seen other states across our country, use the 1995 Report on the Commission on Sexual Orientation and the Law as the basis for marriage rights for our LGBT children. We have also seen countries around the world pass laws for full marriage rights.

One of the saddest events during this time has been the deaths of friends and families without the full rights of marriage. My friends, Martin Rice and Fred Rainville would have been married 40 years if marriage rights had been recognized in Hawaii. Unfortunately, Martin died in 2007. Martin was a Vietnam Vet. He was a medic who attended to the wounded and dead, he served our country but our country didn't serve him. This is a disgrace to our state, our country and our world. This is the story of just one couple, there are others too numerous to list here.

If the House wants to spend money on studies, why not study why the legislature doesn't have the will to hear the Marriage Bills submitted in 2013 or why the legislature continues to discriminate against our LGBT children by ignoring the US Constitutional rights or why Governor Abercrombie pulled the 2013 Marriage bills from his 2013 packet in the days before the 2013 Legislation.

The Hawaii 1995 Report says: "The Commission finds that the denial of the benefits of marriage to same-gender couples, purely on the basis of their gender is a violation of those basic constitutional rights." Pg 23

There are studies on record:

- 1) 1995 Report on the Commission on Sexual Orientation and the Law;  
<http://www.lbrhawaii.info/lrbrpts/95/sexor.pdf>
- 2) 1996 Hawaii Council of Churches;

3) 2010 UCLA “Economic impact of allowing same-sex marriage in Hawaii” that addresses the economic impacts of same gender marriage;

4) 2013 American Academy of Pediatrics study (AAP) The AAP policy statement, “Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian” which supports civil marriage for same-gender couples – as well as full adoption and foster care rights for all parents, regardless of sexual orientation – as the best way to guarantee benefits and security for their children. This is a professional study with empirical data that address the social issues of adoption and foster care for the best interest of ALL our keiki and their families.

HCR217 is a misuse of state funds that are needed for education, jobs and homeless solutions; a misuse of time, talent when the House and Senate should be hearing the bills on Marriage. You are the powerhouse that can call expert witnesses to give you any more information not supplied in the studies listed in this testimony. The time for studies is over.

Bottom line: Do not pass this resolution. You can add this to any bill you have before you and hear the bills. This has been done before and will be done again. This time do it for justice, do it to implement the civil rights in the US Constitution. Others have done it, so can you. Be on the side of history that reflects the Hawaii that use to stand up for civil rights.

**LATE**

Saundra Farmer-Wiley  
2763 Kauhale Street  
Kihei, HI. 96753

House Committee on Judiciary  
Hearing on April 2, 2013 @ 2:00 PM in Conference Room 325

**HCR217 A TASK FORCE TO STUDY THE SOCIAL, ECONOMIC, AND  
RELIGIOUS IMPACTS OF ENACTING MARRIAGE EQUALITY IN HAWAII  
Testimony In Opposition:**

Aloha Committee Members:

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

The State of Vermont after performing Civil Unions for Eight years also decided to study what the price had been of having Civil Unions in their State and what would happen if Marriage was to be extended to All. That was from 2000 until 2008.

What they found was that no harm had befallen the Citizenry of their State in any way (Social, Economic nor to Religion there). With all the information before them the State it decided that they did not want, nor needed to have, two systems on their books. The Legislators got together and Voted Marriage For All into Law.

When this happened (2009) my then Spouse by Civil Union and I were sent an Invitation to return to Vermont and Marry. We accepted that Invitation and with Family and Friends standing with us, we were Married on Stage at the Latchis theater in Brattleboro, VT. October 12, 2009. A moment in time that I would never want withheld from another loving and committed couple. Especially those of us who live here in Hawaii but whom you have chosen until this time to make Invisible as Couples & as Families.

If you want to know what the State of Vermont found out when they did their study you can individually or collectively go to their website and request the knowledge. I am certain they would be more than willing to spare you both the time and the money copying their work would cost the State of Hawaii.

When I helped start the work towards Marriage Equality (MPH) in Hawaii in the early 90's it never crossed my mind that we would still be standing before the People of Hawaii hat in hand, still a beggar, though I pay the same taxes as all my fellow Hawaii Citizens.

You can correct how my home State, Hawaii, encourages the disrespect of who I am and the Person I have spent 36 years with & Married elsewhere 4 years ago.

**Sincerely,  
Saundra Farmer-Wiley**