

Pakela Akaka
3263 Mokihana St. Honolulu HI 968160 - mr.pkillah@gmail.com

The Honorable Senators and Representatives of the State of Hawaii
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

October 25, 2013

RE: Opposition to Proposed Marriage Bill

Aloha Senators and Representatives of the State of Hawaii,

My name is Pakela Alfred Akaka; I am a 19 year old resident from Honolulu, Hawaii. I thank you for the opportunity to provide my personal thoughts and insight to you and your colleagues. For the past month I have been very involved in getting informed on the issue of same sex marriage. I have spoken with several lawyers, attorneys, as well as scholars of both marriage and religious liberties. As a sufficiently informed concerned individual I find this Bill to be inadequate regarding it's protections to religious freedoms.

I am strongly opposed to this bill because I feel that it does not grant the proper protections to religious freedoms that I feel should be addressed if this bill is to be considered acceptable. I am also opposed to this bill because of the special session. I feel it is being rushed without complete understanding, and that misunderstanding is creating a great division in the people that will only get worse if this bill should pass.

1. Religious Protections that must be addressed.

The religious exemptions in the bill are just too narrow to create any kind secure protection for religious organizations. The protections for clergy only apply to solemnization of marriage. An important clarification that I feel should be addressed is a protection for the celebration of marriage as well. Many of the other states that have passed same sex marriage have wording regarding not only the solemnization of marriage but the celebration of it as well. This will grant better protection for clergy than currently stated.

Secondly, I do not see much protection at all for religious individuals. What proponents of this bill fail to realize is that religion and churches are made up of religious individuals. Just as the gay community is made up of gay individuals deserving of the rights they are fighting for, so too is the religious community made up of religious individuals who are fighting to protect the rights they currently have. Many examples can be found in other states regarding lawsuits against religious individuals who face lengthy litigations because they have chosen to follow their beliefs. Being limited in the allowance to practice your beliefs is not the freedom to believe. Here are some points of protection that I feel should be addressed in some way in the bill stating that there are protections or stating that civil actions will be made:

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- Accreditation
- Tax exempt status
- Public officials (individual protections)
- Religious non-profits
- Small businesses offering wedding services
- Employment eligibility
- Employment benefits
- Licensing (doctors, counselors, psychologists, food service, adoption agency, etc.)
- Schools (protected from forced teachings, and protections for parental beliefs)
- Private Lawsuits
- Withdrawal of government benefits
- Denial of access to government facilities

Addressing all of these things in the bill and stating how it should be interpreted is something that I feel would be necessary in granting protections, and understanding where/how an individual would seek to protect them better.

2. Contention of a Special Session

Please know that I am a loving and caring person. I have a deep respect and love for others who do not share my faith or personal beliefs, and I would not seek to hurt the people of the gay community. It saddens me to think that anyone who speaks out against gay advocacy is rigidly and with lasting recognition as an ignorant homophobe, or a religious bigot. I have been striving from day one of getting involved to remove that stereotype with respect and understanding. Unfortunately not everyone is as willing to do the same in this issue.

Since getting involved with this issue I have been privileged to work with many different people, and also speak with those who stand opposed to me in their thought on the same sex marriage bill. Between those that are informed, those that are partially informed, and those that know little to nothing about what is going on here in Hawaii, there is just too much misunderstandings, assumptions, and misinformed lies. A very big division is something that I have noticed in the people of Hawaii because of this Bill and the special session.

In the church I have seen some of this contention among the members. Several members of the church who are actively engaged in this ordeal unjustly judge those who are not involved as being poor followers of Christ. Those who are not engaged become resentful of the members that are involved because they feel the contention created by poor judgment. These judgments and assumptions all done out of ignorance create a division among the hearts of men that take away from the potential for people to create an environment of happiness and love.

Another sad example of the division created herein is between society and the churches themselves. Some Christians/other religious folk go around preaching their

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beliefs and discounting the rights of others to believe differently. Meanwhile, on the other hand, the general public is being led by the media to believe that the religious folk are the only ones who will be affected and that they are just being radical fanatics. This discounts the beliefs of those churches as well as the efforts of their members. The gay community, from my experience, feel that the churches are slated out to suppress them of their freedoms, and the churches feel most of them to be unaware of the potential damages to religious freedoms. The problem is that there is so much misunderstanding and contention because of how fast this special session is occurring that Hawaii's society is really becoming divided.

The most heartbreaking news for me is how my friend Sheri Bren, who is currently pregnant with her 9th child, and her husband were both attacked while they were waving signs on Friday Oct. 25th 2013. Her description is as follows:

A man ripped down & stole our banner, intentionally banged my husband's truck (twice), and tried to run us over as we were getting his license number. He continued to step on his gas & hit us with his car as I yelled for him to stop & that I was pregnant (yes, baby #9) he drug us both for a distance and only stopped because my husband smashed his windshield & stopped him.

I ask that you will all consider the word in the Hawaii Revised Statutes §5-7.5 "The Law of Aloha".

§ 5-7.5 "Aloha Spirit". (a) "**Aloha Spirit**" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "**Aloha**", the following **unuhi laulā loa** may be used:

- "**Akahai**", meaning kindness to be expressed with tenderness;
- "**Lōkahi**", meaning unity, to be expressed with harmony;
- "**Olu'olu**" meaning agreeable, to be expressed with pleasantness;
- "**Ha'aha'a**", meaning humility, to be expressed with modesty;
- "**Ahonui**", meaning patience, to be expressed with perseverance.

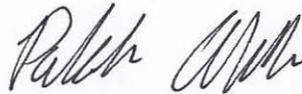
These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawai'i. "**Aloha**" is more than a word of greeting or farewell or a salutation. "**Aloha**" means mutual regard and affection and extends warmth in caring with no obligation in return. "**Aloha**" is the essence of relationships in which each person is important to every other person for collective existence. "**Aloha**" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "**Aloha Spirit**". [L 1986, c 202, § 1]

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I am opposed to this bill because I feel that religious freedoms must be protected. I am opposed to this special session because I feel that the Aloha and love of this land and people must be protected as well. The contention and hatred has already begun to divide us, and passing this bill in a special session will only make things worse here. I pray that you will seriously consider the concerns of this 19 yr. old young man. These are matters of great importance for All of Hawaii. Thank you for your consideration and for your service as Senators and Representatives.

Mahalo,

A handwritten signature in black ink, appearing to read 'Pakela Akaka', written in a cursive style.

Pakela Akaka
3263 Mokihana St
Honolulu, HI 96816
(808)-469-2642 (Cell)
Mr.pkillah@gmail.com

From: [Norman Sakamoto](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony of SB1
Date: Sunday, October 27, 2013 5:22:17 AM

Committee on Judiciary and Labor

Chair Clayton Hee and members

Testimony for SB1, Monday, October 28, 2013HB 117, SD1,CD1

Against the bill as drafted. FOR a Constitutional Amendment.

The following excerpts from the Senate Journal clearly show that the State Constitution was held in high regard. The remarks clearly show the senators were aware that an affirmative **vote by the people** was to limit marriage to opposite sex couples.

Excerpts from the Senate Journal, Friday April 18, 1997 just prior to the vote for the Constitutional Amendment Relating to Marriage. (Emphasis added.)

Senator Matsunaga-

"Essentially, it accomplishes what we sought to achieve last year. That is, marriage licenses will be limited to opposite sex couples, but coupled with the passage of HB No. 118, CD1, nontraditional couples will be provided access to substantially similar economic marital rights and benefits."

"The **people of Hawaii** will have an opportunity to definitively express their will on the issuance of marriage licenses. **As legislators we are bound to acknowledge their power and abide by their will.**"

Senator Sakamoto-

"...I support this because it gives the **voters** what they wanted and what they have been asking for, and yes, for years, to decide for themselves what marriage means in Hawaii."

Senator Chumbley-

"I support this proposed constitutional amendment, Mr President, because I **support and believe in the right of the citizens of Hawaii to define their own constitution**. I also trust that, upon full and fair debate, our citizens, over

time, will do the right thing.

"The amendment before us today is as finely tailored as we could accomplish. The **people will decide** on the simple issue of whether marriage should be limited to couples of the opposite sex-- the courts are not insulted, equal protection is not conditioned, and no religious or social dogma is adopted. Instead, an affirmative expression of our understanding of marriage is incorporated in the supreme law of the land.

"Mr President, as a Legislator, I took an oath to uphold the Constitution of the State of Hawaii, a document which I hold dear as a lawmaker and as a citizen. The preamble to our constitution states, 'We reaffirm our belief in a government of the people, by the people and for the people, and with and understanding and compassionate heart towards all peoples of the earth, do hereby ordain and establish this Constitution of the State of Hawaii.' "

Senator McCartney-

"So that the record is clear, granting similar rights and benefits does not mean granting same sex marriage as some have alluded to in an effort to confuse the public. Our compromise package simply gives us the legal and constitutional abilities to limit marriage to man and woman and ensures that those who cannot be married under the law are afforded certain rights and benefits."

Ayes, 25. Noes, none.

In summary, the legislature needs to acknowledge that the voters did amend the constitution with the intent to limit marriage to couples of the opposite sex. The current legislature needs to honor the legislative record, the people's votes, and the Hawaii State Constitution.

I am not in support of this bill.

Mahalo,

Norman Sakamoto

From: [Robin Makapagal](#)
To: [JDLTestimony-InPerson](#)
Subject: SB1
Date: Sunday, October 27, 2013 5:34:31 AM

Dear Members of the Senate Judiciary Committee,

I am writing in opposition to SB1, on the matter of same sex marriage.

My first objection is that this bill does not warrant a special session. It is not an emergency by any stretch of the imagination. This special session seems to be an attempt by the Governor to circumvent the democratic process. It is a matter that should properly go to the regular session to allow for public testimony and proper vetting by committees and both houses. You are simply not allowing enough time for public input, a tactic which I believe is a deliberate attempt to keep the voters out of this discussion.

My second objection is that there already is a means by which same sex couples can be afforded benefits under the law, and that is our civil unions law. I understand that less than 1% of our population are united by civil unions. We are rushing into something that benefits less than 1% of the population? That is preposterous. If it is federal benefits these couples are seeking, they can be "wed" under the laws of what, 16 other jurisdictions?

Third, the good people of the state of Hawaii, thinking they were voting against same sex marriage, gave the state legislature the opportunity to define marriage, something our lawmakers have failed to do since 1998. Why are we allowing ourselves to be bullied by outside interests? Why are we having something shoved down our throats that the majority of citizens likely do not believe in? I say it's political correctness. I say that's pure shibai.

I don't know you, but one thing I'm sure of. Like me, you are the product of the union between a man and a woman, my parents, each of whom was the product of the union of their parents. My son, my niece and nephews, and all my cousins and assorted relatives are also the product of a heterosexual union. We are all products of heterosexual unions. Homosexual unions fly in the face of the facts of life. Two same sex individuals will never produce children unless they acquire semen, borrow a uterus, or even adopt.

You may not subscribe to the understanding that we are created male and female, made in the image and likeness of God who made us to be sexual beings, each with our own function and kuleana. I do. Thousands upon thousands of citizens of this state do. We are voters. We will hold you to account for what you do. I urge you to kill SB1 in committee.

Aloha,
Robin Williams Makapagal, MSW

The people to whom your fathers told of the living God, and taught to call "Father," and whom the sons now seek to despoil and destroy, are crying aloud to Him in their time of trouble; and He will keep His promise, and will

listen to the voices of His Hawaiian children lamenting for their homes. It is for them that I would give the last drop of my blood; it is for them that I would spend, nay, am spending, everything belonging to me." Queen Lili'uokalani

User Submitted Values:

First

Name: James

Last Name: Hallstrom

Email: JEH@HaleKualona.com

Address 1: 1456-B Aunauna Street

City: Kailua, Oahu

State: HI

Zip / Post

Code: 06734

To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: Strong Opposition of SB1

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

I am writing to voice my OPPOSITION to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

In the event you elect to ignore the will of the silent majority against this bill, as has been demonstrated previously in the polls, then Bill SB1 must be changed.

In the words of President Obama, "On an issue as sensitive as this, knowing that Americans hold a wide range of views based on deeply held beliefs, maintaining our nation's commitment to religious freedom is also vital. How religious institutions define and consecrate marriage has always been up to those institutions. Nothing...(should)...change that."

Bill SB1 must be amended:

~ To provide significantly stronger Religious Conscience Protection for religious organizations, individuals, and small businesses.

~ I urge you to adopt the proposed amended language contained in a letter to Senator Baker sent on October 17, 2013 from Law Professors Edward Gaffney, Jr., Thomas Berg, Carl Esbeck, Richard Garnett, and Robin Wilson. A copy is attached following my signature.

Thank you for the opportunity to testify.

James E. Hallstrom, Jr.

Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Re: Strong Opposition of SB1

TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

I strongly oppose SB 1. Civilized governments have the responsibility to protect the sanctity of marriage between a man and woman to ensure the continuation of the society they govern. A traditional family is the only fit unit of society that is able to ensure its continuation, not only through procreation, but also through the systems and institutions as have evolved and been adapted through the ages. Strong family life is what has brought us here as humanity, and though open homosexuality has been tried in times past, it has always failed—the reason we are once again revisiting its seemingly never ending conquest to gain legitimacy on the scales of life.

Life on this planet is contingent upon a strong family unit consisting of the union between man and woman, as defined by its least common denominator—the ability of opposite genders to procreate. Homosexuality, on the other hand, is the weakest unit in society. According to Darwin's Theory, evolution occurs by natural selection of those species "best adapted" for survival and ultimate existence. Homosexuals, therefore, are of the weakest in society as they lack the choice of a mate with whom they can reproduce, thereby limiting continuation of their species, unless promoted or otherwise advertised as a viable means for civilization or the continuation of homosexuality in that society.

Because sexual gratification between homosexuals is no less sexually rewarding than heterosexuality, it lends many of the same benefits of sexuality shared between heterosexual partners less one—the ability to procreate. Therefore, society has chosen, in times past, to label homosexuality a disease, disorder, or dysfunction. I affirm that homosexuality is nothing less than a choice. I speak from personal experience as one having been homosexually propositioned many times throughout my life. Each time, I have chosen to adhere to the morals and values taught me by my mother and father, though I could have just as easily chosen otherwise.

As a heterosexual, my decision to remain monogamous has been just as decisive. There have been many occasions where I could have chosen to mate with other partners besides my wife. Each of the many times I have been confronted with that choice, I have determined and chosen to stay true to the promise I made with her and with God.

The promise I made to remain faithful to my wife is, in part, called marriage. Staying true and faithful to my wife, thereby creating and maintaining an environment of emotional and mental stability for my children, my wife, and myself, has enabled me to maximize my growth, well-being, and standing in society, and also my ability to contribute mentally strong and morally straight children who I am teaching to continue in our family's long tradition of bearing and rearing humans, who then hopefully will become strong members of human families.

Human sexuality is determined by choice alone. I have chosen heterosexuality. I have also chosen to have children with my partner. I have also chosen to be monogamous. I have also chosen to care for my children and wife. I call them family—the basic social unit of society, consisting of at least one man and one woman, through which procreation is the only means enabling its continuation. To define marriage any other way is to attempt to change the laws of nature and of God.

To promote homosexuality through legal and political means is uncivilized. It threatens the very fabric of our society. Even worse is to instigate its means through special session, outside the voice of the people, and well beyond that is to claim homosexual marriage as a civil right—as if the simple legal proclamation of equality would somehow enable men and women as separate copulating groups to bring forth children—the latter of which begs the question, “is there then not therefore an unseen hand instigating this political struggle, invested in weakening, eroding, depopulating, and even destroying humanity, if not so easily seen in my previous arguments then maybe, at the very least, recognized in the divisiveness of this heated debate?”

Do these issues not divide us now at a time when all other facets of our society seem to hang on the scales of death as well? Our political, economic, and defense systems have been under attack for decades, and somehow we find ourselves fighting over the definition of who has the right to procreate, even when those arguments in opposition, being brought forth by a small minority, are thoroughly outdone by the most basic lessons in animal husbandry, biology, and the rest of the natural world as explained by science?

Thank you for opposing SB1, or may the full measure of its eternal consequences be squarely on your shoulders for allowing and enabling it.

John Wilson, Son, Husband, and Father

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

My name is Shirley Y Kinoshita. I am a Kapolei registered voter and I strongly oppose S.B. No. 1.

As late as Saturday, October 26th, several legislators were UNDECIDED on how to vote on this bill. For me, the heart of this issue can be summed up in one word

C-u-r-r-i-c-u-l-u-m

I am sad to say that if this bill passes, which allows same gender marriages, there will be shocking changes in curriculum....yes--what is taught in schools to our keiki, from kindergarten through 12th grade.

Do you know ladies and gentlemen that the Department of Education would be required to follow the new law and have a new curriculum that teaches all of the same gender lifestyles--Lesbian, Gay, Bi-sexual and Transgender? AND, also that they are to be taught as acceptable to our society, that they are normal and that they are natural?

I suggest that everyone look at what has happened in the curriculum of the other 13 states and in District of Columbia where same gender marriages have already happened!

I am not of the opinion that those lifestyles are ACCEPTABLE-- neither are they normal, nor are they natural.

In fact in 1998--269,617 voters including myself, overwhelmingly voted for the Constitutional Amendment to reserve marriage to opposite gender couples. Same gender marriages are not civil rights and should not be legislated. Individual voters need to cast their votes to make these irreversible changes in this place that is our home--just as we did in 1998.

IF NOTHING ELSE—I ASK THAT THOSE LEGISLATORS WHO ARE UNDECIDED OR THOSE WHO REALLY DIDN'T THINK ABOUT THE EFFECT THIS WOULD HAVE ON OUR CHILDREN IN OUR SCHOOL CURRICULUM, VOTE "NO" SO THIS RUN-AWAY TRAIN CAN BE SLOWED DOWN AND THOSE WHO DON'T KNOW THE TRUE EFFECTS OF SAME GENDER MARRIAGE HAVE TIME TO FIND OUT.

Mahalo,

Shirley Y Kinoshita - Kapolei, HI 96707

Opposition

From: [Mike Lwin](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony Against SB1-Relating to Equal Rights
Date: Sunday, October 27, 2013 6:16:34 AM

To: Chair Clayton Hee, Committee on Judiciary and Labor

From: Mike M. Lwin
91-1325 Kuanoo Street
Ewa Beach, HI 96706
(808) 678-3778

Subject: Testimony in Opposition to Special Session and SB 1

Aloha Honorable Chair Hee and Members of the Committee on Judiciary and Labor,

As a concerned citizen, I am submitting this testimony against this special session and the bill that would legalize same sex marriage in Hawaii.

In 1998 I voted for what I understood was defining marriage to be between one man and one woman. In fact, 70% of Hawaii's voters agreed with me. Now here it is almost 15 years later and this is still an issue. If you want to redefine marriage, please let the people you represent decide by a constitutional amendment. One that means what it says, not a legal loophole. It seems that our elected officials are taking upon themselves to undo what the voters in Hawaii have already decided.

Additionally, I oppose this bill because the religious protection clauses are inadequate for people of faith to exercise their First Amendment right of speech and religion.

I ask you to please do one of two things:

A. Leave the institution of marriage the way it has been for thousands of years. And the way we thought we defined it in 1998

B. Take the issue back to the citizens of the State and allow us to vote for a clearly worded constitutional amendment

Thank you for the opportunity to testify against this special session and against this bill.

Mahalo!
Mike Lwin

MICHAEL M. LWIN | SENIOR PASTOR

NEW HOPE LEEWARD

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www.NewHopeLeeward.org

From: [Justin Mamuad](#)
To: [JDLTestimony-InPerson](#)
Subject: Special session on same sex marriage
Date: Sunday, October 27, 2013 6:32:39 AM

Aloha. As a concerned native of the State of Hawai'i, I ask that you vote NO on SB1. The effects it will have on the state and mostly on our children will be "in the words of my kupuna' "not good." Moving from years and years of traditional marriage to a marriage that is unconstitutional, and unfitting in the eyes of God will be a disgrace not to only the people of hawaii, but to the nations around the world that sees Hawai'i or America in general to be a powerful nation of law-abiding and God-fearing citizens. If we are a nation and a people that says in "God we Trust", then we MUST abide by the laws of the God we trust in. God being against any type of homosexuality, In 1 Corinthians 6:9-10, Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor homosexuals, nor sodomites, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God. I believe we should all share the same attributes as God has being the one that we trust in. Vote No for SB1. God Bless You,

Mahalo and Aloha,
Justin No'eau Ka'upu Mamuad

From: [Ella Mae Camacho](#)
To: [JDLTestimony-InPerson](#)
Subject: Opposition to SB1
Date: Sunday, October 27, 2013 6:33:49 AM

To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: In Strong Opposition of SB1

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

I am submitting my written testimony in opposition to Bill SB1.

I am asking you to allow the people of the State of Hawaii to decide on the issue of marriage. I believe in traditional marriage where a man and a woman are united together. I also support equality for all mankind and religious freedom where we are allowed to express ourselves. The citizens of the State of Hawaii have faced this issue in the past, and have expressed their choice through the democratic process which is what keeps our nation free, where choices of the majority of the people who vote are recognized.

I believe the legislature and Governor Abercrombie are going against the will of the people by holding this special session.

I am opposed to the way this important social issue is being decided virtually in one week and I ask that you please uphold the principles of the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be examined as all other bills through committee hearings which have been the recognized process in the past. These hearings allow the people to voice their opinions in that venue which gives us as your constituents further opportunities in the process that we have known and recognized for years.

We, the people have elected our government officials to serve as our voices. We have a right to express our opinions, especially one that may affect and change the customs and traditions that we have known

for hundreds of years as native Hawaiians and citizens of the United States of America.

A "YES" vote in this special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Ella Camacho

Honolulu, HI 96813

From: [Edralyn Caberto](#)
To: [JDLTestimony-InPerson](#)
Cc: [All Reps](#); [All Senators](#)
Subject: In Opposition to S.B. 1
Date: Sunday, October 27, 2013 6:45:37 AM

October 25, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: In Opposition to S.B. 1: The Hawaii Marriage Equality Act of 2013

Dear Chairman Hee,

I am writing this testimony strongly opposing the passage of S.B. 1, The Marriage Equality Act of 2013, because it redefines the most core institution of society, marriage. Marriage between a man and a woman has been and is interwoven into every fabric of our society, both legally and socially, throughout all generations of time. To redefine marriage by including same sex couples is to redefine the beliefs and values of individuals who firmly hold on to marriage as that between a man and a woman.

In addition, the most critical element that this bill does not properly address is our right to religious liberty. This country was founded upon religious freedom without fear of persecution and prosecution, yet the Senate Bill denies individuals from exercising their First Amendment right of freedom of religion.

Neither does the Senate Bill adequately protect the rights of religious institutions

(1) Many churches have nonprofit organizations to help them carry out their religious missions, such as religious schools and colleges like BYU-Hawaii. The Senate bill covers only "religious organizations." Unlike protections in other states, it does not protect these other important institutions that are vital to churches.

(2) The Senate bill protects churches from having to host same-sex marriage ceremonies on their religious properties or in their places of worship, such as an LDS meetinghouse. That is important, but not good enough. Unlike protections in other states, the Senate bill does not protect churches from also having to host same-sex wedding receptions and other related celebrations, or from having to provide other goods and services in connection with same-sex marriages, like marriage counseling.

(3) Many churches charge fees for the use of their chapels for weddings so they can use the additional money to support important religious activities, such as their youth ministry or program to feed the hungry. The Senate bill excludes protections for churches that do so.

It is with a heavy heart that I must strongly oppose Senate Bill 1. Thank you for the opportunity to provide testimony.

Sincerely,

Edralyn Caberto
98-234 Hale Momi Place
Aiea, Hawaii. 96701

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to not to support this bill as I believe the legislature is not best representing the people of Hawaii's position of the definition of marriage nor preserving our religious freedom. The wording of the bill restricts all faith based organization and people of different cultures to accommodate yet compromise the core values of their culture and religion which is contradictory does not protect the religious rights of any group that

I am opposed to the Govenor's method of rushing a critical social institution (marriage) which is not a matter of emergency, and would best be addressed during the normal general legislature session. To address this bill in such an rushed manner does not allow you to thoroughly grasp that marriage is not just hitching 2 people to legally live together but an institution involving the community and the support of the community. Because it is a communtiy involved institution, bill SB1 should reflect preservation of all democratic rights and not put the majority of the people under such restriction as to compromise their cultural and religious values. Please carefully examine all consequences which impact all people groups of social adjustments necessary for all who dwell in Hawaii in redefining marriage. Please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given more time than one week and allow to go through due process during the regular session where it can more thoroughly examined as all other bills.

Please take the time to hear the people who elected you, and to best serve and represent their voices and their rights. Voting "no" allows you to address this bill at a later time with careful consideration of consequences, costs socially and economically and to consider policies and administration adjustments which will not undermine democracy for the people at large.

Thank you for the opportunity to testify.

(Leona Lin)
(Honolulu, HI, and 96821)

From: [Emily Murphy](#)
To: [JDLTestimony-InPerson](#)
Subject: Emily Murphy's Testimony: I will Come and I want My voice to Be Heard!!!
Date: Sunday, October 27, 2013 6:50:25 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

In a sermon in 1961, Dr. Martin Luther King said when talking about different struggles within marriage, "...Family life is still the basic unit in the life of the nation, and on healthy family life depends the moral and spiritual life of the nation." I believe as Dr. King does, as it is my right to do so. For me and my beliefs the healthiest family's are those with a mom and dad whom have been married. I am free to believe as I chose and to uphold these beliefs according to my conscience, free from oppression. I believe that a man and a woman make up a foundation of a family and then if they choose, children come in and build upon that foundation. Traits skills and personality uniquely passed onto one child from a female and male parent-the yin and the yang so to speak.

I ask this question, not only to you in our government, but to all of you here today, those for Gay Marriage and those opposed to it. Why must civil unions be called marriage? If you have all the same rights financially and there are means for your family to be recognized by the state? Why is there is such a deep seeded need for you to get those who believe differently then you to be forced to change their thinking's through the institution which are fundamental important to their own religious beliefs? Why must you force the social change you want by the means in which you use the backdoor to restrict religious freedom?

If I lose my freedom to choose, so do you. Our Government did not create marriage, so why through the mask of civil rights and equality for all, is it being used to harm the values of its citizens?

If your way of life, that of Gay Unions and my Way of Life that of Traditional Marriage between man and woman, become one under the same title will you really be satisfied? Are you saying that for you to feel that your life counts and is good, I have to share your opinion, then maybe you don't believe in your life as much as you should. The psychology and thinking is faulty by its simplest terms. Just because I don't believe as you do, doesn't mean your life has no value why must you change how I think(That value is determined by your own heart), and just because you don't believe as I do doesn't mean that my life has no value, because in my heart My family has value-priceless value.(And I am not going to try and use laws to change your thinking in my direction.)

I don't know the oppression that those in the Gay community have faced, hate is ugly in all its forms, and under no circumstances should it be upheld or tolerated. People need to be free to follow their own conscience. This is not about my feelings about LGBT life and how people chose to live it. It is about a government that is now using laws to oppress my beliefs and force me into a new way of thinking.

If your looking for a title to validate your life you will never find it. Destroying my view of marriage and how I believe it fits into the universe doesn't make your view strong, it weakens it, and we both lose.

Maybe it bothers you that I believe as I do as, a professed Christian, with a strong belief in the plan of salvation for mankind through the institution of marriage between man and wife. Maybe it bothers me that you live as you do, but who cares what bothers us. We are All Americans and we have mastered the art of believing differently, yet remaining neighbors. Has not history taught us, improvement is needed, but don't mess with the constitution, which I am proud to say, was helped to come into the pages of history by my own family who fought in the revolutionary war, so that one day I could be free to believe in traditional marriage and that a dear brother of mine could believe differently-both free-to chose.

Thank you for the opportunity to testify.

Emily Murphy
55-550 Naniloa Loop, #6083
Laie, HI

From: [Andrew Yasuhara](#)
To: [JDLTestimony-InPerson](#)
Subject: Opposed to SB1
Date: Sunday, October 27, 2013 7:05:54 AM

I am writing in opposition to SB1. I feel like we are circumventing the democratic process and are not allowing input from the public on such an important issue. I believe the right thing to do is to take it to a public vote and let the people decide.

Thank you,

Andrew Yasuhara

Sent from my iPad

From: [jason.murphy-tafiti](#)
To: [JDLTestimony-InPerson](#)
Date: Sunday, October 27, 2013 7:12:23 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I believe that this bill should be given proper time to be debated and voted on by the citizens of the state of Hawaii. As the bill exist it appears that the language is murky and can be left to wide range of different interpretations. Other states have passed similar bills, but have assured that religious organizations are protected. It is my belief that this bill would allow the government to violate the religious freedoms of religious organizations.

If the governor wants a bill such as this, then it should be held during a regular session. Instead it is being pushed through a special session during a Holiday season, when it is common knowledge that family's are busy with activity's.

The will of special interest groups should not superseded the rights and will of the people. And if you vote in favor of this bill then it places you also against the will of the people who have graciously allowed you to represent them. All people on both sides should be in favor of fare and representative governance.

Jason Murphy
55-550 Naniloa Loop #6083
Laie, HI
96762

--
Sincerely,

Jason

From: [Kacey Rollins](#)
To: [JDLTestimony-InPerson](#)
Subject: Proposed bill
Date: Sunday, October 27, 2013 7:25:20 AM

Aloha-

I am concerned about the legislation being proposed for the State of Hawaii. There are a number of issues that deeply concern me. I would like to point out a few.

First, I believe marriage is defined between a man and a woman. I am not anti anything, but am pro traditional marriage. Just as has been legislated before, civil unions allow for same sex couples to have tax and legal rights. Marriage, by definition, is as I stated before, between a man and woman. We, the people of Hawaii, have stated this before. And marriage never goes out of fashion and does not change with trends or fads. The people have spoken. If that is in question, let them vote again.

Second, I strongly oppose a part of the bill that allows for same sex couples to be able to use private church facilities or institutions. Clergy and small businesses are affected too. There are many who feel so strongly that it is abhorrent before their God. Just as I would not force some of my Jewish or Muslim friends to have kalua pig in their place of worship, or force them to eat it, likewise, I'm dumbfounded that my elected representatives would force something on religions or religious institutions that is fundamentally against their beliefs. There are many places people can marry, and if a religion, a clergy member, business, or institution truly feels that it is against their belief, why is it being not only forced upon them, but also they will face penalties? Who is standing up for them? Who is being their voice? This seems like religious persecution. It should be stopped. And it seems only the legislature is being given the power to do so.

We are a nation that claims to respect religions. That was one of the very motivating and founding principles! Even one of the most dangerous and villainous people, Osama bin laden, was given a proper Muslim burial at sea. His religion was respected even when he was no respecter of men. And yet we are about to allow legislation pass that takes basic religious rights away from people, religions, and institutions that are uplifting, supportive, and contribute to the betterment of society (and in some cases, individuals and communities throughout the world), on the basis of sexual preference? Really?

Finally, some may say my point of view makes me a bigot. I say, in the simplest form, all of us possibly are. The point isn't to point fingers of right and wrong, but rather come to a solution where all can be happy. I know that place exists, but the option on the table is not it.

Please reconsider. Please take the time to revisit the pending legislation. The best solutions are not always rushed or pushed through quickly. We the people have a voice. We want a say. Please listen.

Warmest Aloha-
Kacey Rollins
Hawaii Kai

From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: marshk59@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 7:25:15 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Marsha M Krieger | Individual | Oppose | Yes |

Comments: As a concerned citizen of the state of Hawaii, I am submitting my testimony against this special session and the bill that would legalize same sex marriage. I fervently oppose the special session because it rushes the legislative process and does not give voice to all the people of Hawaii. This bill instead addresses just a small special interest group. Especially now that the governor has added two more items to the agenda (an appropriation for Hawaii Health Systems and Funding of Collective Bargaining agreements achieved with UPW Unit 10 and HGEA Unit 13) I question how you can effectively and justly give the focused attention to this issue that Governor Abercrombie used as a 'motivation' to call the special session. Also, we the people of Hawaii do not have sufficient input into this process. Because there can be no amendments to the bill any concerns raised in testimony cannot be adequately addressed nor does the short time allotted for the session allow you the legislature to equitably deal with these concerns. Therefore, by passing the bill under these circumstances, the legislature will be making a mockery of the democratic process. I oppose this bill because on page 6 starting on line 4, the definition of church exemptions are too weak to guarantee our first amendment rights to the free exercise of religion. Many churches serve the community by allowing the usage of facilities for AA groups, parenting and/or marriage classes and sports and exercise classes that are open to the public. The language in SB1 is not strong enough to protect the churches from lawsuits or other challenges. I oppose this bill because I have serious concerns and questions regarding page 15 beginning at line 1 – 9. This section allows couples that do not live in Hawaii and are not taxpayers to pursue an action for annulment, divorce or separation in our state. I have serious and valid concerns about the impact this will have on our already weak economy. On page 12 beginning at line 15 572C-2 states that 'the legislature finds that the people of Hawaii choose to preserve the tradition of marriage.....as one man and one woman. This was only two years ago. We have not voted nor had town hall meetings to find out if this has changed. In 1998, the people only voted to allow the 'legislature to have the power to reserve marriage to opposite sex couples' because we had no other choice. To not have accepted the poorly worded measure would have left the decision to our state judiciary, which had the Baehr v, Miike case pending. Voting to grant the power into the legislatures hands in 1998 was the lesser of two evils. A

'yes' vote in the special session is a 'no' vote to democracy because you are clearly not listening to the voices of the people of Hawaii, whom you have been elected to represent. These are just a few of the concerns I have about you voting into law possibly the most controversial issue of our time. The short time allowed for the special session and the extra issues that the governor has added prevents you the representatives of this great state from justly and adequately addressing the concerns to the people of the state of Hawaii. I request that you vote no or table this issue and bring it to a vote of the people Sincerely, Marsha M. Krieger

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

Jarrell James Mahusay
94-543 Lumiaina Street #U201
Waipahu, Hawaii 96797

I Vote **NO** to Senate Bill 1, authorizing same-sex marriage.

I am Christian and a former Naval Submarine Officer, who diligently served our country for 4 years. I currently manage a non-profit organization, Reveille Hawaii, aimed at connecting military members with the Hawaiian community. Our goal is to help with the epidemic of homelessness, drugs, and the needs of the Hawaiian people, through volunteerism, fund raising, and grateful hearts.

I am affected directly by this bill because of 3 reasons: It prohibits my core beliefs and my faith, which I have practiced all my life. It denies me my civil rights to choose, by vote, to disallow this bill. This bill also affects my livelihood and my ability to act upon my faith.

I have practiced Christianity since my birth on May 15, 1981. My family has practiced Christianity for generations dating back to our origins in the Philippines. My belief in Jesus Christ as our Lord and Savior requires us to live in such a way that we honor Him with the choices I make. Homosexuality is considered a Sin; not unlike drug abuse or alcoholism, all of which are defined by the Bible as immoral and should not be encouraged according to my faith practice. Same-sex marriage will significantly impact my ability to profess my faith through daily life as well as the lives of my future children by forcing my family to choose to follow the teachings of my God or to follow the law by condoning homosexuality. I will not and cannot follow any law that would be contrary to my beliefs as my resolve to follow my God and His teachings will supersede any law that maybe enacted. In spite of any decision by legislation, I will continue to live peacefully before all people regardless of their decision towards sexual orientation but I am incapable of recognizing any marriage not between a man and a woman. Marriage has been defined since ancient times as the union of a man and a woman, and whose purpose is the capacity to produce life naturally. Marriage has always been characterized by biblical terms, between man and woman, since the age of the Hawaiian kingdom. Hawaii must maintain a separation of church and state by denying passage of Senate Bill 1; marriage has always been a church institution regardless of faith background and is only recognized by the state through taxation purposes. For these reasons I must comply with the mandates by my God to proclude my faith and cannot endorse same-sex marriage.

This bill infringes my right to vote as defined by Amendment 18 of the U.S. Constitution. Although a previous bill permits the legislative body of the state of Hawaii to decide the validity of same-sex marriage, a bill whose affects of this magnitude should not be decided by an in accurate, and extremely small sample size of the state population represented only by a handful of legislative representatives. A vote of the people of Hawaii must be required in order to prove the desire of the

people to support this bill. Through the interactions of my non-profit organization and the Hawaiian people, I have determined that a cultural frustration of the people is the constant silencing of their voice and rights. This bill further exemplifies the neglect of the people to choose for themselves their desired course of governance. As a new and permanent resident of Hawaii for 3 years, I desire a chance to voice my vote and to vote no on this bill. Do not deny the people their voice, history has taught us that those who support the wishes of the people and their ability to choose are beloved and remembered, while those who deny the people's right to choose are ostracized and culpable.

This bill directly affects my livelihood and the practice of my faith. My non-profit organization is based on Biblical principles, the act of giving, serving, comforting, and love towards all people regardless of race, creed, or sexual orientation. In conjunction with these principles are the directives to uphold morality as defined by the Bible, which include but are not limited to abuse prevention, poverty, as well as homosexuality. I am not able to carry out my duties as a Christian and a human being, to provide the quality of volunteerism, support, and care deserving of the people of Hawaii. God cannot use me effectively due to the prohibitions stated in Senate Bill 1. I should not be forced to choose between condoning homosexuality and following the commandments of my God. There are people who are indifferent to homosexuality and therefore may provide the services required of the LGBT community. Just as a customer has the ability to choose which business they want to purchase goods and services, retailers and service providers, whether profit or non-profit, should be able to determine morally what they determine to be right based on ancient and long standing principles. Today's capitalist society allows the consumer the right to determine whether a business survives or fails; if a place of business decides to uphold their Biblically moral beliefs and their belief is that the LGBT lifestyle is morally reprehensible then let their success or failure be determined by the patronage of the consumer and not by a law that has condemned them without the verdict of the consumer. Some may compare the disapproval of the LGBT lifestyle to racism, but LGBT is a lifestyle and not an intrinsic characteristic of a person such as their skin color. Just the same as no person is forced to accept a religion as a lifestyle, so should no person be forced to accept the LGBT lifestyle.

In conclusion, as a Christian and a contributing member of the Hawaiian people, I vote No to Senate Bill 1. This bill disagrees with the core of my faith which is also a lifestyle. It disagrees with my rights as a citizen of not only the United States but also as a citizen of Hawaii. It also disagrees with my livelihood and my ability to make a positive impact on the community. Finally, in Christianity, Jesus Christ was condemned to death by the Israelites, but because of their traditions, they were barred from making the decision to act upon His crucifixion. The people implored the help of the Roman governor Pontius Pilate to make the decision necessary to condemn Jesus to death. Pontius Pilate refused 3 times and finally he dipped his hands in water to symbolize that the blood of Jesus, an innocent man, would be on their hands and allowed the execution to take place. In the same way, hold yourself blameless for the decisions of the people. Allow the people of Hawaii to make this

choice because this will affect generations to come and you as legislators will walk amongst the people guiltless because you gave the people their vote and their rights. As our Leaders, in accordance with 2 Timothy 4:1-2, I charge you in the presence of God and of Christ Jesus, Who will judge the living and the dead, and by His appearing and His kingly power: proclaim the word; be persistent whether it is convenient or inconvenient, convince, reprimand, encourage through all patience and teaching.

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Testimony Against S.B. No. 1

We respectfully request that this bill be killed in your committee, as we are deeply concerned about the negative impacts of this bill and that there is not enough time to properly address them in this special session.

We believe that Marriage is a sacred, legal, and social union ordained by God to be a life-long, sexually exclusive relationship between one man and one woman. This was clearly voiced by the people of Hawaii in 1998 constitutional amendment. We do not know how this bill will affect our families, especially our children and their children, and our fragile economy, which is dependent of tourism. Based on information from Canada and other States that have passed similar measures to legalize “gay marriage” we do know that the negative impacts on families are great. We also know that the normalization of the gay lifestyle has made it into the public school curriculum. It has impacted churches, who have had to change their policies to restrict public use of their facilities, and have had to defend against frivolous lawsuits. We also know that it has impacted small business owners, who have expressed their personnel beliefs that marriage should be between one man and one woman. We do not know the legalization of same sex marriage will negatively impact our tourism market which depends heavily on visitors from Asia. We do know that these cultures are more conservative, and may be deeply offended.

I am concerned that the special session is pushing forward an issue and silencing the voice of the people. We are supposed to have a government of the people, by the people, and for the people. However, the special session does not allow adequate time to discuss such an important issue that so many feel deeply about. This issue should best be decided by a constitutional amendment so that it truly reflects the will of the people.

If not this issue should be properly vetted and discussed during the regular session. Please respect democracy and do not let the democratic process be circumvented.

Sincerely,

Eric and Janette Yuasa

Date: October 27, 2013

To: Sen. Clayton Hee
Sen. Maile Shimabukuro
Members of the Senate Committee on the Judiciary and Labor
State Capitol
Honolulu, Hawaii 96813

Re: Opposition to SB 1 (Same Sex Marriage)

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

I oppose SB 1 relating to same sex marriage and have listed some of my reasons below.

This issue is one that should be decided by the people of this state. Marriage between one man and one woman has been the foundation of society since the beginning of time. Such a drastic redefinition of marriage should require the consent of the people through a vote in 2014.

The religious exemption provisions do not adequately protect churches and do not offer protections to ministries, religious people who own businesses, and people of faith. Around the country, despite our Constitution and laws protecting religious liberty, people who hold traditional values on marriage and human sexuality are being persecuted, harassed, silenced, mocked, robbed of their constitutional rights and unjustly punished at increasingly alarming rates. Here are a few grievous examples.

1) Schools across the country indoctrinate children from kindergarten and on about same sex relationships and show hostility toward a religious view of marriage. See: <http://blog.alliancedefendingfreedom.org/2013/07/09/public-schools-impacted-by-supreme-court-marriage-decisions/>

2) Catholic Charities were forced to close rather than place children with same sex couples for adoptions/foster care (e.g., District of Columbia, Massachusetts). See: http://www.catholic.org/national/national_story.php?id=19017 and <http://www.catholicnewsagency.com/news/same-sex-marriage-law-forces-d.c.-catholic-charities-to-close-adoption-program/>

3) Complaints have been filed against churches and ministries when same sex couples are denied use of facilities to celebrate/solemnize same sex unions. See: <http://www.examiner.com/article/complaint-filed-against-christian-ministry-for-not-allowing-same-sex-marriage>

4) Same sex couples have filed complaints against Christian business people who refuse to provide services for their same sex unions/marriages/commitment ceremonies. In at least one case, fines were levied against the Christian (e.g., a New Mexico photographer was fined over \$6,000 for refusing to photograph a same sex couple's commitment service) and an Oregon bakery was forced to close due to the harassment of gay rights activists.

In Hawaii a lesbian couple sued a Bed and Breakfast when the owners refused to rent a room to them because of the owner's religious beliefs.

Fox Sports analyst, Craig James, was fired for his statement that gay people “would answer to the Lord for their actions.”

See: http://www.huffingtonpost.com/2013/04/16/hawaii-bed-and-breakfast-lesbian_n_3092203.html,
<http://www.lifesitenews.com/news/gay-couple-files-complaint-against-christian-bb-owners-for-refusing-civil-u> and
<http://www.christianpost.com/news/court-to-hear-case-of-nm-photographer-fined-for-refusing-to-film-gay-ceremony-80205/>
and <http://now.msn.com/religious-baker-wont-make-same-sex-wedding-cake> and
<http://www.cbn.com/cbnnews/us/2013/September/Oregon-Bakery-in-Gay-Wedding-Cake-Controversy-Closes-/> and
www.huffingtonpost.com/...fired-fox-anti-gay_n_3886832.html

5) California has restructured the basic family unit, and now allows children to have multiple legal parents. It is unknown what the effect that will have on children.

See: <http://www.latimes.com/local/la-me-brown-bills-parents-20131005,0,7226241.story>

6) The U.S. Supreme Court recently ruled that the passage of DOMA was based on “animus” against gays, rather than as a genuinely held moral or religious viewpoint.

I believe this decision will result in further persecution and punishment of those people who believe that same sex relationships/unions/marriages are morally wrong (fines are being imposed and job performances adversely affected). This decision is an ominous warning that certain religious books like the Bible and religious speech on traditional marriage will be viewed as hate speech. The fundamental principles of democracy are being eroded by the courts tossing out legitimate laws passed by a legislative body or brought about by the people through a referendum process, and in the process subordinating religious liberty, parental rights, free speech and our democratic process to an atheistic or secular world view hostile toward persons with traditional values. See: <http://www.cbn.com/cbnnews/us/2013/June/Faith-Community-Braces-for-Impact-of-Gay-Rulings/> and http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf

Adopting a secularized/atheistic world view has been destructive on our most fundamental constitutional rights of religious liberty, free speech, rights of privacy and the very essence of a democratic society, including parental rights. See below.

In California, starting January 1, 2014, a child in public schools K-12 will be permitted to use the bathroom and shower facilities based on said child’s belief which sex matches his/her gender identity. This law not only violates the privacy rights of children, but it robs them of their innocence and the values many people of faith believe about modesty and the sanctity of human sexuality in the context of a heterosexual marriage. See: http://www.huffingtonpost.com/2013/08/12/california-transgender-students-bill-n_3745337.html.

In California and New Jersey, parents are prohibited from placing their children in therapeutic counseling to overcome same sex attraction (ban on reparative therapy). If a parent violates this ban, the NJ legislator who authored the bill emphatically said that we (the state) will take your kids away from you if you try to put them into reparative therapy. The law tramples on parental rights, and their religious liberty, as well as the free speech rights of therapists.

The Pentagon has classified evangelical Christians and Catholics as extremists alongside Al Queda and the KKK. Service members have been punished for stating (when asked) that they believe same sex marriage is morally wrong.

See: <http://www.washingtontimes.com/news/2013/apr/5/dod-presentation-classifies-catholics-evangelicals/?page=1> and <http://townhall.com/columnists/toddstarnes/2013/08/20/airman-punished-for-opposing-gay-marriage-files-complaint-n1668889/page/2> and see also <http://www.cbn.com/cbnnews/us/2013/September/New-LGBT-Protection-Law-Criminalizing-Believers/>

The State of California is now considering legislation (SB 323) to strip the Boy Scouts and other non-profit organizations of their tax-exempt status and to pay a use tax because they believe same sex relationships are morally wrong and don't allow adult gay scout leaders. If this happens, it would not be surprising that religious institutions who hold traditional views on human sexuality will be next

See: <http://www.npr.org/2013/09/03/218572821/california-lawmakers-target-boy-scouts-tax-exempt-status> and http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB323&search_keywords=

SB 1 is poorly drafted, and does not protect the religious liberty of individuals, their businesses and ministries. The exemptions offered to churches are minimal and inadequate.

In addition, as a practicing family law attorney, I am troubled by the parentage provision in SB 1, on page 5, lines 4-9 as it is defective and violates a biological parent's most fundamental constitutional rights. Also, allowing non-residents to file for divorce in Hawai'i appears to violate fundamental due process rights, in addition to overburdening our family courts already dealing with a large backlog of cases. My reasons will be discussed in more detail at the hearing.

Same sex couples already enjoy the benefits of marriage through the existing civil unions law. If a couple desires to receive federal benefits, the legislature can explore other avenues without infringing on the constitutional rights of the rest of our citizens and without passing a same sex marriage bill. In addition, such a process should benefit family members who want these federal benefits as well.

In light of the constitutional defects in the bill and other concerns, please vote no on SB1. Again, thank you for your service to our community and the opportunity to testify.

Very truly yours,

SANDRA YOUNG
Attorney at Law
P.O. Box 2897
Aiea, HI 96701
Telephone: (808) 487-8464

From: [Namelelani Akiona](#)
To: [JDL Testimony-InPerson](#)
Subject: Testimony opposing the SB1 Bill
Date: Sunday, October 27, 2013 7:39:59 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1
Dear Chair Hee and Members of the Committee on Judiciary and Labor:

I come before you all humbly and with all of my aloha.

I am here to testify my freedom of religion against the Same-Sex Marriage bill. As a Christian, I do not condone or ignore sin nor am I here to judge or condemn anyone. Rather, I have come to share the love of God and the forgiveness of sins that is available to all humans, including the gay community, through Jesus Christ. This occasion is not a battle between Christians and the gay community, as Ephesians chapter 6 verse 12 says, "For our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces of evil in the heavenly realms." And that is the reason why Christians have come here today.

I do understand the view point on equality and human rights but what is our purpose as humans? We must all have a purpose in order to recognize the possibility of good or evil or justice. Our purpose and destiny cannot be simply explained by biology or science or just death. Every human being feels hope in their heart for something perfectly good and divine. That is our human nature and through this bill, our purpose as humans become distorted, de-sacrilized, unconnected and insignificant.

The Truth is known because our creator, God, has made it plain. God's purpose of creation was that everything in itself would be sustainable. Nature itself argues against homosexuality because it is clear that men and women were designed to fit together sexually and procreation is clearly a purpose only a man and a woman can fulfill. And to give sanction to same-sex marriage would be to give approval to all immoral desires that are shameful, unnatural, lustful, and indecent which The Bible clearly and consistently condemns as sinful. Biblically speaking, marriage is ordained by God to be a lifetime union between a man and a woman, primarily for the purpose of building a family and providing a stable environment for that family. Same-sex marriage is a perversion of the institution of marriage and an offense to the God who created marriage.

Psychologists contend that a union between a man and woman in which both serve as good gender role models is the best environment in which to raise well-adjusted children, so let's

also decide not for ourselves but for our cherished generations to come, if this passes it will be difficult for them to discover their divinity, identity and Truth.

The United States has abandoned their official motto "In God We Trust." When we abandon our trust in God, the web of evil becomes more entangling, puzzling, and confusing. But it is simple that we are all to "Fear God and obey His commands, for this is everyone's duty" says Ecclesiastes chapter 12 verse 13. Let the people vote.

Mahalo and aloha to you all.

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I appeal to you as a woman, wife of a man, mother and grandmother to reconsider this rash action of passing a generation changing law. If you pass this law Hawaii will change. Change seems to be the goal of this administration but what kind of changes are we looking at? I have included in my testimony excerpts from articles about the kind of changes I see this legalization of unnatural acts will bring to our aina.

The first set of excerpts are about a murder of an innocent boy that was influenced by legitimizing sodomy. It is the story of Jeffrey Curley. Please read this if you are unaware of this case. One important point found in this information is that the homosexual marriage advocates fought for the right of NAMBLA to exist. NAMBLA who advocates for older men to have homosexual relationships with young boys of any age.

The second set of excerpts address what change will happen in our education system.

Students Given Graphic Instruction In Homosexual Sex By Brian Camenker and Scott Whiteman
- ~~Massachusetts~~ ~~Get it Now~~ ~~s~~

This article explains what we can look forward to in Hawaii.

As an indigenous woman I only see this as another way to bring genocide against my people. If this "equality" is forced upon our young in the education system it will defile and bring confusion and destroy our genealogy. Hawaii has seen waves of invasions coming to her shores from outside. We must not let another in.

Mahalo for the opportunity to testify,

Deborah Ritsuko Bear Barbour
Kaneohe, Hawaii, 96744

Words of Jeffrey Curley's mother:

The last time I saw Jeffrey he was on his way over to my mother's house to wash our

dog.

We didn't know he had been hanging around in the local park with Sal Sicari and his "partner." They took him for a ride and let him steer the car. And they took him to nice restaurants to eat while we thought he was playing with

neighborhood children.

These perverts lured my little Jeffrey into their car that October day by promising him a new bicycle. They knew his bike had been stolen. But I had already told Jeffrey he'd have to wait until Christmas for a new bike. I wanted him to learn responsibility. But just think, if I had just bought Jeffrey a new bike, he might have been with us today. And I wonder if those perverts would've moved on to someone else.

When Jeffrey, in the back of Charles Jaynes' Cadillac, fought off Jaynes' sexual advances, Jaynes - nearly 500 pounds - sat on him and smothered his face with a gasoline-soaked rag.

I say smothered. But they said he fought for a good twenty minutes till the fumes finally burnt up his lungs.

Then they took Jeffrey's body to Jaynes' apartment and did to Jeffrey's corpse what he wouldn't let them do while he was alive.

Sal finally confessed the evening after they killed him, and after days of searching, police found his body in a river in Maine. Sal and Jaynes filled his mouth with lime and poured it all over his naked body, stuffed it into a 50 gallon Rubbermaid tub, filled the container with concrete, taped it closed, and then dumped it in the river.

Citing the First Amendment, the American Civil Liberties Union is

defending a group that supports pedophilia against a civil suit filed by the family of a molested and slain Massachusetts boy.

According to the Curley's suit, Jaynes was a member of NAMBLA under an alias at the time of the slaying. Jaynes, the plaintiffs say, had viewed the NAMBLA Web site shortly before the murder. NAMBLA literature showing members how to gain children's trust, gain access to children nationwide, and avoid police investigating pedophilia cases were also found in Jaynes' car and apartment, the lawsuit alleges.

The parents of 10-year-old Jeffrey Curley filed a wrongful death lawsuit seeking damages from the North American Man/Boy Love Association (NAMBLA) for the 1997 rape and murder of their son.

Prosecutors said Jaynes and Sicari lured Jeffrey Curley into Jaynes' Cadillac with the promise of \$50 and a bicycle on Oct. 1, 1997. They convinced two juries that the men suffocated, killed and then molested the child after he resisted sexual advances and then stuffed him a concrete-filled container. Jaynes and Sicari dumped the container in the Maine River.

Frisoli claims investigators uncovered Jaynes' diary where he admits having problems dealing with a desire to have sex with children. Jaynes later reveals that he felt NAMBLA's teachings validated his feelings.

Besides the diary, Frisoli says he has depositions from an ex-girlfriend and several close friends who testify that Jaynes was a heterosexual male who became obsessed with having sex with minors only after joining NAMBLA.

The following article was written by Scott Whiteman and Brian Camenker immediately

after the incident and was published in the May, 2000, issue of Massachusetts News.

Students Given Graphic Instruction In

Homosexual Sex By Brian Camenker and Scott Whiteman

- Massachusetts News

"Fisting [forcing one's entire hand into another person's rectum or vagina] often gets a bad rap.... [It's] an experience of letting somebody into your body that you want to be that close and intimate with... [and] to put you into an exploratory mode."

The above quotation comes from Massachusetts Department of Education employees describing the pleasures of homosexual sex to a group of high school students at a state-sponsored workshop on March 25, 2000.

On March 25, a statewide conference, called "Teach-Out," was sponsored by the Massachusetts Department of Education, the Governor's Commission on Gay and Lesbian Youth, and the Gay, Lesbian and Straight Education Network (GLSEN).

Among the goals were to build more Gay/Straight Alliances in Massachusetts and expand homosexual teaching into the lower grades. Scores of gay-friendly teachers and administrators attended. They received state "professional development credits."

"Fisting [forcing one's entire hand into another

person's rectum or vagina] often gets a bad rap....[It's] an experience of letting somebody into your body that you want to be that close and intimate with...[and] to put you into an exploratory mode."

The above quotation comes from *Massachusetts Department of Education* employees describing the pleasures of homosexual sex to a group of high school students at a state-sponsored workshop on during **GLSEN-Boston's "TeachOut" Conference on March 25, 2000 held at Tufts University**. Approximately 200 young teens and 300 adults attended the day-long event. Kids were bussed in from high schools across Massachusetts.

Children as young as 12 were instructed by adults (state employees!) how to perform a range of dangerous and perverted homosexual sex acts.

These included: homosexual oral sex techniques, inserting one's entire hand in someone else's rectum, sado-masochism techniques, girls using "dildos" and rubbing their sex organs together, and more.

But the Massachusetts Legislature wasn't fazed. They caved in to the powerful homosexual movement. They have continued to fund radical "Safe Schools" programs in the Dept. of Education. And in 2006 the Legislature even wrote GLSEN into the general laws as a mandated member of the tax-supported Massachusetts Commission for GLBT Youth. This is the low opinion that our legislators have of your children.

Soon afterwards, the three state employees (whose voices are heard on the tapes) were fired by the Department of Education.

The homosexual movement responded by persuading a Superior Court judge to ban the playing of the tapes, and then initiating a lawsuit against Camenker, Whiteman, and Parents' Rights Coalition, claiming that they had violated an obscure and

antiquated Massachusetts wiretapping law, and seeking monetary damages. The "Gay and Lesbian Advocates and Defenders" (GLAD) -- the same state-funded group that won the Goodridge same-sex "marriage" case -- went right into action.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
INTERIM OF 2013

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Members of the Committee

A WRITTEN TESTIMONY IN
OPPOSITION TO SB 1 RELATING TO EQUALITY

Good Morning Senator Hee and members of the Committee on Judiciary and Labor,

My name is Amy Bento, a first generation Filipino American, daughter of an immigrant father who arrived in Hawaii in 1946 and a mother who immigrated in 1965. I was educated in the public school system and I am a graduate of the University of Hawaii at Manoa. I've been married to my husband for 20 years and have 3 beautiful children. Like many first generation children, I was taught the traditional values that are important to life: right and wrong, respect and dignity, marriage and family, service and love of neighbor. Values that I believe are ingrained in our human hearts, have passed through the generations, and have existed even before the US and State Constitutions. Throughout the years I have noticed the deterioration of traditional values and culture. I realized that the deterioration began with significant events that occurred prior to my formative years: the period of enlightenment with the idea that "man is the source of all knowledge", the sexual revolution, the use of artificial birth control, and no-fault divorce. These events resulted in an increase in sexual promiscuity, sexually transmitted diseases, depression, the rising cost of healthcare and most especially, broken families. They have catapulted our culture into a perpetual

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
INTERIM OF 2013

“feel good” and “me” society, where doing what’s right, personal responsibility and respect for the natural law of human existence are discarded and replaced with an attitude of selfishness and “what is right for me”. All of these plus many other examples have led to an increase in DISRESPECT for OURSELVES AND what we’re made to be, our fellow neighbor, of marriage and of life. And people wonder why so many say “Why is there so much violence in the world?” Marriage is not right for everyone. Marriage, by the laws of nature, is between a man and a woman. It is a unique relationship, not equal with any other, that enables children to maintain their natural right, and relationship to their mother and father. I have witnessed the marriage of my mother and father and their important and clear examples of femininity and masculinity which have had a positive impact in my relationship with others. Now more than ever we need to protect and strengthen natural marriage as it stands. Do not let the passage of “marriage equality” be one of those significant events that lead to further breakdown of the natural family, our community and our world.

Finally Senators and members of the committee I ask that this issue be brought to a vote by the citizens of this State, if otherwise, then for the sake of strong, and healthy families and communities, I ask for your opposition to SB1.

Thank you.
Very Respectfully,

Amy Bento
94-1165 Kaloli Loop
Waipahu, HI 96797

For more information on the FACTS on marriage: www.ruthinstitute.org,
<https://www.facebook.com/TheRuthInstitute>

From: [Sharon R.](#)
To: [JDLTestimony-InPerson](#)
Subject: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY
Date: Sunday, October 27, 2013 8:02:55 AM

October 28, 2013
Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

As a concerned citizen, I am submitting testimony against this special session and the bill that would legalize same sex marriage. I oppose the special session because it rushes the legislative process and does not give we, the people, sufficient input into the process.

I am particularly concerned that the religious exemption clauses are so sparse. Priest, pastors and churches are exempted under only very limited circumstances. There is no exemption for religious organizations, charities or fraternal societies, nor are there any exemptions for individuals. I am concerned that my First Amendment rights be protected in the process.

Finally, since we voted a constitutional amendment in 1998 giving the legislature the power to limit marriage between opposite sex couples, the only legitimate way to change this is to let we, the people, decide.

Please do not circumvent the democratic process!

Thank you for the opportunity to testify against this special session and against this bill.

Respectfully,
Sharon Ramos
91-2033 Kaioli Street #3001
Ewa Beach, HI 96797
808-421-8823

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: dory96744@hawaii.rr.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 8:04:12 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Cathy Ahlo | Individual | Oppose | Yes |

Comments: I will be verbally testifying at hearing.

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

Petition Supporting Traditional Marriage and Opposing Same Sex Marriage

We, the people of Hawai‘i, demand that our elected officials support the traditional definition of marriage as between one man and one woman, and to oppose any and all attempts to redefine marriage to include same sex couples and any other prohibitions set forth in the marriage statute. The institution of marriage has been the foundation of society since time immemorial, and ensures the continuation of the human race. The attempt to protect religious liberty and other constitutional rights through exemptions in the same sex marriage bill is wholly inadequate. These proposed exemptions will not stop the destructive effects of same sex marriage and the destructive effects of adopting a secularized/atheistic world view on our religious liberty, children parental rights, and free speech as well as the very essence of a democratic society. See Exhibit A.

Exhibit A

*Overthrowing Millennia of Judaeo-Christian Values for a Secularized Atheistic World View
and the Destructive Effects of Same Sex Unions/Marriages/Relationships
On Religious Liberty, Children, Parental Rights, Democracy and Free Speech*

As mentioned in the Petition, it is our contention that the proposed exemptions to protect religious liberty are inadequate and will not stop the destructive effects of same sex marriage and the destructive effects of adopting of a secularized/atheistic world view on our religious liberty, children, parental rights, and free speech, as well as the very essence of a democratic society. The inevitable clash of values between traditional morality and sexual liberty demands that the government not take sides but instead require that tolerance be a two-way street protecting the rights of those with traditional morality to be free from compelled participation in activities they find to be violative of their religious liberty. *Julea Ward v. Ward*, Fed.3rd (6th Circuit 201) Around the country, despite our constitution and laws protecting religious liberty, people of faith are being persecuted, harassed, silenced, mocked, robbed of their constitutional rights and unjustly punished. Here are just a few grievous examples.

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1) In California, starting January 1, 2014, children in public schools K-12 will be permitted to use the bathroom and shower facilities based on the child's belief which sex matches his/her gender identity. This law not only violates the privacy rights of children, but it robs them of their innocence and the values many people of faith believe about modesty and the sanctity of human sexuality in the context of a heterosexual marriage. See: http://www.huffingtonpost.com/2013/08/12/california-transgender-students-bill- n_3745337.html.

2) In California and New Jersey, parents are prohibited from placing their children in therapeutic counseling to overcome same sex attraction (ban on reparative therapy). If a parent violates this ban, the NJ legislator who authored the bill emphatically said that we (the state) will take your kids away from you if you try to put them into reparative therapy. The law tramples on parental rights, and their religious liberty, as well as the free speech rights of therapists. See http://www.huffingtonpost.com/2013/08/29/california-gay-conversion-therapy-ban_n_3837922.html and <http://libertycounsel.com/2013/08/families-under-siege-need-our-help-liberty-counsel/>

3) San Antonio is proposing a bill to protect the LGBT but at the same time exclude folks who view homosexuality as morally wrong from getting elected to office and from getting a contract with the City. See: <http://radio.foxnews.com/toddstarnes/top-stories/san-antonio-proposal-could-bar-christians-from-city-council.html>

4) Schools across the country indoctrinate children from kindergarten and on about same sex relationships and show hostility for a religious view of marriage. See: <http://blog.alliancedefendingfreedom.org/2013/07/09/public-schools-impacted-by-supreme-court-marriage-decisions/>

5) Catholic Charities were forced to close rather than place children with same sex couples for adoptions/foster care (e.g., District of Columbia, Massachusetts). See: http://www.catholic.org/national/national_story.php?id=19017 and <http://www.catholicnewsagency.com/news/same-sex-marriage-law-forces-d.c.-catholic-charities-to-close-adoption-program/>

6) Complaints have been filed against churches and ministries when same sex couples are denied use of facilities to celebrate/solemnize same sex unions. See: <http://www.examiner.com/article/complaint-filed-against-christian-ministry-for-not-allowing-same-sex-marriage> and

7) Same sex couples have filed complaints against Christian business people who refuse to provide services for their same sex unions/marriages/commitment ceremonies. In at least one case, fines were levied against the Christian (e.g., a New Mexico photographer was fined over \$6,000 for refusing to photograph a same sex couple's commitment service) and an Oregon bakery was forced to close due to the harassment of gay rights activists. See: <http://www.lifesitenews.com/news/gay-couple-files-complaint-against-christian-bb-owners-for-refusing-civil-u> and <http://www.christianpost.com/news/court-to-hear-case-of-nm-photographer-fined-for-refusing-to-film-gay-ceremony-80205/> and <http://now.msn.com/religious-baker-wont-make-same-sex-wedding-cake> and <http://www.cbn.com/cbnnews/us/2013/September/Oregon-Bakery-in-Gay-Wedding-Cake-Controversy-Closes-/>

8) Pentagon has classified evangelical Christians as extremists alongside Al Queda and the KKK. Service members have been punished for stating (when asked) that they believe same sex marriage is morally wrong. See: <http://www.washingtontimes.com/news/2013/apr/5/dod-presentation-classifies-catholics-evangelicals/?page=1> and <http://townhall.com/columnists/toddstarnes/2013/08/20/airman-punished-for-opposing-gay-marriage-files-complaint-n1668889/page/2>

9) The U.S. Supreme Court recently ruled that the enactment of DOMA was based on "animus" against gays, rather than as a genuinely held moral or religious viewpoint.

Comments: Many attorneys believe it will result in further persecution and punishment of those people who believe that same sex relationships/unions/marriages are morally wrong (fines are already being imposed, job performances already being adversely affected, and perhaps someday people of faith will be imprisoned). This decision is an ominous warning that certain religious books like the Bible and traditional religious teaching on marriage as between a man and a woman and human sexuality will be viewed as hate speech in the near future. In addition, many attorneys are concerned that the fundamental principles of democracy are being eroded by the courts tossing out legitimate laws passed by a legislative body or brought about by the people through a referendum process, and in the process subordinating religious liberty, parental rights, free speech and our democratic process to an atheistic or secular world view hostile toward persons with traditional values. See: <http://www.cbn.com/cbnnews/us/2013/June/Faith-Community-Braces-for-Impact-of-Gay-Rulings/> and http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf

10) The State of California is now considering legislation (SB 323) to strip the Boy Scouts and other non-profit organizations of their tax-exempt status and to pay a use tax because they believe same sex relationships are morally wrong and don't allow adult gay scout leaders. If this happens, it is likely that churches will be next; and there will be less funds available for churches to fulfill their mission. Moreover, donors who give to churches will not be able to claim a tax deduction.

See: <http://www.npr.org/2013/09/03/218572821/california-lawmakers-target-boy-scouts-tax-exempt-status> and http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB323&search_keywords=

These judicial, legislative and executive acts are the beginning of tyranny and an assault on the basic constitutional rights of the majority of the people of this country. Do not allow tyranny to reach the shores of our aina.

Vote No on same sex marriage.

Carol Parker
PO Box 25714
Honolulu, HI 96825

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

Re: In **Opposition** to S.B. 1: *The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013, because

1. It denies individual citizens their First Amendment right of freedom of religion, and ultimately also denies individual citizens the right of free speech and lawful assembly.
2. It is in utter opposition to the will of Hawaii voters who voted in 1998 to define marriage exclusively between a man and women in the Hawaii constitution. More than 250,000 Hawaii voters expressed their resolute position on the definition of marriage as exclusively between a man and women. The language “reserve marriage” indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively.
3. It denies business owners their First Amendment right of freedom of religion and ultimately also denies individual citizens the right of free speech and lawful assembly.
4. It re-defines the most core institution of society, marriage without regard to the impact and consequences on Hawaii, society, the community, and individual rights.
5. It fails to protect churches, religious groups and temples from lawsuits. It fails to protect church-affiliated organizations (universities, hospitals, adoption agencies, housing agencies, etc.) from lawsuits. It fails to protect bishops, priests and other clergy members from lawsuits.
6. It is fast-tracked through a process that does not offer Neighbor Island individuals the opportunity to present testimony in person.
7. It appears to be the act of the State of Hawaii Executive Branch and the Legislature to put the ‘wants’ of non-residents of Hawaii over the needs and will of residents of the people of Hawaii and the registered voters of Hawaii.
8. It appears to be the act of a legislative body attempting to ignore the firmly expressed will of registered Hawaii voters and bypass the voters of Hawaii who have already voted on this issue.
9. It appears to be the first act of a legislative body being forced to pass legislation by an Executive Branch attempting to show its first step in showing its power over the people of Hawaii.
10. It excludes legislative representatives of some registered voters of Hawaii the process and opportunity to vote on the legislation. This violates the US Constitution guaranteed right for the people to be represented in the legislation process.

I urge you to vote **NO on S.B. 1**. Thank you for your time and leadership.

Sincerely,

Carol Parker
Registered Hawaii Voter

From: [Sharon Nagasako](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony in Opposition to SB1
Date: Sunday, October 27, 2013 8:09:22 AM

To: Senate Committee on Judiciary and Labor

From: Sharon Nagasako

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Re: TESTIMONY IN OPPOSITION TO SB1

Dear Chair Senator Clayton Hee, Vice Chair Senator Maile Shimabukuro, and members of the Senate Judiciary and Labor Committee:

I am opposed to SB1 for a number of reasons, the first and foremost being that Almighty God, the Creator of our Universe, also created the institution of marriage to be the union between a man and a woman.

Since none of us here today is God, who are we to change His definition of marriage? And yet, sadly, there are some who are battling to do just that.

During the past several weeks, Hawaii's legislators have been inundated with facts, figures, and statistics from both sides of this marriage issue. You have probably heard or read it all, so I will not add to your information overload.

I would just like to let you know that while I was gathering petition signatures to oppose both same-sex marriage and the Special Session, while most people were opposed to this Special Rights Bill, everyone I spoke with was infuriated that this Special Session was being convened.

Comments ranging from "Why don't the legislators just wait a couple months until January to take up this bill? "to "Why don't they put the money for the Special Session to better use - like to help the schools?" or "We already have a Constitutional Amendment that gave the legislature the power to reserve marriage to opposite-sex couples. Who do the legislators think they are to change what we already voted on in 1998?"

So, on behalf of the people out there throughout our islands, from all walks of life, who signed those petitions, I ask that you listen to your constituents and vote NO on SB1. But even better, be a good steward of the trust the voters have put in you, as well as those hard-earned taxpayers' dollars, and cancel this Special Session. Because one day you, too, will be just constituents, like we are...would you like to be treated the way you are treating us?

Thank you for allowing me to testify.

Sharon Nagasako

Honolulu, HI

From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: cindy5303@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 8:15:29 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------|--------------|--------------------|----------------------|
| Cindy Arakaki | Individual | Oppose | Yes |

Comments: Cindy Arakaki 95*124 Lohihi Street Mililani, Hawaii 96789

808.542.5303 cindy5303@gmail.com Subject: Special Session On Same Sex Marriage As a constituent of District # MILILANI I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any Same Sex Marriage issue. As a voter in the district you represent, I feel that it is important for you to know how I feel about this as part of your decision making process. It is my opinion that the issue of Same Sex Marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people you have been elected to represent. In closing, I greatly appreciate your representation of the constituents of District MILILANI . I am praying that God will continue to lead you in all of your decision making and that He will continue to encourage you in all that you do. God Bless, Cindy Arakaki

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

Testimony Special Legislative hearing, same sex marriage. HB 1 and or SB 1.

Opposition, October 27th, 2013

From Tula and Cam Cavasso, Retired State Representative.

Dear Committee Chairmen and members,

We address our opposition to and ask you to vote against this bill for two key reasons.

Number one this bill attacks the freedom of faith, the freedom of religion, a fundamental right so important to our nations value system that it was specifically covered in our Bill of Rights by the very First Amendment to our US Constitution before ratification. "Congress shall make no law respecting the establishment of religion, neither shall it deny the free exercise thereof". This bill has the effectual result of denying the free exercise of faith or religion by individuals, organizations, businesses, schools, churches, synagogues, or places of worship.

Number two, this bill as written has the secondary effect of reverse discrimination against those who by faith and religious written doctrine believe in specific sexual moral values and behavior respecting their families, parenting, relationships, home building, education, and daily practices in every aspect of life. This bill effectively grants or places into law a preferred "Civil Rights" status based on a moral or chosen behavior lifestyle to the exclusion of other moral lifestyles beliefs and values, far beyond the immutable characteristics of regular civil rights protections such as for race, gender or national origin which are based not on action or morality, but on birth.

Comment [CC1]:

Proponents of this bill claim the religious exclusion or exemptions will protect people of faith and religious values, practices and churches. This claim of protection is untrue.

The so called religious protection clauses neither effectively protects religious free speech and lifestyle nor does it protect their freedom of assembly in religious social settings or churches.

This bill as proposed will effectively serve to quell free speech and assembly based on the moral values relating to sexuality, marriage, family and every other aspect of our Hawaii community. The chairman of the Hawaii Civil Rights commission has already publicly expressed sentiments making it clear that if this bill is passed into law that he will use it drag into court by lawsuit, individuals, business people and leaders of assemblies, pitting them against the financial and intimidating power of the State. In other words it is apparent that this bill, if passed, will be used to quell free religious speech.

The subject, wording and ramifications of this bill need much greater study both of impact and long term ramifications including its unintended consequence in all aspects of our community.

We have addressed only two of many reasons to recommit this bill for reconsideration in the Regular Session beginning in January for the much more detailed study of the current and future consequences it deserves. Please do not rush this highly emotional and complicated subject to half considered action.

We respectfully ask you to you hold this bill.

Carol Parker
PO Box 25714
Honolulu, HI 96825

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am

I will be present to personally deliver my testimony.

Re: In **Opposition** to S.B. 1: *The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013, because

1. It denies individual citizens their First Amendment right of freedom of religion, and ultimately also denies individual citizens the right of free speech and lawful assembly.
2. It is in utter opposition to the will of Hawaii voters who voted in 1998 to define marriage exclusively between a man and women in the Hawaii constitution. More than 250,000 Hawaii voters expressed their resolute position on the definition of marriage as exclusively between a man and women. The language “reserve marriage” indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively.
3. It denies business owners their First Amendment right of freedom of religion and ultimately also denies individual citizens the right of free speech and lawful assembly.
4. It re-defines the most core institution of society, marriage without regard to the impact and consequences on Hawaii, society, the community, and individual rights.
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8. It appears to be the act of a legislative body attempting to ignore the firmly expressed will of registered Hawaii voters and bypass the voters of Hawaii who have already voted on this issue.
9. It appears to be the first act of a legislative body being forced to pass legislation by an Executive Branch attempting to show its first step in showing its power over the people of Hawaii.
10. It excludes legislative representatives of some registered voters of Hawaii the process and opportunity to vote on the legislation. This violates the US Constitution guaranteed right for the people to be represented in the legislation process.

I urge you to vote **NO on S.B. 1**. Thank you for your time and leadership.

Sincerely,

Carol Parker
Registered Hawaii Voter

From: [Hibbard Fishies](#)
To: [JDLTestimony-InPerson](#)
Subject: SB 1 Marriage Equality Bill
Date: Sunday, October 27, 2013 8:34:42 AM

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

MEASURE NO. : SB 1 Relating to Equal Rights

DATE: Monday, October 28, 2013

TIME: 10:30 a.m.

TESTIFYING IN PERSON

I am grateful to our government which has established a system to allow a common person, such as myself, to speak today.

I have learned over time that life is not about me as I have dedicated more and more of my life to helping the rising generations. I received a bachelors degree in engineering, however I have also spent my career life dedicated to our five children, ages 16 - 2 years old. I have volunteered many hours to various schools to help children in many different capacities. I have also taught hundreds of children how to swim, in hopes of giving them a vital, life saving skill. I have dedicated to countless hours to children, our rising generation.

As you know, we are here today to discuss the Marriage Equality Bill. There are within this document several lines that concern me and will directly affect my life, my children's lives, our communities and the rising generation after us.

Currently, I enjoy the freedoms of worshipping God, Almighty, as I please. I have tried my best to seek peace and happiness, as best as I can, in this life. I have tried to do what I feel God would have me do and in doing so, a great sense of peace has come to my conscience knowing that I have tried very hard to do what is right. Sometimes it is hard to do what is right, even on a day like today. To do something knowing others will be upset with me and disagree and maybe even discriminate against me, for what I am to say.

I state these things because in this matter of this Marriage Equality Bill, each of us are asked to make decisions regarding how the rising generations will grow up and come to know the world. Each of us, I believe, wants to feel peace to our conscience and therefore, we each need to make decisions today for what is best for our communities, societies and our great State of Hawaii.

I am concerned about my religious freedoms. With this Marriage Equality Bill they are to be limited and constrained so that I am no longer allowed to believe what I may without punishment and discrimination.

As you know, the Constitutional Amendment clearly states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech,..."

Is this not why the pilgrims from Western Europe left their homelands, so they could worship according to their own conscience and not what the government of their lands dictated?

Were not the Founding Fathers of this country so very conscientious to allow the people to worship and believe as they please?

Why is it now, that the government wants to take away these freedoms and rights so carefully preserved and set in motion?

If we want to continue to preserve our religious freedoms, that were deemed important to others, and even to people living today, like myself, then we need to protect these religious freedoms by the laws of our land for the safety and well being of all, even those, like our children, who cannot speak today.

I believe what Dr. Russell M. Nelson said earlier this month. "In our day, civil governments have a vested interest in protecting marriage (between a man and woman) because strong families constitute the best way of providing for the health, education, welfare, and prosperity of rising generations. But civil governments are heavily influenced by social trends and secular philosophies as they write, rewrite, and enforce laws."

I also believe what Prophet Spencer W. Kimball said, when he quoted from Dr. Paul Popenoe in 1972. That a "strong family life is indispensable, not

merely to the culture but actually the survival of any people. In the history of mankind one nation after another has followed this pattern (of degrading the family life and substituting other patterns for it) and they have disappeared...for the well being of the community, for the very existence of the nation, one of the first questions asked about any proposed change in culture should be, 'Will it strengthen the family?' " 2

The established religion I am a part of, made a worldwide declaration in 1995 stating "We the First Presidency and the Council of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints, solemnly proclaim that marriage between a man and a woman is ordained of God and that the family is central to the Creator's plan for the eternal destiny of His children.The first commandment that God gave to Adam and Eve pertained to their potential for parenthood as husband and wife. ... We further declare that God has commanded that the sacred powers of procreation are to be employed only between man and woman, lawfully wedded as husband and wife." 3

I believe this. This is what my "established religion" declares and believes. This Marriage Equality Bill directly "prohibits the free exercise" to follow this belief and declaration.

The temples that are a part of my organized and established religion only preform marriages between a man and a woman as husband and wife. With this bill, as stated, our church and established religion will suffer. Lawsuits will follow, we won't be able to worship and live and believe what we feel is true and what God's commandments are, without penalty, discrimination and punishment.

I don't want same-sex marriages in our communities. By allowing same-sex marriages into our society, this will alter our way of life too drastically.

Universities with married student housing will need to recognize all married couples, however, because of our religious beliefs, that marriage is between a man and a woman. The private University would rather shut down as a University, than allow same-sex couples to live together, because we don't feel these marriages are of God.

I don't want same-sex marriages in our communities because I do not believe

God wants them in our communities. This is what I interpret from the Old Testament from the Bible, specifically Genesis 19, when the men of Sodom converse with Lot.

I don't want same-sex marriages in our communities because sometimes we start something, not fully understanding all of the implications that would follow in the initial process. I strongly feel this is one of those things. We do not know all the implications that will effect our communities or for the rising generations. We only know from the study of past societies that unnatural relationships, or same-sex relationships cause those societies to break down so that they no longer exist. Actually, I am sure there are some who know much more in details, what I just tried to convey, like Dr. Paul Popenoe. But that is the bottom line, something happens so that their communities don't exist any longer. The family, with a husband and wife, man and woman, is what survives.

Please protect my religious freedoms. Please act in a manner that your soul will have a peace of conscience. Please think how this will drastically change the basic building block of our societies for the past centuries. Please don't think of yourselves, but the rising generations, asking 'Will this Marriage Equality Bill strengthen our families?' And please consider the religious freedoms this bill is imposing upon, especially my established religion and how I worship, believe and live.

May peace be with you as you make these critical decisions that alter life as we know it today. And if I may, I would like to close my testimony on a religious note, quoting the Master "Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid." John 14:27

- 1. Russell M. Nelson, "Decisions for Eternity" (General Conference Report, October 2013), [lds.org/general-conference/2013](https://www.lds.org/general-conference/2013)**
- 2. Spencer W. Kimball, "The Family Influence" (General Conference Report, April 1973), [lds.org/general-conference/1973](https://www.lds.org/general-conference/1973)**
- 3. "The Family: A Proclamation to the World," Ensign or Liahona, Nov. 2010, 129.**

From: [Hibbard Fishies](#)
To: [JDLTestimony-InPerson](#)
Subject: SB 1 Marriage Equality Bill
Date: Sunday, October 27, 2013 8:40:22 AM

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

MEASURE NO. : SB 1 Relating to Equal Rights

DATE: [Monday, October 28, 2013](#)

TIME: [10:30 a.m.](#)

TESTIFYING IN PERSON

I am grateful that our government has established this system to allow even a common person as myself to speak today.

For me, I have learned over time that life is not about me as I have dedicated more and more of my life to helping the rising generations. I received a bachelors degree in engineering, however I have spent my career life dedicated to our five children, ages 16 - 2 years old. I have volunteered many hours to various schools to help children in many different capacities. I have also taught hundreds of children how to swim, in hopes of giving them a vital, life saving skill. Countless hours I have dedicated to children, our rising generations.

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- 3. "The Family: A Proclamation to the World," Ensign or Liahona, Nov. 2010,**

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Opposition to SB1, Special Session

Dear Chairman Hee and Members of the Senate Committee on Judiciary and Labor:

My name is Owen Matsunaga. I am currently serving as a stake president for the Mililani Hawaii Stake of The Church of Jesus Christ of Latter-day Saints, which has approximately 3200 members. I am writing to voice my strong opposition to Senate Bill SB1. I know that most, if not all, of the members of my stake feel similarly.

I was born and raised here, being a graduate of Farrington High School. Since I graduated high school many years ago, a lot of things in Hawaii have changed: some for the better, some for worse. SB1 represents a change that will be bad for Hawaii, its culture, its traditions, and especially its *ohana*. With an issue that will change the very fabric of our community, why are the governor and many of our legislators in such a rush to change what the people had clearly expressed their will on in 1998?

The legalization of same-sex marriage is contrary to my religious beliefs and those of many other voters in Hawaii. I also believe it will undermine the vital traditional marriage norm that is so essential to the welfare of our children and the health of our family-centered culture.

SB 1 would not only redefine marriage and family, but would also eviscerate the religious freedoms that have been an integral part of our nation and state. The inadequacy of religious freedom protections in SB 1 is highlighted in the letter sent to all of the legislators under the letterhead of Edward Gaffney, Jr., of the Valparaiso University School of Law, but which also included other leading legal scholars on both sides of the same-sex marriage debate. [A copy of that letter is attached to this testimony.] The conclusion by such scholars was that Hawaii's bill, which is similar to SB 1, "provides considerably less protection than most every other jurisdiction where the legislature has considered the issue." The safeguards deemed essential by such scholars include not only protections for religious organizations and related entities, but also protections for individuals and small businesses. Moreover, even if limited to religious organizations, proper protections should not be narrowly limited to the context of "solemnization" but must include related "celebrations" and events. By ignoring the advice of such legal experts and pushing forward with SB 1 without robust safeguards for religious liberty, the legislators are warned that it will lead to "socially divisive and entirely unnecessary conflicts." That is simply not the way things are done in Hawaii.

I strongly urge you to reconsider and vote against SB 1.

Thank you for the opportunity to testify.

Respectfully submitted,
OWEN H. MATSUNAGA
95-501 KUANONI WAY
MILILANI, HI 96789

From: [Eldean Kukahiko](#)
To: [JDLTestimony-InPerson](#)
Subject: testimony in OPPOSITION of SB1
Date: Sunday, October 27, 2013 8:49:55 AM

Testimony regarding SB1, Senator Clayton Hee, Chairman, Committee on Judiciary and Labor hearing 10/28/13 @10:30am

I am against this bill and here are my reasons:

1. I believe this special session is being rushed and needs time to be analyzed, scrutinized and thoroughly thought through. I believe Governor Abercrombie is rushing the special session to appease but a small minority of group. Look at the Civil unions. To date, I believe there are 918 couples who are in this union which represents 1836 couples. Now compared to our 808 State population of 1.3 million people, I believe this is not a great representation or worth the rush on this long standing immoral issue.
2. I believe our children will be most affected. If you take a look at the other States who allow Gay and Lesbian marriages, our children will be taught these despicable acts of indecency in the school levels with parents not being able to voice opposition without repercussions. Not allowed to know when these's acts will be presented in school before my child and not allowed to dismiss my child during these atrocities-(extreme evil or cruelty). Where are my rights? Where are the rights of my child? Please take your precious time to look up www.MassResistance.org.
3. I believe marriage should be reserved between a man and woman. I believe God created man and women in his image, in his image God created man. Called to multiply and be fruitful. How are we to multiply if we allow this type of behavior. It is humanly-(within the limits of human ability) impossible.
4. I believe this is an unhealthy lifestyle which our precious State will be held accountable to medically fund. We have rules and laws against taking drugs like Marijuana, cocaine and the like which are unhealthy. We wanted a law to protect people from drinking sugary drinks with heavy taxes, based on the amount of sugar content because it is "unhealthy." Yet we will allow same sex couples the right to marry with "unhealthy" outcomes?

I thank you for your Mr. Senator Clayton Hee and your committee for taking your time to hear the few words I have to share. Please, Please, Please for the sake of my children, your children, our future generation, think this through and do not rush on this important issue. Take the time to look into the other States who have same sex marriage and the ramifications they are facing. Take the time to hear our words, our voices, our hearts. It is not out of hate that I voice my opposition. I love the person but do not like the acts that will be pressed upon my children. I am only a father who is trying to protect the lives of my children and future generations.

May God bless our State. May God bless our nation. May God have mercy on us.

Mr. Kalae Kukahiko, Registered Voter
41-854 Ala Koa street
Waimanalo, HI 96795

From: [Eldean Kukahiko](#)
To: [JDLTestimony-InPerson](#)
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41-854 Ala Koa street
Waimanalo, HI 96795

Calvin and Myra Taketa
94-144 Holanialii Place
Mililani, HI 96789
October 22, 2013

FAX TO:

Hawaii State Legislators
Hawaii State Capitol

RE: HAWAII MARRIAGE EQUALITY ACT OF 2013

As lifetime residents and citizens of Hawaii, we wish to voice our **opposition** to the Hawaii Marriage Equality Act of 2013.

Please consider the following reasons, of which the excerpts below were taken from a letter written by our daughter, Kathryn Taketa-Wong, to her respective legislators. We do so with her verbal permission:

“The current language in the draft bill does **not** grant adequate protections against lawsuits and other litigation for religious entities whose beliefs would be violated if they were forced to solemnize same-sex marriages (see pages 6 & 7 in the bill).

“In order for churches to protect themselves from being forced to do something against their beliefs they would have to meet all of the following three requirements:

“1. Regularly use their facilities for religious purposes. (Religious organizations that allow their facilities to be used for neighborhood board meetings, AA meetings, pick-up basketball games, birthday parties, [graduation celebrations, wedding receptions, funerals] and other non-religious purposes will no longer be protected.)

“2. Limit their marriages to *only members*. (If a religious organization allows non members to participate in the marriage ceremonies, then they will no longer be exempted. Example: a member of a congregation marries a person that is not a member of the same congregation.)

“3. Not operate as a for-profit business. (Religious organizations that rent out their facilities will not be protected.)

“However, if any religious organization or their affiliates are considered to be a public accommodation, they will no longer be protected regardless of whether they qualify for the above protection. The current language of this bill places churches and religions at increased risk of fines, charges and litigations.

“A ‘public accommodation’ is any place or service made available to the general public. Many religious facilities can be considered as public accommodations, thus disqualifying them from any protections offered by the bill against lawsuits and litigation. According to Hawaii Civic Rights Commission (HCRC), a state department that is responsible for investigating civil rights complaints, a public accommodation is ‘a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors.’ HCRC could view churches as public accommodations as most churches welcome visitors to their Sunday services, recreational activities, and etc.

“Governor Abercrombie stated on his FAQs [sheet] that it will be determined on ‘a case-by-case basis.’ He also states: ‘A religious organization remains subject to the public accommodations code if the organization allows the public to use a facility run by a religious organization, such as a meeting room.’ Religious entities may be forced to choose between following their faith or facing lawsuits, fines, or penalties. The public accommodations laws also do not have a for-profit requirement and thus can be broadly applied.

“Hawaii’s bill is by far the most extreme in comparison to any of the other states that have already legalized same-sex marriage. Hawaii’s bill offers limited religious protections. For example, in comparison to Washington’s laws, a very liberal state, their law explicitly states that even if a religious organization is considered a public accommodation, they cannot be sued.

“We also have concerns with the Governor calling a special session to pass this bill which does not allow the people of Hawaii as many opportunities to give their input & amend the bill as during a regular session. Governor Abercrombie set the special session for five days, the minimum amount of days allowed by law. As a result, there will only be one hearing [each] for the House and Senate for people to testify. No amendments will be accepted because it would prolong the process. There will also be no committee hearings held on the neighboring islands. Residents on the neighbor islands will need to fly into Oahu before Monday in order to testify in front of our legislators during this special session. During a regular session, there are at least four to five hearings, four opportunities for the public to testify, and four opportunities for the public to submit amendments. During the standard session bills are reviewed and revised many times. This special session limits the amount of time to review a bill, as well as the chance for the general public to voice their concerns and suggest amendments to the bills.”

We are asking you to please seriously consider the ramifications and consequences of Hawaii’s rushing into what appears to be outwardly a “politically correct” solution that, in the long term, will be more problematic in upholding and pursuing our Constitution’s foundational First Amendment right: Freedom of religion – that our Government “shall make no law respecting an establishment of religion, or **prohibiting the free exercise thereof.**”

We ask that you **NOT SUPPORT** the Hawaii Marriage Equality Act of 2013.

Very Respectfully Yours,

Calvin and Myra Taketa

WE THE UNDERSIGNED HAVE READ AND DO SUPPORT THE STATEMENTS MADE HEREIN:

NAME

SIGNATURE

ADDRESS

WE THE UNDERSIGNED HAVE READ AND DO SUPPORT THE STATEMENTS MADE HEREIN:

| NAME | SIGNATURE | ADDRESS |
|----------------------------------|---|--|
| Jennifer Kim Derrick Kim | /S/ Jennifer Kim for Kim Family | 94-321 Alula Place Mililani, HI 96789 |
| Jennifer Altman Quince Altman | /S/ Jennifer Altman for Altman Family | 95-080 Kuahelani Avenue Mililani, HI 96789 |
| James L. Flynn Mieko N. Flynn | /S/ James L. Flynn for Flynn Family | 95-265 Alaalaa Loop Mililani, HI 96789 |
| Kulia Lehano Leroy Lehano | /S/ Kulia Lehano for Lehano Family | 95-1040 Lalai Street Mililani, HI 96789 |
| Faith Kwock | /S/ Faith Kwock | 94-438 Keaoopua Street #36A Mililani, HI 96789 |
| Nina Yoshida | /S/ Nina Yoshida | 95-282 Hakupokano Loop Mililani, HI 96789 |
| Ann Yoshida | /S/ Nina Yoshida in her absence (currently a full-time graduate student at Pacific University, Washington State) | 95-282 Hakupokano Loop Mililani, HI 96789 |
| Dale Yoshida | /S/ Dale Yoshida | 95-282 Hakupokano Loop Mililani, HI 96789 |
| Beatrice Amantiad | /S/ Beatrice Amantiad | 569 Kulia Street Wahiawa, HI 96786 |
| Jennifer Domingo | /S/ Jennifer Domingo | 95-1035 Koolani Drive #68 Mililani, HI 96789 |
| Wendy Sanborn | /S/ Wendy Sanborn | 95-2048 Waikalani Drive #D-202 Mililani, HI 96789 |
| Sandy Sua | /S/ Sandy Sua | 95-314 Waianuheha Place Mililani, HI 96789 |
| Kevin Sua | /S/ Kevin Sua | 95-314 Waianuheha Place Mililani, HI 96789 |
| Paulette Akuna | /S/ Paulette Akuna | 95-2048 Waikalani Place #D-202 Mililani, HI 96789 |
| Debra Anthony | /S/ Debra Anthony | 569 Kulia Street Wahiawa, HI 96786 |
| Larry Anthony | /S/ Larry Anthony | 569 Kulia Street Wahiawa, HI 96786 |
| Tysha Anthony | /S/ Tysha Anthony | 569 Kulia St. Wahiawa, HI 96786 |

RESPONDED VIA EMAIL:

| | |
|------------------------|---|
| Priscilla and Peter Sy | 95-206 Auhaele Loop Mililani, HI 96789 |
|------------------------|---|

| NAME | SIGNATURE | ADDRESS |
|--|-----------|---|
| <u>RESPONDED VIA EMAIL:</u> | | |
| Gloria and Dieter Pfister | | 95-206 Auhaele Loop Mililani, HI 96789 |
| Carol and Henry Kaona | | 94-250 Paeloahiki Place Mililani, HI 96789 |
| Jordan and Katrina Hansen for the Hansen Family | | 94-302 Kealakaa St Mililani, HI 96789 |
| Kimberly and David Miyamoto | | Wehew, ehe Loop, Mililani, HI 96789 |
| Annette and Dennis Wong | | 94-302 Kaaei Place Mililani HI 96789 |
| Robert Crowell for the Crowell Family | | 94-741 Meheula Parkway #20D Mililani, HI 96789 |
| Isileli and Deseret Nau for the Nau Family | | 95-648 Naholoholo Street Mililani, HI 96789 |
| Jared and Celeste Wong for the Wong Family | | 94-333 Hokuahiahi St. Mililani, HI 96789 |
| Rae Vaoifi for the Vaoifi Family (Samita, Rae, Zion and Teah) | | 94-112 Keahilele St. Mililani HI 96789 |
| Randi Thompson for the Thompson Family | | 94-299 Keaolani St. Mililani, HI 96789 |
| Elodie McCormick for McCormick Family | | 95-509 Poiki Place Mililani, HI 96789 |
| John and Kelly Meyers | | 94-553 Alapoi St. #162 Mililani, HI 96789 |
| Noella Querubin and Alika Querubin | | 95-146 Kipapa Dr. #9 Mililani, HI 96789 |
| Karla Akiona for Akiona Family | | 94-370 Hokuahiahi St. Mililani, HI 96789 |
| Kawai Silulu for Silulu Family | | 94-370 Hokuahiahi St. Mililani, HI 96789 |
| Moani Fields for Fields Family | | 95-1061 Kaapeha St. #92 Mililani, HI 96789ko |
| Anita and Rudy DelaCruz | | 94-274 Kuanalio Loop Mililani, HI 96789 |
| Aiko Tobosa | | 95-031 Kuahelani Avenue #239 Mililani, HI 96789' |
| Ann and Hale Thornock | | 95-589 Wailoa Loop Mililani, HI 96789 |

Date: Oct. 27, 2013

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

My name is Glenn V. Butler. I reside at 87-320 Kulawae Street, Waianae, HI 96792. As a family man, having served in the U.S. Army for 23 years, and a resident of the State of Hawaii, I stand in opposition to SB 1 Relating to Equality.

I am one of two children born to my parents in Cleveland, Ohio. Today, I am married, and have seven (7) children of my own. Some of whom are also married, and also have children of their own!

My purpose in mentioning this is not to rehearse, in part, my family lineage. But to demonstrate that, if it were not for my parents being a man and a woman, and my wife and I being a man and a woman, and my married children being married to the opposite sex, it would not be possible for me, or my children, or their children to exist!

Sir, I even submit that somewhere along your lineage, you, your children, your children's children, and so on, would also cease to exist were it not for marriage of the opposite sexes! Had a bill like this been passed before our existence, I daresay that you and I might not even be alive to consider such a bill today!

Honorable Chair, and members of the Committee, as I review your membership, I believe that many of you were raised with the same societal morals and values that were normal during our upbringing. No argument or doubt that norms have changed, and are being challenged for more change as time progresses. I believe that change in many areas of our lives is inevitable. But I also believe that all change is not beneficial or good.

In the final analysis, SB1 is not just about equality. Throughout the history of mankind, there are numerous examples of the complete destruction of societies allowing or adopting the same-sex way of life. Although I believe it's in-part because of declining morals of the society. It is also all too obvious that where there is no pro-creation between same sexes, population also declines...eventually to non-existence!

That's not the end-purpose for which I honorably served in the armed forces of my country. Nor the reason that I nurtured and raised a family in the this country. Nor the reason I reside in the State of Hawaii. Where I decided to retire, continue raising my family, and productively serve in the community I reside. Where the State Motto says "The Life of the Land is Perpetuated in Righteousness"!

As an Afro-American, I can give a heartfelt, fully-documented testimony of the inequality and injustices suffered by others of my race, as well as other minorities in this country...and in this State. But in all of those cases, I cannot see where the morals and values of a people, even though challenged, were changed to suit or support the views of a few over the good of the masses.

The United States of America, and the State of Hawaii, is made up of a diversified group of people. Many races. Many cultures. Many ideas and philosophies. In my lifetime, I've depended upon our leaders to decide what's best for the masses. Understanding that everyone is not going to be satisfied with how things go. I submit that, although an honorable endeavor, it's an impossible task to please everyone. It's been the same in my household. As well as every area of my life, both personally and professionally.

You are the governing body in whom it's been entrusted the ability to make decisions which will affect the quality of life for my family and I, and the people of Hawaii. Being a servant of people, I understand the importance of knowing the heartbeat of the people. Thereby being able to make decisions that will provide the quality of life that the 'voice of the people' have expressed is desired for them.

I remind you of your responsibility to the people as a whole. Not just to a few that have special interests that will not benefit the whole. With all due respect, if it's not clear to you what it is that the people of the State of Hawaii want in regards to SB 1 on Equality. Then vote NO on this issue during this special session. And let the people have the opportunity to vote and decide on SB 1. Thank you.

Sincerely,

GLENN V. BUTLER

CONCERNED CITIZEN

MSG (RET) ARMY

From: [Lance Pagador](#)
To: [JDL Testimony-InPerson](#)
Subject: Oppose SB - 1 Redefining Marriage
Date: Sunday, October 27, 2013 8:55:20 AM

I am in opposition of what you, my elected officials, are calling an "Equal Rights" bill. It is interesting that you have decided to call it equal rights when it is purely trying to redefine what our society, culture, and even government has known it's meaning to be between one male and one female. The most logical and enduring definition known to mankind. For this reason and other cunning political tactics you have chosen to exercise to push this bill through I strongly oppose.

1. Why call a special session. Yes, the govern says the benefits for a very few will be recognized at year end is needed. What about my rights that you are planning to change. What about my freedoms that you are planning to change. Am I not a citizen of this State?
2. My mom who is in her late 70's and my dad who is his late 80's both live and the Big Island and wanted to make their voices heard in opposition of this bill, but you are not letting them or any other citizen of this state speak to you directly in a hearing. Whoever thought about that plan to not hear the people definitely is not fulfilling their elected duties.
3. Too many examples of freedoms and rights are being changed for those who do wedding services, our children's educational material, and opening the door to other relationships such as plural marriages, multiple partner marriages, and etc.
4. Since 2011 when the Civil Union law was passed how many of the approx. 1,000 couples that took advantage of the law where from Hawaii? You say this is for Hawaii. You say that this represents "Aloha". I say that this is not for Hawaii because only a few have since participate in Civil Union (Many we not residence of Hawaii), and even those few who chose to live that life style as residence, have not sought civil union. I am Hawaiian (My Mom) and Filipino (my Dad) that word Aloha represents love and respect to all, not "I will take away your rights and freedom" because of only a few.
5. This bill has only confirmed my fears of my elected office. Richard Fale hears my voice. Clayton Hee, who I voted for does not. Many of you hide your deep rooted views for same-sex marriage when you ran for office. You now sit in a powerful position to impose on me, my families, and especially the children of the future your personal views. You call that good sound political tactics. I call it deceit and dishonesty.

This list can go on and on. It is interest to following the various different amendments to this bill when all of you who were in favor of the original draft wanted to jump on it as written to call it law. Only because of the voices you have heard recently have caused you to change the language. I plead with you to allow due process for this matter. Much more discussion and

even hearings are necessary to write good sound policies. Please allow the residence of Hawaii to choose their future not outsiders and/or large corporation/organizations.

Lance K. Pagador , my daughters Cameron – 12, MacKenzie - 8, and son Jackson – 6
P.O. Box 17
Laie, HI 96762

Dear respectful Senators and Representatives,

My name is Phoebe Ho, a Kaimuki citizen. Thank you for allowing me to express my opinion on equality relating to marriage.

Can same sex marriage be the same as the marriage between a man and a woman?

Marriage between a man and a woman and marriage between the same-sex are NOT equal.

This is because true marriage, when defined, should be natural and humane.

1. True marriage is natural. Since mankind was created, the marriage between a man and a woman has existed. It brings a man and a woman together as husband and wife, to be a mother and father to the children that union produces. It has brought you and me to this blessed and beautiful world. Our generation to come can also testify the truth.
2. True marriage is humane. The marriage between a man and a woman has been uniquely involving the procreation and rearing of children within a family. It provides a balanced environment for children to grow. Both father and mother play a significant role in the way a child is raised.

Our government and lawmakers should not be in a rush to decide their final verdict concerning the marriage equality bill without knowing the real meaning of equality and thinking of the consequences of same sex marriage that other states have experienced.

I ask you to, please, vote “No” on any piece of legislation that would redefine marriage.

Thank you for hearing my voice!

From: [Les Yanagi](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony for SB 1
Date: Sunday, October 27, 2013 9:00:30 AM

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

SB 1: The Hawaii Marriage Equality Act of 2013

Hearing Date: Monday, October 28, 2013 at 10:30 a.m.
I will be present to personally deliver my testimony

Hearing Location: Hawaii State Capitol; 415 South Beretania Street; Honolulu, HI 96813

Re: In **Opposition** to SB 1, The Hawaii Marriage Equality act of 2013

Dear Senate Committee on Judiciary and Labor,

I am opposed to SB 1, The Marriage Equality Act of 2013, because the bill does not adequately protect religious liberty.

The Senate Bill does not fully protect religious institutions and clergy

- 1) Many churches have nonprofit institutions such as schools and colleges that help them carry out their religious missions. The Senate bill covers only "religious organizations" and not organizations such as these. Unlike protections that are found in other states that have legalized same-sex marriage, this bill does not protect these institutions that play such a vital educational role for churches.
- 2) The Senate bill protects churches from having to hold same-sex marriage celebrations on its properties and places of worship provided that it doesn't offer marriage celebrations to the general public for a profit. This does not go far enough. Unlike protections found in other states, the Senate bill does not protect churches from having to also hold same-sex wedding receptions and other related gatherings or from having to provide services in connection with same-sex marriages such as marriage preparation and counseling.
- 3) Many churches fund important programs such as youth ministries and feeding the hungry by charging fees for the use of their facilities for weddings. This Senate bill does protect churches that provide these vital and worthwhile programs.
- 4) Clergy and churches will not be protected under this Senate bill to be able to speak freely about same-sex marriage without the threat of lawsuits for such speech being labeled as hate speech.

The Senate Bill does not protect individuals and small business owners from being forced to support and participate in same-sex wedding ceremonies

- 1) The Senate bill does not protect people who are in professions that provide services for weddings such as photographers, wedding planners, florists, food caterers, and bakers from being forced to attend and participate in same-sex marriage celebrations against their religious beliefs.
- 2) The Senate bill does not protect bed and breakfast owners who are asked to host same-sex wedding ceremonies and refuse to do so because of their religious beliefs.
- 3) The Senate bill does not protect judges who are asked to officiate at same-sex marriage ceremonies against their religious beliefs.

The Senate Bill does not protect school teachers

The Senate Bill does not protect school teachers from being forced to teach courses that support and promote same-sex marriage against their religious beliefs.

The Senate Bill does not protect parents and their children

The Senate bill does not protect parents who want to be notified and remove their children from school classrooms when courses that support and promote same-sex marriage are being taught against their religious beliefs. In the same manner, their children, who also have religious beliefs, will also not be protected under this bill for refusing to attend classroom lessons and read from textbooks and other instructional material that support and promote same-sex marriage and minimize the importance of marriage between a man and a woman.

For these reasons, I urge you to vote NO on SB 1. Thank you for your time and for your attention on this bill.

Sincerely,

Les Yanagi
Hawaii Voter

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: strider4jesus@aol.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 9:19:14 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|-----------------|--------------|--------------------|----------------------------|
| Strider Didymus | Individual | Oppose | Yes |

Comments: THE SENATE THE TWENTY-SEVENTH LEGISLATURE INTERIM OF 2013 COMMITTEE ON JUDICIARY AND LABOR Senator Clayton Hee, Chair Senator Maile S.L. Shimabukuro, Vice Chair AGENDA SB1 RELATING TO EQUAL RIGHTS Recognizes marriage between individuals of the same sex. Extends to same-sex couples (homosexuals) the same rights, benefits, protections, and responsibilities of marriage that opposite-sex couples receive. I am in STRONG OPPOSITION to this abominable homosexual bill from hell and my written testimony shall be given at the time of the hearing. "Strider Didymus" 10/27/13 – 9:30 AM

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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From: [Alex Erbe](#)
To: [All Reps](#); [All Senators](#); [JDLTestimony-InPerson](#); [Alex Erbe](#)
Subject: Strong Opposition of SB1
Date: Sunday, October 27, 2013 9:21:31 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

Executive Summary:

I am totally and utterly opposed to the Same Sex Marriage on religious grounds. I am opposed to leaving legacy decisions such as redefining marriage in the hands of law makers. It belongs to the people. Put it to a vote "by the people, for the people." This law is poorly written and exposes many good people to deal with onerous consequences of the law.

My testimony:

Like many other citizens of Hawaii, I have been following the debate about same gender marriage from a relatively safe and comfortable distance - usually by internet and by newspaper. Although I have been very active in church, as a scout leader, and a youth leader, my involvement in politics has been, at best, minimal. It's not that I don't have opinions - it is just that, for the most part, the laws that have been passed heretofore have not had much of an impact on me as a law abiding citizen. When I got a speeding ticket ten years ago I paid it because I knew I had violated the law of the land. The law was clear and my violation was clear, unlike the current Same Gender Marriage bill that is being presented in the special session next week.

I have been alarmed by some of the things that I am reading about concerning the ramifications of the Same Gender Marriage bill. Let me say from the outset, I don't believe that "Gay" marriages are in Hawaii's best interest. I have been married to the same woman for 33 years and I have three successful children and eight grandchildren. I have come to appreciate the blessings and benefits of marriage so a part of me can see appreciate the frustration of those who want to marry the mate of their choosing. Having said that, however, as far as I am concerned, same gender marriage is simply wrong and I would really like to see the SGM bill killed. Period. I recognize that is is my opinion, however, and we can argue until the cows come home and not resolve anything. However, it is some of the other provisions of the bill have me incensed. I am particularly disturbed by the lack of protections offered to religious freedoms that leave the Same Gender Marriage bill open to exploitation by devious lawyers and organizations with counterproductive agendas.

My ancestors came to America on the Mayflower seeking religious freedom and opportunity. I also have ancestors who fought in the Revolutionary War to help secure freedom of religion and persecution for themselves and their posterity. My father was drafted and went to Europe during World War II to help preserve freedoms for us. I served in the US Navy and went to the Persian Gulf to help preserve freedoms for the US. It is from that perspective that I grow

increasingly incensed by laws that seek to take away religious freedoms. It boggles my mind after all that has been accomplished to establish and protect religious freedoms in the past 237 years, we find ourselves being saddled with such nefarious laws that strip these rights and freedoms away. For example:

Boy Scout troops and packs are a big part of many organization's youth programs - they provide important value-based teachings and experiences that help youth to develop ethical values that serve them in their youth and to make a healthy transition into adulthood. Boy Scout units, as I have come to understand, are not unlike locally owned and operated McDonald's franchises. There is a symbiotic benefit when both parties conform to the bylaws and precepts.

Compliance to bylaws and precepts usually guarantees predictable results: when you walk into a locally owned and operated McDonalds store and order a Big Mac, no matter where in the world you are, you have a certain amount of confidence that a Big Mac is what you are going to get. For the Boy Scouts, the end results are often enthusiastically sought after by organizations, parents and the young men who will participate. Local organizations often charter Boy Scout units (and others) with a specific end in mind - to provide certain experiences that will instill values, moral ethics and character traits that they consider valuable to their youth membership. They also incur considerable expense, both monetarily and in terms of human resources, to guarantee that their members (and potential members) have these experiences.

Organizations open their doors (literally) to all sorts of people who are looking for something better (or, in the case of Boy Scouts, it is often their parents are looking for something better for their children.) As part of the ongoing sustainability efforts and community outreach, organizations seek "fresh blood" by reaching out to the community in hopes of revitalizing their ranks by recruiting (A.K.A. missionary) work in their communities.

For a Boy Scout unit to survive, it must continually seek new blood to replace the natural attrition effects that limiting membership to specific age groups creates. In short, they must recruit to remain a viable long-term entity. Chartering units (churches, educational, and civic organizations) hope, of course, to grow their membership but their overtures are sometimes not accepted for any of a number of reasons.

Growth of churches, like Boy Scout units, is dependent on opening their doors to people outside the organization in hopes that attendees will find something they like and will want to bring their conduct in compliance with those bylaws and precepts. There is a usually grace period in which new comers can come, explore and experience, and hopefully embrace. Sometimes they do, some times they decline such membership opportunities.

It is on this point that I have a deep concern with the law as it is currently written: to my layman's understanding of the bill, in its current form, it sounds as though as long as we keep scouting (and other faith-based initiatives) "in the family" and maintain a "closed-door" policy, we can expect no legal ramifications from the law. Lawmakers (and our governor) keep reassuring us that "all is well" as long as we forgo any recruiting (A.K.A. missionary work) in the community. It seems as though the very act of opening our doors to the public takes us beyond the boundaries of safety and we expose ourselves to lawsuits and a great deal on angst from local and national agenda-driven groups. Many of these groups have decidedly unreligious, if not anti-religious purposes. The current law then can be used as a crowbar to

force organizations to open their facilities and conduct marriages and other activities that are clearly in violation of the beliefs and practices of that organization.

As written, the law puts a chilling effect on any type of community outreach: scouting, membership, blood drives, etc., etc., etc. I have a hard time accepting ANY reassurances by lawmakers that are not sufficiently spelled out IN LAW. While I sometimes think that many laws are not enforceable, I am deeply distressed about this one, again, because there are a host of entities that seem to exist for the sole purpose of destroying, by actively and creatively using the legal system, any organization or body who are trying to make a positive moral difference in the world. IN SHORT, THERE ARE FEW, IF ANY, PROTECTIONS IN THE LAW AS IT IS CURRENTLY WRITTEN!!!

I am urging you to be forward thinking and take a stand on this issue: PUT REASONABLE PROTECTIONS IN WRITING! I have seen emails from politicians, including our governor, who seem to put their faith in the goodness of the people not to exploit the law even though past experience with marriage laws in other states have proven that this is wishful thinking. I urge you, please do not put your faith in IMPLIED protections: PUT PROTECTIONS IN WRITING! As written, there is a very rocky and expensive future for the law as currently written. To my mind, the law, unless changed, will result in a very expensive and vitriolic battle that will conclude in the US Supreme Court and a lot of senseless time, money, and human energy will be wasted that could be avoided by PUTTING ADEQUATE PROTECTIONS IN WRITING FROM THE BEGINNING!

Please do the right thing for the people of Hawaii and avoid embarrassing the state of Hawaii by writing the necessary protections into the bill NOW. Fix the bill now while it is still at a point where it can easily be fixed: BEFORE IT BECOMES A LAW! If the SGM bill is passed, there are organizations aplenty to accommodate gay marriages without requiring privately-funded faith-based organizations and churches to open their doors to gay marriages and other activities simply because they invited a couple of boys to a scout meeting or performed a public service such as a blood drive or sponsored a bone marrow registry!

It would be totally understandable if the managers of a city or state owned building or edifice that was built with public funds with the express purpose of serving the general public suddenly began to balk at the idea of opening their doors to gay marriages. Let's make a reasonable distinction between PUBLIC and PRIVATE facilities and PUT THOSE DISTINCTIONS INTO THE LAW!

In conclusion, I appreciate your time and effort in reading this lengthy tome. As you have probably surmised, I am both an active scouter and an active church member. I have never, in my 57 years, written a letter to a politician before. I also stood on the side of Kanoelehua Highway in Hilo and held a sign for the first time in my life! I like to think of myself as a "live and let live" kind of a guy. Until now. I am pleading one last time: PLEASE, PUT THE PROTECTIONS IN WRITING! And put the marriage bill on a ballot.

Sincerely,
Alex Erbe

From: [Steve Barca](#)
To: [JDLTestimony-InPerson](#)
Subject: Opposed to this Bill SB-1
Date: Sunday, October 27, 2013 9:24:52 AM

Vote Opposed to Bill SB-1

Steve Barca
5185 Kupele pl.
Lahaina, Hi 96761

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: matsumotohiromi@hotmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 9:29:44 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|-------------------|--------------|--------------------|----------------------------|
| Surlester McBride | PS150 | Oppose | Yes |

Comments: As a family we have been active in Chinatown for many years. My son is a product of a broken home and I have watched him struggle with many family issues over the last seventeen years. I feel that as our kids naturally struggle to find themselves they are going to look outside of the home for help from there peers. This bill comes with a lot of unknown variables. One is how it will affect the curriculum now taught in our schools.Can we amend the bill saying that there will be no same sex agenda of any kind brought into schools (public or privet).

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From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: yamadawes@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 9:32:12 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------|--------------|--------------------|----------------------|
| Wesley Yamada | Individual | Oppose | Yes |

Comments: Gov. Abercrombie does not have to call a special session for "tax purposes" because HB 444 already covers those benefits. Another "lie" is that the majority of Hawaii's people are in favor of SSM...if that is true, than put it up for Vote in a Constitutional Amendment and let the People decide once and for all. Abercrombie says this is about Equality, but yet did not consult with the opposition to this SSM bill, nor does he allow for Amendments to this flawed bill for protection of religious freedoms. What about the rights of Children who have no say in being adopted into SSM homes, or who will be forced to be indoctrinated into SSM because it is the LAW? This is SO WRONG at how Abercrombie is Forcing this upon all the people without giving us proper time to fully discuss this important matter fully. Let the People Decide.

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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BettyJean Anderson

91-1006 Waiko'ihi Street • KaMakana at Hoakalei • Ewa Beach, Hawaii 96706 •
Telephone/Fax (808) 681-3232 • E-mail: ladyvalledor@hawaii.rr.com

Monday, October 28, 2013

REVISED

To: The Hawaii State Senate, 27th Legislature of 2013
Chairman Clayton Hee, Vice Chair Maile Shimabukuro, and
All Members of the Senate Committee on Judiciary & Labor

Re: OPPOSE Senate Bill S.B. 1 – “RELATING TO EQUAL RIGHTS” and all related bills
legitimizing homosexuality or same sex marriage.
Hearing, Monday, October 28, 2013 at 10:30 AM. in the Auditorium
State Capitol, 415 So. Beretania St., Honolulu, HI 96813

Chairman Hee, Vice Chair Shimabukuro and all the Members of the Senate Committee on
Judiciary & Labor:

My name is BettyJean Anderson. I'm a married, registered voter from Ewa Beach, and a
resident of Hawaii 33 years. I plead with you to oppose S.B. 1 endorsing same sex marriage
under the guise of equal rights. Please do not foist this hurried and poorly-written bill upon our
State which has no amendments and “does not protect people of faith to practice their religion
nor protects their right to free speech guaranteed under the first amendment of the U.S.
Constitution.

This bill is not truly about equal rights for homosexuals to marry since their rights and benefits
are already protected under our domestic partnership and civil unions laws--after all, what's a
piece of paper? S.B.1 primarily discriminates against people of faith requiring them to obey a
law to accept homosexuality which goes against our deeply held convictions and consciences
and renders any non-acceptance of homosexuality as homophobia or a hate crime. This bill is
discrimination against religion. Forcing the Church to accept homosexuality is government
setting up the rights of humanistic homosexuals *above* the rights of religious citizens.

Please protect people of faith who must have equal rights and be free to express this faith as
delineated in ancient scripture:

*"Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be
deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor
homosexuals, nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers,
will inherit the kingdom of God. Such were some of you; but you were washed, but you
were sanctified, but you were justified in the name of the Lord Jesus Christ and in the Spirit of
our God." - I Corinthians 6:9-11, The Holy Bible*

Representative McDermott asked Governor Abercrombie, "Based on your reasoning that Same-Sex Marriage is a civil right, then how can you disenfranchise a bi-sexual from marrying the people he/she loves?" The Governor's response, "I fully expect a lawsuit to be filed in about a year." Is this where we are headed--first endorsing homosexuality, then polygamy? Is this what we want for Hawaii?

Yes, many states and countries are passing same-sex marriage laws; but they have since been regretting it, too, with buyer's remorse as told by the Massachusetts Resistance and educator Phil Lees of Ontario, Canada here in the islands to warn Hawaii. And, as my mother once said, "Just because everyone wants to jump off a cliff, should you?"

S.B. 1 coerces the Church to uphold this law and violates their consciences if they disagree with the wants of these adults. Please do not pass this deeply flawed discriminatory law against Christians, where non-compliance--like Massachusetts and Canada--would result in arrests and lawsuits. Instead, please support and pass HB 5 "Proposing An Amendment To The Hawaii Constitution To Reserve Marriage to Opposite Sex Couples."

Finally hear the wisdom of this ancient scripture in Proverbs 14:34, "Righteousness exalts a nation, But sin is a disgrace to any people."

Respectfully submitted,
Mrs. BettyJean Anderson
Ewa Beach, Hawaii

October 27, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

Re: In **Opposition** to S.B. 1: *The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013, because:

1. It re-defines the most core institution of society, marriage. I support the definition that marriage is between a man and a woman, which was voted on by the people in 1998.
2. It is in opposition to the will of the Hawaii voters who voted in 1998 to define marriage exclusively between a man and woman in the Hawaii constitution. The language “reserve marriage” indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively. Such consideration should be voted upon by the people and not by a select few (i.e. the legislation).
3. It denies individual citizens their First Amendment right of freedom of religion. Religious organizations will not be required to host same sex marriage celebrations if they meet the requirements of the state but not according and in respect to personal religious beliefs. Further this bill would prevent churches from holding events of community outreach with the fear that their facility would then be compelled to host events not keeping with their religious/moral beliefs.
4. It will introduce a new educational curriculum for K-12 grades that will present same-sex marriages and relationships to school children and youth. Separation of church and state bar teachers from referencing God in public schools. If religious references are excluded from being taught in public schools, then same-sex marriages and relationships should likewise be taught in the home and current legislation should respect all parties concerned.

I urge you to vote NO on S.B. 1. Nevertheless, I understand that there are many in the legislature who have already made their decision. I urge you to express my voice on the above noted matters. Thank you for your time.

Respectfully submitted,

/s/ Nathan Lee

Registered Hawaii Voter – District
#10

From: [Alex Panida](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony in Opposition to Special Session and SB1
Date: Sunday, October 27, 2013 9:40:39 AM

To: Chair Clayton Hee, Committee on Judiciary and Labor

Aloha Honorable Chair Hee and Members of the Committee on this Judiciary and Labor,

As a concerned citizen, and registered voter, I am submitting this testimony against this special session and the bill that would legalize same-sex marriage in Hawaii.

The tactics by this government to keep the bill out of regular citizen, restrict amendments, and limit public testimony is evidence that the government is not interested in the will of the people. This Special Session amounts to a state imposed redefinition of marriage that lacks a clear substantive state interest. It amounts to an imposed a "new morality" on the people of Hawaii while threatening the first amendment rights of tens of thousands.

Whatever your personal beliefs, I urge you to allow the people to decide on this issue.

Mahalo,

Alex Panida
94-514 Apii Street
Waipahu, HI 96797
(808) 677-2439

From: Ana Barrientos-Perez
858 6thave
Honolulu hi, 96816
(808) 206-5061 heartbeat.2008@live.com

| | |
|--|---------------------|
| Senator | S district 23 |
| <u>Clayton Hee</u> | kane'ohe, Ka'a'awa, |
| Hawaii State Capitol, Room 407 | Kahuku, Wailua, |
| Phone 808-586-7330 | Haleiwa, Wahiawa, |
| Fax 808-586-7334 | Schofield Barracks, |
| E-Mail: senhee@capitol.hawaii.gov | Kunia |

Subject: Opposition SB1, JDL Testimony at The Capitol

Dear Honorable Les Ihara and Members of the committee Maile Shimabukuro,
Mike Grabbard, Brickwood Galuteria, MalamaSolomon, Sam Slom

As a constituent of District **10**, I would like to take this opportunity to inform you that I am opposed to SB1 The Marriage equality Act. As a voter in the district you represent in this issue, I feel that it is important for you to know how I feel about this as part of your decision making process.

I believe that the public should vote on the issue of Same Sex Marriage on just as we did back in 1998, when the majority of citizens in the State of Hawaii voted to approve marriage between a man and a woman. The needs to be informed of any legal issues that will affect our lives and we need to be given time to discuss these issues, not the way Governor Abercrombie is acting now.

The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people you have been elected to represent. This Special Session does not warrant enough time to address detrimental consequences to family unity, confusion to promiscuity to young adolescents, a born nature, which in the 21 century there is no DNA, blood test this is an inherited or biological born behavior not proven ever. This SB1 must put in the ballot for citizens to make a decision.

In closing, I greatly appreciate your representation of the constituents of District # **10**. Again, I am asserting my opposition to same sex marriage, request be given enough time to be to discuss issues so it could be given on the ballot for the people to vote. I am praying that God will continue to lead you in all of your decision-making and that HE will continue to encourage you in all that you do.

God Bless,

Ana Barrientos-Perez.

Dear Representative:

The “same sex marriage” issue is truly causing quite an issue for me. I am **against** the “same sex marriage proposed law” in all of its current forms. I have become quite concerned about my rights as a U.S. citizen and as a “Kamaaina” of this beautiful and great state of Hawai‘i. There are so many laws being changed by those who move here to Hawai‘i from abroad, wanting us to conform to their way of life. Obviously, something did not appeal to them where they came from so they moved here, but now they are expecting us to conform to their desires.

Our first Amendment rights are being threatened by the “same sex marriage” law that is currently being entertained by you and your colleagues along with the governor. If this law is pushed through, as the governor and those on the panel who has political interests with this “Same Sex Marriage Coalition”, the rights of others will be removed. I have done a lot of research on this issue because I know many people who are for or against this law change. I have found in my research, that the rights to the “freedom of speech” and “freedom of religion” will be removed. I know that you are thinking that there is nowhere in this law that the language exist but let me enlighten you on what has come about in Massachusetts, Canada and other states that have adopted this law. For parents who do not agree with “same sex marriage law already passed”, that have chosen to opt their children out of the sex education teaching that includes this material, they have been arrested and charged with a “hate crime”. These are law abiding citizens who pay taxes, who have no criminal intent to break any laws, who are entitled to their rights as US citizens. They are parents trying to protect their children from immoral teachings, just like when the TV shows programs with same sex couples material, or sexual content that we don’t want our children to watch, we put on the parental controls. Parents are not be able to exercise their rights to use their parental control to remove their children from this teaching material, because it is a law. Parents who expressed their religious beliefs are charged with “hate crimes”, because it is a law. Yet this coalition has been allowed, without criminal charges, to intimidate those who have the voting powers to stop this nonsense. They have petitioned peoples businesses to the point of the business establishments closing. They have trashed opponents homes who were in the voting capacity. Where are their arrests for these hate crime violations? Nothing is being done about them. I’m just saying that there seems to be a movement in the political realm that is causing many representatives, of the people who placed them in office to represent their beliefs, to cower to this coalition in the fear of the retaliation or because they are being pressured by those who have interests in moving this groups agenda forward. We, the people, all have rights. If you chose to vote for same sex marriages, I ask you to make sure that the law will be written in a way that others rights will not be removed. That the law you chose, will not allow those who disagree with this immoral sexual behavior, to be persecuted for their beliefs. That the law that you chose, will not hinder the freedom of speech for those who disagree. That the law that you chose, does not hinder the freedom of religion for those who do not believe in “same sex marriages”. Those who oppose this proposal of this law deserve their rights as well. They are law abiding, tax paying citizens whose rights should not be removed for another group who wants their rights to be imposed.

I would prefer that all of those who are in power with this bill, reserve this bill for the people, of the state of Hawai'i, to vote on. If at that time, the people vote for this bill, then a democracy has done their job as to give the people their voice. If the government chooses to bully their constituents by forcing this bill upon everyone, then all of the representatives will be guilty of bullying. They will be setting the wrong example to all people who have been campaigning against bullying in the school court yards, in the homes, and on the internet. Please set the right example to our generations that exist and the ones to come. Set the example that Hawai'i will not rush laws into existence that are unfair and not for all.

Approximately 5 years ago, a sex offender law was passed in the state of Hawai'i as well. This law placed those who committed a crime within a certain law to be on a nationwide sex offender list for life. This law included those who were convicted as far back as 25 years ago which in my opinion, this violates a "double jeopardy law". This law has placed reformed criminals in a bad place, causing them to lose employment, placing them at risk for homelessness, putting them in a desperate situations, punishing them a second time for a crime that they have already paid for. Some of these people have converted their lives and have become law abiding citizens, tax paying citizens, and are not a threat to the public. But because this law was passed, and the verbiage in the law did not protect those who transformed their lives, or because they did not start the law with current offenders and not those who have complied with the current laws, many people have suffered needlessly.

I ask you, as humbly as I know how, to please do not allow this bill to be rushed through. Please use your platform as your constituents have asked you to because they trusted you to have their best interest at hand when they voted you into that position. Look at the outcomes of those who have had this law for over 5 years, look at the repercussions that have come from a law that gives a carte blanche for this coalition. Please do not exchange one right for another. Please take all involved into consideration when accepting the wording on the bill. Please ask your partner representatives to think long and hard about what they are doing. Our country's fabric was built upon families becoming independent of government to stand on their own two feet, to be able to support their own households, to educate themselves so that we could all live in an operational world. That is why marriage came about, so that man and woman could procreate and teach their children what good law abiding citizens should be like. To work hard, to have great integrity, to have honor and respect. Our family unit has broken down so much that America is losing its value. There is no more respect, every man for themselves, no one cares for their own elderly. People wiping out people, and those are in the US not in foreign countries. There are so many single family homes whether father or mother and children. Children raising children, children being bullied because there is no one at home to protect them or teach them because their parent is too busy trying to uphold the household. The bullying is causing children to gun down other children and those teaching them to have better manners because they oppose the teaching. Please do not tear our fabric any further. I am not sure if we would be able to survive this last one.

Thank you for serving in such peril less times. We need great men and women who are willing to stand for what is moral and right in order to make our country great again.

Please do not rush this bill through and when you do entertain a bill, think about the repercussion great and small and what it will do to the rest of the fabric of our great state and the rest of the country. For all eyes are upon us!

God bless you.

Doreen Braz

From: [Ralph & Shirley](#)
To: [JDLTestimony-InPerson](#)
Subject: In Person Testimony for SB1
Date: Sunday, October 27, 2013 9:44:18 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I would like to voice my strong opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people on this issue. I support equality for all including the rights of conscience, religious freedom, and freedom of speech, which I ask you to respect as our elected leaders.

I believe that the voters have already addressed this issue with the 1998 constitutional amendment. I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session. There needs to be more discussion.

SB1 should be given due process during the regular session where it can properly considered, examined, and discussed as all other bills. The people who elected you to serve as their voices should have a say in public policy that will markedly change our culture, customs, and traditions. Your "yes" vote in this special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Ralph Yasuhara
95-754 Maiaku Street
Mililani, HI 96789

From: [Hoku Lwin](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony in Opposition to Special Session and SB 1
Date: Sunday, October 27, 2013 9:45:12 AM

To: Chair Clayton Hee, Committee on Judiciary and Labor

From: Hokuala M.K. Lwin-Maluo
87-2049 Pakeke Street
Waianae, HI 96792
(808) 983-9827

Subject: Testimony in Opposition to Special Session and B 1

Aloha Honorable Chair Hee and Members of the Committee on Judiciary and Labor,

As a concerned citizen, I am submitting this testimony against this special session and the bill that would legalize same sex marriage in Hawaii.

In 1998 I voted for what I understood was defining marriage to be between one man and one woman. In fact, 70% of Hawaii's voters agreed with me. Now here it is almost 15 years later and this is still an issue. If you want to redefine marriage, please let the people you represent decide by a constitutional amendment. One that means what it says, not a legal loophole. It seems that our elected officials are taking upon themselves to undo what the voters in Hawaii have already decided.

Additionally, I oppose this bill because the religious protection clauses are inadequate for people of faith to exercise their First Amendment right of speech and religion.

I ask you to please do one of two things:

- A. Leave the institution of marriage the way it has been for thousands of years. And the way we thought we defined it in 1998
- B. Take the issue back to the citizens of the State and allow us to vote for a clearly worded constitutional amendment

Thank you for the opportunity to testify against this special session and against this bill.

Mahalo!
Hokuala M.K. Lwin-Maluo

--

Hoku Lwin

Global Executive Assistant
New Hope Leeward | 94-050 Farrington Highway #A-1 | Waipahu, HI 96797
Office: [808.678.3778](tel:808.678.3778) | www.newhopeleeward.org

From: [Nancy Holbrook](#)
To: [JDLTestimony-InPerson](#)
Subject: Re: In Opposition to S.B. 1: The Hawaii Marriage Equality Act of 2013
Date: Sunday, October 27, 2013 9:46:17 AM

Nancy Holbrook
2310 Oahu Ave
Honolulu, Hawaii 96822

October 25, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013, because it does not protect our 1st Amendment Right of Freedom of Religion. It fails to protect churches, clergy, religious group and temples from lawsuits. It denies business owners protection of their 1st Amendment Right of Freedom of Religion. It fails to protect church-affiliated organizations (universities, hospitals, adoption agencies, housing agencies, etc.) from lawsuits.

It presumptively re-defines the most core institution of society, marriage with little thought or regard to how that will affect society as a whole and in particular the most innocent and vulnerable citizens, children. It is being fast tracked through a special session that circumvents discussion, particularly input from neighboring islands and examining in detail the impact on **ALL** the people of Hawaii.

It is in utter opposition to the will of Hawaii voters who voted in 1998 to define marriage exclusively between a man and women in the Hawaii constitution. More than 250,000 Hawaii voters expressed their resolute position on the definition of marriage as exclusively between a man and women. The language "reserve marriage" indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively. If there is a question on what the people of

Hawaii want, put the vote to the people of Hawaii and don't let a small group of people make such a far reaching and momentous decision with unknown and far reaching results. Gay marriage in truth is a social experiment. When society disregards and undermines the traditional family structure, the consequences are negative for families, society, and our country.

Thanks you for your consideration,
Nancy Holbrook

TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

For the Senate hearing: hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813

Oct. 27, 2013

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

Aloha,

My name is Bryn Villers. I am a registered voter in Senate district 10, I have a B.S. in Zoology, and I am opposed to SB 1 and the legalization of same-sex “marriage” in the State of Hawai’i.

“When talking about same-sex marriage we must also be careful to distinguish between equality of persons and equality of institutions. No matter what our sexual attraction may be, we are all equal as persons. But the institution of marriage between a man and a woman cannot be equal to the union between persons of the same gender.” -Lively

Main Oppositions:

- Homosexuality has never been conclusively shown to be an *immutable characteristic* and therefore has no standing as a civil right
- There are no protections in this bill for non-clergy individuals whose religious beliefs and practices are protected under both state and federal constitutions when they refuse to provide goods or services (public or

private) which would promote that which they consider immoral; namely same-sex “marriage”

- The people of Hawai’i voted in 1998 to, it was thought, constitutionally limit marriage to one man and one woman. Why else would the Supreme Court of Hawai’i in 1999 have dismissed *Baehr v. Lewin* immediately following the Constitutional Amendment? (Coolidge, 2000) It is not only injudicious, but iniquitous to legalize same-sex “marriage” without the vote of the people
- There are no regulations woven into this bill dealing with the outfall in the public education arena, and no studies have been presented to the public in relation to the issue. Yet, looking to those states, and even countries, wherein this has been legalized already, there are clearly alterations in the learning curriculum and environment.
- If the measure were about benefits, this legislature could simply write into law a statute granting civil-union couples federal benefits rather than redefining the underlying structure of marriage as it has been throughout the ages and Hawaiian history—man and woman.
- “Love” is an ambiguous term (one could be talking about a hot fudge sundae or a spouse). It is too small of a word to incorporate all the massive shades of meaning. And love, within the context of marriage, is a choice
- The reality of the situation is that it is (overarchingly) about “normalizing” homosexual activity and opening the litigious doors

Homosexuality

What is homosexuality? A seemingly obvious question, and yet absolutely fundamental to the purpose set before this body. The current trend of popular thought says homosexuality is an innate characteristic of an individual undetermined by personal choice (born-that-way) and resulting in same-sex attraction. For the State's purposes however, homosexuality is the commission of homosexual acts—sourced in thought, but committed by choice.

The State has no capacity to regulate thought life. Anyone can have any thoughts about anyone else without fear of reprisal. The law only regulates actions. An individual may imagine murdering a person but only if they take steps to put that thought into action can the State act against them to protect the public good. Likewise, the State regulates certain behaviors by law and refuses to promote others if the result of the behavior is found to be sufficiently detrimental to the State and/or the public, or if the benefits of the actions do not outweigh the cost, or if the action falls under the umbrella of protected civil rights. Because the acts of homosexuality, in the aggregate sense, are detrimental (most notably in the arenas of health and therefore economics) and because homosexual acts cannot result in the production of new citizens (a benefit to the State when reared to be both civilized and economically productive and the real purpose of marriage <http://www.lifesitenews.com/news/im-gay-and-i-oppose-gay-marriage/>), the category of civil rights is the only remaining, I will discuss this.

Homosexuality as an act is already allowed under the law—the right to privacy (for one) even protects it. For homosexual marriage to take on protections

as a civil right homosexuality as a state of being predetermined from birth and without determination by choice must, as *one* of the most basic of *several* components, be an immutable characteristic of the individual intending to get married—that is, they must be predetermined to take the action without any regard for choice or it must be necessary for life (like breathing or eating). Categories included in civil rights would be things such as “race”, ethnicity/ancestry, and gender. Religion also falls under this category of civil rights because of its specially and specifically protected status under the Constitution of the United States (Bill of Rights 1st Amendment) and the Hawai’i State Constitution (Bill of Rights Section 5). Already, the State has an interest in not encouraging homosexuality, and no obligation to promote it through the legalization of same-sex “marriage” because the thoughts of individuals are not the purview of the State, but only the action; and the action by virtue of being an action is a choice and one which can be taken without “marriage”. Some might argue that heterosexuality is also a choice and that is true, however it provides a necessary benefit to the State in the production of new citizens. Incest, pedophilia, and bestiality are also choices sourced in thought, yet the State regulates the *actions*, and does not promote the activity by legalizing them in “marriage”. And yet already, pedophiles are claiming the same arguments as same-sex “marriage” advocates for their “sexual orientation” to be recognized. (Minor, 2011)

Science

So, what about the science? One of the most recent papers of large scale (Santilla, 2008) claims to, “show, for the first time ever prevalent potential for homosexual response in both men and women”. The problems with this study are two-fold. The authors base their entire data set on two questions: During the past year, on average, how often did you have sexual contact with [the same gender]? (“overt homosexual behavior”) and “If a, in your opinion, handsome man...[for women, woman] whom you like, suggested sexual interaction with you, how likely would you be able [sic] to do it (if you could define the nature of the interaction and nobody else would know about it)?” (marked on a scale from most to least likely). Essentially, the study asks a person to fantasize about whether or not they would be willing to engage in homosexual behavior (calling it “potential for homosexual response”) if propositioned. The second issue is that rather than revealing the genetic case for homosexuality, the paper shows an influence of only 27% (with an error range of 2.7-38 which is very large) for genetics within twins, and moreover “nonshared environmental influences” or influences specific to the individual accounted for 73% with an error range of (62-85). The paper could be dissected further on other levels, but in an overarching sense it shows the same thing that all large twin studies have been showing. If homosexuality was genetic it ought to be at or near 100% for all monozygous (same DNA) twins—it has never, in any study of random, large sampling been shown to even approach that number. And if it were accounted for as epi-genetic as in the Rice et al 2012 paper then dizygotic twins (different DNA, same womb conditions) would be expected to have an exact

correlation with monozygous twins, which is not the case. The Rice study assumes homosexuality is not acquired. And what is more it is not based on any actual study, but is rather a mathematical model. The claims of DNA markers on the X chromosome for male homosexuality (Hamer, 1993) have not been repeatable or verified.

Savic's study (2006) on pheromone response does not reveal biological innateness of homosexuality, as Dr. Savic stated

"[We] did not want to create the impression that the study proves sexual response is not learned. In fact, [the Swedish research team] seems pretty open to plausible interpretations. However, at present, from this study, nothing definitive can be concluded."

LeVay (1991) says about his study on brain structure,

"It's important to stress what I didn't find. I did not prove that homosexuality is genetic, or find a genetic cause for being gay. I didn't show that gay men are born that way, the most common mistake people make in interpreting my work. Nor did I locate a gay center in the brain ... Since I looked at adult brains, we don't know if the differences I found were there at birth, or if they appeared later."

One of the main criticisms on the LeVay study is that HIV affects testosterone levels. Diamond's study in 2008 showed that over 10 years 2/3 of women changed sexual identity labels and 1/3 changed labels 2 or more times. And there are studies citing finger length, eye blinking in response to loud noises, and how many brothers you have. (Swaab and Hofman, 1990; Rahman, 2003; Pathela, 2006) Despite mountains of studies, the results are that there is no conclusive proof that homosexual attraction is genetically pre-determined. But there is every evidence that heterosexual activity between men and women is both natural (i.e. the constituent parts fit together in a biological sense) and necessary for the survival of humanity.

Conclusion

Homosexuality has not been shown to be an immutable characteristic by science, even GLSEN agrees,

“Sexual orientation has not been conclusively found to be determined by any particular factor or factors..” pg5 GLSEN “Just the Facts” 2008

In fact, studies show results contrary to this assertion. Homosexual acts *have been* shown conclusively to coincide with greater than average HIV (and other STI) rates (roughly 2% of U.S. population is gay yet it accounts for 61% of HIV infection) (CDC, 2009) and greater than average promiscuity rates (at least among youth, could not find recent stats for adults) (CDC, 2011).

There is nothing prohibiting any individual from engaging in homosexual acts under law. But the purpose of marriage is now, and has always been, the production of children and their rearing in a stable environment.

The families of America are already struggling to raise their children right (fighting against drugs, promiscuity, disconnection, gangs, violence, etc.). Legalizing same-sex marriage, and therefore legitimizing homosexual activity, will only serve to complicate and further confuse our children.

Please vote NO on the legalization of same-sex marriage.

Allow the people to vote and bear the responsibility for their choice.

Resources

Cameron, P. and Cameron, K. Eastern Psychological Association
http://www.lifesitenews.com/ldn/2007_docs/CameronHomosexualFootprint.pdf

CDC, 2009 cdc.gov/nchhstp/newsroom/HIVIncidencePressRelease.html

CDC, 2011 <http://www.cdc.gov/mmwr/pdf/ss/ss60e0606.pdf>

Coolidge, D. O., Symposium Article and Comment: The Hawai'i Marriage Amendment: Its Origins, Meaning and Fate, 22 *Hawaii L. Rev.* 19 Spring 2000

Hamer, D. H., A Linkage Between Markers on the X Chromosome and Male Sexual Orientation, *Science* 261 (5119), 1993

Minor, J. 2011 "Pedophiles want same rights as homosexuals"
<http://www.greeleygazette.com/press/?p=11517>

Rice, W.R. et al, Homosexuality as a consequence of epigenetically canalized sexual development, *The Quarterly Review of Biology*, 87 (4) Dec. 2012

Santilla, P. et al, Potential for homosexual response is prevalent and genetic, *Biol. Psychol.* 77 (2008) 102-105

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

Dear Members of the Committee on Judiciary and Labor:

I am writing to voice my opposition to Bill SB1.

To give the people an opportunity to vote on Same Sex Marriage, please vote NO on this particular bill, and then encourage an election for the all voters of Hawaii to cast their own votes.

Your assumed commitment to your public office is to represent the people of Hawaii well.

You were not elected to be judges of the people; you were elected to speak on behalf of all people in Hawaii. This issue of SSM is clearly divided among the people. PLEASE let the people vote on this issue.

If you do not stop the current election of this bill, then please vote NO to keep our current marriage laws in effect. At the next election, or in a special election, give the people of Hawaii the opportunity to vote on SSM. It is the only real way to hear what the people want. Please do not take away our freedom and right to speak our hearts through a people's vote.

Please do not change our marriage laws until the people can cast their own votes.

If you feel you must vote on this bill, then please honor and respect my vote against SSM. I do not support SSM, and I ask that you please represent my vote.

Please remember and consider your call to represent the people, and to be partial to no one.

Thank you for your consideration.

Paula Tanaka
Mililani, HI 96789

From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: mr.smith@smithfam.us
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 9:51:17 AM
Attachments: [Why I Oppose SB1-The Hawaii Marriage Equality Act.pdf](#)

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|--------------|--------------------|----------------------|
| Joshua Nathan Smith | Individual | Oppose | Yes |

Comments: I oppose SB1, The Hawaii Marriage Equality Act of 2013. I've attached a PDF document that outlines some of the reasons I oppose the measure. Protect children, preserve religious freedom, and avoid negative social costs incurred by abandonment of traditional marriage -- sustain marriage as a unique relationship between a man and a woman.

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

TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

For the Senate hearing: hearing on 10/28/2013 at 10:30 AM

Kerrie Villers
3114 Paliuli St., Apt. 6
Honolulu, Hawai'i 96816

October 27, 2013

Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawai'i 96813

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

My name is Kerrie Villers. I am a registered, voting citizen of Senate District 10, and I oppose same-sex marriage in general and specifically S.B. 1. If marriage is going to be redefined to include same-sex couples, this should be put to a vote of the people since it has such extensive societal consequences.

Major Points:

1. There has not been enough discussion about the effects of legalizing same-sex marriage upon society for the people of this state to make an informed decision about how this will affect them.
2. Homosexual activity has not been demonstrated to be a genetic or prenatal predisposition, thus has no legal grounds for qualifying for civil rights.
3. Male homosexual and bisexual activity has been decisively linked with high prevalence of HIV/AIDS, thus posing a health and economic concern.
4. The state has a duty to protect its citizens and not promote high risk behavior, which it will inevitably do should the state sanction homosexual activity by legalizing same-sex marriage making it indistinct from heterosexual marriage.
5. Major societal decisions that will forever destroy native and non-native culture, customs, and tradition should be made by the people who constitute those groups, not a small governing body.

Discussion:

After many discussions with legislators, coworkers, neighbors, friends, and family, I realized that many could see the immediate ramifications of passing same-sex marriage, such as civil suits against religious institutions, affiliated educational and outreach related institutions, and individuals whose consciences would not allow them to use their artistic expression to support homosexual marriages. However, I have not heard much discussion on other effects that passing such legislation will have on Hawai'i. In fact, apart from the religious organizations, it appears that most people are simply failing to either consider or address the issues our society will inevitably encounter and should anticipate and discuss if this state is to make an intelligent and wise decision for the good of all its people concerning marriage.

As a former educator, an Auntie, and hopefully a future mother, the effects on our public education system is of great concern to me. We cannot help but logically conclude that if the state sanctions homosexual relations as equal to and indistinct from heterosexual relations, our public school system will soon after begin to include homosexuality in the curriculum as normative rather than an aberration/ deviation from the norm. Those who would argue otherwise need look no farther than the public school curriculum and policies of other states and countries where same-sex marriage has been legalized (namely Massachusetts, California, Maryland, United Kingdom, Canada, etc.). From the earliest grades in elementary school all the way through high school, homosexuality is, or is planned to be, taught to students as a societal norm.

When homosexuality is taught in public schools after legalizing same sex marriage, it is treated as something that ought to be embraced, regardless of the students' beliefs, objections of

their parents, and scientific data that proves the lifestyle to be quite hazardous to physical health. There is evidence of students being taught to cross-dress and use bathrooms designated for the opposite sex, which only serves to confuse children on appropriate behavior. This also presents a safety concern where boys may go unquestioned into the girls' restroom. In some schools students have been forced into "counseling" for speaking out peacefully about the unnatural nature of and scientific facts relating to homosexuality. Students are also being taught graphic material relating to homosexuality and how to engage in this behavior. None of this promotes the safety and mental or physical well-being of our children.

Research and statistics reveal that homosexuality is not normative. It remains rare in our society, with roughly only 2-4% of the population identifying as homosexual. In spite of activists claims that the behavior is genetic, geneticists have concluded that this is false; it is neither genetic nor a prenatal condition¹. Only those who strongly desire to prove otherwise cling to models suggesting that though not genetic, homosexuality must be influenced in prenatal stages of life. We should not as a society, deceive our children and teach them what is evidenced as false merely to appease those involved in this behavior.

In addition to not being normative, homosexuality has proven to be sexually unhealthy. According to the Hawai'i Department of Health, HIV-AIDS Surveillance Semi-Annual Report, homosexual men made up 84% of those living with HIV/AIDS in our state in 2007². The prevalence of this disease in homosexual men is staggering compared to that of the rest of the population. Though heterosexuals having higher levels of bacterial infections such as gonorrhea and chlamydia in our state, these are obviously curable. As a society, we try to discourage, especially our youth, from engaging in sexual activity that is harmful, and we should continue to

do so. Normalizing this behavior will promote homosexuality as good and safe rather than expose the high risks associated with it.

This is only one aspect of the way in which legalizing homosexual marriage will affect our society aside from the religious controversy. Marriage is obviously tied to complementarity and reproductive potential as well as health, otherwise we would allow incest. The government's interest in marriage is in large part concerned with societal stability through promotion of positive family structure, which is best achieved in intact biological families. There is such a tremendous number of concerns relating to the state allowing homosexual marriage, and these should be thoroughly considered by the people since society as a whole will be impacted, not merely the small group that wants the privilege of marriage. (Yes, a privilege, not a right. That's why it's not guaranteed in the US Constitution, and we are able to discriminate against certain types of marriage including incestuous, polygamous, and bestial).

The legalization of homosexual marriage is a transformative shift in our society as our state would be sanctioning homosexual activity rather than merely presenting the fact that it exists in minority groups. The legalization of it removes the distinction between gender types in marriage, but by nature, two men and two women are distinctly different than a man and a woman coming together to create a family. Marriage is not about equal social units. It is about children, which two men or two women are never able to produce together. It necessarily, biologically requires genetic input from an individual of the opposite sex. Civil Unions are about equal social units.

Before our legislators make this decision for our state, they should thoroughly investigate the long term effects this will have on our people and the potential negative repercussions, particularly as they pertain to our children, which is our future. Legislative bodies are formed to

Mr. Clayton Hee
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enact laws that protect our society, not make laws that will radically shift society without due consideration and consent of the people.

As representatives of the people, this legislative body has a duty to consider the people's needs and desires and to do the greatest good for them. Aside from biological proof of immutability, which has never been produced because it does not exist, the homosexual community has no claim to civil rights as minorities. Therefore, the discussion of this body should be limited to considering whether sanctioning this behavior is in the best interests of society as a whole and of our children in particular.

We, as the people of Hawai'i, do not feel animosity towards homosexuals and would rather live peaceably, each according to his or her own conscience. We respect the Rights of Conscience and the Rights of Free Exercise of Religion guaranteed by our State and US Constitutions for all people, both individuals and organized groups of like minded persons. Being part Native Hawaiian, African American, and Chinese, I realize that this legislation will forever remove my native Hawaiian traditions and customs and my non-native culture. I do not want this imposed upon me by this legislature.

Should such a major societal shift be promoted, it should be done by the people of this state, that is, by society at large and not by a small governing body of 77 persons. Though I appreciate the position and service of our legislators, I am strongly opposed to them making policies that will remove thousands of years of our traditions and force our people to accept activity which we validly do not believe is healthy.

I urge you to put the vote to the people once and for all, by allowing language on a ballot that would entirely approve of or entirely ban homosexual marriage in the Hawai'i Constitution. At the very least, I would ask that this body delay the consideration of this matter and allow time

Mr. Clayton Hee
Page 6
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for it to be properly vetted like other bills. I ask that sincere efforts be put forth to educate the people of our land on how this will impact them. You cannot with integrity "represent" the people if you do not know their minds and hearts on the matter, and you cannot know their true thoughts and feelings if they are incapable of making informed decisions based on lack of knowledge. Please delay this until regular session and allow the people to vote. I thank you for your service and your consideration.

Very sincerely yours,

Kerrie "Nani Li'i" Villers

Mark Regnerus, a sociologist at the University of Texas at Austin, recently [said](#), "I think you can have social stability without many intact families, but it's going to be really expensive and it's going to look very 'Huxley-*Brave New World*-ish.' So [the intact family is] not only the optimal scenario ... but it's the cheapest. How often in life do you get the best and the cheapest in the same package?"³

- Quote from Doug Mainwaring, a homosexual opposed to same-sex marriage

1. Ellis, Mark. "Identical Twins Studies Prove Homosexuality is Not Genetic." Thursday, May 30, 2013. Accessed from <http://www.hollanddavis.com/?p=3647> on October 26, 2013.

2. Hawai'i Department of Health. "HIV-AIDS Surveillance Semi-Annual Report." Accessed from http://hawaii.gov/health/healthy-lifestyles/std-aids/aboutus/prg-aids/aids_rep/2h2007.pdf on October 26, 2013.

3. Mainwaring, Doug. "I'm Gay and I Oppose Same-Sex Marriage." Public Discourse, The Witherspoon Institute, March 8th, 2013. Accessed from <http://www.thepublicdiscourse.com/2013/03/9432/> on October 27, 2013.

October 27, 2013

The Honorable Clayton Hee, Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am

Re: In Opposition to SB1: The Marriage Equality Act of 2013

Dear Senate Committee on Judiciary and Labor:

My name is Lisa Kai and I am a resident in the Kailua district. I am a parent of three girls and I have taught them values that will guide them through out their life and these values will be passed on to their children. My husband and I have modeled to them what marriage is – it's for a man and a women. My family and I believe in God and God is the center of everything in our lives. If you decide to pass this SB 1 bill this will confuse my children and my grand children. This bill will cause us to make a big decision about education. I will not send them to a public nor a private school. I would have to home school them because I will not allow them to be taught that same-sex marriage is right. This is my choice.

I am asking you to not pass the same-sex marriage in a special session because the people believed they voted on this issue in 1998 – if the polls show that Hawaii favors same-sex marriage, why not let the people vote?

It is my belief that the government's current bill will not protect church leaders' and individual rights.

Thank you for allowing me to share with you today.

Lisa Kai
Kailua, Hawaii
808-277-2977
lisakai@hawaii.rr.com

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: happilysinging@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:01:23 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|------------------|--------------|--------------------|----------------------|
| Misi Alisa Smith | Individual | Oppose | Yes |

Comments: I am opposed to SB-1 for several reasons. Before we get to that, though, I have a few questions for our state senate. Would you think it right to demand that a restaurant run by faithful, Orthodox Jews serve bacon with their breakfast entrees? There are certainly many people who love bacon. Perhaps even a majority! They can get bacon elsewhere, sure, but should it be the right of the public to have bacon served everywhere? It might violate that poor Jew's religion - but, after all, you don't demand that he or she eat it! Only that they *serve* it at their personally owned and operated restaurant. Bacon-lovers everywhere, unite! While we're at it, should we insist that our Mormon neighbors serve coffee at their breakfast house? Who doesn't love coffee? Should we preserve their right to practice what they preach? I stand here to witness that -yes!- people need to have the freedom to practice what they preach. This is a God-given and a Constitutionally-protected right. If a Mormon believes God doesn't want people to be addicted to the caffeine in coffee or the alcohol in beer, so be it! If those of Jewish faith believe pigs are unholy and therefore God forbids the eating of bacon, let them keep it off their menu! Now, if a religious group openly preaches that sexual relations are to be had only between a man and a woman lawfully married, is it fair to force that same group to perform a same-gender marriage? Good heavens! NO. That would be the deepest form of hypocrisy. Why anyone would think it right to demand bacon from a Kosher restaurant is quite beyond me. That same logic renders insane the notion that a couple could demand a same-gender marriage be performed by any organization that believes it to be against God's law. I would spend time testifying also of the benefits of raising children in a home where there is a father and a mother in a faithful marriage relationship. I would speak of the decline found in every society throughout history where sexual relations are permitted outside the marriage contract. I would tell you of the importance of our state's law reinforcing and upholding the traditional ideal even if many or most do not achieve it. There are consequences to embracing this new mentality - that marriage exists only for the satisfaction of the adults, and only for as long as it suites them - and the consequences are even less pretty than a diet consisting of only beer, bacon and coffee. Time is up, however, and the time to decide where your vote will lie is NOW. It is morally wrong and socially irresponsible to create a law that *requires* all organizations support same-sex marriage. By the way. Just as a side-note. If you choose to support a bill in favor of such open persecutions of religious liberty in

Hawaii, I will encourage every acquaintance, friend, and relative I have to vote you out in the next election. No hard feelings. Respectfully, Misi Alisa Smith Registered voter in the beautiful state of Hawaii.

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October 27, 2013

| | |
|--|---------------------|
| Senator | S district 23 |
| <u>Clayton Hee</u> | kane'ohe, Ka'a'awa, |
| Hawaii State Capitol, Room 407 | Kahuku, Wailua, |
| Phone 808-586-7330 | Haleiwa, Wahiawa, |
| Fax 808-586-7334 | Schofield Barracks, |
| E-Mail: senhee@capitol.hawaii.gov | Kunia |

Subject: Opposition SB1, JDL Testimony at The Capitol

Dear Honorable Les Ihara and Members of the committee Maile Shimabukuro,
Mike Grabbard, Brickwood Galuteria, MalamaSolomon, Sam Slom

As a constituent of District **10**, I would like to take this opportunity to inform you that I am opposed to SB1 The Marriage equality Act. As a voter in the district you represent in this issue, I feel that it is important for you to know how I feel about this as part of your decision making process.

I believe that the public should vote on the issue of Same Sex Marriage on just as we did back in 1998, when the majority of citizens in the State of Hawaii voted to approve marriage between a man and a woman. The needs to be informed of any legal issues that will affect our lives and we need to be given time to discuss these issues, not the way Governor Abercrombie is acting now.

The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people you have been elected to represent. This Special Session does not warrant enough time to address detrimental consequences to family unity, confusion to promiscuity to young adolescents, a born nature, which in the 21 century there is no DNA, blood test this is an inherited or biological born behavior not proven ever. This SB1 must put in the ballot for citizens to make a decision.

In closing, I greatly appreciate your representation of the constituents of District # **10**. Again, I am asserting my opposition to same sex marriage, request be given enough time to be to discuss issues so it could be given on the ballot for the people to vote. I am praying that God will continue to lead you in all of your decision-making and that HE will continue to encourage you in all that you do.

God Bless,

Mauricio Barrietos

858 6th Avenue

Honolulu, HI 96816

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: jerry@rxkl.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:03:40 AM
Attachments: [13.10.27 Testimony SB1.pdf](#)

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|-----------------|--------------|--------------------|----------------------|
| Jerry Bangerter | Individual | Oppose | Yes |

Comments: Please accept my written testimony and I would like to testify in person.

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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To: The Senate Committee on Judiciary & Labor
Hearing Date & Time: Monday, October 28, 2013, 10:30 a.m.
Place: Hawai'i State Capitol Auditorium
Re: Strong OPPOSITION to SB1, relating to "Equality"

Dear Chair Clayton Hee, Vice Chair Maile S.L. Shimabukuro and Members of the Committee on Judiciary and Labor:

I strongly OPPOSE Bill SB1. I am opposed to the Legislators deciding about marriage. We the people already decided back in 1998 that we did not want to redefine marriage. As legislators representing the people, you should let the people decide on marriage. I don't know how much more loudly we can speak on this subject. Back in 2009, over 15,000+ people came in **RED** to the Hawaii State Capitol to protest civil unions aka same sex "marriage." Then in 2010, over 20,000+ people came in **WHITE** to the HI State Capitol to protest civil unions aka same sex "marriage." **These gatherings were the largest groups of people to protest legislation in the history of Hawaii!** I believe the people of Hawai'i already spoke. We spoke in 1998 with 70% of Hawai'i voting FOR Traditional marriage between one man and one woman. We spoke in 2009, with over 15,000+ people at the Capitol in support of Traditional marriage between one man and one woman. We spoke in 2010, with over 15,000+ people at the Capitol in support of Traditional marriage between one man and one woman. And we have a Rally again on Monday. The people of Hawai'i are speaking. Are the legislators listening? **Let the people decide on marriage.**

While the homosexual advocates can barely drum up a hundred people to support their cause, time after time, we who support Traditional marriage between one man and one woman bring thousands to the Capitol time after time to show you that we do NOT want to redefine marriage. Please put the issue on the ballot. **Let the people decide on marriage!**

In the First Amendment, under Federal Law, I have religious rights. I have the right to exercise my religion. But the homosexual advocates are trying to take away my freedom of religion. Where is the homosexual's tolerance towards me and my religious rights? I was driving by some sign wavers who were for same sex marriage and the young girl motioned towards me for support. I was stopped in heavy traffic so I rolled down my window. I told the young girl, "I love you but I don't agree with you." She got angry and said, "Then you don't love me." Since when is disagreeing not loving. I love my husband but I don't always agree with him. I love my children but I don't always agree with them. No one agrees with everyone all the time. Our country was built on the right to freely speak. Isn't that what Dr. Martin Luther King, Jr. did? He spoke out, freely. Not everyone agreed with Dr. Martin Luther King, Jr. but he was given the right to free speech. If the homosexuals respect Dr. Martin Luther King, Jr. like they say they do, they should allow freedom of speech. I know this bill doesn't say anything about freedom of speech but I see that's where they would like go. **If we were to allow same sex "marriage," they homosexual advocates won't even stop at same sex "marriage." In this bill they want to take away our religious rights. Then they will try to take away our parental rights in the public schools. They will try to take away our freedom of speech. They will try to take away our freedom of the press. They will try to silence the Christians and the Conservatives.** But I won't be silenced, legal or not, I will continue to speak the truth. Whether we agree with someone or not, we should be able to have civil discourse. I have the right to disagree! **Let the people decide on marriage!**

I am opposed to the most contentious social issue in our state's history being decided virtually in one week – one week to have discourse about a marriage tradition that we have celebrated for over 500 years! That doesn't add up. Let's stop this Special Session from going forward and let's put it on the ballot so that **the people can decide on marriage.**

We took a poll. We asked the people 1) Are you a registered voter? 2) Do you think the legislators or the people should decide on marriage? 10% were undecided. 20% said the legislators should decide on marriage. **Over 70% said, Let the people decide!**

At least this bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. What makes this bill so special? Are the homosexual advocates a special group of people who are demanding special rights? Yes, I believe they are. I don't get special rights. You don't get special rights. Why should the homosexual community get special rights? And a Special Session?

After same sex "marriage" was legalized in California, the state legislature approved a bill that mandates the teaching of homosexuality in the public schools. Parents cannot "opt out" their children from these subjects!

After same sex "marriage" was legalized in Connecticut, the state legislature approved a bill that allows public school teachers to cross dress. These cross dressers are permitted to teach, coach and mentor and advise young children! Neither the school board nor the parents can legally object. These cross dressers have access to women's and girl's public bathrooms and lockers throughout the entire state of Connecticut!

This special session is costing taxpayers tons of money. Do you know what tax payers in New York are paying for since same sex “marriage” was legalized in New York? They are paying **millions of dollars** for homosexual –only schools like Harvey Milk High School. We do not want to pay millions more in tax payer dollars!

After same sex “marriage” was legalized in Washington State, the public schools now teach homosexuality in health class.

After same sex “marriage” was legalized in Iowa, school teachers are forced to teach LGBT as safety – they now have a safety class.

After same sex “marriage” was legalized in Massachusetts, they gave out “The Little Black Book” (go to www.massresistance.org to see it) to Middle School and High School students. It’s male homosexual pornography with a list of “Gay” Bars! Massachusetts also has “Gay Days” and parents are not notified in advance. A parent of a kindergartner, David Parker was arrested for protesting his son being taught homosexuality without his knowledge. He was arrested! I could go on and on about Massachusetts because my niece has gone to school there before they moved.

I could go on and on about incidents that occurred in Minnesota, Vermont, New Hampshire, Maryland, Maine, Delaware and Rhode Island after same sex “marriage” was legalized. I could write pages and pages.

Do you know what Former Representative Blake Oshiro who now works in the Governor’s office said about all these horrible things that are already happening in other states? Blake Oshiro said “This parade of horrors...NONE of those things would actually ever happen.” Not only are they happening in states where same sex “marriage” has been legalized but they are planning some of those things for Hawaii! **Blake Oshiro is lying.**

When we fought against HB444 and the other civil rights bill, the ACLU submitted written public testimony and in that testimony they said that they would stop at civil rights. They said they wouldn’t go on to try to legalize same sex marriage. Guess what? **They lied.**

We know that statistics all over the United States consistently show that approx. 70% of the people are still for Traditional Marriage between one man and one woman. The last poll in Hawaii showed that over 68% of the people in Hawaii are still for Traditional Marriage between one man and one woman. When we call some of the legislators, they tell us that they get more emails and phone calls from those who support same sex “marriage.” **They either don’t know the truth because they have homosexual advocates answering their telephones or they’re lying.**

The Media says the legislators got the numbers to pass the bill. They say this bill is going to pass easily. (They’re lying.) We haven’t even had any hearings yet. What ever happened to due process? **It’s the legislators’ job to represent the people.**

We will continue with this fight against same sex “marriage”...not only for ourselves but for our keiki. They would be the ones to suffer the most!!! We know we have the numbers. We have a huge voice. We are using our voices to uphold a righteous standard here in Hawaii. The Life of the Land is Perpetuated in the Righteousness of Jesus Christ. May He continue to bless our efforts to uphold righteousness in our land...for the sake of our keiki.

And I say to all the legislators: Let the people decide!

Margaret Scow
Mililani, HI 96789

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: daydano18@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:10:48 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------|
| Dayton Dano | Individual | Oppose | Yes |

Comments: I feel that the people of Hawaii should decide on the true meaning of marriage, which i think is man and woman only. Also i think that the government is scared that the bill will not pass if the people of Hawaii vote so they need the special session so that the vote will go their way.

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From: [David Stanley](#)
To: [JDLTestimony-InPerson](#)
Subject: Special Legislative Session
Date: Saturday, October 26, 2013 10:12:54 PM

Dear Representatives,

I am writing to voice my position to you as my representatives regarding the Hawaii Marriage Equality Act. By trying to pass this through on a special legislative session, you are usurping the will of the people. This is such a critical issue and one which deserves thoughtful discourse and debate, citizen feedback, committee scrutiny, and if necessary, referendum. The legislation, as drafted, opens up huge potential lawsuits and other unintended consequences. I am deeply concerned with your rush to push this legislation. I have heard from my representatives that they have received far more feedback against this legislation than for it, but that they discount those against as being uninformed or somehow made up. You must consider the will of the people on this matter and a special legislative session is NOT the proper way to handle this. I wish to know your intentions for this legislation.

Sincerely,

David Stanley
3630 Maunalei Ave
Honolulu, HI 96816.

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: bdano96744@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:17:01 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------|
| Brennan Dano | Individual | Oppose | Yes |

Comments: I feel that the people of Hawaii should decide on the true meaning of marriage, which i think is man and woman only. Also it goes against our religion and our representative in our district is not even listening to the majority of the people in our district who are against this bill.

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: sheydan.dano@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:18:23 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------|
| Sheydan Dano | Individual | Oppose | Yes |

Comments: I feel that the people should vote on the marriage law because I would not like to people who like the same gender in schools and in the public it looks wrong to the eye and that is not how god made it.

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: aaroncampbel@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Sunday, October 27, 2013 10:19:34 AM

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|----------------|--------------|--------------------|----------------------|
| Aaron Campbell | Individual | Oppose | Yes |

Comments: Aloha Senate Committee, I am writing to voice my strong opposition to SB1. I am requesting that you allow us the people of Hawaii to vote on this issue and not take away our right to decide for ourselves. I believe this legislation is going against the will of the people. If you are to truly represent us then allow us to determine this (again) via a vote. Mahalo, Erin Campbell Laie, HI 96762

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From: [Janella Hung](#)
To: [JDL Testimony-InPerson](#)
Subject: Strong Opposition to SB 1
Date: Sunday, October 27, 2013 10:30:45 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Lori Rutherford
Honolulu, HI 96818

Dear Chair Hee and Members of the Committee,

My name is Joshua Ko and I am the Youth Pastor of First Assembly of God, a multi-site youth ministry meeting in four different locations across Oahu. I am speak in opposition to SB1, relating to same-sex marriage.

A certain representative stated that, "majority of people under 30 years old, are indifferent to the issue of same-sex marriage and do not care about what happens." Essentially that this generation does not really care about the matter at hand. **I would like to challenge that.** I believe that this generation lives by conviction and knows right from wrong when they are faced with such an issue. That if given a chance to be heard, they would be able to make the right decision. This past week, I have seen youth within different High schools and churches take a stand for marriage by writing letters, calling and meeting with their representatives, signing petitions, praying, fasting, and taking a stand; practicing there 1st amendment rights. Are these student naive? No...I believe they live by conviction understanding that they cannot live their lives in violation to their God given conscience to do nothing on such an important issue as marriage.They live by conviction and do not falter on political jargon.This is an important issue for them. Why would the governor try to ram such an important issue such as marriage within a "Special Session", a 5-day congressional legislator? Why the rush? He knows that if he gave the public a chance to speak up, to decide on the issue, that this bill would not go through.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Yes, these MS/HS students may not own a car, don't pay bills, don't have a life long career. Some cannot vote right now, but in a couple of years they will be able to vote. Students do care about the issue and will not remain silent!

Thank you for allowing me to testify!

To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: Strong Opposition of SB1

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

I am writing to voice my strong opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

13 reasons to vote No on the unconstitutional Same Sex marriage bill

1. Would further the rampant spread of AIDS and STD's in the Gay community to others especially children being taught that homosexual has no consequences and is lifestyle choice.(See details below*)
2. Accommodations laws do not supersede the U.S. Constitution and Bill of Rights. It's against the constitution for Government to legislate laws against the freedom of religion and rights of conscience.
3. Sexual orientation is defined by the act of sex. No one has the right to have sex with anybody that they want to. So by definition it cannot be equivalent to a civil right. If Sexual orientation becomes a right than those who are oriented to have sex with non-consensual women or men (rape & sodomy), underage children (pedophile), family members (incest), animals (bestiality) claim it as civil right as well.
4. Negative unintended consequences to existing laws and businesses, education, family morals and many aspects of society are countless and irreparable.
5. Those who support this controversial and negative societal change might not be accountable to the majority of the people and the Democratic voting of the people but they will have to answer to God who mentions biblically that it would be better for them to be thrown in the water with millstone tied to their neck then for them to cause the little ones to stumble towards evil and sin. So called Christians legislators are going to be held to a higher standard.
6. A very small fragment percentage of society will even use the law. All supposedly equal treatment and rights were already addressed in the Civil Unions and Reciprocal Beneficiaries bills passed into law. I guess the Homosexual lobbyists must have all been lying before about those laws they demand in the past.

7. Every cultural in the history of the world recognizes marriage between a man and a women, if they did they all began to be gay that culture would only exist for one generation and be gone to extinction.
8. Homosexuality is a major reason for Islamic Terrorism towards the United States.
9. Lawsuits and legal issues from this poorly written and unconstitutional bill and issue will tie down the legislature for years to come and cost the state millions of dollars.
10. Death threats and persecution of religious leaders and those opposing the homosexuality lobby would continue to go unpublished, unaddressed and flourish in the light of political correctness. Hate crimes and prejudice will continue to increase against Christian law abiding citizens.
11. The bill is poorly written contradicting itself when it eliminates the use of gender based terms like Husband and Wife on page 4 line 21 but then uses the terms on page 8 line 1.
12. The bill is discriminatory on the basis of race and ethnicity since page 7 lines 3-5 state that “The respective parties do not stand in relation to each other of ancestor and descendent of any degree whatsoever.” So those you are of the same race and ancestry it will not allow be able to marry. Filipino to Filipino, Japanese to Japanese, Hawaiian to Hawaiian, etc.

Definition of descendent: **a person considered as descended from some ancestor or race**

13. This bill illegally creates a tax on not profit Churches without stating in the Bills title as is required.

SB1, the gay marriage bill to be considered in a special legislative session beginning October 28, contains within it an implied finding that marriage-related church functions, until now regarded as non-profit, will be considered a ‘for-profit’ activity. As a result, state and possibly federal taxes will be imposed on previously tax-exempt revenues generated on or after the bill’s effective date of November 18, 2013. This will apply to all churches generating marriage-related revenue -- whether or not they accept gay marriage.

SB1 is also incorrect in form because it does not mention taxation in the bill title or description. The word “tax” appears nowhere in the text of the bill. The [Hawaii Legislators’ Handbook](#) points out: “A (bill) title must include a distinct reference to the subject matter to which it relates and also cover but one subject.”

* **Physical Consequences of Homosexual Behavior**

STDs

Every year, according to the John A. Burns School of Medicine, University of Hawaii, homosexual males must be tested for:

- HIV
- HSV

- Syphilis*
- Rectal Gonorrhea
- Rectal Chlamydia
- Urethral CT & GC
- Pharyngeal Gonorrhea

*As of March 10, 2010, the Center for Disease Control reported 91-173 cases of syphilis per 100,000 men who have sex with men, compared to two cases per 100,000 other men, and one case per 100,000 women. **1**

In addition to being tested for STDs, homosexual males that have multiple partners which is about 97% of all homosexual males, every three to six months, the John Burns School of Medicine recommends that they are tested for Methamphetamine use.

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Testimony in Opposition of SB1

Dear Chairman Hee and Members of the Senate Committee on Judiciary and Labor:

I am keiki o ka aina, a Hawaii public school graduate, a 25 year Air Force veteran, a practicing doctor for 30 years. My children include a pharmacist, a marine biologist and Coast Guard officer, and a microbiologist.

My heart is broken when I hear how our governor is trying to ramrod Senate Bill 1 through in a special session while bypassing the peoples right to a vote on this contentious topic. I stand against any effort to define marriage by legislation under the guise of a civil rights action. We know it has still not been decisively proven that homosexuality is anything more than a sexual practice preference or orientation, despite what popular culture would have us believe. That said, it cannot be legitimized by simple legislative process, and treated as skin color, true unaltered gender or ethnicity. We must acknowledge that this is a complex issue- we must let the people be heard and let the people vote.

I personally do not care what a couple does in their own bedroom; but this bill goes far beyond that. I believe it represents a battle for our keiki and I stand firmly against any effort to legitimize and elevate a lifestyle that can only perpetuate and multiply, not by procreation but by assimilation of the children of heterosexual unions. Anyone who has seen the battle for the child in countries like Canada who have legalized homosexual marriages would be shocked that we also would even consider teaching about and affirming sexual practices like anal and oral sex in our elementary schools.

I stand firmly against legalizing same sex marriage. I am absolutely against pushing this bill through without allowing the people of Hawaii a chance to express their opinion based on an open vote. That is not the democratic way! It will take boldness for our public servants to stand against mainland monied special interests like the "Freedom to Marry" group (that reports 0.7 same gender couples out of 100), and to stand in favor of the vast majority of the people of Hawaii.

Please stand for the people of Hawaii by voting "NO" against Senate Bill 1!

Greg Young
Kaneohe, Hawaii 96744

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

We the people voted you in and trusted that you would protect the fundamental democratic principles. Therefore, having a five day special session is NOT ample time to discuss the most controversial issue of our time. Nor can any amendments be made to legislation. This insults the democratic process and rob the people's rights to be heard, which I'm sure is not your intent.

I am therefore opposing SB1 and implore you to please respect and defend the democratic process and allow a Constitutional Amendment which would better address same-sex marriage and allow for public input.

If it is true that the attitudes have changed toward same-sex marriage, then PLEASE allow the people to vote on this crucial issue that will have a tremendous impact and ramification that has not been thoroughly thought out on our beloved aina and its almost 1.4 million residents.

I believe all of you have been allowed to be in your position for such a time as this to uphold our state's motto: The life of the land is perpetuated in righteousness.

In closing, as a reminder our government is of the people, by the people, for the people...

Thank you and Respectfully,

Noela Nance
Honolulu, HI 96818

From: [Shawn Luiz](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony re SB1- Relating To Equal Rights
Date: Sunday, October 27, 2013 12:48:19 AM

October 26, 2013

Via Email to: JDLTestimony-InPerson@capitol.hawaii.gov

Clayton Hee, Chair
Judiciary and Labor Committee on
SB1- Relating To Equal Rights
Monday, October 28, 2013
10:30 a.m.
Auditorium, State Capitol

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

For almost sixteen years I have practiced law in the federal and State Courts of Hawaii. Some of these cases involved federal and state civil rights. I believe the Hawaii State Legislature should be made aware of the following empirical evidence prior to voting on this issue.

The Ramifications of Same-sex "Marriage" are aptly demonstrated through the observed impact upon Massachusetts.

The impact in Massachusetts since the courts granted gays the right to marry has been:

I. Training Video Teaching Gay Pride in Schools

A training video created by Women's Educational Media for teachers shows what you can expect in our Hawaii elementary schools if gay marriage is created by the State. It included statements such as, "Waiting to teach children to accept differences of all kinds until middle school or high school is too late." In one segment, teachers discuss teaching homosexuality to children even if parents have moral objections to it, concluding that it had to be taught regardless of parental objections. In particular, note the attitudes being instilled in young minds that any opposition to gay marriage or homosexuality is mean and hateful and the use of peer pressure to enforce that prejudice.

II. Legal Actions against Parents

The Massachusetts courts have also held that the schools have no requirement to notify parents when teaching about homosexuality even in Kindergarten.

U.S. District Judge Mark L. Wolf dismissed a civil rights lawsuit brought by David Parker, ordering that it is reasonable; indeed there is an obligation, for public schools to teach young children to accept and endorse homosexuality. Wolf essentially adopted the reasoning in a brief submitted by a number of homosexual-advocacy groups, who said "the rights of religious freedom and parental control over the upbringing of children would undermine teaching and learning."

III. Attack on Religious Adoption Agencies

Gay activists' efforts have forced the Catholic Charities of Boston, begun in 1903, to cease its adoption services rather than comply with state law requiring placement of children with homosexual couples.

IV. Tolerance Not the Objective of the Gay Lobby

The foregoing examples aptly illustrate the activist Gay Lobby's legal agenda is not mutual tolerance but use of the power of state to force their views upon everyone else.

While decrying hate speech, they are teaching it to young impressionable children in the schools, teaching them that anyone who believes that homosexuality is wrong is an ignorant bigot.

The Gay Lobby wants to silence all disagreement and attempts to do so by twisting words and terms.

Christians are called hypocrites. Those with traditional morals or religious beliefs are called homophobic. Disagreement is called hate. Honest opponents are called bigots, hypocrites and forces of darkness. Teaching homosexuality to young children is called preparing them to become engaged and productive citizens. See ***Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. ____ (2012)**, a United States Supreme Court case in which the Court unanimously ruled that federal discrimination laws do not apply to religious organizations' selection of religious leaders. The Court noted that tolerance is a two way street.

V. The First Amendment is an individual right that applies to individuals, not just Churches

In what may be the most recent decision concerning whether one surrenders free exercise rights because one's engages in business activity, the Tenth Circuit Court of Appeals, sitting *en banc*, recently ruled that laws protecting religious freedom apply equally to businesses and their owners. ***Hobby Lobby Stores, Inc. v. Sebelius***, 723 F.3d 1114 (10th Cir. 2013) (*en banc*). The ***Hobby Lobby*** case arose as one of the many challenges to the federal Patient Protection and Affordable Care Act ("ACA")'s requirement that certain businesses must offer their employees health insurance that includes coverage for contraceptives and abortifacients. ***Id.*** at 1122-23. The owners of Hobby Lobby, the Green family, are Christians who make decisions for their business according to the dictates of their faith. ***Id.*** at 1122. "[O]ne aspect of the Greens' religious commitment is a belief that human life begins when sperm fertilizes an egg. In addition, the Greens believe it is immoral for them to facilitate any act that causes the death of a human embryo." ***Id.*** Consequently, the Greens and their business, Hobby Lobby, objected to offering abortifacient coverage. ***Id.*** at 1125. Hobby Lobby and its owners faced the terrible choice of violating their faith or paying massive taxes imposed on businesses that refused to obey the dictates of the ACA. ***Id.***

The district court ruled that businesses are not entitled to protection under the federal Religious Freedom Restoration Act, which protects free exercise rights. ***Id.*** at 1128. On June 27, 2013, the 10th Circuit Court overturned that ruling, finding that Hobby Lobby not only has free exercise rights, but those rights were burdened by the ACA's abortifacient requirement. ***Id.*** The court held that "because the contraceptive-coverage requirement places substantial pressure on Hobby Lobby and Mardel [another business owned by the Green family] to violate their sincere religious beliefs, their exercise of religion is substantially burdened[.]" ***Id.*** at 1137-38.

The ***Hobby Lobby*** court rightly decided that business owners should not have to be forced to choose between engaging in business and following their faith.

VI. The Legal Impact locally

Several cases have been brought against Churches here in Hawaii for refusing to rent their property for same- sex celebrations. The same happened in New Jersey, Massachusetts and California. I am counsel of record together with Jim Hochberg, Joe LaRue and Joe Infranco of Alliance Defending Freedom (***pro hac vice***) in ***Cervelli vs. Aloha Bed & Breakfast***, CAAP-13-0000806. The case is currently pending before the Intermediate Court of Appeals, State of Hawaii regarding First Amendment matters with religious freedom and the Hawaii Public Accommodations Law. See also the Ninth Circuit Court of Appeal's recent decision in ***Fair Housing Council of San Fernando Valley v. Roommate.com, LLC***, 666 F.3d 1216 (9th Cir. 2012). The Ninth Circuit held that applying nondiscrimination laws to homeowners inviting roommates into their private homes would raise severe intimate associational concerns. ***Id.*** at 1222. To avoid these constitutional concerns, the Ninth Circuit interpreted the FHA so that it did not apply to private homeowners sharing space with others in their own homes. ***Id.*** at 1222. This followed the "well-established principle that statutes will be interpreted to avoid constitutional difficulties." ***Id.*** (***citing Frisby v. Schultz***, 487 U.S. 474, 483 (1988)).

VII. Summation

From the actual history of the legally enforced implementation of gay rights in the schools and courts, they use the law and the courts to threaten and harass anyone who disagrees with their views and to shut down freedom of speech and to deny parents the right to control the moral teaching of their children. The Gay Lobby's view of tolerance is one sided, using the force of law to promote their views while exercising that same force to limit the freedom of those who disagree with them.

Also, peculiar language is found in the SB1 regarding whether Churches rent their property out for marriages for a profit. As you are well aware, Churches are tax-exempt under federal law. The Statute appears to give the HCRC authority to investigate already exempt non-profit entities to determine if they are making a profit regarding marriages which makes no sense at all.

As a civil rights practitioner, it is apparent the end result: this resulting one sided use of the power of

the state to force their views upon everyone else will to only lead to intolerance for everyone else's views on the matter. Such is the case in any system elevating one group at the expense of another. Throughout history we have seen what happens when one group's rights is abdicated to appease another group. The Judiciary Committee should discern this strategy and table SB 1.

/s/Shawn A. Luiz

Regards,
Shawn A. Luiz

Shawn A. Luiz
Attorney at Law
1132 Bishop Street, Suite 1520
Honolulu, Hawaii 96813
Tel. 808.538-0500
Fax. 808.538-0600

From: [Chris Beach](#)
To: [All Reps](#); [All Senators](#); [JDLTestimony-InPerson](#)
Subject: Re: Strong Opposition of SB1
Date: Sunday, October 27, 2013 10:26:50 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

It is not 'equal rights' that we are deciding. That is a cover created to hide the gross indecency of this bill. Let marriage stand between one man and one woman. Let it serve as a testimony from Hawaii to the rest of the world that we value life, appropriate procreation, and God's Eternal Plan of Happiness. It makes me sick to think about what is happening in California after the evilness of this generation strangled that state's morality. Do not allow Hawaii to be covered by that same curtain of sin. I'm not against free-agency. People will do what they will, but don't condone the very act that destroys the fabric of stable society. Protect our children. Protect our moral agency. Do not promote or accept any path that forces a religious institution to perform, support, celebrate, or even be forced to claim indifference to same-sex marriage. At the very least, let the people decide. DO NOT decide without them. Do not destroy a moral society AND democracy.

Thank you for the opportunity to testify.

Christopher Beach
95-1027 Kuahewa Street
Mililani, HI 96789

Written testimony to JDL, SB1

10/28/2013 10:30 a.m.

Testifying in person.

Ladies and Gentlemen of the legislature and the supporters of this bill I respect your desire to get married.

HOWEVER - I do not agree with the content of this legislation.

I AW the U.S. Constitution. The First Amendment which prohibits denial of the:

- free exercise of religion,
- abridging the freedom of speech,
- infringing on the freedom of the press,
- interfering with the right to peaceably assemble
- Prohibiting the petitioning for a governmental redress of grievances.

The Gallup organization did a pole in 2013,

- surveying/polling 200,000 people
- in 6 months- the pole
- Conclusions were 3.5% of the U.S. population is professed gay/lesbian.

Which means 97% of the population is not

Reviewing the language in the Constitution and SB1. I am convinced

SB1 is:

1. Does not to the full extent of existing law and the Constitution provide Equal Protection to those who are not gay or lesbian: Which is 97 % of the population
2. SB1 is written to favor a single "special interest group or the 3.5 % of the population.
3. SB1 Violates the 1 Amendment rights of 97% of the citizens/population.
 - SB1 Section 572 – B "Gender Neutral" language is not written to exclusively pertain to same sex marriage or civil unions. This vague and non definitive language opens the flood gate and gives the supporters of this bill and other(s) like it to use its legal precedence to further create .."Carte Blanche" legislation trumping Parental & Children's 1St Amendment Rights, which current laws in other states and Canada gives radical gay and lesbian groups dominance in the control over minds and curriculum of all of the Kekiis public school.

Regarding the use of a special session. Our Chief Executive is either using very bad judgment or he has crossed the line and is abusing his executive powers when he called a Special Session

There is no national emergency "9/11"or supper ferry issue to call a special session.

he and his supporters are showing their intent to impose their will. Their attempt to ram rod SB1,

show's their disdain towards the majority of the residents of this State.

In the current SB1 Draft bill Dated 28 Oct 2013.. I believe the following lines should be changed to protect all of our civil rights and 1st amendment rights.
PLEASE CHANGE in SB1

Page 2 Line 11 – (3) Protect religious freedom and liberty by --- should be changed to
PROTECT 1st Amendment Rights given to every citizen of this state under the United States Constitution

Page 5 section 572 titled “Interpretation of terminology to be gender neutral”

line 3 – states – “decisions, common law or any other source of law...

Please change the bill to say ...
“explicit only to civil unions or same sex marriage”..

Finally – Please consider all of our Constitutional rights and the future of your children and mines,

Respectfully

- Kill this bill
- Vote "no" against SB1
- Allow the people to speak thru a “vote”
- “Ban same sex marriage" in this state once and for all for the greater good of all the citizens of the State of Hawaii.

To: The Committee Hearing the Same Sex Marriage Act SB1

Regarding: The same sex marriage bill, going before the State Legislation on October 28, 2013.

I have a lot of friends and associates who are gay. I DO NOT however support the current same sex marriage bill, SB1369, or any version thereof. I especially do not support the fact that the current bill going before the Legislature does not exempt religious organizations or businesses from being forced to participate in same sex marriages. I am an Electrician on Oahu and I am writing to you because my various domiciles and business addresses span several wards and political boundaries within this state. I have included one of my business mailing addresses below encase you feel the need, or would like to, correspond with me or respond to this letter.

I have been reviewing and re-reviewing this matter and have talked with people on both sides of this issue to better understand it. My main objection is that this bill creates what I refer to as **Marriage Superiority, not Marriage Equality**. If I for example as a man wanted to get married to a women there is no law that allows me to choose any religious denomination, and impose my desire to marry her on them regardless of my own religious affiliation. Religious organizations are member based and primarily only marry members of their own faith. A Christian couple for example would have a hard time finding a Jewish Synagogue, Buddhist Temple, or a Muslim Mosque that would marry them. Even long term members of a specific faith must ask their clergy for their blessing and permission to be married by them. That clergy can withhold or deny their marriage until they see fit, because they want them to meet certain religious or personal standards first. The clergy do this to ensure that their union will be done correctly, and hopefully give them a firm foundation on which to build a lasting marriage. Why then is the Gay and Lesbian community being granted Marriage Superiority in which they can force themselves upon practically any religious organization or small business at any time with no prerequisites that would be required of members of that faith? Why are they being given special access to that which I myself and the vast majority of others do not have access to?

The only group of people that I know that have special access to facilities, by law, is those with disabilities. For example a person in a wheel chair should have access to any bank of his/her choosing. That however is for physical access only! That person must still qualify to use the banks services however by; proving their financial worthiness, showing proof of an acceptable financial history, and they must be a qualified member in good standing with that bank. Granting them access to the bank does not grant them access to their vaults, their private business practices, or special programs that they reserve for only the best members. Yet this marriage act grants same sex couples unprecedented access similar to this, to any and all religious organizations and small businesses. I would certainly hope that the State is not attempting to say that being homosexual is some type of disability, as that would certainly enrage people on both sides of this issue. Even if they did however that still would not justify granting this type of superior access, this type of Marriage Superiority.

I support the rights of those, regardless of sexual orientation, who wish to live happily together, and have equal access to whatever financial benefits that may come with it under a civil union. It must be made very clear however that having the right to a civil union does not give them the right to

demand that religious organizations and small businesses be forced to provide services to them to obtain that union. Using the word marriage, in the same sex marriage bill, now drastically changes the dynamic of the union of these couples, and what they can hence demand of the community, religious organizations, and small businesses.

There have already been several accounts of bakers, photographers, and various pastors/ministers being sued throughout the nation for not wanting to participate in same sex marriages, or for providing their services or facilities for them. In its current form this same sex marriage bill does not provide protection to religious organizations and small businesses that do not want to participate. In fact the current wording could be construed to make it seem as if they are being forced to participate. It must be made very clear in the bill that those organizations are under no obligation to provide services for such couples. It should also state that religious organization and businesses still maintain the right to refuse service to anyone, especially if that service is not in the best interest of, or to the detriment of the providing party. This should be especially true if that couple is not members of that religious organization, or regular patrons of that business.

Although I am not Catholic I agree with the premise raised by The Roman Catholic Bishop of Honolulu, Larry Silva, in which he asked, "Would churches that refuse to celebrate same-sex marriage because of deeply held religious convictions be deprived of the freedom to live those convictions?" and "Would Christians, Muslims, and others who believe that homosexual acts are contrary to God's law be persecuted for holding on to those beliefs?"

It would seem plausible to me that some gay or lesbian couples who are seeking such services from unwilling parties are doing so to entrap them into litigation. That is especially true in regards to a union or marriage wherein one would surmise that the loving couple would only want those services provided to them by someone who believes in their heart that it is right and proper. Hence, it again begs the question of why would anyone, gay or straight, want a hostile or unwilling party to provide for, or preside over, what is supposed to be the happiest day of their lives?

The current bill would leave open the door for discrimination litigation that would tax an already overburdened legal system in Hawaii. These lawsuits would not only create a burden for the party being sued but for the State as well. This could potentially cost the courts system in Hawaii hundreds of thousands of dollars and possibly millions of dollars over the years to come. It would thereby have a negative impact on the State budget especially considering that the projected windfall of tax revenue from gay civil unions in Hawaii, following the passage of Senate bill 232, never happened. Hence there would be no way to offset those litigation expenses without reaching into tax payers' pockets. In fact there were only 417 couples who took advantage of civil unions from January 1, 2012 until July 5, 2012 according to Wikipedia. That low amount of unions most likely did not even create enough tax revenue to cover the cost of the legislative process of passing that bill, let alone be able to cover the potentially massive costs of future litigation that could be caused by this new bill.

In an exchange with one Republican state legislator, the Governor actually admitted that he foresaw "gay marriage" possibly leading to various litigations and potentially even polygamous unions.

[The legislator] asked the Governor, "Based on your reasoning that Same-Sex Marriage is a civil right, then how can you disenfranchise a bi-sexual from marrying the people he/she loves?"

His response, "I fully expect a lawsuit to be filed in about a year."

There are religious institutions that only marry people of their own faith, within their own facilities, presided over by ordained members of their own faith. This is considered by those member couples to be a privilege and not a right. This is true of the vast majority of religious institutions and churches here in Hawaii. Some clergy will even interview with a perspective couple prior to marriage and in some cases not condone that marriage until certain criteria are met. Forcing clergy to marry, what some would consider an unworthy couple could drastically undermine the authority of those clergy. To change that dynamic would undoubtedly greatly injure those institutions and their membership. I believe that a marriage is a union under God between one man and one woman. I would not support, or be a member of, a Church that believed in or otherwise capitulated in any way to support any other type of marriage. Civil union is one thing, and gay and lesbians have been afforded that right, but the sacred institution of marriage under God is something completely different.

The current bill I feel also infringes on the separation of church and state in that it creates a de facto environment in which religious leaders would be forced, under the threat of litigation, to maybe violate their own beliefs. Thereby the State would acquiesce into changing the basic premise of some churches. Those churches would, under and through a perceived force of law upon them, by not abiding by this new law in its entirety, be subject to the State, and within its control, and thereby again this bill would be violating the separation of church and State.

This bill should include verbiage that EXEMPTS religious organizations and small businesses from being forced to provide for its implementation. This is especially true if participation violates a basic premise of their faith or business model and could significantly affect their membership and or their patronage. We live in a free market society and forcing a business to cater to any one segment of people is not in keeping with free market ideals. There are plenty of organizations that would freely and openly support such a union, but those who don't should not be forced to.

We, that vast majority, have agreed to tolerate and even support gay unions to a limited degree. This has been a great lesson in tolerance to all. The gay and lesbian community however must in turn be willing to tolerate our ideals as well and not force their way of life upon us. Tolerance after all, is a two-way street.

I believe that the needs of the many out way the needs of the one or the few, but the rights of the many should never out way the rights of the few. There is a balance however in that even the minority cannot impose or force their beliefs on the majority, especially when the majority has already conceded to bending or compromising their ideals for the benefit of that minority.

In conclusion I again state that I DO NOT support the same sex marriage bill that is going before the legislature on October 28, 2013. I also will not support or even continue to support legislatures who do. Thank you for your time and consideration in this regard.

David W. Eastman
(808) 341-2546
6800 Kalaniana'ole Hwy #129
Honolulu HI, 96825

From: [Janella Hung](#)
To: [JDL Testimony-InPerson](#)
Subject: Strong Opposition of SB1
Date: Sunday, October 27, 2013 10:27:58 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Evelyn Robello
Ewa Beach, HI 96706

From: [Hawaii Defending Marriage](#)
To: [JDLTestimony-InPerson](#); [All Senators](#); [All Reps](#)
Subject: Fwd: Jason Iaea; opposition to S.B1
Date: Sunday, October 27, 2013 10:28:26 AM

Jason Iaea
Honolulu, Hawaii 96825

October 23, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am

I will be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013. Marriage is between a man and wife and the majority of the people in Hawaii fell this way. This Act alters and redefines marriage. Our founding fathers would be rolling in their graves right now if they could see what was happening. Thank you for all your service,

Jason laea

From: [Karin Kaneshige](#)
To: [JDLTestimony-InPerson](#)
Subject: Written Testimony in Opposition to Special Session and SB 1
Date: Sunday, October 27, 2013 10:28:24 AM

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

I am unable to give testimony in person this week but as a concerned voter and citizen I am submitting this testimony against this special session and the bill that would legalize same sex marriage in Hawaii.

I ASK YOU TO PLEASE ALLOW THE PEOPLE OF HAWAII TO DECIDE USING THE DEMOCRATIC VOTING PROCESS THE PEOPLE DESERVE!

Thank you for your time and attention.

Karin Kaneshige
94-240 Oluia Place
Waipahu, HI 96797

From: [Janella Hung](#)
To: [JDL Testimony-InPerson](#)
Subject: Strong Opposition to SB 1
Date: Sunday, October 27, 2013 10:29:46 AM

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Carol Nakashima
Pearl City, HI 96782

From: [Feki Po"uha](#)
To: [JDLTestimony-InPerson](#)
Subject: I oppose sb1
Date: Sunday, October 27, 2013 10:29:47 AM

I am a registered voter in Hawaii and I oppose sb1

Feki Pouha
Kahuku HI 96731

Chairman Clayton Hee
Senate Judiciary Committee
Re: SB1
Oct 26, 2013

Dear Chairman Hee and committee members,

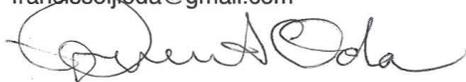
My name is Francis Oda. I am speaking against the passage of SB1.

I am Senior Pastor of New Life Church. In this capacity, I am very concerned that the language of SB1 would have our facility probably classified as a "public accommodation". We use our facilities for many things which include those not "members" including movies, parties, fairs and mid-week classes. We also rent the church to another congregation on a weekly basis. The language of SB1 would open the church to legal challenges should a same-sex couple wish to use our facility and we, as a matter of faith, decide not to allow its use for this purpose. This is a serious abridgment of our 1st Amendment right of Freedom Of Religion.

In addition, I seriously question the manner that this bill, which will cause major societal change, is being rushed through the process. The public deserves the right to discuss this proposal thoroughly. Prior discussions involved civil unions. The only other public discussion on same-sex marriage was over a decade ago. Public input should be considered and, as appropriate, should modify the proposed bill. As it is, it's my understanding that there will be no amendments considered. This is contrary to the concept of a democratic and transparent process.

I believe that this is a flawed bill that, in the effort to provide marriage to same-sex couples, literally compromises a foundational Constitutional right of a great number of citizens. I believe that the Legislature can and should do better. I, therefore ask you to vote "No" on this bill and possibly reconsider it in the regular session.

Thank you for this opportunity to present this testimony.
Francis Oda
88 Wailupe Circle
Honolulu, Hawaii 96821
francisoeijoda@gmail.com



From: [Desiree Adams](#)
To: JDLTestimony; JUDSStestimony@capitol.hawaii.gov
Subject: Testify on Monday to protest against same sex marriages
Date: Sunday, October 27, 2013 7:52:35 AM

Aloha,

My name is Desiree Adams, and I strongly oppose the same-sex bill that is up for discussion during the secret session on Monday, October 28th. I firmly believe that if this bill should pass it will jeopardize religious freedoms here in Hawaii.

I would like to testify in person tomorrow. Please let me know that you have received this and what time I would need to be there. I feel so strongly about this that I am taking the whole day off of work to represent my family here in this state.

Mahalo,

Desiree Adams

From: [WordPress](#)
To: [JDLTestimony-InPerson](#)
Subject: I am Opposed to SB1
Date: Friday, October 25, 2013 6:02:08 PM

I stand in defense of traditional marriage, due process and democracy, and therefore, strongly oppose SB1.

User Submitted Values:

First Name: Clifton
Last Name: Burchfield
Email: cliftwo@hotmail.com
To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill
SB1.

I am asking you to vote no on this bill and that you thereby allow the people of Hawaii to decide the issue of marriage. By calling this Special Session the Governor and this legislature are working against the will of the people and against a government of the people, by the people, and for the people. I do support equality and liberty for all people and this includes the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

Tell Our Lawmakers Why You Oppose SB1:

I am opposed to a social issue with possibly the most broad impact of any in our history as a Nation, a State or a Kingdom being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The

people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Clifton Lee Burchfield, II
The loving community of Aiea in the Great
State of Hawaii 96701

From: [WordPress](#)
To: [JDLTestimony-InPerson](#)
Subject: I am Opposed to SB1
Date: Friday, October 25, 2013 6:05:15 PM

I stand in defense of traditional marriage, due process and democracy, and therefore, strongly oppose SB1.

User Submitted Values:

First Name: Audrey
Last Name: Ravia
Email: audrey.talila@gmail.com
To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill
SB1.

I am asking you to allow the people to decide
on the issue of marriage as I believe the
legislature is going against the will of the
people. I support equality for all including the
rights of conscience and religious freedom,
which I ask you to respect as our elected
leaders.

Tell Our Lawmakers Why You Oppose SB1: I am opposed to the most contentious social
issue in our history being decided virtually in
one week and ask that you please uphold the
principles of democracy and the democratic
process which are being disregarded in this
special session.

This bill should be given due process during
the regular session where it can properly be
vetted and examined as all other bills. The
people who elected you to serve as their
voices should have a say in public policy that
will forever obliterate thousand of years of
indigenous and non-native culture, customs
and traditions. Your "yes" vote in special

session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Audrey Ravia
Laie, Hawaii, 96762

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: jyochung@hotmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 12:00:42 AM
Attachments: [Testimony.pages](#)

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Jacob Chung Jr. | Individual | Oppose | Yes |

Comments:

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To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people.

The people of Hawaii should not be forced to decide between Constitutional 1st Amendment rights versus any possibility of being sued for desiring to uphold beliefs including those concerning marriage. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided in an inadequate period of a week and ask that you please uphold the principles of democracy and the democratic due process by allowing it to go through a regular session where it can be thoroughly vetted and examined as all critical bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate hundreds of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thanks again for the opportunity to testify.

James Lui

Honolulu, HI 96822

Jarrell James Mahusay
94-543 Lumiaina Street #U201
Waipahu, Hawaii 96797

I Vote **NO** to Senate Bill 1, authorizing same-sex marriage.

I am Christian and a former Naval Submarine Officer, who diligently served our country for 4 years. I currently manage a non-profit organization, Reveille Hawaii, aimed at connecting military members with the Hawaiian community. Our goal is to help with the epidemic of homelessness, drugs, and the needs of the Hawaiian people, through volunteerism, fund raising, and grateful hearts.

I am affected directly by this bill because of 3 reasons: It prohibits my core beliefs and my faith, which I have practiced all my life. It denies me my civil rights to choose, by vote, to disallow this bill. This bill also affects my livelihood and my ability to act upon my faith.

I have practiced Christianity since my birth on May 15, 1981. My family has practiced Christianity for generations dating back to our origins in the Philippines. My belief in Jesus Christ as our Lord and Savior requires us to live in such a way that we honor Him with the choices I make. Homosexuality is considered a Sin; not unlike drug abuse or alcoholism, all of which are defined by the Bible as immoral and should not be encouraged according to my faith practice. Same-sex marriage will significantly impact my ability to profess my faith through daily life as well as the lives of my future children by forcing my family to choose to follow the teachings of my God or to follow the law by condoning homosexuality. I will not and cannot follow any law that would be contrary to my beliefs as my resolve to follow my God and His teachings will supersede any law that maybe enacted. In spite of any decision by legislation, I will continue to live peacefully before all people regardless of their decision towards sexual orientation but I am incapable of recognizing any marriage not between a man and a woman. Marriage has been defined since ancient times as the union of a man and a woman, and whose purpose is the capacity to produce life naturally. Marriage has always been characterized by biblical terms, between man and woman, since the age of the Hawaiian kingdom. Hawaii must maintain a separation of church and state by denying passage of Senate Bill 1; marriage has always been a church institution regardless of faith background and is only recognized by the state through taxation purposes. For these reasons I must comply with the mandates by my God to proclude my faith and cannot endorse same-sex marriage.

This bill infringes my right to vote as defined by Amendment 18 of the U.S. Constitution. Although a previous bill permits the legislative body of the state of Hawaii to decide the validity of same-sex marriage, a bill whose affects of this magnitude should not be decided by an in accurate, and extremely small sample size of the state population represented only by a handful of legislative representatives. A vote of the people of Hawaii must be required in order to prove the desire of the

people to support this bill. Through the interactions of my non-profit organization and the Hawaiian people, I have determined that a cultural frustration of the people is the constant silencing of their voice and rights. This bill further exemplifies the neglect of the people to choose for themselves their desired course of governance. As a new and permanent resident of Hawaii for 3 years, I desire a chance to voice my vote and to vote no on this bill. Do not deny the people their voice, history has taught us that those who support the wishes of the people and their ability to choose are beloved and remembered, while those who deny the people's right to choose are ostracized and culpable.

This bill directly affects my livelihood and the practice of my faith. My non-profit organization is based on Biblical principles, the act of giving, serving, comforting, and love towards all people regardless of race, creed, or sexual orientation. In conjunction with these principles are the directives to uphold morality as defined by the Bible, which include but are not limited to abuse prevention, poverty, as well as homosexuality. I am not able to carry out my duties as a Christian and a human being, to provide the quality of volunteerism, support, and care deserving of the people of Hawaii. God cannot use me effectively due to the prohibitions stated in Senate Bill 1. I should not be forced to choose between condoning homosexuality and following the commandments of my God. There are people who are indifferent to homosexuality and therefore may provide the services required of the LGBT community. Just as a customer has the ability to choose which business they want to purchase goods and services, retailers and service providers, whether profit or non-profit, should be able to determine morally what they determine to be right based on ancient and long standing principles. Today's capitalist society allows the consumer the right to determine whether a business survives or fails; if a place of business decides to uphold their Biblically moral beliefs and their belief is that the LGBT lifestyle is morally reprehensible then let their success or failure be determined by the patronage of the consumer and not by a law that has condemned them without the verdict of the consumer. Some may compare the disapproval of the LGBT lifestyle to racism, but LGBT is a lifestyle and not an intrinsic characteristic of a person such as their skin color. Just the same as no person is forced to accept a religion as a lifestyle, so should no person be forced to accept the LGBT lifestyle.

In conclusion, as a Christian and a contributing member of the Hawaiian people, I vote No to Senate Bill 1. This bill disagrees with the core of my faith which is also a lifestyle. It disagrees with my rights as a citizen of not only the United States but also as a citizen of Hawaii. It also disagrees with my livelihood and my ability to make a positive impact on the community. Finally, in Christianity, Jesus Christ was condemned to death by the Israelites, but because of their traditions, they were barred from making the decision to act upon His crucifixion. The people implored the help of the Roman governor Pontius Pilate to make the decision necessary to condemn Jesus to death. Pontius Pilate refused 3 times and finally he dipped his hands in water to symbolize that the blood of Jesus, an innocent man, would be on their hands and allowed the execution to take place. In the same way, hold yourself blameless for the decisions of the people. Allow the people of Hawaii to make this

choice because this will affect generations to come and you as legislators will walk amongst the people guiltless because you gave the people their vote and their rights. As our Leaders, in accordance with 2 Timothy 4:1-2, I charge you in the presence of God and of Christ Jesus, Who will judge the living and the dead, and by His appearing and His kingly power: proclaim the word; be persistent whether it is convenient or inconvenient, convince, reprimand, encourage through all patience and teaching.

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: jeremyshima@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 10:09:19 AM

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| jeremy shimabukuro | Individual | Oppose | Yes |

Comments: Thank you for taking the time to look over this. I pray and oppose that this does not pass. I'm looking at the effects this will have on my future family. The different effects on the next generation. Please let the people's voice be heard.

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: pattikm@hawaii.rr.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Wednesday, October 23, 2013 8:05:42 PM
Attachments: [SSM testimony pages](#)

SB1

Submitted on: 10/23/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Patricia Chung | Individual | Oppose | Yes |

Comments:

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From: [Jocelyn McMahon](#)
To: [JDLTestimony-InPerson](#)
Subject: Testimony In Opposition to SB 1 Relating to Equality
Date: Friday, October 25, 2013 5:48:45 PM

Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
414 S. Beretania Street
Honolulu, HI 96813

October 25, 2013

Re: Testimony in Opposition to SB 1 Relating to Equality

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

I am opposed to SB1 Relating to Equality, simply because the current bill does not represent equality for all. In fact, the bill will deny my rights to uphold my cultural and traditional values in order to give a new set of rights to the gay and lesbian group.

I am a local born and raised resident of Hawaii, raised my family in this State, own a business, and serve as a Pastor in a local church. I am a voter in the Waikiki, Ala Moana, Kakaako district, and went on record with Rep. Tom Bower to consider the voice of the people who are simply asking for the opportunity to be heard. Never in the history of any State legislation across the nation has such a controversial issue to reverse a State Constitution been given to a small number of legislators.

SB 1 Relating to Equality will violate the religious freedom of our churches, religious groups, and non-clergy people of faith owning businesses in the wedding industry. If you are confident that your decision to pass this bill is what the people of Hawaii wants, then let the people of Hawaii vote on it. I am confident that you are not representing the majority in Hawaii.

Thank you,

Jocelyn K. McMahon
Message Media, LLC

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: jr@a-1-a.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 2:54:47 PM

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|----------------|-----------------------|--------------------|----------------------|
| James T Yamada | Cedar Assembly of God | Oppose | Yes |

Comments: My name is James T Yamada. I am speaking for my church, Cedar Assembly of God. I AM OPPOSED TO THIS BILL. Our church is an extremely diverse church, but also made up of the very poor. We are against the Senate Bill for many reasons. We believe that the redefining of marriage to allow for Same sex couples to marry will result in a continuous downward spiral of values that are critical to the formation of the family. We believe that the LGBT groups as well as groups like GLSEN (Gay, Lesbian, and Straight Educational Network) will utilize this new law to overwhelm the Religious rights of Christians. It is already happening in Europe, Canada, and in those States where GLSEN has been successful in changing the laws of the State. It appears that GLSEN is using the Educational System as their entry point to "retrain" the thinking of the school kids, starting at the Elementary grade level. We acknowledge that much damage has been done by society in bullying against LGBT kids, and that is wrong. But I believe that the current global strategy of the LGBT group to "retrain" the thinking and perception of the young children will do irreparable harm, in the long run. The children are being exposed to a sexual awakening at too early an age, in Europe, Canada, and the United States where the GLSEN and LGBT groups have gained control. STATISTIC BEAR THIS OUT. This control is through the bureaucracy (here defined as normal well intentioned people working within the system, in this case the Educational system). This exposure to their sexual drive increase the probability that these kids will be influenced by alcohol, drugs, and experiment with all the pleasures of the world. Education then takes a back seat for those crippled by this "enlightenment." While I would agree that serious consideration should be given regarding the Federal tax benefits for same sex couples in committed relationships, the damage to our next generation completely outweigh the short term. I would prefer to see a delay in the special session, that a better longer term solution be found. I realize you have an extremely tough decision and believe that you all are trying to do the best for the people. Thank You for this consideration. Pastor Jimmy Yamada Cedar Assembly of God

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: mwlogan@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 1:51:41 PM

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-----------------------------|
| Marion Logan | Individual | Oppose | Yes |

Comments: Dear Members of the Legislature, As a voter and citizen in Hawaii, I want to express my gratitude for all of you who serve our state and dedicate your efforts to provide all citizens with the best laws, measures, and benefits. I acknowledge that all of you are in positions to best represent your constituency. With this in mind, I am deeply concerned with SB1 to allow gay marriage in Hawaii. First and foremost, I do not see the urgency on passing this bill in such haste. Of the 35 states where gay marriage is not legal, Hawaii is the only one requiring a special session. Is this really necessary to pass without giving the citizens enough time to view the bill, voice their concerns, and have significant time to meet with their representatives? This really bothers me because in a period of 5 days, there is not enough time to fairly hear all concerns, deliberate accordingly, and make amendments. Furthermore, we have not been provided with a rational explanation from Governor Abercrombie why this matter is so urgent that it needs a special session? Secondly, I am concerned over the social aspects of this law that exceed only providing equal marriage rights. In the near future, my child will probably be attending one of the public schools in Hawaii. As evidenced in other states that have legalized gay marriage, there is an agenda by proponents to indoctrinate students at all grade levels with their view of equality. I am a Christian and stand by the belief that it is the parents who are to distill moral values. I do not morally believe that homosexuality is something predetermined solely by genetics but is a combination of various factors. Third, this law dangerously leaves open various possibilities for litigation against religious institutions. How does the bill define who "makes a profit." this is not clearly defined. There is no clause in the law that will protect religious beliefs and practices in hiring. As a minister, I do not believe that I should have to hire someone in whom I do not believe adheres (to the best of their ability) to the standards outlined in the Bible. With that in mind, there are no protections for religious organizations who do not hire openly practicing gay married couples? In this light, I do not view this as discrimination and would not hire a heterosexual couple living together before marriage, a drug addict, alcoholic, child abuser, swindler, liar, and/or an instigator of strife. I also do not see why organizations, such as religious adoption agencies cannot refuse to adopt children to same sex couples, especially if there are other agencies that allow it. Lastly, as a member of the community, I believe that you should let the people of Hawaii vote. If

the measure proposed passes in a vote, then by all means proceed in legalizing. Informal polls and surveys do not adequately support the notion that the majority of the population in Hawaii supports the measure. Please let the people decide. Again, I want to thank you for your time here today. Please understand that I respect and care for the GLBT Community. Although we have different ideologies, I do not wish to demean, disrespect, or discriminate them. In the same way they do not want me to impose my beliefs, I do not deem it necessary for them to impose their viewpoints on me by passing laws that will affect the general public. There is NO entity that has defined gay marriage as a civil right. As a state, why can't we lobby the federal government to recognize Hawaii's already legalized civil unions? Aloha, Marion Logan

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From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: charischinen@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 1:43:41 PM

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Charis Logan | Individual | Oppose | Yes |

Comments: I would like to respectfully oppose this bill. As I have read over the bill, I have found a few areas that concern me and my family. Under section 572-B, it says that all gender specific terminology shall be construed in a gender-neutral manner and shall apply to all sources of law. This alarms me because it is here that I see that this bill will now affect our education system. Not only will it change all language to be gender-neutral, I believe that it will have to completely change all educational curriculum. I also believe that it won't just stop with the language being changed but will evolve to mean that gender is not defined by genitalia but by preferences. I have worked with preschool and early elementary age students and know how impressionable children are at that age. I believe that all the ambiguity will only cause more confusion and may even cause unnecessary confusion. There are things as a parent that I would like to reserve the right to not have my child learn certain things in school, and would rather discuss with my child at home. The other issue in the bill that alarmed me was in section 572C-2. I firmly believe that marriage is a sacrament of the church and is between one man and one woman. I was appalled to read that the "Legislature acknowledges that there are many individuals who have significant personal, emotional, and economic relationships with another individual yet are prohibited by legal restrictions from marrying." The example given was a widowed (which earlier was deemed as a gender specific word) mother and her unmarried son. I do not believe that opening this up is detrimental to the good of our society. I do not believe that this is the best solution to areas of concern, whether economic or personal. I respectfully ask you to consider these concerns as you make your decision. I am not against giving rights to same sex couples, but would ask that we instead amend civil unions to include federal rights. Thank you very much.

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: pshleung@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Saturday, October 26, 2013 12:11:51 AM

SB1

Submitted on: 10/26/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Peter S. Leung | Individual | Oppose | Yes |

Comments: I personally prefer individual citizens of the State of Hawaii to vote for their own. In addition, I vote against the bill to legalize same sex marriage. I think people should have their own rights to make such decision, when it has a great harm on future generation. Thank you very much!

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: doubled13@hotmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 10:51:09 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| David Davis | Individual | Oppose | Yes |

Comments: My name is David Davis , and i come to you as a concerned citizen. I am completely opposed to Same Sex marriage as i believe marriage is between a man and woman. I also feel the moral fiber of our communities here in Hawaii nei will be jeopardized if we do not define marriage between man and woman.

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From: mailinglist@capitol.hawaii.gov
To: JDLWebTestimony
Cc: darryl.yim@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:14:14 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Darryl Yim | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please protect traditional marriage and centuries of Hawaii's culture and traditions by voting "NO" on this Marriage Equality Bill. Mahalo, Darryl Yim

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: crafttiger@aol.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:13:01 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------|--------------|--------------------|----------------------------|
| Gerri Otaguro | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Gerri Otaguro

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: rkkurata@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:11:41 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Randall Kurata | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please protect traditional marriage and centuries of Hawaii's culture and traditions by voting "NO" on this Marriage Equality Bill. Mahalo, Randall Kurata

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: kwakyu@aol.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:10:43 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Kathy Kurata | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Kathy Kurata

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To: [JDLWebTestimony](#)
Cc: gphima@aol.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:09:32 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Glenn Shimabukuro | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please protect traditional marriage and centuries of Hawaii's culture and traditions by voting "NO" on this Marriage Equality Bill. Mahalo, Glenn Shimabukuro

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: sandyshimabukuro@aol.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:08:20 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|-------------------|--------------|--------------------|----------------------|
| Sandy Shimabukuro | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Sandy Shimabukuro

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: erinko46@hotmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:07:16 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------------|---------------------|---------------------------|-------------------------------------|
| Erin Chinen | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please protect traditional marriage and centuries of Hawaii's culture and traditions by voting "NO" on this Marriage Equality Bill. Mahalo, Erin Chinen

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: dchinen@hotmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:06:03 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|---------------|--------------|--------------------|----------------------|
| Daniel Chinen | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Daniel Chinen

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: dmyoshida@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:04:50 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Dona Yoshida | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Dona Yoshida

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From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: ronyosh@gmail.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (In Person)
Date: Friday, October 25, 2013 9:03:39 PM

SB1

Submitted on: 10/25/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Ron Yoshida | Individual | Oppose | Yes |

Comments: Dear Chairman Hee and Judiciary and Labor Committee, Please vote NO on this bill and allow more discussion and debate on this issue by allowing this bill to be deliberated in the regular legislative session which is only 2 months away. Rushing it through will make a mockery of our Democratic Process that our forefathers gave their lives to establish and protect. Mahalo, Ron Yoshida

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Testimony in Support of SB1 Relating to Equal Rights

I am a lifelong resident of Hawaii. I was born in Hilo, raised in Honolulu, graduated from McKinley High School, earned all of my degrees in psychology (BA, MA, PhD) from UH-Manoa, and returned to Hilo to serve on the faculty at UH-Hilo for 30+ years. My training and knowledge in psychology informs me that, except for their sexual orientation, homosexual people are no different from heterosexual people. My ethnic ancestry informs me that discrimination against any minority can occur as it did during WWII when the constitutional rights of Japanese Americans were violated. My Hawaii identity informs me that equal rights must be extended to all people in the interest of love, fairness, and justice, with special attention to minorities whose rights can be easily trampled by the majority. Since getting married in our state is a basic right of any eligible adult, its denial to one group is discriminatory and indefensible. Moreover, the time is right for the legislature to do the right thing that it failed to do when it was given the authority by the 1998 constitutional amendment (“*The legislature shall have the power to reserve marriage to opposite-sex couples.*”). That is, the right thing to do then was for the legislature to not exercise that power and thus, allow the Hawaii Supreme Court ruling to stand, i.e., that the state failed to show “compelling state interests” in denying marriage licenses to same-sex couples. The right thing now is to grant marital rights to same-sex couples that are equal to those already held by opposite-sex couples.

I understand most of the opposition to this marriage equality bill comes from those who believe in biblical teachings about homosexuality. I respect their religious beliefs, but they are not entitled to impose those beliefs on the rest of us who may not agree with them. The bill thus correctly contains special provisions that protect the rights of churches and their congregations to practice their beliefs without penalty, while providing equal marital rights to a discriminated minority. I think even those concessions may not satisfy religious extremists and thus, you’ll face a conflict between opposing views. In this situation, may I suggest considering the quote below from David G. Myers, a devout Christian heterosexual who happens to be a psychology professor with expert knowledge about homosexuality. It comes from a book ([What God Has Joined Together: The Christian Case for Gay Marriage](#)) co-authored by a woman, Letha Dawson Scanzoni, who also happens to be a Christian heterosexual:

**“When torn between judgment and grace, let us err on the side of grace.
When torn between self-certain conviction and uncertain humility, let us err on the side of humility.
When torn between contempt and love, let us err on the side of love.
In so doing, we may be more faithful disciples of the one who embodied grace, humility, and love.”**
--David G. Myers, Psychologist, Professor, Christian

Offered in the Spirit of Aloha-
William R. Higa, Ph.D.
Hilo, Hawaii



Suite 1201 Fort Street Tower
745 Fort Street Mall
Honolulu, HI 96813

October 26, 2013

Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALRIGHTS**

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

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My name is Jim Hochberg and I have been a civil rights attorney in Honolulu for decades and I am currently the president of Hawaii Family Advocates, a C4 organization which is the chair of the Coalition To Let The People Decide On Marriage. My testimony strongly opposes passage of SB1 or any other bill that would redefine marriage from the unique union of one man and one woman. As Section 8 of SB1 reveals on page 12, in 2011 this same legislature passed Act 1 creating civil unions which contains a legislative finding that “the people of Hawaii choose to preserve the tradition of marriage as a unique social institution based upon the committed union of one man and one woman.” And that “marriage should be subject to restrictions such as prohibiting respective parties to a valid marriage contract . . .” This 2011 reflection of the 1998 constitutional amendment overwhelmingly voted for 70% of the population is being deleted from our statutes in SB1. The legislature cannot know whether the people of Hawaii changed their desire to reserve marriage to opposite sex couples unless the legislature puts the question to a vote by the people.

The content of SB1 is utterly unconstitutional for many reasons, and in addition to that, it seeks to satisfy adults at the expense of the children that may be in these same-sex households. Changing the parentage assumptions to be the same regardless of the gender of the married couple is absurd. A lesbian spouse of a child’s mother cannot be the child’s father. Ever. In addition, for the native Hawaiian community this causes additional problems, but I will allow them to raise the concerns in detail. The special divorce provision for homosexual couples will cause a drain on the tax base of the state, burden the tax payers of the state, and increase the cost of the family court with the elimination of the requirements that divorcing spouses must be domiciled and physically present in the state for the family court to have jurisdiction over the divorce.

SB1 unconstitutionally exposes people of faith that believe that homosexuality is not an alternative lifestyle, but one that has extremely negative consequences for those that support it. The proponents of same sex unions, across the country and in western Europe bring discrimination complaints against these people of faith for declining to participate in celebrations of same sex unions based on their consciences prohibit them from participating. There are many industries involved in wedding, including, planners, florists, bakers, tailors, photographers and

make-up artists. All of them use their creative talents to assist with the presentation of the event. Each of these individuals possesses from the United States Constitution, the right of conscience that cannot be infringed by the State of Hawaii. Based on SB1, it appears the legislator who introduced the bill believes that rights of conscience only belong to church organizations, but not to the members who have these jobs and sit in the pews. The fact is that the religious organizations benefit from the individual rights of conscience because the members imbue the religious organization with the individual's corporate conscience protection rights. SB1 is woefully deficient in this regard. Under Hawai'i law, every photographer, baker, florist, and printer that serves weddings will have to also serve same-sex weddings, even if the owner has a sincerely held religious belief that same-sex marriage is wrong and that it is wrong for him or her to endorse or promote one. It is not only clergy and churches that have First Amendment rights; everyday citizens do, too. When the government forces someone to act in a way that goes against his or her sincerely held religious beliefs that compulsion violates the First Amendment.

Consider the case of Elaine Huguenin, the owner of Elaine Photography in New Mexico. That state does not recognize same-sex marriage, but it has a law against discrimination that, like Hawai'i's, forbids sexual orientation discrimination and does not provide a religious exemption. Elaine's business regularly photographed weddings. She was asked by a same-sex couple to photograph their commitment ceremony, which they viewed as being the same as a wedding. Elaine, though, believes that the Bible teaches that marriage is only the union of a man and a woman and that all other intimate relationships are immoral. She also believes that it would be wrong for her to participate in and promote a same-sex marriage by taking pictures that presented the marriage in a positive light. Elaine would have gladly provided other photography services for people who identified as homosexual. For instance, she would have done a portrait, or photographed a birthday party or a graduation celebration. But she could not in good conscience photograph a same-sex wedding. She believed doing so would be displeasing to God. So Elaine declined, and the same-sex couple found another photographer at the same price who, they later admitted, did a great job for them.

But they filed a discrimination complaint against Elaine anyway, even though they were happy with the photographer they selected, and there were plenty of photographers who wanted to photograph their ceremony. Elaine was then hauled before a human rights commission, and then into court. And the courts ruled that Elaine discriminated, because the law does not contain a specific exemption for people to decline to participate in same-sex weddings for religious reasons.

Hawai'i's nondiscrimination law is the same as New Mexico's in every important respect. It bans discrimination because of sexual orientation and it does not provide an exemption for business owners who have religious objections to participating in, or promoting, a same-sex ceremony. To provide adequate religious protections, the Bill should explicitly state that no person or business shall be required to provide services for same-sex weddings if doing so would violate their faith. That is what the First Amendment requires. But without that protection, people of faith in the wedding-services industry are vulnerable and at risk. The federal appeals court ruled in June, 2013, that businesses do in fact religious liberty rights that protect the business from compulsion to



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Honolulu, HI 96813

violate the sincerely held religious beliefs of the owners. See the 10th Circuit Court of Appeals opinion in the Hobby Lobby case.

While SB1 protects religious clergy from liability for refusing to solemnize a same sex marriage, SB1 offers no protection to non-clergy members of the public that are also authorized by the state to solemnize marriages, such as judges and others so licensed. These non-clergy authorized solemnizers are absolutely unprotected. To the extent such a person is also a person with sincerely held religious beliefs that lead that person to refuse to solemnize a same sex marriage, the person would be unprotected by this statute.

SB1 also fails to adequately protect churches and other religious organizations from liability for declining requests to use church properties for same sex celebrations. In order to qualify for the protection, a church must "not make its facilities or grounds available to the general public for solemnization of any marriage celebration for a profit." The State of Hawaii, Department of Commerce and Consumer Affairs registers organizations that are for profit as either partnerships, limited liability companies or for-profit corporations. All charities (including churches) are registered as non profit corporations. Since all churches must be non-profit corporations under state law to receive real estate tax exemptions, no church could have a "profit". This qualifier then is quite odd and looks like the registration of the church corporation is not the deciding factor. The Bill then states the negative that "accepting donations from the public, providing religious services to the public, or otherwise permitting the public to enter the religious organization's premises" does not constitute "for a profit". What exactly does that phrase mean? How will the Civil Rights Commission determine whether the church qualifies? Will a financial audit of the church be necessary? Bill, § 572-F.

The language is simply not clear. We do not know. It will ultimately be sorted out by the courts. And that leaves churches vulnerable and at risk. Marriage is a church sacrament, something the First Amendment protects from government interference. The government has absolutely no business ordering the church to conform its sacrament to the state's desire in order to qualify for the protections under this statute.

Churches will be forced to rent their properties for same-sex weddings. According to the Executive Director of the Hawaii Civil Rights Commission, in an October 17, 2013 Response to Inquiries, the "threshold analysis is similar to the determination of whether a facility is a private club or a place of public accommodation." If the religious organization offers the use of the facility to the general public as customers, clients or visitors, the HCRC has already opined in writing that it will be considered a place of public accommodation. Any church that falls under that reading by the HCRC will be required to allow same-sex couples to host their weddings on its properties.

Many churches offer other organizations the use of the church buildings and property that are consistent with the mission and ministry of the church. The Boy Scouts, 12 step recovery programs, athletic teams and others, often meet in churches. What the Executive

Director seems to not understand is that religious organizations cannot be subject to the public accommodations law because it prohibits discrimination on the basis of, among other things, religion. Every religion discriminates on that basis.

The HCRC seems to believe that if a religious organization allows its facilities to be used for community meetings or rents space on a contract basis to a provider it would result in that church being deemed a public accommodation and liable to punishment for violating the non-discrimination provisions of the Public Accommodations law. According to the HCRC, such a church will be required to allow same-sex couples to marry there or be subject to liability for claims for refusing a same sex marriage.

If Hawai'i passes this Bill as written, it will be among the worst states for protecting religious freedom. The other state laws that have worse religious exemption than the proposed bills, should not be compared to Hawaii at this time. Those state legislatures negotiated the religious exemption AFTER a court or vote had already mandated same sex marriage. Unlike Hawaii at this time, the negotiating power of the proponents and opponents of the religious exemption were not equal because whether to have same sex marriage or not was not part of the negotiations. The last three states to negotiate the religious exemption were simultaneously negotiating whether or not to allow same sex marriage. Under equal bargaining power, the religious exemptions in those three states are the most favorable to people of faith and their organizations.

But it really does not matter what other states have chosen to do. What matters is what Hawai'i chooses to do. And Hawai'i must decide: does it want to be a state where religious freedom is trampled, or a state where it is protected? This Bill, as written, tramples the religious freedom of churches, religious organizations, religious non-clergy licensed solemnizers and people of faith who own businesses in the wedding-industry. Hawai'i should protect religious freedom, not trample it.

Sincerely,

JAMES HOCHBERG

JH/lz

Addressing the Marriage Equality Bill:

Richard T. Bair and Mililani Bair strongly oppose this bill on the basis that:

- 1) Same sex marriage should not be passed in a special session because:
 - a. A five-six day session is not enough time to discuss the most controversial issue of our time.
 - b. No amendments can be made to legislation. As a result, true democracy is made a mockery of.
 - c. Hawaii is the only State rushing into special session as a result of the Supreme Court decision. If the need was truly dire, then why haven't the other 34 states that do not permit same-sex marriage done so?
 - d. A "yes" vote during special session is a "no" vote to democracy because the voice of the people is NOT heard in a five-six day special session, especially if that voice is "amend the bill".
 - e. The so-called religious exemption language is rendered invalid because of the public accommodation carve out.
 - f. The people believed they voted on this issue in 1998.

We strongly urge Legislators to respect fundamental democratic principles as:

- 1) The People believed they addressed the issue in 1998 and should be the ones consulted again.
- 2) Marriage is not a civil right, and no court, including the Supreme Court, has ever said that it is.
- 3) A Constitutional amendment would better address same-sex marriage and allow for ample public input.

As Hawaii State residents and voters we would like to add our voices to the many who have strongly spoken out and respectfully ask that our rights as voters be heard. This issue is so volatile that it can split the unity of our State and families within these Islands. In the Spirit of Aloha we add our voices and ask that this bill be killed and this Special Session ended.

Mahalo for hearing the people of Hawaii,

Richard T. Bair
Mililani Bair
PO Box 654
Keaau, Hawaii 96749



Cancel

Testimony in Op...

Send

Subject: Testimony in Opposition to SB1

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people to support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousands of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Please also remember that before the U.S. illegally overthrew our Beloved Queen Lili'uokalani, our 'āina & Kingdom were established by the Word of ke Akua (God) & His pono ways. Our ali'i chose to follow & believe in Him & in fact dedicated our Kingdom to ke Akua (Kamehameha III, Kamehameha II, Kamehameha III, Kamehameha IV, Kamehameha V, and Kamehameha VI) at his coronation & written later in his constitution that no law shall stand in Hawai'i in variance to the Word of God.

Please take into careful consideration the intent & words of our ali'i & kūpuna & our sincere pleas for a fair process! May ke Akua lead you forward in what is just & pono for all of Hawai'i & her people! Ua mau ke 'ea o ka 'āina i ka pono! (And please remember where this mouo came from & how it came forth).

Mahalo NUI a me ke aloha,

**Amber Sitch****Kailua, HI 96734**

To Whom It May Concern:

I strongly OPPOSE the bill #SB1 and believe the people of Hawaii should be allowed to vote regarding the issue. I believe in traditional marriage and feel that this bill does not adequately protect MY rights and beliefs.

In Hawaii, we already voted regarding this issue. Does our vote as a people mean nothing?!

Sincerely,

Celeste Tefan

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

October 28, 2013, 10:30a

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage not only affects the estimated 5% of Hawai'i residents who identify themselves as Gay or Lesbian, but will change society forever for the other 95% of Hawai'i residents. Changing the definition of marriage is changing the morals of our society. As our school system is the means to educate our children on the laws and morals of our Society, passing this bill will also greatly affect the curriculum taught to all of our children. This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
Dawnelle Forsythe
1581 Kaunala Way, Hilo, HI 96720

Dear honored legislators,

My name is Daniel Chinen, and am a proud born and raised in Hawaii resident. I am also a registered voter. I am in opposition to SB1. I must admit that I am not the type of person to be heavily involved in politics. However, as of late due to media and news alerts with regards to same sex marriage, I felt it important to voice my stance on same sex marriage.

I do not feel that the special session and SB1 are right due to the following reasons:

1. Special Sessions, to my understanding, have only been used for emergency instances i.e. response to 9-11 attack on our nation's soil and the super ferry.
2. Although many say that there's been more than enough discussion about same sex marriage, therefore it is time for our state to pass it into law. I would have to disagree on the grounds that there has been very little talk about it. There has been talk about civil unions in the past, as well as defining what marriage is back to 1998. However, there hasn't been well thought out discussions on the ramifications of same sex marriage.
3. the other 33 states in our nation are not addressing same sex marriage. For the 13 other states/cities that have passed same sex marriage, it was conducted during general sessions to give the bill the proper amendments within it's proper time.

Given the preceding statements. I respectfully ask you to reconsider passing SB1.

Thank you for your consideration.

Sincerely,

Daniel Chinen

I wish to express my opposition to the proposed legislation known as the Hawaii Marriage Equity Bill. I am opposed to SB1 for three reasons. First, the bill redefines marriage. Second, passing this law will contribute to the further weakening of the family infrastructure, the most important unit and foundation of our society. Third, this legislation fails to protect the religious liberty of those who are opposed to same sex marriage.

We do not have the right to redefine marriage, yet that is exactly what Hawaii Marriage Equity Bill proposes to do. The organization of the family, specifically the union of a man and a woman, has been in place for millennia. Senate Bill 1 would drastically change the meaning of marriage overnight. Marriage has been the foundation for society since the dawn of mankind. To alter this time tested institution for the convenience of a few without considering the long-term consequences is short-sighted and reckless.

We need to be doing everything we can to support the family, not undermine it. As a teacher for the Windward School District with the Hawaii Department of Education I am privileged to work with the wonderful youth of this beautiful state. I am sure you are already aware of the many difficulties facing our students. I see them confronted with disabilities and special needs, negative peer pressure and bullying, poverty, racism, and neglect, to name a few. With such daunting challenges facing youngsters on a daily basis I know everybody can agree that today's youth need as much love, support, and guidance as we can offer. Everyday I see countless teachers, coaches, counselors and other adults doing everything they can for students. I am deeply grateful for the sacrifice, commitment, and contributions of these adults. Nevertheless, no individual or institution can hope to help today's youth as effectively and significantly as can the family. The stability and support found within the family unit is essential to the development and well-being of children. We must do everything we can to strengthen and defend the family. Therein lays the key to helping our youth achieve the success and happiness they deserve. Passing the Hawaii Marriage Equity Bill will open the door to a whole new onslaught of detrimental influences on young people, who are already beset on all sides by the corrosive and confusing influences of drugs, pornography, promiscuity, and divorce. It will only further diminish their chances at finding success and fulfillment.

Like the Governor's original bill, the new Senate bill fails to protect religious liberty. It does not properly protect religious institutions. Many churches have nonprofit organizations to help them carry out their religious missions, such as religious schools and colleges like BYU-Hawaii. The Senate bill covers only "religious organizations." Unlike protections in other states, it does not protect these other important institutions that are vital to churches. The Senate bill protects churches from having to host same-sex marriage ceremonies on their religious properties or in their places of worship, such as an LDS meetinghouse. That is important, but not good enough. Unlike protections in other states, the Senate bill does not protect churches from also having to host same-sex wedding receptions and other related celebrations, or from having to provide other goods and services in connection with same-sex marriages, like marriage counseling. Many churches charge fees for the use of their chapels for weddings so they can use the additional money to support important religious activities, such as their youth ministry or program to feed the hungry. The Senate bill excludes protections for churches that do so.

The bill does not protect individuals from being forced to support same-sex marriage. The Senate bill would force individuals and family businesses to participate in or support same-sex wedding ceremonies against their religious beliefs: it does not protect photographers and others (whether as individuals or small family businesses) from being forced to directly assist in celebrating same-sex marriages against their religious beliefs. In fact, the bill has no protections for individuals or small family businesses, even if the business is operated according to religious principles. The Senate bill does not protect county clerks and other government employees from having to perform same-sex marriages against their religious beliefs, even when other government employees are available to do so at no inconvenience to the same-sex couple. Government employees who cannot perform such marriages because of their religious beliefs will likely be fired. The Senate bill provides no protections for the right of religious parents to remove their children from public school classes that support or promote same-sex marriage or minimize the importance of marriage between a man and a woman.

I am strongly opposed to the Hawaii Marriage Equity Bill. This proposed legislation fails to protect religious liberty, adds to the detrimental influences challenging our youth, and unwisely attempts to redefine marriage. If this legislation is passed, it will negatively affect our families and our community.

Marcus Dunn

8/26/13

My name is Marcus Dunn. I am a student at Mililani High. I support the measure of SB1. I believe that homosexual couples should receive the same rights of marriage granted to heterosexual couples. The Constitution does not discriminate, so the right to pursue happiness applies to everyone, not just heterosexuals. SB 1 also acknowledges the freedom of religion and the separation of church and state. Any organization that does not support same sex marriage is not required to marry a homosexual couple, as long as the organization is non-profit. I see this as a compromise as while it limits locations of where homosexuals can get married, religious organizations can still hold on to their principles.

I myself am not homosexual. The true effect of this law would not affect me personally in a significant way, but it does not change my opinion.

EQUALITY HAWAII

Monday, October 28, 2013
10:30 a.m. • Capitol Auditorium

Testifying in Support of SB1, Relating to Equal Rights

Senator Hee, Senator Shimabukuro and members of the Senate Judiciary & Labor Committee:

Equality Hawaii, the state's largest family of LGBT advocacy and education organizations, stands strongly in support of SB1, a bill extending marriage equality to loving, committed couples throughout the state.

This bill is more than just legislation. It represents the culmination of more than 20 years of discussion in Hawaii, marking an opportunity to end of decades of discrimination endured by same-sex couples, replacing the discrimination with the hopes, dreams and love offered by the freedom to marry.

It is time for marriage equality. From emancipation to women's suffrage and the Civil Rights Act, every generation has a defining, civil rights moment in history where how we treated each other as human beings moved forward to a kinder, just place for human kind. Marriage equality is this generation's defining moment ... a time when the best concepts of understanding, aloha and how we treat each other come forward to move us all to a kinder, more just, more human place as a society.

It is time for marriage equality. Recent polls by QMark and local media organizations reflect that a majority of Hawaii residents support allowing same-sex, loving, committed couples to share in the dream of entering into a lifetime promise to protect, cherish and honor each other until death due them part. This bill does not redefine or change marriage. It simply extends this time-honored display of love to people who have been denied this fundamental right for too long.

It is time for marriage equality as an issue of faith. A growing number of faith leaders have endorsed marriage equality and ask that you respect their religious freedom to perform these loving unions. We have heard about the religious freedom of those against marriage equality, but those same voices never talk about the restrictions current law places on the faiths that support the freedom to marry.

It is time for marriage equality as good business. Hawaii has made destination weddings an industry and economic studies by University of Hawaii economists show that each day without marriage equality, Hawaii loses more than \$10.2 million a year and \$200,000 a day in tourism revenue ... money our economy desperately needs in these turbulent times.

It is time for marriage equality so that couples like two of our members, a couple that has been together for more than 30 years, do not have to fly to California to ensure that they can provide each other with all the rights and benefits the federal government offers to married couples. Without marriage equality, we are sending a message to Hawaii residents that - for same-sex couples - only those with the economic means to fly to the mainland are deserving of their full federal rights.

It is time for marriage equality so that members like Kim do not have to get permission for funeral services for her partner after a seven-year battle with cancer. Or members like Tom, who has terminal prostate cancer and is too ill to travel to realize a dying wish to finally marry the man that stood by him in sickness and health.

It is time for marriage equality so that members like Valerie, an expectant mother, can honor her and her parents' wishes that their grandchild is born into a "real" family with parents whose marriage is recognized by their home state, not just Canada.

It is time for marriage equality so that members like Todd and Gus, Jeff and Darin, Joshua and Jonathan, Kimi and Diane and Paul that are raising healthy, well-adjusted children do not have to explain to their kids why the people waving the signs do not believe they are a family and do not want their mommies and daddies to be married.

It is time for marriage equality so that the next generation of gay and lesbian youth do not endure the psychological and self-esteem damage of growing up believing that their love is "second class" and undeserving of the ultimate display of love.

It is time for marriage equality as an unfilled promise. Hawaii launched the marriage equality movement more than 20 years ago. Instead of continuing our state's tradition of setting the standard for living aloha in a paradise for equality and inclusion, we let 14 states and 16 nations on five continents pass us by. It is time for Hawaii to complete this circle and grant the freedom to marry to all loving, committed couples in our state.

Again, we stand in strong support of this bill. The time has come for this committee, this legislature and this state to stand on the right side of history and claim its proper place as a leader in civil rights, social justice and aloha.

Please support this bill with your "yes" vote.

Mahalo,
Josh Frost, Co-Chair, Equality Hawaii
Scott Larimer, Co-Chair, Equality Hawaii
Travis Knott, Co-Chair, Equality Hawaii Foundation
Gigi Lee, Co-Chair, Equality Hawaii Foundation
Jacce Mikulanec, Co-Chair, Equality Hawaii Action Fund
Donald L. Bentz, Executive Director

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. On 30 November 1998, two couples involved in *Quilter v Attorney-General* sued New Zealand before the United Nations Human Rights Committee claiming that the country's ban on same-sex marriage violated the International Covenant on Civil and Political Rights. The Committee rejected the case on 17 July 2002 and commented that 'reading of article 23, paragraph 2, is consistent with the travaux préparatoires of the Covenant. Article 23 was drawn directly from article 16 of the Universal Declaration of Human Rights, which provides, in the only gender-specific reference in the Declaration, to the right of "[m]en and women ... to marry". The travaux préparatoires of article 23 also contain repeated references to "husband and wife". Such an interpretation is also confirmed by respected academic commentary, and by decisions of the European Court of Human Rights which have repeatedly found that the equivalent provision of the European Convention does not extend to homosexual couples.' No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right.

Let the People Decide on Marriage. It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Sincerely,

Kristy Yip

For the Senate hearing: Hearing on 10/28 @ 10:30am
Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing legalizing same sex marriage because of my heartfelt concern and compassion for the future of Hawaii. Legalizing same sex marriage will have huge effects on my community, my children, and to my traditional family life. I believe that children are best raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom. It violates our freedom to believe and exercise our belief. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill in this Special Session. Let the people of Hawaii to decide on this issue which is so important to us!

Sincerely,

Andrew Tong

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage not only affects the estimated 5% of Hawai'i residents who identify themselves as Gay or Lesbian, but will change society forever for the other 95% of Hawai'i residents. Changing the definition of marriage is changing the morals of our society. As our school system is the means to educate our children on the laws and morals of our Society, passing this bill will also greatly affect the curriculum taught to all of our children. This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
Katie Benioni
P.O. Box 171
Kamuela, HI 96743

I am in opposition to the proposed bill SB1.

It should in no way infringe on the 1st amendment.

I cannot see any benefit in bringing these teachings into our school & to our children.

In fact choosing to bring these teachings to our children in school seems in no way beneficial to their education, it is views that the government is trying to brainwash our children with.

Please vote no on the bill SB1 – or let us – the people of Hawaii vote on this bill ourselves.

Mahalo,

Camille Lonokapu

I oppose S.B. No. 1, known as the Hawaii Marriage Equality Act of 2013.

Same-sex marriage should not be passed in a special session because:

- *A five day special session is not enough time to discuss the most controversial issue of our time, and no amendments can be made to legislation. As a result, true democracy is made a mockery of.*
- *A 'yes' vote during the special session is a 'no' vote to democracy because the voice of the people is NOT heard in a five day special session, especially if that voice is 'amend the bill.'*
- *The so-called religious exemption language is rendered invalid because of the public accommodations carved out.*
- *The people believed they voted on this issue in 1998 - if the polls show that Hawaii favors same-sex marriage, why not let the people vote?*

Legislators must respect fundamental democratic principles:

- *The people believed they addressed the issue in 1998, and should be the ones consulted again.*
- *Marriage is NOT a civil right, and no court (including the Supreme Court) has ever said that it is.*
- *A constitutional amendment would better address same-sex marriage and allow for ample public input.*

It is my belief that the governor's current bill will NOT protect church leaders' and individual rights.

In the article entitled, Hawaii governor calling special session of legislature on Oct. 28 to pass "gay marriage", the governor is asked by the legislator:

“[The legislator] asked the Governor, "Based on your reasoning that Same-Sex Marriage is a civil right, then how can you disenfranchise a bi-sexual from marrying the people he/she loves?"

His response, "I fully expect a lawsuit to be filed in about a year."

How can the governor respond to such a question like that? It shouldn't come down to a lawsuit, there should be an answer to this question because once this bill, S.B. No.1 is passed, it will boil down other types of relationships out there that want to be married. If we pass this bill, it'll only seem ethical and fair to pass another bill to allow bi-sexuals to marry. It's just a domino effect that will undefine the reasons for marriage. And the message we pass to our children will entirely be corrupt.

THIS BILL, S.B. No. 1, SHOULD NOT BE PASSED

I OPPOSE SENATE BILL #1 FOR THE FOLLOWING REASONS:

A. SENATE BILL #1 RELIGIOUS EXEMPTION WILL NOT PROHIBIT –AND THEREFORE WILL RESULT IN THE FOLLOWING OCCURRING IN HAWAII:

- 1) Indoctrination of children in schools re: same sex relationships in school, denial of parental rights to opt children out of such programs (MA)
- 2) Christian charities force to close rather than do same sex adoptions (MA)
- 3) Complaints filed against churches when denied use of facilities to celebrate same sex unions (HI and other states). Some churches may close or suffer financially, rather than violate their religious beliefs.
- 4) Fining many Christian business people who refuse to provide services for same sex unions/marriages (NM/IOWA) or firing/boycotting those who speak out (MA)
- 5) The Hawaii Civil Rights Commission has already announced a willingness and plan to Impose the Public Accommodations Law on Churches.

B) SENATE SAME-SEX MARRIAGE BILL # 1 WILL LEAD UNDOUBTEDLY TO MANY ALREADY KNOWN CHANGES TO HAWAII SOCIETY IN THE FUTURE, LIKE THE FOLLOWING EXAMPLES:

- 1) LESSONS FROM CANADA... <http://www.lifesitenews.com/news/same-sex-marriage-ten-years-on-lessons-from-canada/> <http://www.peacehamilton.com/problem.php>
- 2) THE MASSACHUSETTS EXPERIENCE www.massresistance.org/docs/marriage/effects_of_ssm_2012/SSM_Mass_2012.pdf

One can be tolerant and love their neighbor and still be against this same-sex marriage law proposal which clearly violates religious freedom and is itself intolerant to others' freedom of expression and beliefs.

Aloha

Anson Rego
Waianae Attorney

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am requesting that you would allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people by allowing this bill to go through this special session. I support equality for all including the rights of conscience and religious freedom, which I ask that you to respect as our elected leaders.

I am opposed to having a decision made on a most contentious social issue in our history in only five days and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

Like many other bills that go through a process during the regular session where it can properly be vetted and examined as all other bills, I am asking that this bill will given the same opportunity as well. Please serve Hawaii well by voting in opposition of this bill in order that democracy may prevail.

Thank you for the opportunity to testify.

Jan Tetsutani
Kapolei, Hawaii 96707

Noe Foster
7092-26 Hawaii Kai Drive
Honolulu, Hawaii 96825

October 25, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, the Hawaii Marriage Equality Act of 2013, because it denies me and all others, protected constitutional rights in at least three significant instances. First, both the U.S. Constitution and our Hawaii Constitution guarantee freedom of religion to all individuals. Both strictly prohibit the enactment of laws that prevent citizens from exercising their religious beliefs. S.B. 1 is deficient. It impairs the religious liberties of individuals and businesses by imposing a law that is in direct contradiction to core religious doctrines, beliefs and practices relating to marriage, parenting and family life.

Second, in 1998 Hawaii voters directed the legislature to amend the Hawaii Constitution to exclusively reserve marriage to one man and one woman. Section 25 of our Hawaii Constitution reads, "The legislature shall have the power to reserve marriage to opposite-sex couples." To reserve, means to set aside something or to distinguish something from everything else. Like the other 285,383 Hawaii voters in 1998, I entrusted Hawaii legislators with limited authority to do one action – reserve marriage as a union between one man and one woman. I did not give lawmakers ultimate authority to define marriage, only to execute the will of the people by reserving marriage to opposite-sex couples.

Third, S.B. 1, includes provisions of parentage presumptions based on marriage for same-sex couples that would transfer Native Hawaiian ethnicity claims to Non-Native Hawaiian individuals.

In S.B. 1, section 572 C – Right of Parents, it reads, “Parentage rights, benefits, protections, and responsibilities based on marriage shall be the same for all married spouses regardless of the gender of the spouses. These rights, benefits, protections, and responsibilities shall include paternity, maternity and parentage presumptions based on marriage.”

In every instance in a same-sex marriage, at least one of the partners is not the biological parent of the child. At a minimum, in a same-sex marriage, at least three individuals are involved. However, as a consequence of parentage presumptions applied as described in S.B. 1, section 572 C, the benefits reserved for Native Hawaiians are at risk of automatic transfer to Non-Native Hawaiian children.

In the preamble of our Hawaii Constitution it states, “We, reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.” To achieve this vision, we desperately need leaders who have the moral courage and intelligence to reject laws like S.B. 1. The Hawaii Marriage Equality Act of 2013 is unconstitutional. Please reject it and vote NO on S.B. 1.

Thank you for your courageous leadership.

Respectfully,

Noe Foster
Hawaii Voter

To The Honorable State Senators Clayton Hee and Maile S. L. Shimabukuro,

I strongly urge the Senate not to approve the Hawaii Marriage Equality Act of 2013 and respect the democratic process. I submit this question, how many residents support legalizing same-sex marriage in Hawaii? Since the approval of Civil Unions in 2011, over 900+ residents were approved a civil union license. For such an important and sensitive topic as this, has our elected officials reached-out or engaged it's voters on this topic? Why is this Act being presented in a five-day special session?

Per our state preamble, has our legislators sought for Divine guidance for this major issue? Our motto declares, "The Life of the Land is Perpetuated in Righteousness". If we do what's morally right then we will continue to have life and peace in our State. You are our elected officials and we its citizen rely on you for proper representation. John C. Maxwell author of The 21 Irrefutable Laws of Leadership foreword states, "Everything rises or falls on the decision and actions of our leadership". If the Hawaii Marriage Equality Act of 2013 is passed, as leaders are you prepared for its affect?

Next, this Act will violate the Clauses of my 1st Amendment rights. If my Christian beliefs teaches me that same-sex marriage is wrong and it's expressed in a loving and peaceful manner will my government protect me from opposition? Marriage was instituted by our Devine Creator. Having a heterosexual marriage establishes and fosters a man's and woman's identity and purpose in life. If H.B. No 2569 is incorporated in the Hawaii Marriage Equality Act, it will create a larger separation between the community, church, and government. Churches and non-profit organizations are placed in the community to provide spiritual and physical needs. Churches should not be giving ultimatums or stipulations on the solemnization of marriages by our government.

Lastly, I urge our lawmakers to look at the outcome of same-sex marriage in Massachusetts. Their public schools have enforced immoral curriculums on elementary, middle, and high students. And parents no longer have any protection from their state to shield their children from taught homosexual-related subjects. In fact federal judges have ruled that the schools now have a DUTY to portray homosexual relationship as normal to children. Churches that exercises their 1st amendment rights are being demonized, harassed and threatened. Secular and government worker can now get fired from their jobs for expressing their religious objections to same-sex marriage. Will the Hawaii Marriage Equality Act of 2013 give equality for to its citizens?

I urge you not to approve the Hawaii Marriage Equality Act of 2013. Thank for your audience.

Sincerely,

Richard Long

Oct. 26,2013

Poamoho Bible Church
Poamoho Village
Wahiawa, HI

Regarding Same Sex Bill- Special Session

Dear State Legislatures,

I would like to express my opposition to this bill on the Same Sex marriage. As I have been following along carefully over the last few weeks and having read about our great State of Hawaii and studying the Bible. Here are some confirmations that have been very clear.

The institution of marriage has always been defined as between a man and a women and with this union, as God allows, the procreation of children. As I have just recently learned, in the motto of Hawaii, it states that the land is perpetuated in righteousness through Jesus Christ.

I think many of us have forgotten about the last part of the motto. The State's original motto included that we are to follow through and with Jesus Christ. If we are to follow and live our lives within this motto, then the words of Jesus Christ are very clear about the sanctity of marriage and marriage as between a man and women.

Thank you for allowing the citizens of Hawaii to voice our concerns and urge you to vote NO for this bill so that God can continue to honor and bless our great State.

Pastor Rob Araki

House Judiciary Committee
Representative Karl Rhoads, Chair
House Finance Committee
Representative Sylvia Luke, Chair

David J. Fukuzawa – representing myself as a concerned citizen of the State of Hawaii
91-1090 Aawa Drive, Ewa Beach, HI 96706
Telephone: 808-286-4255

Monday, October 28, 2013 – Special Legislative Session 2 for 2013

Senate Bill 1: Marriage Equality in the State of Hawaii

My position on this bill – OPPOSE (Written Testimony Only)

My name is David J. Fukuzawa. I have been legal and voting citizen in the State of Hawaii for 22 years. I am a semi-retired State of Hawaii Correctional Worker. I worked in the state for almost 15 years when I had to retire due to health reasons. I am testifying today in opposition of the proposed legislation regarding Marriage Equality for Same-sex unions.

The reason I am opposed is because by passing this legislation; you will effectively infringe upon the First Amendment of the Constitution of the United States of America. This right allows people to practice or not practice religious faiths as one desires without government intervention in favor of or against. Additionally, you will have caused people to censure what they say from this point forward.

I state this because in the research I conducted regarding how most common religions in the United States have historically almost always exclusively viewed marriage as a union between a man and a woman. Please note the various faith systems I reviewed: Hindu, Islam, Shinto, Buddhism, Tao, Judaism, Wicca, Christianity, Catholic, Mormon, Jehovah Witness, Orthodox Christians. These beliefs in many cases directly refer to the marriage union as one man and one woman, or implied it by dictating how a person is supposed to treat their marriage partner of the opposite sex. By passing any legislation that creates marriage between two people of the same sex; you would infringe upon the values and beliefs of all these different faith systems. The sanctity of marriage has been culturally around since man first started to walk this earth.

As I mentioned earlier, I was a correctional worker. Wouldn't it be a shame to be the legislature who created a bill that could in fact cause one of these clergy or one of their congregants to be locked up and imprisoned because of how they believed and practiced their faith. By doing this you will have effectively censured these people from quoting their religious doctrines. You will cause people to go underground in practicing their faiths. We would essentially become like China.

What concerns me even more; is what would come next. What other inalienable rights would be taken away from the people of Hawaii. I am sure when the Sovereign Nation of Hawaii decided to become democratic from an autocratic society, they never thought about doing this to their

people. And I am sure it was the same when Hawaii decided to become a State in the Union. Please remember we are a state government of the people and run by the people for the people of Hawaii. Lets not change things for a very small minority special interest group (approximately 1/5th of 1%.) Besides, haven't the people of Hawaii already spoken to this issue in 1998, and in 2011 when Civil Unions became law. Let's make the people of Hawaii proud and be pono about this.

Thank you for allowing me to voice my opinion regarding this issue. I do realize the difficulty in having to decide what is best for the people of Hawaii. I sincerely hope that the decision you collectively make will be for the best of all the people in Hawaii in the near and distant future of our state.

Again, I strongly oppose any legislation regarding Marriage Equality for Same Sex unions in the state of Hawaii.

Toni Lathrop-Lee
Res: 92-1200 Uahanai St., Kapolei, HI 96707
Bus: 95-1249 Meheula Pkwy. Ste 140, Mililani, HI 96789

I am writing concerning the Special Legislative session on same-sex marriage. I strongly oppose the passage of such legislation and do not feel that passing this measure represents the will of the Hawaii people. A constitutional amendment was passed previously with 70% of the Hawaii people supporting the protection of the sacred institution of marriage between one man and one women.

Beyond that, I feel that in trying to “equalize” rights for a very small minority, you are removing the rights of the larger majority by forcing the teachings of homosexual behaviors in school, forcing clergy and business owners to support something that is against their beliefs, and removing the rights of individuals to discuss these topics when they feel it is appropriate for themselves and their families. You only need to look at the states that have already passed similar legislation to see the divisiveness this has caused within their constituents. We do not want this for our Aloha State.

Every person should be respected and every person’s right to freedom respected. This bill does not provide individuals or organizations the same rights you are attempting to give to same-sex couples. The current religious exemption is totally overridden by the Accommodations Laws and individuals and organizations are left open to wrongful prosecution and/or lawsuits for exercising their right to freedom and their right to the separation of church and state.

The religious exemption extends no rights to individuals and effectively removes our right to personal freedom.

Please do not pass the same-sex marriage legislation. It does not give equal freedoms to all parties concerned.

Respectfully,

Toni Lathrop-Lee

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

According to an article on page A-13 of the September 20 edition of the Wall Street Journal, same-sex marriage legislation has had a devastating impact on citizens who decline to serve same-sex ceremonies due to religious conflicts. For example:

- A florist in Richland, Washington, was sued by the State Attorney General and the American Civil Liberties Union.
- A Christian couple that owns a bakery in Gresham, Oregon closed their shop because the State launched an investigation into their religious objections.
- The New Mexico Supreme Court upheld a \$6,637 fine against Elane Photography, stating that being “compelled by law to compromise the very religious beliefs that inspire their lives” was “the price of citizenship.”
- Many County recorders, magistrates, judges, town clerks, and justices of the peace in Iowa, Massachusetts, and New York have resigned because they were told that refusing to perform services for same-sex couples will result in criminal prosecutions for misdemeanors or other sanctions.

This legislation will have little effect on the civil rights of the estimated 5% of Hawaii's residents who identify themselves as gay or lesbian, because they can travel to any one of the fourteen states or the District of Columbia, which have adopted same-sex marriage legislation, to get married. However, it will have a catastrophic effect on the First Amendment rights of the 95% of Hawaii's residents who identify themselves as religious.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,

Aaron Moke Stephens
Keaau, HI 96749

Objection to the proposed law identified as SB-1:

My objection to the proposed law is based on two very simple premises.

WE THE PEOPLE

The first premise is that our legislative representatives have a moral and legal obligation to make no law that is fundamentally against the will of the majority of the voting population; and that in our democratic society it is the will of the people that should determine how the lawmakers consider matters before them (despite the vocal and aggressive minorities that continue to shout of inequality and unfairness). The will of the people has been tested and determined on two prior occasions by ballot.

Hawaii's overwhelming majority is opposed to accepting same-sex marriage into law. If the legislators have any doubt as to the continuing consensus, then it is their obligation to test it again by bringing this matter directly to the people and not proceeding with legislation based upon their own personal opinions or that of the vocal minority.

MARRIAGE IS NOT ONLY A RELIGIOUS COVENANT, IT CONTAINS THE FABRIC OF OUR CULTURE

The second premise, which should dominate your thinking, is to recognize that marriage (between a man and a woman) remains an important cultural institution in our society, with certain rights and obligations attached to the titles "mother, father and spouse". Even our own recent American history indicates that without the solid "marriage components of father and mother" our societal structures are slowly disintegrating. Strictly in the "civil" sense, and with no religious attributes, the rights and obligations attached to marriage (between a man and a woman) are both cultural and economic, and they predate by centuries, our American Constitution and the liberties and freedoms described in our country's founding documents. Recognizing this, and our society's need to bolster customary marriage instead of diminishing it, you should follow and support these precepts, and not try to Legislate culture, morality or attitudes for the people.

CIVIL UNIONS, THE CORRECT ANSWER

If the issue truly is equality of benefits (civil rights) within our government, then you are changing the wrong law. If the law pertaining to Civil Unions does not provide all benefits that pertain to "Marriage" (in this state and in others), then change the Civil Union law to provide those rights and benefits that are not now available to same-sex partners. The citizens of Hawaii would not only applaud such an effort, they would ultimately realize how fairly we are represented, and continue to support you politically. Attempting to legislate a new and ill-favored augmentation of the existing connotation of marriage without the consent or the will of the people is a mistake with far-reaching consequences. Don't do it.

Robert L. Smith
(kunk@hawaii.rr.com)

Dear Honorable Chairs Rhoads and Luke and Members of the House Judiciary and Finance Committees:

My name is Timothy Ma, I am a registered voter in Oahu, and I am in opposition Senate Bill 1 - legalizing same sex marriage in the state of Hawaii.

Here are my reasons opposing the bill:

Same-sex marriage should not be passed in a special session because: No amendments can be made to legislation. As a result the voice of the people is NOT adequately heard in a five-days special session, especially if that voice is “amend the bill”.

Legislators must respect fundamental democratic principles: The people believed they voted on this issue in 1998 – the current polls show that Hawaii favors same-sex marriage. So why not let the people vote?

Marriage is an institution and NOT a civil right, and no court (including the Supreme Court) has ever said that it is.

The governor’s current bill will NOT protect church facilities. Churches that offers a public service (such as a preschool, a meeting place for community groups like a neighborhood board, Zumba classes etc.) by definition your church is a public accommodation and would be legally obligated to sanction a same-sex marriage if it were requested.

I implore you Honorable Chairs Rhoads and Luke and Members of the House Judiciary and Finance Committees to please heed precaution approaching this session and making the democratic decision by allowing this bill to have its proper place and time in a normal session.

Mahalo for your service and hearing the voice of the people,

Timothy Ma

October 26, 2013

To our elected Governor, Senator and Representatives:

This letter is in **STRONG OPPOSITION to the gay marriage bill** being considered in special session and I hope you take the time to consider the point of view expressed against this bill.

Hawaii has **already passed a Civil Union bill** that allows same sex couples to have the legal and tax benefits that married couples do.

However, this new gay marriage bill redefines marriage and it should be **debated more thoroughly in regular session** instead of rushing it through in a special session.

The gay marriage bill being proposed in a special session **injures Hawaii residents, employees and business owners whose faith teaches against same sex practices and prohibits them from supporting such a lifestyle**. While the bill has some provisions making an exemption for religious organizations, passing this bill puts individuals and business owners who will be faced with a conflict between their faith and the law. This bill will have unintended consequences that will injure individuals and business owners whose faith does not allow them to support such an alternative lifestyle. It should not be passed haphazardly in special session without hearing the concerns of all those affected.

As most of the world religions teaches against this alternative lifestyle and affects many Hawaii residents negatively, please do not rush this through special session and decide on this issue unilaterally. We urge you to take the time to hear our concerns, better understand the consequences and impact that this bill has against a large group of Hawaii residents, and perhaps let those whom you represent decide on this issue.

We are registered voters and this issue is very important to us and our children. We also know it is very important to many other people although they choose to keep silent about this.

Please do not vote on this bill without considering how it will injure your constituency and other Hawaii residents.

Respectfully signed,



Jon Augustine and Kristine Lim





Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

1418 Mokuna Pl., Honolulu, HI 96816

<mailto:info@pd-hawaii.com>

Tel: 808.371.9334

Monday, October 28, 2013

Relating to Senate Bill 1 Testifying in Support
On Behalf of
Progressive Democrats of Hawai'i

Aloha Chair Hee, Vice-Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor

Mahalo for this opportunity to present testimony in strong support of Senate Bill 1 Relating to Equal Rights, which will legally recognize and allow for marriages for same-sex couples. We believe this is a bill that is a long time coming and we want to thank Chair Hee and the members of the committee for taking the time to hear this historic and incredibly important piece of legislation.

Progressive Democrats of Hawai'i (PDH) assumes everyone has heard the arguments from both supporters and opponents of this bill, so we are restricting our testimony to the issue we think will be the fulcrum on which its fate will be decided; the question of the breadth of the religious exemption.

The majority of opponents, including those expressing objection or concern on religious grounds have, for very pragmatic reasons, decided not to oppose the bill on the question of marriage equality itself, but rather on the very thinly veiled question of religious freedom. PDH, however, believes this argument is a red herring which should not derail the march toward equality.

We believe strongly in the free exercise of religion guaranteed by the First Amendment. Religious institutions for which same-sex marriage is a violation of their faith shouldn't be forced to perform those marriages. Lest the guise of "religious discrimination" be seen as a legitimate reason for withholding support for this landmark legislation, we feel the need to point out the protection that has been codified in the the First Amendment of the U.S. Constitution and Article I, Section 4 of the Hawai'i State Constitution.

The highest law of the land spells out, in no uncertain terms, that government cannot force a religious institution to do something that violates their beliefs. And though its opponents will attempt to claim otherwise, this bill does not violate their First Amendment rights.

If a religious institution allows its clergy to perform marriages for non-members, if it allows non-members to use its facilities and grounds for marriage ceremonies and celebrations, and does it in exchange for money, it cannot claim protection under the First Amendment, nor Article I, Section 4. That institution is then considered a "public accommodation" and subject to anti-discrimination laws.

Many point to our island state as the place where the same-sex marriage movement began. We believe this is a heritage to be proud of and though, in the nearly two decades since, many states have moved ahead of us on this issue, it is finally time for Hawai'i to take its place on the right side of this issue and on the right side of history.

Mahalo for your time and consideration.

Aloha,

| | | | | | | |
|------------------|---------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Bart Dame | Gail Breakey | John Bickel | Alan Burdick | Peter Ehrhorn | Josh Frost | Kim Langley |
| Co-Chair | Co-Chair | Steering Committee Member | Steering Committee Member | Steering Committee Member | Steering Committee Member | Steering Committee Member |

Dear Elected Official,

I am a registered voter and I am asking you to vote 'no' on the same-sex marriage amendment. This is not a civil rights issue according to the Supreme Court, yet many representatives are turning away the input of their constituents because they falsely believe it is. The people should decide a constitutional amendment. I urge you to let the public vote.

The governor's current bill does not protect the religious rights of individuals who work in public capacities. As a public school teacher, I would be legally obligated to teach about a subject that I do not support, usurping my religious freedom.

As a parent, I want to be the main influence for the development of my child's values and morals. Unlike "sex-education", which can be opted out of so that my husband and I can discuss it with our child in the context of the values that we hold, same-sex marriage would be integrated into all subjects. Please take these things into consideration as you make decisions during the special session. The implications of passing the bill are far reaching; therefore, the decision should be left in the hands of the voters of this democratic society.

Sincerely,

Jennifer L. Taira

To Whom This May Concern,

My name is Jorji Akiona Oden. I have lived in Hawaii all my 45 years of life. I am a Native Hawaiian, a mother of 5 outstanding children, attending college to obtain my degree in Social Services. I would like to be numbered amongst my fellow citizens in opposition of SB Bill #1. I would like to share this testimony with you.

There has never been a time, at least in recent history, when we have been confronted with more challenging problems in our homes and families. We need not remind you that the world we are in is a world of turmoil, and of shifting values. Shrill voices call out for one thing or another in betrayal of time-tested standards of behavior. So many of the youth of the world, and likewise so many of their elders, listen only to the voice of self-gratification. The moral foundations of our society have been badly shaken.

There are those who would have us believe in the validity of what they choose to call same-sex marriage. We know there are a small number of people in this country who have feelings of affinity for the same gender. We love and regard them as our brothers and sisters. However, we cannot condone so dramatically redefining marriage without serious and sobering consequences for our families, communities, education systems and long held religious traditions and institutions of this country.

With so much of sophistry that is passed off as truth, with so much of deception concerning standards and values, those who have gone before us--as if they were standing here today-- would warn and forewarn on this bill to change marriage. In furtherance of this, I would like to reiterate our submission today with a reaffirmation of standards, doctrines, and practices relative to the family which have been repeatedly stated throughout history.

We, as a husband and wife and as citizens of this country, proclaim our belief that marriage between a man and a woman is ordained of God and that the family is central to the Creator's plan for the eternal destiny of His children.

All human beings--male and female--are created in the image of God. Each is a beloved spirit son or daughter of heavenly parents, and, as such, each has a divine nature and destiny.

The family is ordained of God. Marriage between man and woman is essential to His eternal plan. Children are entitled to birth within the bonds of matrimony, and to be reared by a father and a mother who honor marital vows with complete fidelity. By divine design, fathers preside over their families in love and righteousness and are responsible to provide the necessities of life and protection for their families.

Mothers are primarily responsible for the nurture of their children. In these sacred responsibilities, fathers and mothers help one another as equal partners.

We stand with those who have gone before us and warn that the disintegration of the family will bring upon individuals, communities, and nations the calamities foretold by ancient and modern prophets.

We call upon responsible citizens and officers of government everywhere to promote those measures designed to maintain and strengthen the family as the fundamental unit of society. The accumulated wisdom of centuries declares with clarity and certainty that the strength of any nation is rooted within the walls of its homes. The institution that will save our broken society is not Government, it is the home..

Thank you.

H. THOMAS KAY, JR.

ATTORNEY AT LAW

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Monday, October 28, 2013
10:30 a.m.
State Capitol Auditorium

My name is Tom Kay. I am a kama'aina attorney. I strongly oppose enacting S.B. 1, the Hawaii Marriage Equality Act of 2013 in this Second Special Session of the Hawaii State Legislature. Such action will be unconstitutional under Article 1 §23 of the Hawaii Constitution. §23 provides as follows:

“The legislature shall have power to reserve marriage to opposite sex couples.”

§23 was enacted by the legislature in 1997 as an amendment to the Hawaii Constitution and ratified by 69.2 percent of the voters in 1998. The sole purpose of this constitutional amendment was to reverse the Hawaii Supreme Court decision in the Baehr v. Lewin case in which the court had held that same-sex marriages in Hawaii were constitutional. Following the passage of §23 the Hawaii Supreme Court held, in an unreported decision, that the §23 constitutional marriage amendment validated HRS §572-1 which states that marriage can only be between one man and one woman.

To the 285,671 Hawaii voters out of 412,820 who cast votes in 1998, this meant that by reading constitutional amendment §23 along with the language of HRS §572-1 there could be no legal marriages of same-sex couples in Hawaii.

It also means to the voters today including those of the 285,671 voters still living in Hawaii that any consideration of legalizing marriage of same-sex couples must require an amendment to §23 of the Hawaii Constitution by a vote of the people of Hawaii.

If the Hawaii Legislature in this special session passes the Hawaii Marriage Equality Act two inevitable events will occur:

1. Litigation in both federal and state courts will continue for many years to determine whether the Marriage Act is constitutional before it is ever implemented.
2. There will be an extremely large group of angry Hawaii voters whose right to vote on this major issue was abrogated by current legislators.

The obvious solution to this dilemma is to let the Hawaii voters decide on whether same-sex couples should be allowed to marry under Hawaii law.

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

Please allow the people of Hawaii to decide on Same Sex Marriage. Same Sex Marriage is the most controversial social issue of our time and it should be decided by the most transparent and democratic method possible, a popular vote by the people.

In 1998, we the people of Hawaii voted for what we understood would be defining marriage between one man and one woman. 69% of the people of our state voted for this definition of a marriage between opposite sex couples.

If you want to redefine marriage, please let the people you represent decide by a constitutional amendment. One that means what it says, not a legal loophole.

"Should the State of Hawaii define marriage as solely between one man and one woman."

I ask that you take the issue back to the people of Hawaii and allow us to vote for a clearly worded constitutional amendment and to decide on the definition of marriage we choose for our state. Please do not take away our right to vote. Please do not decide for us.

Thank you for your time and consideration.

Darrin Araki
Voter and Concerned Citizen
Pearl City

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I appreciate that the Governor and members of the Legislature have taken oaths to support and defend the Constitutions of the United States and the State of Hawaii, and also discharge their duties to the best of their abilities. The fulfillment of their oaths of office requires integrity, courage, commitment, and sacrifice. As a retired military officer I understand the significance of their oaths of office, and I am grateful for our state and federal officials, and men and women in uniform who have sacrificed to defend our constitutional rights and freedoms.

Many are concerned with how the bill might impact rights protected by the U.S. and State Constitutions. The idea that the proposed same-sex marriage bill requires religious protections in the first place has raised concerns about infringement of First Amendment (U.S. Constitution) and Article 1, Section 4 (State Constitution) freedoms. Even more troubling is that the bill will be considered during a five-day session and cannot be amended with little or no public input.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

Any legislation which will transform all aspects of Hawaii's society—and have pervasive, long term, and irrevocable effects—should be decided by the people of Hawaii; especially if it will infringe upon their constitutional rights and freedoms. Letting the people of Hawaii decide on the issue of marriage is about ensuring the constitutional rights of all citizens are protected. The last thing Hawaii needs from the special session is rushed and ill-considered legislation that disenfranchises much of the electorate.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate a thousand years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.


Colonel Dan Melton U.S. Marine Corps (retired)
Waipahu, Hawaii 96797

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

Since I cannot be present to testify, I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on Monday, October 28, 2013 at 10:30 a.m.

It is my firm belief that marriage is between a man and a woman. Changing the definition of marriage is changing the morals of our society. As our school system is the means to educate our children on the laws and morals of our Society, passing this bill will also greatly affect the curriculum taught to all of our children. To discuss and decide the outcome of an issue of this magnitude, amongst the politicians only, takes my rights as a citizen away. This is something that should be decided by the people. **PLEASE LET THE PEOPLE VOTE!**

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
Lanae S. Akiona
A Citizen of Hilo Hawaii District

Headquarters



HONPA HONGWANJI MISSION OF HAWAII

1727 PALI HIGHWAY / HONOLULU, HAWAII 96813 / PH: 522-9200 / FAX: 522-9209

Senate Committee on Judiciary and Labor
Monday, October 28, 2013, 10:30 a.m.
Capitol Auditorium

Re: Strong Support of SB1, Relating to Equal Rights

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

I am writing in strong support of SB 1. The Honpa Hongwanji Mission of Hawaii is the largest Buddhist denomination in Hawaii and we have provided spiritual guidance for nearly 125 years. Our Shin Buddhist teaching provides guidance on how to live mindfully with an awareness of universal compassion which embraces and uplifts all people equally without exception. We dedicate our lives to nurturing compassion and we work daily to promote social justice for all people. We believe that the issue of marriage equality is one of basic civil rights and that it is morally just to provide equal rights and responsibilities to loving, committed same-gender couples.

In 2010, the governing body of the Honpa Hongwanji Mission of Hawaii adopted a resolution supporting equal rights for same-gender couples because we believe that the freedom to marry the person you love is a basic freedom that should not be denied to anyone. Gay and lesbian couples get married for similar reasons as everyone else – to make a lifetime promise of love, commitment and fidelity to the person they love. According to our teachings, gender is not what is important, but rather the commitment and respect that all people, regardless of their gender, brings to their relationship that is most essential.

We believe that religious freedom is adequately protected in this bill. It is clear that no member of the clergy will be required to perform a wedding ceremony with which he or she disagrees. Some religious denominations will perform marriages for same-gender couples, and some will not, just as some houses of worship perform interfaith marriages and some will not. This bill does not change that. This protection applies to all religious institutions regardless of how they are organized or where they worship. Again, it is clergy who will always get to decide which weddings they will officiate. Our ministers would welcome the opportunity to perform weddings for same-gender couples as it affirms our spiritual values.

We humbly ask for your support for same-gender couples having the right to marry as a step towards ensuring that everyone in our society is treated equally and with compassion.

With gratitude,

Rev. Blayne Higa
Chair
Committee on Social Concerns
Honpa Hongwanji Mission of Hawaii

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

Many are concerned with how the bill might impact rights protected by the U.S. and State Constitutions. The idea that the proposed same-sex marriage bill requires religious protections in the first place has raised concerns about infringement of First Amendment (U.S. Constitution) and Article 1, Section 4 (State Constitution) freedoms. Even more troubling is that the bill will be considered during a five-day session and cannot be amended with little or no public input.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

Any legislation which will transform all aspects of Hawaii's society—and have pervasive, long term, and irrevocable effects—should be decided by the people of Hawaii; especially if it will infringe upon their constitutional rights and freedoms. Letting the people of Hawaii decide on the issue of marriage is about ensuring the constitutional rights of all citizens are protected. The last thing Hawaii needs from the special session is rushed and ill-considered legislation that disenfranchises much of the electorate.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate a thousand years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.


Mrs. Yong Melton
Waipahu, Hawaii 96797

October 26, 2013

To: Chair Senator Clayton Hee
Vice Chair Senator Maile Shimabukuro
and Members of the Senate Judiciary & Labor Committee

RE: In **Strong OPPOSITION to SB1**, relating to "Equal Rights"

Hearing Day and Date: Monday, October 28, 2013

Hearing Time & Place: 10:30 a.m. in the Hawai'i State Capitol Auditorium

My name is Daryl Yamada. I am the Senior Pastor of Mililani Missionary Church and I am a registered voter in the State of Hawaii. This is my testimony regarding my **STRONG OPPOSITION** to SB1.

I oppose SB1 because the passage of this bill would greatly restrict the religious freedom of the people of Hawaii and such enactment would eventually violate the constitutional rights of the people. The First Amendment of our US Constitution clearly states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech..." The passage of SB1, as recent history has shown, would eventually nullify our first three constitutional rights of the First Amendment.

First, although the intent of this bill is not to establish a state or government religion, the passage of such a bill would establish a belief system that will be imposed upon the will of the people regardless if they agree with it or not. Recently a Department of Justice group called DOJ Pride (operating with the approval of the Department of Justice) sent out a directive requiring employees to vocally affirm homosexuality stating "DON'T judge or remain silent. Silence will be interpreted as disapproval." This directive basically mandates employees to publically affirm a belief system regardless if they want to or not. Employees who do not agree with this directive risk, at the very least, being discriminated against, and can possibly be reprimanded or released from employment. People no longer have the freedom to believe what they want, but are now told what to believe (establishment of belief system) or suffer the consequences.

Second, the passage of SB1 would greatly prohibit our ability to freely exercise our religion as guaranteed by the Constitution. There are numerous cases across the United States (including Hawaii) where parents, school teachers, and businesses were denied their Constitutional right to freely practice their faith. These people of faith were often penalized, fined, disciplined or fired because they could not in good conscience approve same-sex marriage or disagreed with the promoting of homosexual teachings and materials. In September 2013, the San Antonio City Council approved an anti-discrimination ordinance that protects homosexuals and provides special rights to transgendered people. In addition, the ordinance barred business owners who take a faith-based stance against the LGBT lifestyle from doing business in the city. This reverse discrimination clearly sends a legal message that you may not earn a living in our city if you disagree with our beliefs.

Also, there are numerous examples across the country of parents who have been denied the right to be notified when curriculum that they may deem to be objectionable or against their beliefs are taught in the schools. Parents no longer are able to remove their children temporarily from a school setting that runs in opposition to their beliefs. This leads to the indoctrination of our children with a belief system that parents have no control over.

Thirdly, as a person who believes in and teaches the Bible, the passage of SB1 will inevitably take away my freedom of speech. Many instances have occurred in Canada where the clergy have become targets of anti-discrimination laws because they chose to speak out on what the Bible teaches about homosexuality. Some clergy have been ordered to pay fines, make apologies, and told never to speak publicly on such matters again. Our fundamental right to “freedom of speech” will be greatly limited in the near future if SB1 is enacted.

It is truly unfortunate that any disagreement to the acceptance of homosexuality is automatically determined to be “hateful” and “bigoted.” There is no middle ground where both sides can agree to disagree, and tolerance appears to be only one-sided. If equality is truly the goal of this bill, then we must ensure that equal rights will be extended to ALL and not just a select group of people.

A bill of this magnitude, surrounded by such controversy needs more time to be discussed than the time allotted in a special session. If both sides are to be heard and both sides are to be protected, then it is imperative that we do not rush this bill through in a Special Session.

That is why I strongly oppose this Special Session and the passage of SB1. I urge you to please consider my testimony and to vote ‘NO’ on SB1.

Sincerely,
Daryl Yamada
Senior Pastor
Mililani Missionary Church
95-801 Kipapa Drive
Mililani, HI 96789
808-623-4469

October 25, 2013

RE: SB1-RELATING TO EQUALITY

To The: Governor Niel Abercrombie, Legislature, Hawaii State House Leaders, Hawaii Island District Representatives and any Persons of interest:

This is to inform you that I **OPPOSE** the Bill entitled SB1-Relating to Marriage Equality.

I own a small business in the State of Hawaii, and in this Bill I would have to abide by a law that mandates me to provide services to individuals and promote solemnization. That is something that I do not agree with.

In this Bill, it discriminates every constitutional right of MY freedom. The freedom to live what I believe. The freedom to share my beliefs with others. This Bill would breach my first amendment constitutional right. That right does state:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

You are asking that I put my personal religious beliefs aside to regard a population as “equal”-to what extent?

If you want equality-then let the people vote. Remember that from generation to generation, our children will have to live with the ramifications of what is put into place. YOU WILL NOT be the ones to explain this to my children.

My only hope is that true justice will be served on behalf of our entire society.

Thank you for your time.

Keone Iranon

K I I K Services, Inc.

SB1

The Hawaii Marriage Equality Act should be passed in order to provide equality of human rights for same-sex couples in Hawaii. The non-recognition of same-sex marriage not only violated the fifth amendment under *United States v. Windsor*, but also continues to violate rights asserted in the fourteenth amendment of the U.S. Constitution: anyone born in the United States should not be deprived of life, liberty, and property without due process of law. Gay couples have been deprived of these rights, therefore the Marriage Equality Act should be ratified to provide same-sex couples the same benefits, responsibilities, and protections as opposite-sex couples. This means that gay couples should be allowed to marry under the laws of Hawaii state, use religious facilities if it makes profit, while keeping the protection of religious freedom, and be provided the “five state interests” under 1999 *Baehr v. Miike* in the state of Hawaii.

October 25, 2013

RE: SB1-RELATING TO EQUALITY

To The: Governor Niel Abercrombie, Legislature, Hawaii State House Leaders, Hawaii Island District Representatives and any Persons of interest:

This is to inform you that I OPPOSE the Bill entitled SB1-Relating to Marriage Equality.

I am apart of a small business and in this Bill I would have to abide by a law that mandates me to provide services to individuals and promote solemnization. That is something that I do not agree with.

In this Bill, it deletes every constitutional right of MY freedom. The freedom to live what I believe. The freedom to share my beliefs with others. This Bill breechs my first amendment constitutional right. That right does state: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

You are asking that I put my personal religious beliefs aside to regard a population as "equal"-to what extent?

If you want equality-then let the people vote. Remember that from generation to generation, our children will have to live with the ramifications of what is put into place. YOU WILL NOT be the ones to explain this to my children.

My only hope is that true justice will be served on behalf of our entire society.

Thank you for your time.

Kuulei Iranon
K II K Services, Inc.

Gregory S Fritz
91-555 Pupū Street
Ewa Beach, Hawaii 96706

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

Re: In Opposition to S.B. 1: The Hawaii Marriage Equality Act of 2013

Dear Senate Committee on Judiciary and Labor,

My name is Greg Fritz and I urge you to oppose Special Session SB1: Relating to Marriage.

Setting aside one's personal beliefs relating to homosexuality, the manner in which this Senate Bill is being processed preempts the democratic process by rushing the legislation through an abbreviated special session and not allowing for the people of the state to voice their support or opposition. It would appear that those in favor of SB1 suspect that another opportunity for the people to speak up would yield the same result as past votes and would reveal, as language proposed to be stricken reads, "that the people of Hawaii choose to preserve the tradition of marriage as a unique social institution based on the committed union of one man and one woman."

In addition to not giving ample time to discuss a bill regarding one of the most controversial topics of our time, the fact that no amendments can be made to the legislation if

passed is more like what one would find in a monarchy or dictatorship and creates a sham of the democratic process.

I ask that the lawmakers of our state would consider this issue better treated by the constitutional amendment process that would allow for due democratic process to take place.

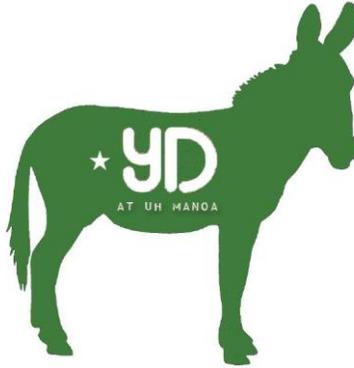
I urge you to vote NO on SB 1. Thank you for your time and leadership.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory S. Fritz". The signature is stylized with a large "G" and "S" and a circular flourish.

Gregory S. Fritz

Hawaii Voter



Testimony in Support of SCR No. 166 and SR 123

Senate Committee on Judiciary and Labor

Monday, October 28, 2013

10:30am, State Capitol Auditorium

Dear Chair Hee, Vice Chair Shimabukuro, and members of the JDL Committee:

The Young Democrats at the University of Hawai'i at Manoa strongly supports Senate Bill 1, Relating to Equal Rights.

Hawai'i is known for its diverse population and abundance of cultural influences. It is important to recognize that allowing equal rights for same-sex couples that enter into a marriage is necessary in maintaining these diversities, as well as supporting equality for all citizens, regardless of each individual's sex. Same-sex marriage and marriage equality in Hawai'i is long overdue. Being known as the Aloha State, our elected officials should extend the Aloha and acceptance across the state for equality for all couples.

As young, Democratic student leaders at a leading university in Hawai'i, the Young Democrats at UH Manoa endorse marriage equality on campus and throughout the Aloha State. Our organization sanctions justice and equality in all aspects of life. We encourage elected officials to make the right choice and be a part of history in Hawai'i by becoming the 15th state in the nation to support same-sex marriage and equality for all ohanas.

With Aloha,

Cali Reed
President of Young Democrats at UH Manoa

From: mailinglist@capitol.hawaii.gov
To: [JDLWebTestimony](#)
Cc: annaleeacord@yahoo.com
Subject: Submitted testimony for SB1 on Oct 28, 2013 10:30AM (Written Only)
Date: Sunday, October 27, 2013 9:15:21 AM
Attachments: [ssm.pages.zip](#)

SB1

Submitted on: 10/27/2013

Testimony for on Oct 28, 2013 10:30AM in Conference Room Auditorium

| Submitted By | Organization | Testifier Position | Testifying in Person |
|--------------|--------------|--------------------|----------------------------|
| Ann Merrill | Individual | Oppose | No |

Comments:

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

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, my children and to my traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

Hello Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor. My name is Alec Shimizu, I am a registered voter from Halawa and I am opposed to SB1 for the following reasons:

- The magnitude of this bill and its effects are so great, that it shouldn't be decided upon by legislators but, rather, left up to the people to decide. I want to have a say in this bill and I feel that my constitutional right is being denied and infringed upon.
- There is no need to rush this process. Yes, the governor has called a special session, but it does not mean that a decision must be made. It is my hope that you will consider this bill in greater detail by tabling this discussion until the regular session convenes in January 2014. At that time, a closer look at this bill and the far-reaching effects of it can be looked at more closely and a prudent decision can then be made.

Thank you for taking the time to hear my testimony. I hope you will consider my views and allow the decision to be made at a later date and by the people of Hawai'i.

In SUPPORT OF SB 1

October 28, 2013

Dear Members of the Senate Committee on Judiciary and Labor,

Mahalo for hearing this important bill.

I believe that marriage equality is a civil rights issue. I urge you to support marriage for all couples in Hawaii. I believe that all loving and committed couples should be treated with the same dignity and respect.

I appreciate your consideration.

Mahalo,

Robin Derbes
Kamuela, HI 96743

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage not only affects the estimated 5% of Hawai'i residents who identify themselves as Gay or Lesbian, but will change society forever for the other 95% of Hawai'i residents. Changing the definition of marriage is changing the morals of our society. As our school system is the means to educate our children on the laws and morals of our Society, passing this bill will also greatly affect the curriculum taught to all of our children. This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,



Bruce K. Meyers
485 F Kaumana Dr.
Hilo, Hawaii 96720

Pakela Akaka
3263 Mokihana St. Honolulu HI 968160 - mr.pkillah@gmail.com

The Honorable Senators and Representatives of the State of Hawaii
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

October 25, 2013

RE: Opposition to Proposed Marriage Bill

Aloha Senators and Representatives of the State of Hawaii,

My name is Pakela Alfred Akaka; I am a 19 year old resident from Honolulu, Hawaii. I thank you for the opportunity to provide my personal thoughts and insight to you and your colleagues. For the past month I have been very involved in getting informed on the issue of same sex marriage. I have spoken with several lawyers, attorneys, as well as scholars of both marriage and religious liberties. As a sufficiently informed concerned individual I find this Bill to be inadequate regarding it's protections to religious freedoms.

I am strongly opposed to this bill because I feel that it does not grant the proper protections to religious freedoms that I feel should be addressed if this bill is to be considered acceptable. I am also opposed to this bill because of the special session. I feel it is being rushed without complete understanding, and that misunderstanding is creating a great division in the people that will only get worse if this bill should pass.

1. Religious Protections that must be addressed.

The religious exemptions in the bill are just too narrow to create any kind secure protection for religious organizations. The protections for clergy only apply to solemnization of marriage. An important clarification that I feel should be addressed is a protection for the celebration of marriage as well. Many of the other states that have passed same sex marriage have wording regarding not only the solemnization of marriage but the celebration of it as well. This will grant better protection for clergy than currently stated.

Secondly, I do not see much protection at all for religious individuals. What proponents of this bill fail to realize is that religion and churches are made up of religious individuals. Just as the gay community is made up of gay individuals deserving of the rights they are fighting for, so too is the religious community made up of religious individuals who are fighting to protect the rights they currently have. Many examples can be found in other states regarding lawsuits against religious individuals who face lengthy litigations because they have chosen to follow their beliefs. Being limited in the allowance to practice your beliefs is not the freedom to believe. Here are some points of protection that I feel should be addressed in some way in the bill stating that there are protections or stating that civil actions will be made:

Pakela Akaka
3263 Mokihana St. Honolulu HI 968160 - mr.pkillah@gmail.com

- Accreditation
- Tax exempt status
- Public officials (individual protections)
- Religious non-profits
- Small businesses offering wedding services
- Employment eligibility
- Employment benefits
- Licensing (doctors, counselors, psychologists, food service, adoption agency, etc.)
- Schools (protected from forced teachings, and protections for parental beliefs)
- Private Lawsuits
- Withdrawal of government benefits
- Denial of access to government facilities

Addressing all of these things in the bill and stating how it should be interpreted is something that I feel would be necessary in granting protections, and understanding where/how an individual would seek to protect them better.

2. Contention of a Special Session

Please know that I am a loving and caring person. I have a deep respect and love for others who do not share my faith or personal beliefs, and I would not seek to hurt the people of the gay community. It saddens me to think that anyone who speaks out against gay advocacy is rigidly and with lasting recognition as an ignorant homophobe, or a religious bigot. I have been striving from day one of getting involved to remove that stereotype with respect and understanding. Unfortunately not everyone is as willing to do the same in this issue.

Since getting involved with this issue I have been privileged to work with many different people, and also speak with those who stand opposed to me in their thought on the same sex marriage bill. Between those that are informed, those that are partially informed, and those that know little to nothing about what is going on here in Hawaii, there is just too much misunderstandings, assumptions, and misinformed lies. A very big division is something that I have noticed in the people of Hawaii because of this Bill and the special session.

In the church I have seen some of this contention among the members. Several members of the church who are actively engaged in this ordeal unjustly judge those who are not involved as being poor followers of Christ. Those who are not engaged become resentful of the members that are involved because they feel the contention created by poor judgment. These judgments and assumptions all done out of ignorance create a division among the hearts of men that take away from the potential for people to create an environment of happiness and love.

Another sad example of the division created herein is between society and the churches themselves. Some Christians/other religious folk go around preaching their

Pakela Akaka
3263 Mokihana St. Honolulu HI 968160 - mr.pkillah@gmail.com

beliefs and discounting the rights of others to believe differently. Meanwhile, on the other hand, the general public is being led by the media to believe that the religious folk are the only ones who will be affected and that they are just being radical fanatics. This discounts the beliefs of those churches as well as the efforts of their members. The gay community, from my experience, feel that the churches are slated out to suppress them of their freedoms, and the churches feel most of them to be unaware of the potential damages to religious freedoms. The problem is that there is so much misunderstanding and contention because of how fast this special session is occurring that Hawaii's society is really becoming divided.

The most heartbreaking news for me is how my friend Sheri Bren, who is currently pregnant with her 9th child, and her husband were both attacked while they were waving signs on Friday Oct. 25th 2013. Her description is as follows:

A man ripped down & stole our banner, intentionally banged my husband's truck (twice), and tried to run us over as we were getting his license number. He continued to step on his gas & hit us with his car as I yelled for him to stop & that I was pregnant (yes, baby #9) he drug us both for a distance and only stopped because my husband smashed his windshield & stopped him.

I ask that you will all consider the word in the Hawaii Revised Statutes §5-7.5 "The Law of Aloha".

§ 5-7.5 "Aloha Spirit". (a) "**Aloha** Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "**Aloha**", the following **unuhi laulā loa** may be used:

- "**Akahai**", meaning kindness to be expressed with tenderness;
- "**Lōkahi**", meaning unity, to be expressed with harmony;
- "**Olu'olu**" meaning agreeable, to be expressed with pleasantness;
- "**Ha'aha'a**", meaning humility, to be expressed with modesty;
- "**Ahonui**", meaning patience, to be expressed with perseverance.

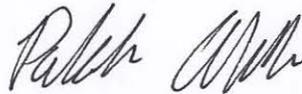
These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawai'i. "**Aloha**" is more than a word of greeting or farewell or a salutation. "**Aloha**" means mutual regard and affection and extends warmth in caring with no obligation in return. "**Aloha**" is the essence of relationships in which each person is important to every other person for collective existence. "**Aloha**" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "**Aloha** Spirit". [L 1986, c 202, § 1]

Pakela Akaka
3263 Mokihana St. Honolulu HI 968160 - mr.pkillah@gmail.com

I am opposed to this bill because I feel that religious freedoms must be protected. I am opposed to this special session because I feel that the Aloha and love of this land and people must be protected as well. The contention and hatred has already begun to divide us, and passing this bill in a special session will only make things worse here. I pray that you will seriously consider the concerns of this 19 yr. old young man. These are matters of great importance for All of Hawaii. Thank you for your consideration and for your service as Senators and Representatives.

Mahalo,

A handwritten signature in black ink, appearing to read 'Pakela Akaka', written in a cursive style.

Pakela Akaka
3263 Mokihana St
Honolulu, HI 96816
(808)-469-2642 (Cell)
Mr.pkillah@gmail.com

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am **opposing Same Sex Marriage** because Same Sex Marriage violates Chinese Tradition.

Chinese are very serious about family, even we moved and are living in Hawaii. I am told to take care and respect the elderly in the family. I obtain the best education and support through my family. Everyone knows from our hearts that we need love from father and mother, so we apply the same to others. Children need love from father and mother as I do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, **please vote NO** on any piece of the Same Sex Marriage bill!

Sincerely,

Ka Fai TONG

October 28, 2013, 10:30a

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage not only affects the estimated 5% of Hawai'i residents who identify themselves as Gay or Lesbian, but will change society forever for the other 95% of Hawai'i residents. Changing the definition of marriage is changing the morals of our society. As our school system is the means to educate our children on the laws and morals of our Society, passing this bill will also greatly affect the curriculum taught to all of our children. This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
TJaye Forsythe
1581 Kaunala Way, Hilo, HI 96720

TO: COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair; Senator Maile Shimabukuro, Vice Chair

Committee Members: Senator Mike Gabbard; Senator Brickwood Galuteria; Senator Les Ihara, Jr.; Senator Sam Slom; Senator Malama Solomon

HEARING DATE & TIME: Monday, October 28, 2013-10:30a.m.

PLACE: Auditorium, State Capitol, 415 South Beretania Street

| |
|--|
| TESTIMONY IN SUPPORT OF SB 1 – EQUAL RIGHTS |
|--|

I will not testify in person.

Written Testimony for SB1-Equal Rights (Marriage Equality)

**From: Jane Pascual-Voter in Senate District 13 (Chinatown); House District 29
For Hearing on Monday, 10/28/13-Special Legislative Session**

I am writing to encourage your SUPPORT (and YES vote) on Marriage Equality/Same Sex Marriages during the Special Session. Though I am heterosexual, I have several gay/lesbian friends who live here, and/or have ties to Hawaii and want to live and (legally) marry here. I have not seen or heard of any statistics or proof, anywhere around the world that shows Same Sex Marriages have ever brought adverse results to any community's economy or existence. Therefore, I see no reason to disallow Same Sex Marriages/Unions (especially for Survivorship/Inheritance reasons). I would rather have people (even of the same sex) loving one another (especially if it's not harming anyone) than hating each other or tearing each other down. I'm asking you to **consider that** when you hear debate on the issue of approving same sex marriages here in our beautiful State.

Please ALLOW Same Sex Marriages in Hawaii and let's (put this issue to rest once and for all, after at least 20 years of continuous debate) move on to all the other important issues (i.e., the economy, homelessness, hunger, education, mental health, etc.).

Everyone is entitled to his/her opinion. But I would like to be on record as SUPPORTING Marriage Equality in Hawaii. I support everyone's right to marry, whether they're straight, gay, or *whatever*...As long as they're in love, they should have a right to marry, regardless of their sexual preference. I especially sympathize with partners who have been together for many years, but currently in Hawaii, don't have the full benefits of "being reciprocal", as do heterosexual couples.

Please consider the civil rights of these individuals as you hear debate and take your final vote in the Special Session. Please vote YES for Equal Rights (regarding Marriage Equality in Hawaii).

Thank you,
Jane Pascual
Voter in Senate District 13
House District 29

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

I understand that the focal point will be whether same-sex marriage is a civil right.

Homosexual activists argue that same-sex “marriage” is a civil rights issue similar to the struggle for racial equality in the 1960s.

This is false.

First of all, sexual behavior and race are essentially different realities. A man and a woman wanting to marry may be different in their characteristics: one may be black, the other white; one rich, the other poor; or one tall, the other short. None of these differences are insurmountable obstacles to marriage. The two individuals are still man and woman, and thus the requirements of nature are respected.

Same-sex “marriage” opposes nature. Two individuals of the same sex, regardless of their race, wealth, stature, erudition or fame, will never be able to marry because of an insurmountable biological impossibility.

Secondly, inherited and unchangeable racial traits cannot be compared with non-genetic and changeable behavior. There is simply no analogy between the interracial marriage of a man and a woman and the “marriage” between two individuals of the same sex.

Let the People Decide on Marriage. It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Sincerely,

Johnny Lau

2033 Nuuanu Avenue, Apt. 17B

Honolulu, HI 96817

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

Amber Kau'ionālanī Kukahiko
91-087 Laenani Dr. Box #B
Kahalu'u, Hawai'i 96744

October 27, 2013

Senate Committee on Judiciary and Labor
Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair
Hon. Mike Gabbard
Hon. Brickwood Galuteria
Hon. Les Ihara, Jr.
Hon. Sam Slom
Hon. Mālama Solomon

Re: Testimony IN STRONG SUPPORT of SB1 Relating to Equal Rights

Honorable Chair Hee and committee members:

My name is Amber Kau'ionālanī Kukahiko. I was born and raised on the island of O'ahu and currently attend a private school on the island. I am a 15-year-old student and a junior in high school. Currently I am a member of the P.R.I.D.E club ("People Respecting Individuality and Diversity in Everyone.") My family is apart of the many families in Hawai'i that could be greatly changed for the better through the recognition in the unions of same-sex marriage. I, therefore, write in very **STRONG SUPPORT OF SB1.**

I write as one of the many teens across the world afraid to be who I am. I write because I identify myself as part of the Native Hawaiian, teenage, Christian and LGBTQ community. Everyday teens, whether they know it or not, become a bully. As a student attending a school in Hawai'i, it is very common to hear "oh, that's so gay!" Or even something worse such as, "Look at that gay boy!" It is hard to live in a community where this diversity exists especially between my peers and I. People don't realize the depth that their words carry and I believe that with that with the passing of this bill, the hearts and minds of teens everywhere will here the impact of the way their words affect other people.

I grew up on the Christian faith and was told to believe that any union of same-sex automatically condemns ones soul. The indignity of it all saddens me to see that our world cannot adapt and or change to the world around us. Religion is the common reason why there is so much distress against this bill today. However, as a young adolescent I can only see the good that will come from providing equality to all marriages. One may thing that Civil Unions should be enough, however I refute that with the division of marriages: Nothing. Will. Change. Forever we will exist as something below or in another class as opposite-sex couples, furthermore I believe we need change.

As the leaders of Hawai'i, I hope you look outward towards the community and see the betterment that comes from this bill. Help end the social diversity amongst my peers today that comes with being different from the rest of the world.

Mahalo Nui,

Amber Kau'ionālanī Kukahiko

To The Committee on Judiciary and Labor
SB 1 RELATING TO EQUAL RIGHTS
DATE: Monday, October 28, 2013
TIME: 10:30A.M.

My written testimony is **opposing** the SB 1 Bill (a.k.a. the gay marriage bill). I will not be testifying in person.

I am opposed to the gay marriage bill SB 1. Our legislators should let the people of this State decide via a vote in 2014, just like we did in 1998.

The reason I oppose this bill is that the LGBT community say they want equal rights under the tax laws. Therefore they should be taking their fight to the US Senate and House of Representatives, and lobby to have the Federal Tax Code changed so that the IRS will recognize civil unions and allow those couples to file jointly on their Federal Tax Returns. Then they can receive the same tax benefits that heterosexual couples receive. If the tax codes change, there is no reason for "marriage", since by their own admission, the reason they want marriage is to enjoy the same economic benefits that heterosexual couples receive; to be treated equally. Their efforts to change the marriage laws in 50 States creates contention, discord and divided communities.

Since our governor is sympathetic to the economic situation of the Gay and Lesbian community, he should write and submit a bill to our representatives in Washington, D.C. on their behalf, to change the Tax Code so that Civil Union and domestic partnerships can file jointly on their Federal Tax Return.

They were given civil unions/ domestic partnerships. Even

though there is no constitutional “right to marry”, they clamor for the “right” to marry. If they achieve that goal, they will not stop, but will continue with their agenda of making the homosexual lifestyle as accepting as the heterosexual lifestyle. They will move to press this agenda by demanding changes to school curriculum like they have in the California, where it is illegal in your own home to teach your own children about heterosexual lifestyles only, even if your religion does not believe in same sex lifestyles. They will be demanding for equal lifestyle coverage in sex education. Research of the states that were the first to allow gay marriage finds that many schools are doing just that. In addition, many teachers are trying to be “politically correct” to the point of allowing posters reflecting the homosexual lifestyle while prohibiting posters of heterosexual lifestyles. They have been many court challenges in these schools. Is this what we want for the children of Hawaii, your children, your nieces and nephews, and grandchildren?

I find it outrageous that gay rights groups from outside of our State are lobbying our representatives and senators to pass a gay marriage bill. These people, according to the Honolulu Star Advertiser, have spent thousands of dollars to try to sway our local representatives and senators. This bill would affect **ALL** the people of Hawaii. Why are we catering to a small group of people.

The Supreme Court ruled that same sex couples were being discriminated against by the **Federal government**. They ARE NOT being discriminated against. They hold jobs, eat

at restaurants, shop where ever they want, go to the movies, travel, rent and buy houses, go to the church of their choice, choose whatever medical they want, etc. Since there is no constitutional right to marry, there is no discrimination.

The lesbian and gay community need to stop fighting for marriage in the States. They need to take their fight to the Federal government via the U.S. Congress; get the Federal Tax Codes changed to recognize civil unions. Stop dividing communities.

In 1998, the people decided. If that constitutional amendment gave the Legislature the right to “**redefine marriage**” as necessary, then the amendment on the ballot must have purposely been written to mislead the people.

Let the people decide if the legislature has the right to redefine marriage. Take this issue to the polls again. This time be very clear and offer two options:

1: ***“the legislature again defines that marriage is between one man and one woman who are not related to each other by blood or half-blood. This definition may not be changed except through constitutional amendment.”***

2: ***“the legislature redefines marriage as being between two individuals of the opposite sex OR of the same sex, who are not related to each other by blood or half-blood.”***

Saying they should be able to marry whom they love, they are really saying that they want society to validate and affirm their lifestyle and choice of sexual partner.

To elevate civil unions to the status of sacramental marriage is an insult to religious tradition and the institution of marriage. Marriage of homosexuals is a sterile relationship; a mockery of an ancient institution that has served mankind for the propagation of the human race.

To pass a gay marriage bill without putting it to a vote by the people is just wrong.

Let the people decide; put it on the ballot in 2014.

Sincerely,

Debra Medeiros

**Senate Committee on Judiciary and Labor
October 28, 2013**

**Hearing on Senate Bill 1
Relating to Equal Rights**

**Statement of Douglas Laycock, Thomas C. Berg, Bruce
Ledewitz, Christopher C. Lund, and Michael J. Perry
(not appearing in person)**

We write in support of same-sex marriage and in support of religious liberty. Senate Bill 1 should be amended to include far more robust protections for religious liberty. Then the bill should be passed. Only in that way will the legislature protect the liberty of all Hawaiians—both same-sex couples and religious conscientious objectors.

The signers of this testimony have devoted much of their careers to studying, teaching, and writing about the law of religious liberty in general, and the religious liberty issues arising from same-sex marriage in particular. One of us is co-editor of the leading book on the subject, *Same-Sex Marriage and Religious Liberty: Emerging Conflicts* (Rowman & Littlefield 2008) (Douglas Laycock, Anthony R. Picarello, & Robin Fretwell Wilson, eds.). Each of us is employed by a public or private university, but of course our universities take no position on the issues before the Committee. We testify in our personal capacity as scholars. We provide more information about ourselves at the end of this Statement.

We support same-sex marriage. We think that Senate Bill 1 can be a great advance for human liberty. But careless or overly aggressive drafting could create a whole new set of problems for the religious liberty of those religious believers who cannot conscientiously participate in implementing the new regime. The gain for human liberty will be severely compromised if same-sex couples now force religious dissenters to violate their conscience in the same way that those dissenters, when they had the power to do so, used to force same-sex couples to hide their sexuality. Conservative religious believers should not be allowed to veto same-sex marriage for those who want it, but neither should they

be forced to directly facilitate it in violation of their understanding of God's will.

Same-sex couples and traditional religious believers should not be at war with one another. Members of each group seek to protect a core part of their identity from interference by the state. Each seeks to manifest that identity in public practice, not confined to mere belief or orientation. Each is misunderstood and vilified by its opponents—far too often, each group vilifies the other. Each deserves legal protection for its deepest commitments.

It is important to keep in mind that marriage is both a legal relationship and a religious relationship. The profound religious significance of marriage means that many religious organizations and individual believers experience marriage equality as reaching deep into a fundamentally religious institution. The challenge for any bill is to equalize civil marriage while preserving religious control over religious marriage. Senate Bill 1 has not yet accomplished the task.

The religious exemptions in the current draft of Senate Bill 1 address only a small part of the problem. Existing religious exemptions in Hawaii civil rights laws fill another small part of the gap. But many issues remain to be addressed.

I. Religious Organizations

The proposed sections 572-E and 572-F of the Revised Statutes (created by § 2 of Senate Bill 1) protect the refusal to solemnize a marriage and the refusal to provide physical facilities for the solemnization of a marriage. Section 572-F appears to distinguish “solemnization” from “celebration,” and to protect only with respect to “solemnization.” That is, these sections do not even protect churches from having to host the wedding reception.

The issue of solemnization is important, but it is only the most obvious part of the issue for religious organizations. A bill that addresses only solemnization would do less to protect religious liberty than any other state that has enacted same-sex marriage by legislation. Equally important, and far more likely to be litigated, is the issue of *recognition* of same-sex marriages by religious organizations for purposes of carrying out their religious missions.

A religious organization, in the course of carrying out its religious mission, cannot in good conscience treat as married two persons whose relationship fundamentally violates the religious organization's understanding of marriage. Must the pastor provide pastoral counseling for a same-sex married couple? Must a church employ spouses in same-sex marriages—spouses that are publicly defying the church's teaching on marriage? A religious-liberty provision addressed only to solemnization neglects these and many similar issues.

II. Individuals

Senate Bill 1 provides no protection for individuals who provide services to help celebrate weddings or professional services to help sustain marriages. This omission threatens serious harm to a religious minority while conferring no real benefits on same-sex couples. Same-sex couples will rarely if ever actually want such personalized services from providers who fundamentally disapprove of their relationship, and they will nearly always be able to readily obtain these services from others who are happy to serve them.

It is one thing to say that a substantial business, with numerous employees to serve its customers, should serve all comers. It is quite another thing to say that an individual, or a very small business that is essentially an extension of an individual owner who is deeply involved in serving every customer, should have to provide personal services in violation of conscience. The few such owners who object typically believe marriage to be a fundamentally religious relationship, and believe facilitating a same-sex marriage to be a profound personal sin with respect to a religious matter.

It is not in the interest of the gay and lesbian community to create religious martyrs when enforcing the right to same-sex marriage. To impose legal penalties or civil liabilities on a wedding planner who refuses to do a same-sex wedding, or on an individual marriage counselor who refuses to provide marriage counseling to same-sex couples, will simply ensure that conservative religious opinion on this issue can repeatedly be aroused to fever pitch. Every such case will be in the news

repeatedly, and every such story will further inflame the opponents of same-sex marriage. Refusing exemptions to such religious dissenters will politically empower the least reconcilable opponents of same-sex marriage. It will ensure that the issue remains alive, bitter, and deeply divisive.

It is far better to respect the liberty of both sides and let same-sex marriage be implemented with a minimum of confrontation. Let the people of Hawaii see happy, loving, committed same-sex marriages in their midst; let them see (this cannot be helped) that some of those marriages fail, just as many opposite-sex marriages fail; let them see that these same-sex marriages, good and bad, have no effect on opposite-sex marriages. Let the market respond to the obvious economic incentives; same-sex couples will pay good money just like opposite-sex couples. Let same-sex marriage become familiar to the people, and do these things without oppressing religious dissenters in the process. Same-sex marriage will be backed by law, backed by the state, and backed by a large and growing number of private institutions. The number of dissenters will continue to decline, as minds continue to change and as others acquiesce in the new circumstances and in the live-and-let-live traditions of the American people. The number of individuals in business or professional settings who assert their right to conscientious objection will be small in the beginning, and it will plunge still further over time if deprived of the chance to rally around a series of martyrs.

Exemptions for religious conscientious objectors will rarely burden same-sex couples. Few same-sex couples in Hawaii will have to go far to find merchants, professionals, counseling agencies, or any other desired service providers who will cheerfully meet their needs and wants. And same-sex couples will generally be far happier working with a provider who contentedly desires to serve them than with one who believes them to be engaged in mortal sin, and who grudgingly serves them only because of the coercive power of the law. Statutory drafting can provide for the rare cases where these suppositions are not true, such as a same-sex couple on one of the smaller islands that may have reasonably convenient access to only one provider of some secular service. Such cases are no reason to withhold religious

exemptions in the more urban areas where most of the people—and most of the same-sex couples—actually live.

III. Proposed Statutory Language

Another group of scholars, led Professor Edward McGlynn Gaffney, has also submitted testimony. That group includes supporters, opponents, and undecideds on the issue of same-sex marriage. Those of us joining in this statement wanted to be free to emphasize our support for same-sex marriage, so we are testifying separately. Both groups—the supporters, the opponents, and the undecideds—are agreed on the need for more complete religious exemptions.

The Gaffney group’s analysis of potential legal conflicts is accurate. Its survey of what other states have enacted is accurate. And it offers carefully drafted statutory language to reconcile same-sex marriage with religious liberty. This statutory language has been refined over the years in light of debates in other states. It anticipates the range of issues likely to arise and addresses them with care, balance, and attention to the essential rights and needs of both same-sex couples and religious conscientious objectors. It should be added to Senate Bill 1, as a substitute for proposed sections 572-E and 572-F.

The Gaffney group’s language would protect only religious organizations, religious individuals, and very small businesses that are essentially personal extensions of the individual owner. It would protect individuals and businesses only when some other business is reasonably available to provide the same service. It would not prevent even one same-sex marriage; it would not make same-sex marriages difficult to celebrate or sustain. But it would protect religious liberty—also a constitutional interest and one that is equally important.

At the very least, any bill on same-sex marriage should protect decisions about “recognition” as well as decisions about “solemnization.” Proposed section 572-E could be amended as follows:

572-E. Refusal to solemnize or recognize a marriage. ~~Nothing in this chapter shall be construed to~~

~~require any~~ Notwithstanding any other law to the contrary, no clergy, minister, priest, rabbi, officer of any religious denomination or society, ~~or~~ and no denomination, religious society, ~~or~~ religiously affiliated not-for-profit organization ~~not having clergy but providing solemnizations~~ that is authorized to perform solemnizations pursuant to this chapter shall be required to solemnize or recognize any marriage. No such person who fails or refuses to solemnize or recognize any marriage under this section for any reason shall be subject to any fine, penalty, injunction, administrative proceeding, or other civil liability for the failure or refusal.

The more carefully drafted language in the Gaffney group's testimony would be better for both sides—more protective of religious objectors in some ways, more protective of same-sex couples in other ways. It is more protective of both sides because it more carefully attends to the interests of both sides. That language would be the better solution. But if the Senate chooses to work within the structure of the current bill, the amendments just suggested to section 572-E would be a reasonably workable solution and far better than nothing.

IV. Constitutionality

Some legislators have expressed concern that religious exemptions may be unconstitutional. There is no basis for such a fear.

The emerging law of sexual orientation and same-sex marriage is that *government* may not discriminate against same-sex couples. Nothing in that body of law suggests that government may not also protect religious liberty. The Supreme Court has repeatedly, and unanimously, upheld religious exemptions from regulation against constitutional attack. The most recent example is *Cutter v. Wilkinson*,¹ unanimously upholding the religious exemptions for prisoners required by the Religious Land Use and Institutionalized Persons Act.²

¹ 544 U.S. 709 (2005).

² 42 U.S.C. § 2000cc *et seq.* (2006).

More directly relevant here, *Corporation of the Presiding Bishop v. Amos*³ unanimously upheld a religious exemption from the discrimination laws that lets religious organizations hire and fire on the basis of religion. The Court rejected both an Establishment Clause attack⁴ and an equal protection attack.⁵ “This Court has long recognized that the government may (and sometimes must) accommodate religious practices,”⁶ the Court said, and government is free to do so when it acts “with the proper purpose of lifting a regulation that burdens the exercise of religion.”⁷ The Court’s point about legislative purpose is important; the purpose of including religious exemptions is to protect religious liberty. There is no purpose to harm same-sex couples who are granted the right to marry in the same bill. So nothing in the Court’s gay-rights cases⁸ changes its analysis of religious exemptions to protect the rights of conscience.

An exemption may be unconstitutional if there is no burden on religious exercise to be relieved, or if it imposes significant burdens on third parties. But as *Amos* shows, mere loss of access to employment or other affirmative benefits from a religious organization is not a cognizable burden on others. The regulatory exemptions we have proposed leave same-sex couples free to live their lives without imposing on religious organizations or believers, and leave religious organizations and believers free to live according to their faith by steering clear of same-sex couples, neither affirmatively facilitating their marriages nor affirmatively imposing any burdens on them. The language in the Gaffney group’s testimony is carefully drafted to avoid burdens on same-sex couples.

All nine Justices approved of legislative religious exemptions in separate opinions in *Board of Education v. Grumet*,⁹ and in

³ 483 U.S. 327 (1987).

⁴ *Id.* at 334-39.

⁵ *Id.* at 338-39.

⁶ *Id.* at 334.

⁷ *Id.* at 338.

⁸ *United States v. Windsor*, 133 S. Ct. 2675 (2013); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Romer v. Evans*, 517 U.S. 620 (1996).

⁹ 512 U.S. 687, 705 (1994) (stating that “the Constitution allows the state to accommodate religious needs by alleviating special burdens;” reaffirming

Employment Division v. Smith.¹⁰ And in a case that struck down an exemption because the Court thought there was no burden on religious exercise to be relieved, eight Justices in separate opinions explicitly reaffirmed *Amos*, and the ninth (Justice White) had written the opinion in *Amos*.¹¹ The Senate would act in the highest constitutional and civil liberties tradition if it authorized same-sex marriage and simultaneously protected religious liberty with respect to those marriages.

V. Conclusion

Enacting the right to same-sex marriage with generous exemptions for religious dissenters is the right thing to do. It respects the right of conscience for all sides. It protects the sexual liberty of same-sex couples and the religious liberty of religious dissenters. It is obviously better for the traditional religious believers; because it creates no martyrs and reduces civil conflict, it is also better for the same-sex couples. Because it is better for both sides, it is better for Hawaii. The language proposed in the Gaffney group's testimony would protect the liberty of both sides. We urge you to add it to Senate Bill 1 or to any other bill on same-sex marriage.

Amos); *id.* at 711-12 (Stevens, J., concurring) (distinguishing the facts of *Grumet* from “a decision to grant an exemption from a burdensome general rule”); *id.* at 716 (O'Connor, J., concurring) (“The Constitution permits ‘nondiscriminatory religious-practice exemption[s]’” (quoting *Employment Division v. Smith*, 494 U.S. 872, 890 (1990) (emphasis by Justice O'Connor, meaning that exemptions cannot discriminate among faiths)); *id.* at 723-24 (Kennedy, J., concurring) (approving *Amos* and similar cases); *id.* at 744 (Scalia, J., dissenting) (“The Court has ... long acknowledged the permissibility of legislative accommodation.”).

¹⁰ 494 U.S. 872, 890 (1990) (“a nondiscriminatory religious-practice exemption is permitted”); *id.* at 893-97 (O'Connor, J., dissenting) (arguing that regulatory exemptions are not only permitted, but also constitutionally required).

¹¹ See *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 18 n.8 (plurality opinion) (approving *Amos*); *id.* at 28 (Blackmun, J., concurring) (approving *Amos*); *id.* at 38-40 (Scalia, J., dissenting) (arguing that regulatory and tax exemptions are generally permitted and sometimes required). Justice White's brief concurrence said nothing about the exemption issue one way or the other. See *id.* at 25-26 (White, J., concurring).

At the very least, the bill should protect “recognition” of marriages, and not just “solemnization” of marriages.

Each of us signs this letter in our individual capacities; none of our employers takes a position on the issues we address. We are available to discuss these issues further if that would be of any benefit. Each of our e-mail addresses is in the Appendix.

Appendix

Douglas Laycock is the Robert E. Scott Distinguished Professor of Law and Professor of Religious Studies at the University of Virginia. He is also the Alice McKean Young Regents Chair in Law Emeritus at the University of Texas. He may be reached at dlaycock@virginia.edu.

Thomas C. Berg is the James Oberstar Professor of Law and Public Policy at the University of St. Thomas (Minnesota). He may be reached at tcborg@stthomas.edu.

Bruce S. Ledewitz is Professor of Law at Duquesne University. He may be reached at ledewitz@duq.edu.

Christopher C. Lund is Associate Professor of Law at Wayne State University. He may be reached at lund@wayne.edu.

Michael J. Perry is the Robert W. Woodruff Professor of Law at Emory University. He may be reached at mjperry@emory.edu.

Kathryn Taketa-Wong
1448 Thurston Avenue #15
Honolulu, HI 96822

October 25, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will not be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am writing to **oppose** SB 1, the Hawaii Marriage Equality Act of 2013. I have many friends in the LGBTQ (lesbian/gay/bisexual/transgender/queer) community whom I love and respect, but I ask that they in turn respect my religious beliefs and do not seek to violate my right to religious freedom. I appreciate that the bill was revised to include stronger language to protect religious organizations whose beliefs oppose the solemnization of same sex marriage from litigation. I ask that the committee uphold and protect language in any such bill to preserve the rights of religious freedom of the people which is the foundation of our country.

I oppose SB 1 because:

1. It denies business owners their First Amendment right of freedom of religion.
2. It re-defines the most core institution of society, marriage.
3. It fails to protect church-affiliated organizations (universities, hospitals, adoption agencies, housing agencies, etc.) from lawsuits.
4. It extends parentage rights that would transfer Native Hawaiian ethnicity to non-Native Hawaiian individuals.
5. It provides that same-sex couples married in the State, but who do not live in Hawaii, the right to return to Hawaii courts for divorce, annulment and separation proceedings. Hawaii taxpayers will be paying for these costs.
6. It will introduce new educational curriculum for K-12 grades that will present same-sex marriages and relationships to school children and youth.

7. It is in utter opposition to the will of Hawaii voters who voted in 1998 to define marriage exclusively between a man and women in the Hawaii constitution. More than 250,000 Hawaii voters expressed their resolute position on the definition of marriage as exclusively between a man and women. The language “reserve marriage” indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively.
8. Its effective date of November 18, 2013 does not give sufficient time for the State of Hawaii to change processes, policies and practices to abide by the new law and puts the State at risk for lawsuits because it will not be able to comply with the new law.
9. It is fast-tracked through a process that does not offer Neighbor Island individuals the opportunity to present testimony in person.
10. It will not be referred to other appropriate legislative committees who are responsible to the citizens of Hawaii to vet legislation. It should be referred to the following committees: Hawaiian Affairs, Tourism and Hawaiian Affairs, Human Services, Finance, Education and Consumer Protection and Commerce. Citizens and stakeholders will not be able to testify in these committees to inform lawmakers about the far-reaching societal, economic and operational impact of the Hawaii Marriage Equality Act of 2013.
11. It does not provide a way to finance implementation costs to the State nor individual counties if the Hawaii Marriage Equality Act of 2013.
12. It excludes other types of couples (ie. related individuals) from legal marriage while granting certain rights and benefits that are presently only available to married couples to them. These couples will have legal standing to challenge the law.

I concur with the following written by Pakela Akaka:

“I ask now for you to think on what it means to grow up in a family based on a traditional marriage. The social aspect of a family that has children growing up with both a mother and a father figure develops understanding of social situations that *cannot* be found in a marriage of the same-sex. As daughters grow up, the qualities they look for in a man usually derive from the example set to them by their fathers, whether ideal or abusive. Fathers are meant to model for their daughter what it is that they should aspire to seek as standard in a man, and vice-versa for sons and their mothers. Now this is not to say that children who grow up in families with single parents never learn these things. I was raised by a single father, and have learned many things by his example of how to/how not to treat women.

According to an article titled “Growing Up With Two Moms: The Untold children’s View”, this man addresses the social difficulties he struggled to learn and deal with because he was confused inside. “My peers learned all the unwritten rules of decorum and body language in their homes; they understood

what was appropriate to say in certain settings and what wasn't; they learned both traditionally masculine and traditionally feminine social mechanisms". He continues by stating that even if the parents of his peers were divorced, they still grew up seeing male and female social models. "They learned to be bold and unflinching from male figures and how to write thank-you cards and be sensitive from female figures". We can all recognize these as stereotypes of course, but he also states how those stereotypes would come in handy when you leave the safety of a household that was different to work and survive in a world with very stereotypical minds, (Lopez, Robert O.). This also is not to say that all children reared in a same-gender parented family are condemned to a life of struggle and hardship of social identity/conformity, but to make it understood that it does make a difference.

What will these things mean for people of Hawaii? My concern is that it may mean many changes, possibly in the form of rules and regulations to be made in the basic standards of a functioning society . . . Passing this law as it is stated will without a doubt bring to pass many more lawsuits in the islands. In states that legalized same sex marriage, public school teachers have already begun to create lessons plans to discuss personal identity, homosexuality, same sex marriages, LGBT (lesbian, gay, bisexual or transgender) history and movement. After the passage of the FAIR Education Act in California, public schools are now required to teach about LGBT history starting in elementary school. In California a group of first graders were taken on a field trip to watch their lesbian teacher and her female partner marry at City Hall (Christian Newswire).

My question is: Is Hawaii ready for these changes? And: Shouldn't the people of Hawaii be the ones to decide this?

Now we need to gain an understanding of the situation that our local government is now in. This bill was put into standard session for this year and did not pass. The main reason being that it was seen as "hot potato" passed around the legislature and no one actually wanting to deal with it. The legislature all recognized this bill for what it truly is; an attempt to change the definition of "Marriage" in the state of Hawaii. According to the Defense Against Marriage Act of 1996 (now deemed unconstitutional), Marriage is defined as between a Man and a Woman. In 1998 however, Hawaii adopted a law which voters had at the time believed to have defined marriage as between a man and a woman, when the law in fact stated that the authority to define what constitutes a marriage would be granted to the legislature. This done, when in fact the last thing they voted for was to give the legislature the authority to define marriage as they so desire. Very much aware of this bill not passing in the standard session, and aware of the power of the legislature to grant this bill passage to law (by passage of the amendment of '98), Gov. Neil Abercrombie has called for a *special session* to be held where the legislature and senate would be the ones to decide if this would become law, and NOT THE CITIZENS of this state."

I urge you to vote NO on S.B. 1. Thank you for your time and leadership.

Sincerely,

Kathryn Taketa-Wong
Hawaii Voter

To: Office of the Governor
The Honorable Neil Abercrombie
Governor, State of Hawaii
Executive Chambers, State Capitol
Honolulu, Hawaii 96813

From: William & Jewel Victorino – Hilo, HI

Dated: October 13, 2013

Re: State of Hawaii Proposed "Marriage Equality Act of 2013"
Request for "NO" vote on this proposed bill.

Dear Governor Abercrombie,

I am a constituent in your district and I would like it to be noted that I have requested your assistance in voting against the proposed State of Hawaii "Marriage Equality Act of 2013."

In reading the proposed legislation I am very concerned about the forceful will that is being placed on the religious organizations in our state. In section, §572-F Refusal to solemnize a marriage, the proposed legislation states: " no such minister, priest, officer of any religious denomination or society, or religious society not having clergy that fails or refuses for any reason to solemnize any marriage under this section shall be subject to any fine, penalty, or other civil action for the failure or refusal."

In the First Amendment to the Bill of Rights it is known that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Therefore I believe that any law that forces any persons to choose between abiding by the laws in our state & having the right to choose to follow their beliefs is having this First Amendment right taken away.

If this law were to pass, I would have to accept any legislation that would not only be against my religion, so to speak, but also go against the rights I have been endowed to me as a lawful citizen of the United States.

I believe that it is a contradiction to change a law that would grant freedom to any person no matter what sex, color; personal or religious beliefs and in turn hinder another's freedom. Therefore, although this new proposed law may help extend entitlements to those in same-sex marriages, it will also take away the ability of those who may have differing beliefs to practice their religion freely; even including being fined or penalized for adhering to their views regarding traditional marriage.

I urge you to please thoroughly study this proposed legislation & consider all the effects that it would have on those who have entrusted you to protect their rights.

Mahalo for your service in preserving the rights of ALL in our beautiful state of Hawaii & thank you for your time & consideration in this matter.

With Respect,

William & Jewel Victorino

Equality is not complicated.

Under state and federal law, each and every one of us is entitled to the same rights, bound to the same responsibilities, as every other citizen. The Constitution of the United States is meant to confer to every American the same protections, to ensure that we all have access to equal opportunities regardless of race, class, national origin - or gender.

There is no qualifying those facts. There is no argument that can undermine the decades and indeed centuries that individuals and organizations and institutions and movements spent fighting against discrimination - a practice that would be propitiously continued by the passing of the Hawaii Marriage Equality Act.

Yet, as it has been in the past, there are those here today who claim that the enforcement of the equality of others infringes on their own rights: various groups often object to the violation of their freedoms that this bill supposedly represents. But it is explicitly stated that this act does not in any way seek to impede personal religious liberties, and any scenario in which same-sex marriages result in unconstitutional regulation of educational practices or religious beliefs are pure conjecture, based solely on either deliberate fabrications or paranoid imaginations.

The Supreme Court of the United States concluded more than fifty years ago, in the legendary case of *Brown v. Board*, that separating institutions based on discriminatory classifications rendered those institutions "inherently unequal." Because civil unions and reciprocal beneficiary relationships do not provide the same rights, benefits, protections, or responsibilities as marriages, denying same-sex couples the opportunity to marry in our state represents a blatant violation of their right to equal protection of the law.

More adjacent to this specific issue is the case of *Baehr v. Miike* that claimed the spotlight in Hawaii's Supreme Court for most of the 90s. This lawsuit, initiated by three same-sex couples who were denied marriage licenses in our state, provided the impetus for the federal Defense of Marriage Act in 1996. Although the state case was ultimately dismissed by the passing of that twisted national law, the findings of the Commission on Sexual Orientation (created as a result of the trial proceedings), combined with Judge Kevin Chang's initial decision to prohibit the state from withholding the licences in the first place, provides local historical precedent for the support of same-sex marriage.

Do not mistake my words for a simple demonization of opposing views. Do not judge me by my youth or my dress or my happily ambiguous sexuality. I am simply a person trying to reach other people. I am simply a person with views. I have a voice, and I intend to use it.

It is sad to me that such elementary ideas should need to be restated, but until marriage equality has been ensured, I must question the common sense of society.

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, my children and to my traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Rosemary Summers
963 Holoholo St. Kailua, HI 96734

Dear Representative _____,

Thank you for your hard work and dedication to serving our wonderful country. I'm writing to inform you of my family's opposition to the same sex marriage bill. I understand that we as people in the United States are to be treated fairly and equally. However, making same sex marriages legal in the state of Hawaii changes the nature of what a family is. Marriage is to be between one man and one woman. There is no other way. I have three children all under the age of five and don't want them to grow up in a time when men can marry men and women marry women. Your vote in favor of this bill will allow the young children growing up in this generation to witness such a thing that is unnatural. If this is allowed in every state, our entire country will be consumed with this type of lifestyle, which would only lead to problems later on in the future.

I plead and ask you to reconsider your vote. Your vote will affect a multitude of people. Yes, I understand that there are others in favor to this bill and it seems that those in favor are in the lead but your vote still matters. Even if it is still passed you can honestly say that you did what you could do to stop something like this from happening and did not sign your name to something that could possible change our country forever. I hope that you find it in your heart to vote against something that is so unbiblical. Thank you so much for your consideration in this serious matter.

"For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those that are contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error." **Romans 1:26-27**

To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

The biggest issues I have with Bill SB1 are the threat to our society by changing the definition of marriage as well as the undermining of the Democratic process by putting this issue to special session.

I recognize that same-sex attraction exists and that heterosexual individuals should be treated with love and respect. This does not however mean that they should be allowed to be married under the same laws as a man and a woman. I believe marriage to be correctly defined as a union between a man and a woman as it has been for thousands of years.

Recognizing marriage between same-sex couples will have a profound impact on our culture and society. The effects are far-reaching and will go beyond just the heterosexual couples involved. Children will be the greatest casualties by being denied the opportunity to be raised in homes by a mother and father. Our society will face more problems than it currently faces if Bill SB1 is passed.

In 1998 the people of this state voted and decided that legal marriage should be reserved for opposite-sex couples. I am asking you to again allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I am opposed to one of the most contentious social issues in our history being decided virtually in one week and by only those who hold office. I ask that you uphold the principles of democracy which are being disregarded by putting this Bill SB1 to special session.

The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousands of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Rebecca Stoner

Ewa Beach, Hawaii 96706



October 26, 2013

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

Pride Alliance Hawai'i (PAH) is submitting this testimony in strong support of SB 1.

PAH is a non-profit organization focused on issues of equality beginning with equality for the Lesbian, Gay, Bisexual, and Transgender (LGBT) community and with the ultimate goal of equality for all. We are dedicated to raising awareness about discrimination in Hawai'i and taking positive action to end it through community outreach and education, such as talk-story, educational programs, public demonstrations, and inclusive social events. We seek to work collaboratively with like-minded individuals and organizations committed to social, racial, and economic justice.

Our 300 members represent the diversity of the state of Hawai'i and all are in support of marriage equality. With the US Supreme Court's overturning of key provisions of DOMA however, every day that goes by without marriage equality in Hawai'i is a day our members, and others in the state, are left vulnerable and less secure than their heterosexual colleagues. While the IRS has created policies to allow for all legally married same-sex couples to file taxes jointly, there are more than 1,100 other rights and protections under federal law that are only available to married couples whose marriages are legally recognized in their home states. Civil Unions are not recognized as marriage under federal law. Lacking the right to legally marry in Hawai'i, same-sex couples must leave their home to obtain a legal marriage to receive any federal rights and protections. Even after they have unfairly expended extra money, time and effort not required of heterosexual couples, same-sex couples legally married in another state are still ineligible for most federal rights and protections because their home state of Hawai'i currently recognizes their legal marriage as a Civil Union.

We ask that you show strong leadership in addressing this injustice by passing SB 1.

Mahalo nui for your continued commitment to represent the needs of the citizens of Hawai'i.

Sincerely,

Board of Directors, Pride Alliance Hawai'i

Aloha,

I am submitting testimony for bill SB1 because I passionately care about my beloved state and home, Hawai'i. I have lived in Hawai'i for the past 40 years. I attended local Catholic grade and high school and the University of Hawai'i at Hilo for my undergraduate work. I am a high school English teacher and have been teaching our keiki for the past 22 years. I am writing you today to urge you not to pass the same-sex marriage bill.

The democracy you have the privilege of being an integral part of and of which we in this country and state so lavishly enjoy is based upon Christian principles and the ideas of our founding fathers who were unabashedly Christian. For instance, the first president of the United States, George Washington, stated, "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor."

When we study Washington's life, we understand he was a man of unshakable integrity who sought God's help and who supernaturally received it. We would not say his ideas are radical, but today, a local Christian like Bishop Silva, who is simply living out the precepts of his faith, is being persecuted in our local newspaper because he is upholding the faith he has devoted his life to. And this is before the bill has even passed.

The same-sex marriage issue is a moral issue. Today, the greatest lack of understanding among our leaders is their lack of valuing morality. Morality cannot be relevant to the times, otherwise it is a nebulous morality based upon your and my whims. The great composer Tchaikovsky once stated, "It is only those with boundaries who are truly free." Passing same-sex marriage in Hawai'i is abolishing a moral boundary that has upheld not only our state but our nation since its inception. Passing the same-sex bill will just be the beginning of undoing moral boundaries, and it is utterly naive to think it will not. One boundary down, then another, then another, until this nation and our state are amoral and immoral because our leaders did not care about morality!

John Adams the very individual who enabled the Declaration of Independence to be established and who is a central founding figure of our democracy said, "the safety and prosperity of the nations ultimately and essentially depend on the protection and blessing of Almighty God..." and "the national acknowledgement of His truth is an indispensable duty which the people owe to Him."

"The national acknowledgement of His truth," John Adams declared, not our own truth. Would you say John Adams was short-sighted and without wisdom? Would you say His faith was fruitless? Or, after studying his life and words and the fruit of his labors, would you not say perhaps he spoke truths that are worthy of heeding?

We cannot wander so far away from the cornerstone of our founding father's ideas and expect to enjoy the same freedoms and prosperity that very society produced. We cannot make up our own moral boundaries and expect that the same freedoms those founding boundaries produced will remain. If you leave the foundation, expect the crumbling.

And what of the writings of Thomas Jefferson, Abraham Lincoln, and even our own wise monarchs of Hawai'i, King Kamehameha, Kalaukaua, Queen Kaahumanu, and Liliuokalani? Would you call them short-sighted, or wise rulers with integrity who followed the precepts of an unshakable moral book?

Same-sex couples want a new right, not an equal right. Today they have the same right as I, to marry within the boundaries our founding fathers established, according to the moral principles the bible upholds. To say the bible is irrelevant and "only" a book that fanatics cling to, is to say our founding fathers and former monarchs were misguided and shallow-minded as well. But we know, that is not the case. And, it is not the case today as well.

Please senators and representatives, I urge you to give pause, to study the history of the government you represent, to completely know and understand its heart and lifeblood BEFORE you irreparably begin to dismantle our beloved and most cherished and beautiful paradise, Hawai'i: "Ua Mau Ke Ea O Ka Aina I ka Pono."

Mahalo Nui!

Aloha,

I am submitting testimony for bill SB1 because I passionately care about my beloved state and home, Hawai'i. I have lived in Hawai'i for the past 40 years. I attended local Catholic grade and high school and the University of Hawai'i at Hilo for my undergraduate work. I am a high school English teacher and have been teaching our keiki for the past 22 years. I am writing you today to urge you not to pass the same-sex marriage bill.

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Mahalo Nui!

Attention: Hawaii State Legislator

I would like to share my concerns regarding the upcoming special legislative session to move forward on a bill for marriage equality in Hawaii. I oppose this bill. I strongly feel that if this bill passes individuals who strongly believe in traditional marriage, their religious freedoms taken away. Three reasons why I oppose this bill

1. This bill is contrary to the fundamental religious beliefs that I have...
 - a. I strongly believe marriage is between a man and a woman.
2. This bill redefines marriage and harmful to children, families and society.
 - a. Marriage unites a man and a woman into a partnership strengthened by both the attributes of both genders.
 - b. Throughout society, the purpose of marriage has always been to help ensure children have a mother and father.
 - i. Numerous studies over decades establish children develop best when raised by a father and mother in a stable marriage relationship.
 - ii. With this not in place, communities experience increases in every category of child-development problems, such as depression, drug abuse, teenage pregnancies, school dropout rates and crime and is a huge social cost.
 - c. Redefining marriage to include same-sex couples will change the focus of marriage from ensuring children is cared for by his father and mother to accommodating relationships. When the focus of marriage is no longer on children, rather on adults, the protections of children erodes and society will suffer. This is already happening with the increase of divorce rates and will worsen further with same-sex marriage. Let's protect the children; they are our future leaders, workers, and community members of our tomorrow for our country.
3. Redefining marriage reduces religious freedom and redefining to include same-sex couples, enormous legal and social pressure will be against churches and religious people who believe in traditional marriages. Problems will arise such as;
 - a. Schools will teach a new definition to marriage and children who believe in traditional marriages face situations of correction, their comments or ostracized.
 - b. Lawsuits have in other states and brought against individuals, small business, marriage counselors, churches, and their related organizations that refuse to support same-sex marriages on religious grounds.
 - i. According to an article in the Wall Street Journal¹ lists several situations where business that's religious belief is on the traditional marriage were not being supported by our Constitutions right to religious freedom. These businesses had law suits against them for denying service for same-sex marriages either with flowers, photos taken or for performing marriages.
 - ii. Religious groups providing family related services, such as adaption will be loose their State licenses for not providing the same service to same-sex couples as they would for couple in traditional marriages
 - iii. With all of this, society will view and treat those who support traditional marriages for religious reasons as ignorant or bigoted.

¹ Hemingway, Mollie Ziegler. "Gay Marriages Collides With Religious Liberty" *The Wall Street Journal* 1 pg A-13. 09/20/2013

It is not right and constitutional that same-sex couples can strip me and other individuals who strongly believe in a traditional marriage for our religious beliefs. Our Founding Fathers established in the United States Constitution enabling United States Citizens the ability to have religious freedom.

According to the United States Constitution, The First Amendment (Amendment 1) (1791) states:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”²

- The First Amendment: the Establishment Clause (1791) states:
At minimum, the Establishment Clause prevents Congress from establishing a national religion or a national church. The Clause is also invoked to prevent government from endorsing a religion, from helping or hurting a particular religion, or from becoming excessively entangled with religion.”³
- First Amendment: Free Exercise Clause (1791) states:
“This clause protects an absolute freedom of belief. The Founders saw religious liberty as a natural right, and so the First Amendment ensures that all people have an equality of rights to practice their faith. While originally written to apply to actions of the federal government, it was incorporated into state governments through the Fourteenth Amendment by the Supreme Court in the case *Cantwell v. Connecticut* (1940).”⁴
- The Fourteenth Amendment XIV Section 1 (1868) states:
“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”⁵

The above Amendments provide citizens of the State of Hawaii with our rights and freedoms to practice our religious beliefs. Each individual has his or her own standards and beliefs. This bill will compromise individual’s religious beliefs, standards, values, and freedoms.

This bill should never take away religious rights of any individual. Individuals have the right to deny services and or products to others based on individual’s religious beliefs and standards. I strongly urge you to consider all that I shared with you. I ask you to consider what I have stated. I urge you to oppose this bill!

³ <http://billofrightsinstitute.org/resources/educator-resources/americanpedia/americanpedia-bill-of-rights/first-amendment/establishment-clause/>

⁴ <http://billofrightsinstitute.org/resources/educator-resources/americanpedia/americanpedia-bill-of-rights/first-amendment/free-exercise-clause/>

⁵ http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

October 25, 2013

The Honorable Clayton Hee, Chair and Members of the
Committee on Judiciary and Labor

Subject: S.B. 1
Hearing Date: October 28, 2013, 10:30 a.m.
State Capitol Auditorium

Dear Honorable Chair Clayton Hee and Committee Members:

This letter is my written testimony in strong opposition of S.B. 1 and in favor of traditional marriage. Marriage is a unity between a man and a woman. In the name of Family, same-sex marriage serves to validate, not only such unions, but a homosexual in all its bisexual and transgender variants.

Legal recognition of same-sex marriage would obscure certain basic moral values, devalue traditional marriage and weaken public morality. What would it do in our schools? The public schools will have to teach children that this perversion is equivalent to marriage between a man and a woman. Will textbooks and illustrations in public schools and public areas have to show man/man and woman/woman relationships to give equal space to homosexuals? Have you considered the consequences and long-term effects of same-sex marriage on our society?

I, therefore, ask that this bill not be passed and instead you allow the people of the State of Hawaii vote on same-sex marriage.

Sincerely,

/s/Stevette Kaaihue

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

Jarrell James Mahusay
94-543 Lumiaina Street #U201
Waipahu, Hawaii 96797

I Vote **NO** to Senate Bill 1, authorizing same-sex marriage.

I am Christian and a former Naval Submarine Officer, who diligently served our country for 4 years. I currently manage a non-profit organization, Reveille Hawaii, aimed at connecting military members with the Hawaiian community. Our goal is to help with the epidemic of homelessness, drugs, and the needs of the Hawaiian people, through volunteerism, fund raising, and grateful hearts.

I am affected directly by this bill because of 3 reasons: It prohibits my core beliefs and my faith, which I have practiced all my life. It denies me my civil rights to choose, by vote, to disallow this bill. This bill also affects my livelihood and my ability to act upon my faith.

I have practiced Christianity since my birth on May 15, 1981. My family has practiced Christianity for generations dating back to our origins in the Philippines. My belief in Jesus Christ as our Lord and Savior requires us to live in such a way that we honor Him with the choices I make. Homosexuality is considered a Sin; not unlike drug abuse or alcoholism, all of which are defined by the Bible as immoral and should not be encouraged according to my faith practice. Same-sex marriage will significantly impact my ability to profess my faith through daily life as well as the lives of my future children by forcing my family to choose to follow the teachings of my God or to follow the law by condoning homosexuality. I will not and cannot follow any law that would be contrary to my beliefs as my resolve to follow my God and His teachings will supersede any law that maybe enacted. In spite of any decision by legislation, I will continue to live peacefully before all people regardless of their decision towards sexual orientation but I am incapable of recognizing any marriage not between a man and a woman. Marriage has been defined since ancient times as the union of a man and a woman, and whose purpose is the capacity to produce life naturally. Marriage has always been characterized by biblical terms, between man and woman, since the age of the Hawaiian kingdom. Hawaii must maintain a separation of church and state by denying passage of Senate Bill 1; marriage has always been a church institution regardless of faith background and is only recognized by the state through taxation purposes. For these reasons I must comply with the mandates by my God to proclude my faith and cannot endorse same-sex marriage.

This bill infringes my right to vote as defined by Amendment 18 of the U.S. Constitution. Although a previous bill permits the legislative body of the state of Hawaii to decide the validity of same-sex marriage, a bill whose affects of this magnitude should not be decided by an in accurate, and extremely small sample size of the state population represented only by a handful of legislative representatives. A vote of the people of Hawaii must be required in order to prove the desire of the

people to support this bill. Through the interactions of my non-profit organization and the Hawaiian people, I have determined that a cultural frustration of the people is the constant silencing of their voice and rights. This bill further exemplifies the neglect of the people to choose for themselves their desired course of governance. As a new and permanent resident of Hawaii for 3 years, I desire a chance to voice my vote and to vote no on this bill. Do not deny the people their voice, history has taught us that those who support the wishes of the people and their ability to choose are beloved and remembered, while those who deny the people's right to choose are ostracized and culpable.

This bill directly affects my livelihood and the practice of my faith. My non-profit organization is based on Biblical principles, the act of giving, serving, comforting, and love towards all people regardless of race, creed, or sexual orientation. In conjunction with these principles are the directives to uphold morality as defined by the Bible, which include but are not limited to abuse prevention, poverty, as well as homosexuality. I am not able to carry out my duties as a Christian and a human being, to provide the quality of volunteerism, support, and care deserving of the people of Hawaii. God cannot use me effectively due to the prohibitions stated in Senate Bill 1. I should not be forced to choose between condoning homosexuality and following the commandments of my God. There are people who are indifferent to homosexuality and therefore may provide the services required of the LGBT community. Just as a customer has the ability to choose which business they want to purchase goods and services, retailers and service providers, whether profit or non-profit, should be able to determine morally what they determine to be right based on ancient and long standing principles. Today's capitalist society allows the consumer the right to determine whether a business survives or fails; if a place of business decides to uphold their Biblically moral beliefs and their belief is that the LGBT lifestyle is morally reprehensible then let their success or failure be determined by the patronage of the consumer and not by a law that has condemned them without the verdict of the consumer. Some may compare the disapproval of the LGBT lifestyle to racism, but LGBT is a lifestyle and not an intrinsic characteristic of a person such as their skin color. Just the same as no person is forced to accept a religion as a lifestyle, so should no person be forced to accept the LGBT lifestyle.

In conclusion, as a Christian and a contributing member of the Hawaiian people, I vote No to Senate Bill 1. This bill disagrees with the core of my faith which is also a lifestyle. It disagrees with my rights as a citizen of not only the United States but also as a citizen of Hawaii. It also disagrees with my livelihood and my ability to make a positive impact on the community. Finally, in Christianity, Jesus Christ was condemned to death by the Israelites, but because of their traditions, they were barred from making the decision to act upon His crucifixion. The people implored the help of the Roman governor Pontius Pilate to make the decision necessary to condemn Jesus to death. Pontius Pilate refused 3 times and finally he dipped his hands in water to symbolize that the blood of Jesus, an innocent man, would be on their hands and allowed the execution to take place. In the same way, hold yourself blameless for the decisions of the people. Allow the people of Hawaii to make this

choice because this will affect generations to come and you as legislators will walk amongst the people guiltless because you gave the people their vote and their rights. As our Leaders, in accordance with 2 Timothy 4:1-2, I charge you in the presence of God and of Christ Jesus, Who will judge the living and the dead, and by His appearing and His kingly power: proclaim the word; be persistent whether it is convenient or inconvenient, convince, reprimand, encourage through all patience and teaching.

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage will mostly affects the minority of Hawai'i residents who identify themselves as Gay or Lesbian, but it could change society for those Hawai'i residents who hold strong and believe in their constitutional rights to protect religion. The wording of this Bill will force churches and religious entities that oppose same sex marriage on moral grounds to have these services conducted within their halls. This undermines the very **Constitution** and should **NOT** be decided in a special session but should be brought before the people. Many churches do open their doors to their communities to assist in better the community and providing a place for community functions. During these times the churches do not "preach" to the community so why is it that this Bill will **DEMAND** that any church opening its doors to community organizations must allow same sex marriages to be performed. If this is a state decision to legalize same sex marriage then such services should be limited to state or county buildings and **NOT** churches. This Bill will force many churches to close their doors to the community which will in turn hurt the community.

This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If the majority of people in Hawai'i feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it is important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
William Guest
PO Box 711894
Mountain View, HI 96771

For Senate Committee on Judiciary & Labor
Monday, 10/28/13 at 10:30AM
SB 1 Relating to Equality

ONLY WRITTEN TESTIMONY in Opposition to SB1 Relating To Equality – From
Concerned Citizens of Kalihi, Foster Village, Salt Lake, Pearl City, Waianae, ...

TO: Honorable Chair Hee, Members of the Committee on Judiciary & Labor, As
Well As All Legislators Who Still Consider Passing this Bill.

It is with great sadness and disappointment that we write- having to take the
time, money and effort again to write you about this issue. Why is this Bill SB 1
being considered? Why is this issue of same sex rights re-visited AGAIN? Didn't
the gay advocates receive their reciprocal beneficiary benefits? Didn't the gay
advocates strongly say they were not seeking for the marriage status?

Same Sex Advocates cannot use the word Marriage for their union, BECAUSE
THEY DO NOT QUALIFY. HAS NOTHING TO DO WITH FAIRNESS, BECAUSE THEY
HAVE TO QUALIFY. MAN AND WOMAN QUALIFIES AS A MARRIAGE -2MEN OR
2WOMEN DO NOT QUALIFY AS A MARRIAGE.

SIMPLE MATH

Same Sex Union Is NOT THE SAME as Marriage, which means :

The Same Sex Marriage Bill IS A SHAM

2Men DOES NOT EQUAL A Man& A Woman

2Women DOES NOT EQUAL A Woman& A Man

It's that simple

A same sex couple is called a gay couple or homosexual couple, etc., But now
they are also called a 'Civil Union', because some Legislators gave it to them. So
that is also what they are called. A Civil Union. Period.

People should not be allowed to take something that is
Sacred: Marriage (Male & Female Couple) and change it into something
Indecent: (Same Sex Couple). MARRIAGE is not just a word randomly made up.
This word was ordained for a MAN & WOMAN union .

Like parents - If you are a parent, trying to raise kids to do what is right, and if they keep nagging you for things they shouldn't have...Are you going to keep giving them more of what they shouldn't have? When you truly Love your kids, don't you discipline and set boundaries for them by saying NO? If you truly Love them.

Marriage means Man & Woman union. That's the boundary. When the Civil Union Bill passed, it opened the boundaries. PLEASE DON'T ALLOW THEM TO CROSS OVER THE BOUNDARIES. BY REJECTING THIS SSM BILL, YOU KEEP THOSE BOUNDARIES IN PLACE.

MEANING OF MARRIAGE IS : MAN & WOMAN UNION.....PERIOD.....SIMPLE EVERYONE SHOULD RESPECT AND UPHOLD THIS UNION

QUESTIONS LEGISLATORS NEED TO ANSWER

1. The Civil Unions Bill was passed – Why are you even considering this SB 1 Bill?
2. Legislators are there, because we cannot. Legislators represent us. You are there to preserve and upkeep traditional values, things that are good, decent, honorable, morally right. You are there to protect us. Are you representing us? Are you going to protect us?
3. Legislators are there to establish laws that promote order, decency, create boundaries to live orderly and decent lives, without taking away basic rights of other people. The SSM bill promotes Lawlessness. Do you want to promote Lawlessness?
4. (Not counting those legislators participating in a same sex relationship) When you think about 2women together, or 2men together – How do you feel or think? Can you honestly say you don't have any uncomfortable feelings or thoughts about this kind of relationship?

The definition of marriage varies from person to person; however, the constitutionality of marriage leaves little room for debate. The fourteenth amendment of the Constitution states that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...nor deny to any person within its jurisdiction the equal protection of the laws." This amendment includes the Equal Protection Clause which provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. Although the amendment was originally intended to protect the rights of African Americans, it can be extended to include all citizens, meaning same-sex couples as well as gay couples. As citizens of the United States, gay couples reserve the right to the same protections granted to opposite-sex couples. By discriminating against gay marriage, we are stripping away their fundamental rights as citizens which contradicts the U.S. Constitution and every civil rights movement fought for in the course of our nation's history. We must learn from our country's past mistakes, and by banning same-sex marriage, we are taking a step back as a nation.

Myla Pereira

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, my children and to my traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Rosemary Summers
963 Holoholo St. Kailua, HI 96734

Dear Representative _____,

Thank you for your hard work and dedication to serving our wonderful country. I'm writing to inform you of my family's opposition to the same sex marriage bill. I understand that we as people in the United States are to be treated fairly and equally. However, making same sex marriages legal in the state of Hawaii changes the nature of what a family is. Marriage is to be between one man and one woman. There is no other way. I have three children all under the age of five and don't want them to grow up in a time when men can marry men and women marry women. Your vote in favor of this bill will allow the young children growing up in this generation to witness such a thing that is unnatural. If this is allowed in every state, our entire country will be consumed with this type of lifestyle, which would only lead to problems later on in the future.

I plead and ask you to reconsider your vote. Your vote will affect a multitude of people. Yes, I understand that there are others in favor to this bill and it seems that those in favor are in the lead but your vote still matters. Even if it is still passed you can honestly say that you did what you could do to stop something like this from happening and did not sign your name to something that could possible change our country forever. I hope that you find it in your heart to vote against something that is so unbiblical. Thank you so much for your consideration in this serious matter.

"For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those that are contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error." **Romans 1:26-27**

To: Senate Committee on Judiciary and Labor

Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.

Place: Capitol Auditorium

Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

The biggest issues I have with Bill SB1 are the threat to our society by changing the definition of marriage as well as the undermining of the Democratic process by putting this issue to special session.

I recognize that same-sex attraction exists and that heterosexual individuals should be treated with love and respect. This does not however mean that they should be allowed to be married under the same laws as a man and a woman. I believe marriage to be correctly defined as a union between a man and a woman as it has been for thousands of years.

Recognizing marriage between same-sex couples will have a profound impact on our culture and society. The effects are far-reaching and will go beyond just the heterosexual couples involved. Children will be the greatest casualties by being denied the opportunity to be raised in homes by a mother and father. Our society will face more problems than it currently faces if Bill SB1 is passed.

In 1998 the people of this state voted and decided that legal marriage should be reserved for opposite-sex couples. I am asking you to again allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I am opposed to one of the most contentious social issues in our history being decided virtually in one week and by only those who hold office. I ask that you uphold the principles of democracy which are being disregarded by putting this Bill SB1 to special session.

The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousands of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Rebecca Stoner

Ewa Beach, Hawaii 96706



October 26, 2013

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

Pride Alliance Hawai'i (PAH) is submitting this testimony in strong support of SB 1.

PAH is a non-profit organization focused on issues of equality beginning with equality for the Lesbian, Gay, Bisexual, and Transgender (LGBT) community and with the ultimate goal of equality for all. We are dedicated to raising awareness about discrimination in Hawai'i and taking positive action to end it through community outreach and education, such as talk-story, educational programs, public demonstrations, and inclusive social events. We seek to work collaboratively with like-minded individuals and organizations committed to social, racial, and economic justice.

Our 300 members represent the diversity of the state of Hawai'i and all are in support of marriage equality. With the US Supreme Court's overturning of key provisions of DOMA however, every day that goes by without marriage equality in Hawai'i is a day our members, and others in the state, are left vulnerable and less secure than their heterosexual colleagues. While the IRS has created policies to allow for all legally married same-sex couples to file taxes jointly, there are more than 1,100 other rights and protections under federal law that are only available to married couples whose marriages are legally recognized in their home states. Civil Unions are not recognized as marriage under federal law. Lacking the right to legally marry in Hawai'i, same-sex couples must leave their home to obtain a legal marriage to receive any federal rights and protections. Even after they have unfairly expended extra money, time and effort not required of heterosexual couples, same-sex couples legally married in another state are still ineligible for most federal rights and protections because their home state of Hawai'i currently recognizes their legal marriage as a Civil Union.

We ask that you show strong leadership in addressing this injustice by passing SB 1.

Mahalo nui for your continued commitment to represent the needs of the citizens of Hawai'i.

Sincerely,

Board of Directors, Pride Alliance Hawai'i

Aloha,

I am submitting testimony for bill SB1 because I passionately care about my beloved state and home, Hawai'i. I have lived in Hawai'i for the past 40 years. I attended local Catholic grade and high school and the University of Hawai'i at Hilo for my undergraduate work. I am a high school English teacher and have been teaching our keiki for the past 22 years. I am writing you today to urge you not to pass the same-sex marriage bill.

The democracy you have the privilege of being an integral part of and of which we in this country and state so lavishly enjoy is based upon Christian principles and the ideas of our founding fathers who were unabashedly Christian. For instance, the first president of the United States, George Washington, stated, "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly implore His protection and favor."

When we study Washington's life, we understand he was a man of unshakable integrity who sought God's help and who supernaturally received it. We would not say his ideas are radical, but today, a local Christian like Bishop Silva, who is simply living out the precepts of his faith, is being persecuted in our local newspaper because he is upholding the faith he has devoted his life to. And this is before the bill has even passed.

The same-sex marriage issue is a moral issue. Today, the greatest lack of understanding among our leaders is their lack of valuing morality. Morality cannot be relevant to the times, otherwise it is a nebulous morality based upon your and my whims. The great composer Tchaikovsky once stated, "It is only those with boundaries who are truly free." Passing same-sex marriage in Hawai'i is abolishing a moral boundary that has upheld not only our state but our nation since its inception. Passing the same-sex bill will just be the beginning of undoing moral boundaries, and it is utterly naive to think it will not. One boundary down, then another, then another, until this nation and our state are amoral and immoral because our leaders did not care about morality!

John Adams the very individual who enabled the Declaration of Independence to be established and who is a central founding figure of our democracy said, "the safety and prosperity of the nations ultimately and essentially depend on the protection and blessing of Almighty God..." and "the national acknowledgement of His truth is an indispensable duty which the people owe to Him."

"The national acknowledgement of His truth," John Adams declared, not our own truth. Would you say John Adams was short-sighted and without wisdom? Would you say His faith was fruitless? Or, after studying his life and words and the fruit of his labors, would you not say perhaps he spoke truths that are worthy of heeding?

We cannot wander so far away from the cornerstone of our founding father's ideas and expect to enjoy the same freedoms and prosperity that very society produced. We cannot make up our own moral boundaries and expect that the same freedoms those founding boundaries produced will remain. If you leave the foundation, expect the crumbling.

And what of the writings of Thomas Jefferson, Abraham Lincoln, and even our own wise monarchs of Hawai'i, King Kamehameha, Kalaukaua, Queen Kaahumanu, and Liliuokalani? Would you call them short-sighted, or wise rulers with integrity who followed the precepts of an unshakable moral book?

Same-sex couples want a new right, not an equal right. Today they have the same right as I, to marry within the boundaries our founding fathers established, according to the moral principles the bible upholds. To say the bible is irrelevant and "only" a book that fanatics cling to, is to say our founding fathers and former monarchs were misguided and shallow-minded as well. But we know, that is not the case. And, it is not the case today as well.

Please senators and representatives, I urge you to give pause, to study the history of the government you represent, to completely know and understand its heart and lifeblood BEFORE you irreparably begin to dismantle our beloved and most cherished and beautiful paradise, Hawai'i: "Ua Mau Ke Ea O Ka Aina I ka Pono."

Mahalo Nui!

Aloha,

I am submitting testimony for bill SB1 because I passionately care about my beloved state and home, Hawai'i. I have lived in Hawai'i for the past 40 years. I attended local Catholic grade and high school and the University of Hawai'i at Hilo for my undergraduate work. I am a high school English teacher and have been teaching our keiki for the past 22 years. I am writing you today to urge you not to pass the same-sex marriage bill.

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Please senators and representatives, I urge you to give pause, to study the history of the government you represent, to completely know and understand its heart and lifeblood BEFORE you irreparably begin to dismantle our beloved and most cherished and beautiful paradise, Hawai'i: "Ua Mau Ke Ea O Ka Aina I ka Pono."

Mahalo Nui!

Attention: Hawaii State Legislator

I would like to share my concerns regarding the upcoming special legislative session to move forward on a bill for marriage equality in Hawaii. I oppose this bill. I strongly feel that if this bill passes individuals who strongly believe in traditional marriage, their religious freedoms taken away. Three reasons why I oppose this bill

1. This bill is contrary to the fundamental religious beliefs that I have...
 - a. I strongly believe marriage is between a man and a woman.
2. This bill redefines marriage and harmful to children, families and society.
 - a. Marriage unites a man and a woman into a partnership strengthened by both the attributes of both genders.
 - b. Throughout society, the purpose of marriage has always been to help ensure children have a mother and father.
 - i. Numerous studies over decades establish children develop best when raised by a father and mother in a stable marriage relationship.
 - ii. With this not in place, communities experience increases in every category of child-development problems, such as depression, drug abuse, teenage pregnancies, school dropout rates and crime and is a huge social cost.
 - c. Redefining marriage to include same-sex couples will change the focus of marriage from ensuring children is cared for by his father and mother to accommodating relationships. When the focus of marriage is no longer on children, rather on adults, the protections of children erodes and society will suffer. This is already happening with the increase of divorce rates and will worsen further with same-sex marriage. Let's protect the children; they are our future leaders, workers, and community members of our tomorrow for our country.
3. Redefining marriage reduces religious freedom and redefining to include same-sex couples, enormous legal and social pressure will be against churches and religious people who believe in traditional marriages. Problems will arise such as;
 - a. Schools will teach a new definition to marriage and children who believe in traditional marriages face situations of correction, their comments or ostracized.
 - b. Lawsuits have in other states and brought against individuals, small business, marriage counselors, churches, and their related organizations that refuse to support same-sex marriages on religious grounds.
 - i. According to an article in the Wall Street Journal¹ lists several situations where business that's religious belief is on the traditional marriage were not being supported by our Constitutions right to religious freedom. These businesses had law suits against them for denying service for same-sex marriages either with flowers, photos taken or for performing marriages.
 - ii. Religious groups providing family related services, such as adaption will be loose their State licenses for not providing the same service to same-sex couples as they would for couple in traditional marriages
 - iii. With all of this, society will view and treat those who support traditional marriages for religious reasons as ignorant or bigoted.

¹ Hemingway, Mollie Ziegler. "Gay Marriages Collides With Religious Liberty" *The Wall Street Journal* 1 pg A-13. 09/20/2013

It is not right and constitutional that same-sex couples can strip me and other individuals who strongly believe in a traditional marriage for our religious beliefs. Our Founding Fathers established in the United States Constitution enabling United States Citizens the ability to have religious freedom.

According to the United States Constitution, The First Amendment (Amendment 1) (1791) states:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”²

- The First Amendment: the Establishment Clause (1791) states:
At minimum, the Establishment Clause prevents Congress from establishing a national religion or a national church. The Clause is also invoked to prevent government from endorsing a religion, from helping or hurting a particular religion, or from becoming excessively entangled with religion.”³
- First Amendment: Free Exercise Clause (1791) states:
“This clause protects an absolute freedom of belief. The Founders saw religious liberty as a natural right, and so the First Amendment ensures that all people have an equality of rights to practice their faith. While originally written to apply to actions of the federal government, it was incorporated into state governments through the Fourteenth Amendment by the Supreme Court in the case *Cantwell v. Connecticut* (1940).”⁴
- The Fourteenth Amendment XIV Section 1 (1868) states:
“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”⁵

The above Amendments provide citizens of the State of Hawaii with our rights and freedoms to practice our religious beliefs. Each individual has his or her own standards and beliefs. This bill will compromise individual’s religious beliefs, standards, values, and freedoms.

This bill should never take away religious rights of any individual. Individuals have the right to deny services and or products to others based on individual’s religious beliefs and standards. I strongly urge you to consider all that I shared with you. I ask you to consider what I have stated. I urge you to oppose this bill!

³ <http://billofrightsinstitute.org/resources/educator-resources/americanpedia/americanpedia-bill-of-rights/first-amendment/establishment-clause/>

⁴ <http://billofrightsinstitute.org/resources/educator-resources/americanpedia/americanpedia-bill-of-rights/first-amendment/free-exercise-clause/>

⁵ http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

October 25, 2013

The Honorable Clayton Hee, Chair and Members of the
Committee on Judiciary and Labor

Subject: S.B. 1
Hearing Date: October 28, 2013, 10:30 a.m.
State Capitol Auditorium

Dear Honorable Chair Clayton Hee and Committee Members:

This letter is my written testimony in strong opposition of S.B. 1 and in favor of traditional marriage. Marriage is a unity between a man and a woman. In the name of Family, same-sex marriage serves to validate, not only such unions, but a homosexual in all its bisexual and transgender variants.

Legal recognition of same-sex marriage would obscure certain basic moral values, devalue traditional marriage and weaken public morality. What would it do in our schools? The public schools will have to teach children that this perversion is equivalent to marriage between a man and a woman. Will textbooks and illustrations in public schools and public areas have to show man/man and woman/woman relationships to give equal space to homosexuals? Have you considered the consequences and long-term effects of same-sex marriage on our society?

I, therefore, ask that this bill not be passed and instead you allow the people of the State of Hawaii vote on same-sex marriage.

Sincerely,

/s/Stevette Kaaihue

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

Jarrell James Mahusay
94-543 Lumiaina Street #U201
Waipahu, Hawaii 96797

I Vote **NO** to Senate Bill 1, authorizing same-sex marriage.

I am Christian and a former Naval Submarine Officer, who diligently served our country for 4 years. I currently manage a non-profit organization, Reveille Hawaii, aimed at connecting military members with the Hawaiian community. Our goal is to help with the epidemic of homelessness, drugs, and the needs of the Hawaiian people, through volunteerism, fund raising, and grateful hearts.

I am affected directly by this bill because of 3 reasons: It prohibits my core beliefs and my faith, which I have practiced all my life. It denies me my civil rights to choose, by vote, to disallow this bill. This bill also affects my livelihood and my ability to act upon my faith.

I have practiced Christianity since my birth on May 15, 1981. My family has practiced Christianity for generations dating back to our origins in the Philippines. My belief in Jesus Christ as our Lord and Savior requires us to live in such a way that we honor Him with the choices I make. Homosexuality is considered a Sin; not unlike drug abuse or alcoholism, all of which are defined by the Bible as immoral and should not be encouraged according to my faith practice. Same-sex marriage will significantly impact my ability to profess my faith through daily life as well as the lives of my future children by forcing my family to choose to follow the teachings of my God or to follow the law by condoning homosexuality. I will not and cannot follow any law that would be contrary to my beliefs as my resolve to follow my God and His teachings will supersede any law that maybe enacted. In spite of any decision by legislation, I will continue to live peacefully before all people regardless of their decision towards sexual orientation but I am incapable of recognizing any marriage not between a man and a woman. Marriage has been defined since ancient times as the union of a man and a woman, and whose purpose is the capacity to produce life naturally. Marriage has always been characterized by biblical terms, between man and woman, since the age of the Hawaiian kingdom. Hawaii must maintain a separation of church and state by denying passage of Senate Bill 1; marriage has always been a church institution regardless of faith background and is only recognized by the state through taxation purposes. For these reasons I must comply with the mandates by my God to proclude my faith and cannot endorse same-sex marriage.

This bill infringes my right to vote as defined by Amendment 18 of the U.S. Constitution. Although a previous bill permits the legislative body of the state of Hawaii to decide the validity of same-sex marriage, a bill whose affects of this magnitude should not be decided by an in accurate, and extremely small sample size of the state population represented only by a handful of legislative representatives. A vote of the people of Hawaii must be required in order to prove the desire of the

people to support this bill. Through the interactions of my non-profit organization and the Hawaiian people, I have determined that a cultural frustration of the people is the constant silencing of their voice and rights. This bill further exemplifies the neglect of the people to choose for themselves their desired course of governance. As a new and permanent resident of Hawaii for 3 years, I desire a chance to voice my vote and to vote no on this bill. Do not deny the people their voice, history has taught us that those who support the wishes of the people and their ability to choose are beloved and remembered, while those who deny the people's right to choose are ostracized and culpable.

This bill directly affects my livelihood and the practice of my faith. My non-profit organization is based on Biblical principles, the act of giving, serving, comforting, and love towards all people regardless of race, creed, or sexual orientation. In conjunction with these principles are the directives to uphold morality as defined by the Bible, which include but are not limited to abuse prevention, poverty, as well as homosexuality. I am not able to carry out my duties as a Christian and a human being, to provide the quality of volunteerism, support, and care deserving of the people of Hawaii. God cannot use me effectively due to the prohibitions stated in Senate Bill 1. I should not be forced to choose between condoning homosexuality and following the commandments of my God. There are people who are indifferent to homosexuality and therefore may provide the services required of the LGBT community. Just as a customer has the ability to choose which business they want to purchase goods and services, retailers and service providers, whether profit or non-profit, should be able to determine morally what they determine to be right based on ancient and long standing principles. Today's capitalist society allows the consumer the right to determine whether a business survives or fails; if a place of business decides to uphold their Biblically moral beliefs and their belief is that the LGBT lifestyle is morally reprehensible then let their success or failure be determined by the patronage of the consumer and not by a law that has condemned them without the verdict of the consumer. Some may compare the disapproval of the LGBT lifestyle to racism, but LGBT is a lifestyle and not an intrinsic characteristic of a person such as their skin color. Just the same as no person is forced to accept a religion as a lifestyle, so should no person be forced to accept the LGBT lifestyle.

In conclusion, as a Christian and a contributing member of the Hawaiian people, I vote No to Senate Bill 1. This bill disagrees with the core of my faith which is also a lifestyle. It disagrees with my rights as a citizen of not only the United States but also as a citizen of Hawaii. It also disagrees with my livelihood and my ability to make a positive impact on the community. Finally, in Christianity, Jesus Christ was condemned to death by the Israelites, but because of their traditions, they were barred from making the decision to act upon His crucifixion. The people implored the help of the Roman governor Pontius Pilate to make the decision necessary to condemn Jesus to death. Pontius Pilate refused 3 times and finally he dipped his hands in water to symbolize that the blood of Jesus, an innocent man, would be on their hands and allowed the execution to take place. In the same way, hold yourself blameless for the decisions of the people. Allow the people of Hawaii to make this

choice because this will affect generations to come and you as legislators will walk amongst the people guiltless because you gave the people their vote and their rights. As our Leaders, in accordance with 2 Timothy 4:1-2, I charge you in the presence of God and of Christ Jesus, Who will judge the living and the dead, and by His appearing and His kingly power: proclaim the word; be persistent whether it is convenient or inconvenient, convince, reprimand, encourage through all patience and teaching.

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage will mostly affects the minority of Hawai'i residents who identify themselves as Gay or Lesbian, but it could change society for those Hawai'i residents who hold strong and believe in their constitutional rights to protect religion. The wording of this Bill will force churches and religious entities that oppose same sex marriage on moral grounds to have these services conducted within their halls. This undermines the very **Constitution** and should **NOT** be decided in a special session but should be brought before the people. Many churches do open their doors to their communities to assist in better the community and providing a place for community functions. During these times the churches do not "preach" to the community so why is it that this Bill will **DEMAND** that any church opening its doors to community organizations must allow same sex marriages to be performed. If this is a state decision to legalize same sex marriage then such services should be limited to state or county buildings and **NOT** churches. This Bill will force many churches to close their doors to the community which will in turn hurt the community.

This is something that should be decided by the people, and not by a handful of politicians. If the majority of our people feel that having a Gay or Lesbian marriage is an acceptable alternative to heterosexual marriage, then so be it. But **LET THE PEOPLE VOTE!**

If the majority of people in Hawai'i feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it is important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon.** Religious Freedom is one of the founding principles of our country. It is not uncommon knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
William Guest
PO Box 711894
Mountain View, HI 96771

For Senate Committee on Judiciary & Labor
Monday, 10/28/13 at 10:30AM
SB 1 Relating to Equality

ONLY WRITTEN TESTIMONY in Opposition to SB1 Relating To Equality – From
Concerned Citizens of Kalihi, Foster Village, Salt Lake, Pearl City, Waianae, ...

TO: Honorable Chair Hee, Members of the Committee on Judiciary & Labor, As
Well As All Legislators Who Still Consider Passing this Bill.

It is with great sadness and disappointment that we write- having to take the
time, money and effort again to write you about this issue. Why is this Bill SB 1
being considered? Why is this issue of same sex rights re-visited AGAIN? Didn't
the gay advocates receive their reciprocal beneficiary benefits? Didn't the gay
advocates strongly say they were not seeking for the marriage status?

Same Sex Advocates cannot use the word Marriage for their union, BECAUSE
THEY DO NOT QUALIFY. HAS NOTHING TO DO WITH FAIRNESS, BECAUSE THEY
HAVE TO QUALIFY. MAN AND WOMAN QUALIFIES AS A MARRIAGE -2MEN OR
2WOMEN DO NOT QUALIFY AS A MARRIAGE.

SIMPLE MATH

Same Sex Union Is NOT THE SAME as Marriage, which means :

The Same Sex Marriage Bill IS A SHAM

2Men DOES NOT EQUAL A Man& A Woman

2Women DOES NOT EQUAL A Woman& A Man

It's that simple

A same sex couple is called a gay couple or homosexual couple, etc., But now
they are also called a 'Civil Union', because some Legislators gave it to them. So
that is also what they are called. A Civil Union. Period.

People should not be allowed to take something that is
Sacred: Marriage (Male & Female Couple) and change it into something
Indecent: (Same Sex Couple). MARRIAGE is not just a word randomly made up.
This word was ordained for a MAN & WOMAN union .

Like parents - If you are a parent, trying to raise kids to do what is right, and if they keep nagging you for things they shouldn't have...Are you going to keep giving them more of what they shouldn't have? When you truly Love your kids, don't you discipline and set boundaries for them by saying NO? If you truly Love them.

Marriage means Man & Woman union. That's the boundary. When the Civil Union Bill passed, it opened the boundaries. PLEASE DON'T ALLOW THEM TO CROSS OVER THE BOUNDARIES. BY REJECTING THIS SSM BILL, YOU KEEP THOSE BOUNDARIES IN PLACE.

MEANING OF MARRIAGE IS : MAN & WOMAN UNION.....PERIOD.....SIMPLE EVERYONE SHOULD RESPECT AND UPHOLD THIS UNION

QUESTIONS LEGISLATORS NEED TO ANSWER

1. The Civil Unions Bill was passed – Why are you even considering this SB 1 Bill?
2. Legislators are there, because we cannot. Legislators represent us. You are there to preserve and upkeep traditional values, things that are good, decent, honorable, morally right. You are there to protect us. Are you representing us? Are you going to protect us?
3. Legislators are there to establish laws that promote order, decency, create boundaries to live orderly and decent lives, without taking away basic rights of other people. The SSM bill promotes Lawlessness. Do you want to promote Lawlessness?
4. (Not counting those legislators participating in a same sex relationship) When you think about 2women together, or 2men together – How do you feel or think? Can you honestly say you don't have any uncomfortable feelings or thoughts about this kind of relationship?



THE HAWAII SENATE
The Twenty-Seventh Legislature
Interim of 2013

COMMITTEE ON JUDICIARY AND LABOR
The Honorable Sen. Clayton Hee, Chair
The Honorable Sen. Maile S.L. Shimabukuro, Vice Chair

DATE OF HEARING: Monday, October 28, 2013
TIME OF HEARING: 10:30 a.m.
PLACE OF HEARING: Auditorium State Capitol

TESTIMONY ON SB1 RELATING TO EQUAL RIGHTS

By DAYTON M. NAKANELUA,
State Director of the United Public Workers, AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports SB1 that recognizes marriages between individuals of the same sex and extends to same-sex couples the same rights, benefits, protections and responsibilities of marriage that opposite-sex couples receive.

Historically, labor has always fought for fair and equal rights for all. Workers' rights, racial discrimination, and gender discrimination are examples of social injustices that we as a society have faced. Today, we have an opportunity to address this important issue of marriage equality. Let us reflect on the significant social changes of our past and continue to work toward life, liberty, and justice for all.

Thank you for the opportunity to testify on this measure.

Agnes R. Malate

P.O. Box 61068 • Honolulu, HI 96839 • 808-388-3019

TESTIMONY IN STRONG SUPPORT OF SB1: RELATING TO EQUAL RIGHTS

Special Session of the Hawai'i State Legislature

October 28, 2013, 10:00am

Capitol Auditorium

Hawai'i State Capitol

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

I am writing in strong support of SB 1 for a person's freedom to marry the person you love regardless of the couple's gender. I arrived at this position with much thought and deliberation.

I grew up in a small tight knit plantation community where life revolved around the Catholic Church and we had strong youth groups that provided me and other youth the foundation to treat people with kindness, respect, love, and understanding. Being actively involved with the church provided me with a solid foundation that has guided the way I view the world and my firm belief in equality for all regardless of their economic and social circumstances. However, I also believe that the government should not determine whom people are able to marry or not.

I have friends who are gay and lesbian and they are entitled to the same rights and protection accorded to those who believe in traditional marriage. My friends care about each other very much and would like to cement their love and relationship through the sacred bond of marriage.

Thank you for this opportunity to testify on this measure and I urge you to please pass this bill to allow for marriage equality for all of Hawai'i's 'ohana.

From: Joseph Tagorda

Date: 25 October, 2013

Subject: Support for SB 1, relating to equal rights in terms of same-sex marriage

States that lack constitutional protection are already seeing threats to freedom. The U.S. Constitution should not interfere with citizens' fundamental rights. These rights, which traces back to John Locke's natural rights philosophy, are so fundamental or basic that governments may not interfere or regulate them. One of those fundamental rights expressed by the Supreme Court is the right to marry and have children. The United States' substantive due process (that is referenced in the Fifth Amendment of the U.S. Constitution) protects that right. By denying this fundamental right, the state would be denying the citizen's rights to the U.S. Constitution's 5th amendment.

The legislature's third intent of protecting religious freedom and liberty (mentioned in SB 1) must be enforced. As stated in the bill, The legislature must "ensure that no clergy or other officer of any religious organization will be required to solemnize any marriage, in accordance with the Hawaii State Constitution and the United States Constitution..." I grew up as a catholic since day 1. I attended Sunday school classes to receive the sacraments to make a full-pledged catholic. What I learned from these classes include gay rights and how it should not be allowed. I hold true to this belief as a catholic. Thus, I believe that churches must hold true to their beliefs. Churches do not have to acknowledge gay marriages under the religion, specifically allowing gay couples go through the sacrament of matrimony. Churches and gay rights advocates each have their own beliefs and both parties must respect each other's.

Aloha Honorable Chair Hee and Members of the Committee on Judiciary and Labor,

I am submitting this testimony against this special session and the bill that would legalize same sex marriage in Hawaii.

I am a twenty-one year old college student who attends Hawaii Pacific University. I oppose this bill because I feel like this issue is being pushed way faster than it should. It is not just about changing the meaning of marriage, but it is changing the lifestyle of Hawaii.

I ask that you would please do one of two things:

A. Leave the institution of marriage the way it has been for thousands of years. And the way we thought we defined it in 1998.

B. Take the issue back to the citizens of the State and allow us to vote for a clearly worded constitutional amendment.

Thank you for your time and for this opportunity to testify.

Blessings,
Kalani Baughman

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Monday, October 28, 2013

TIME: 10:30 a.m.

PLACE: Auditorium, State Capitol, 415 South Beretania Street

RE: SB 1 RELATING TO EQUAL RIGHTS - STRONG SUPPORT

Aloha, Chair Hee and Vice Chair Shimabukuro,

My name is Diana Bethel and I am writing in strong support of SB1: Relating to Equal Rights. Bill SB1 recognizes marriages between individuals of the same sex and extends to them the same rights, benefits, protections, and responsibilities of marriage that opposite-sex couples receive.

I feel that the time is long past due to extend equal rights to LBGT citizens of Hawaii. There is no objective or rational basis on which to continue discrimination against LGBT members of our community.

Martin Luther King said that the arc of history bends toward justice. As a Christian and believer in fairness for all, I believe that SB1 is an important step in overcoming the shameful history of discrimination and violence suffered by LGBT people, often empowered by so-called Christians and other bigots.

Thank you for the opportunity to submit testimony in strong support of SB1. Please make Hawaii proud by voting in favor of SB1 and equal rights for the LGBT people of Hawaii.

Mahalo,

Diana Bethel
Honolulu

Senator Clayton Hee, Chair
COMMITTEE ON JUDICIARY AND LABOR
Senate Bill 1
Monday, October 28, 2013
10:30 a.m.
Auditorium, State Capitol, 415 Beretania Street

I am Chris Slade and I am a voting resident of Hawaii and a resident of Laie. I am writing my testimony in regards to Senate Bill 1. I am testifying in opposition to this bill.

I have read the proposed legislation and consulted with friends who have the required experience to properly interpret the bill and its implications on religious liberty. I heard an interview Senator Hee gave where he noted the importance of striking a balance between people of religious convictions and those that support same-sex marriage. Unfortunately, the bill put forward does not protect religious liberty. I have included my friends' legal analysis of the reasons why it doesn't below.

As a Christian, I think the most important part of my religion is love of others. As such, I would never want to embarrass, belittle, or hurt anyone with a same-sex attraction. I do not want to control their decisions to lead the life that they choose to live. **However, I think the underlining issue for me is that they do want to control the decisions that I make and how I live my life.** They want me to accept their actions even though they go against my religious beliefs. They want my church and my God to change to accept their actions. As a Christian, I strive to love all people, but that does not require me to accept and approve of their actions. Loving them as a person is a requirement of my religion, but accepting their actions goes against my religion.

I cannot change my religious beliefs any more than a person with a same-sex attraction can change their beliefs. My religion is who I am. My life experiences, and my genetic code have made me into a Christian with profound beliefs that control my everyday actions. Why are their convictions more important than mine? Why should I, or anyone else, be legally forced to do acts that go against who they are? These acts include hosting a marriage solemnization or reception, taking wedding pictures, and providing a wedding cake for same-sex couples. The bill, in it's current state, does not protect anyone with religious beliefs from performing these acts for same-sex couples if they perform these acts for a different-sex couple. If one does not perform these acts they will be faced with insurmountable legal bills, fines, and closure of businesses (see legal analysis below).

Same-sex couples already have the same legal protection that different-sex couples have through the civil liberties bill; what they don't have is the ability to force people to do acts that show that they approve of their actions. That's why they want this bill. Let the people vote and decide this issue. At the very least, don't pass this bill until it allows all people to live the way they choose to live. Don't decide that one groups' convictions are more important than another's, and don't punish people that choose to live their life and pursue their happiness according to their religious convictions. They cannot change their convictions any more than those with same-sex attraction.

Again, I am testifying in opposition to this bill.

Thank you,
Chris Slade
808-489-8710

Legal Analysis:

This bill does not protect religious liberty because:

First, the exemption language on page 7 addresses only the narrow issue of making “a religious facility . . . available for solemnization” of same-sex marriages. (Lines 3-5.) That is far too narrow. It is not only “solemnization”—the legal and typically religious act of formally joining two people in marriage—that is a problem for religiously affiliated organizations. The bill provides no protections against lawsuits seeking to force religiously affiliated organizations with sincere religious objections to accommodate celebrations, receptions, parties, and other events associated with same-sex marriages. Nor does it provide any protections against efforts to force religious organizations to service or cater such marriages. And of course, as a separate matter, the section provides absolutely no protections for individuals or very small businesses whose sincerely held religious beliefs prohibit them from participating in same-sex weddings, such as the deeply religious photographer. The religious conscience rights of such individuals are simply ignored. In sum, exemption is too narrow. The protections in section 572-G on page 7 begin with the false assumption that the only real religious liberty issue is the use of a “religious facility” for “solemnization.” That is one issue, to be sure, but by no stretch the only one.

Second, the protections are limited to “religious organizations,” which is not defined. What about wholly owned/controlled subsidiaries or affiliated entities of religious organizations, such as religious schools and universities? Are these places, which often have profound religious significance, entitled to any protections under the bill? It does not appear so.

Third, by requiring that a religious organization “restrict[] use of the religious facility to its members” (page 7, lines 9-10) in order to qualify for the purported protection, the bill would protect very few if any religious facilities, because even exclusively religious, nonprofit facilities are often used to marry people who are not

technically “members” of the faith community. For example, if the grandchildren of members have ceased to be members of a church but the church still allows them to get married in its chapel at their grandparents’ request, the current language of the bill would deny that church any protections from having to make its facility available for the performance of same-sex marriages. That is unreasonable, grossly unfair, and likely unconstitutional. I understand that no other religious exemption in the country is so limited. Lines 8-10 should be deleted.

Fourth and most troubling, the entire exemption is illusory. The bill’s heading (lines 1-2) purports to provide a “liability exemption,” but in reality it provides no exemption from anything at all. How can that be? Because after reciting the purported exemption in lines 2-17, subsection (c) takes away any such protections that may have been provided by saying that no such protections shall apply “if the religious facility is a place of public accommodation” under Hawaii law. (Lines 20-21.) But the exemption in subsections (a) and (b) has meaning only if it protects against suits based on Hawaii’s extremely broad public accommodations laws, since that is the only basis in the first place for bringing a lawsuit for not allowing a same-sex marriage in a religious facility. In short, subsection (c) renders (a) and (b) meaningless while giving the illusion of protection.

Fifth, and most importantly, advocates will be emboldened by the lack of any real protection to affirmatively argue that places of worship are generally places of public accommodations if they do not meet the three criteria in subsection (a). (See lines 6-12.) Thus, the bill’s meaningless exemption for religious facilities will not only fail to protect religious liberty but may well be used to affirmatively abridge it.

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION
TWENTY-SEVENTH LEGISLATURE

Second Special Session of 2013
Monday, October 28, 2013
10:30 a.m.

TESTIMONY ON SB 1

TO THE HONORABLE CLAYTON HEE, CHAIR AND
THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR
AND MEMBERS OF THE COMMITTEE ON JUDICIARY AND LABOR

My name is Renate Whitcomb. I am a member of Mokuaikaua Church in Kailua-Kona, Hawaii. Long before the government became involved in marrying people the Christian Church was uniting man and woman in Holy Matrimony¹. The couple would enter the date married in to their family Bible. This was evidence they were married. The Authority that substantiated the marriage was God, as stated in Genesis 2:18, 21-24²

¹⁸ Then the LORD God said, "It is not good that the man should be alone; I will make him a helper fit for^[e] him." ²¹ So the LORD God caused a deep sleep to fall upon the man, and while he slept took one of his ribs and closed up its place with flesh. ²² And the rib that the LORD God had taken from the man he made^[b] into a woman and brought her to the man. ²³ Then the man said,

"This at last is bone of my bones
and flesh of my flesh;
she shall be called Woman,
because she was taken out of Man."^[i]

²⁴ Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.

This relationship of marriage was designed out of God's heart of love to provide mankind with a complement that would complete his identity. Mankind is made in the image of a loving, self-giving God and consequently we reflect God's nature. God is triune in nature, Father-Son-Holy Spirit and we are created triune in nature with the capacity to love and be self-giving in our family relationship, man-woman-children.³

¹<http://vigilance.teachthefacts.org/2007/11/why-does-government-regulate-marriage.html>

² <http://www.biblegateway.com/passage/?search=Genesis%202&version=ESV>

³ <http://www.catholic.org/hf/love/story.php?id=37200>

The proposed idea of making marriage a venture of two people of the same sex is fraught with peril. I grieve for those who desire to feel legitimate in their relationship and yet I am concerned about the first amendment rights and the conscience of Christians being breeched since a Christian cannot be a practicing homosexual.⁴ This is a slippery slope of legislating someone else's morality, from a Christian perspective. I say this respectfully.

Here are some facts on Same Sex Marriage (SSM) from countries that have legalized it:

1. In Canada a study was done on the children of SSM couples and it showed that about 65% graduate from High School with girls being more dramatically affected than boys.⁵
2. In the Netherlands Civil Servant's refuses to register same sex couples and is fired from job.⁶
3. In Sweden and Norway homosexual couples are 50% more likely than heterosexual couples to end in divorce.⁷
4. In the Netherlands the average SSM lasts 1 ½ years on average that man has 12 additional partners during that "marriage".⁸

The state motto concludes that, "Ua mau ke ea o ka aina I ka pono" , " The life of the land is perpetuated in righteousness". Please help to maintain pono and life in Hawaii and keep marriage between a man and a woman who produce keike and bring about love and righteousness in the land.

Mahalo and Pono,

Renate Whitcomb

⁴ <http://www.biblegateway.com/passage/?search=1%20Corinthians%206&version=ESV#fen-ESV-28460b>

⁵ <http://spectator.org/blog/2013/10/08/canadas-gay-marriage-example>

⁶ <http://www.thedailybeast.com/articles/2012/05/15/dutch-advice-to-obama-on-same-sex-marriage.html>

⁷ http://www.americanthinker.com/2013/03/the_annulment_of_same-sex_marriage.html

⁸ Maria Xiridou, Ronald Geskus, Jon DeWit, Roel Coutinho, and Mirjam Kretzschmar, "The Contribution of Steady and Casual Partnerships to the Incidence of HIV Infection Among Homosexual Men in Amsterdam," *AIDS*, 17

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

I am writing in strong support of SB 1.

In the summer of 2011 I was granted the distinct honor of being able to marry my wife in New York City. Unfortunately, the moment we arrived home in Hawai'i our marriage was downgraded in the eyes of the law to a Civil Union. Frankly, until this past June I was ok with that. Hawai'i's Civil Union law was comprehensive enough to afford my wife and I the same rights and protections enjoyed by any married couple in the state and federal law would not have recognized our marriage anyway. However, times have changed.

Since the U.S. Supreme Court's overturning of key provisions of DOMA, every day that goes by without marriage equality in Hawai'i is a day that committed couples such as my wife and I, are left vulnerable and less secure than our heterosexual peers. While the IRS, for example, has applied the Supreme Court decision to allow all married same-sex couples to file taxes jointly regardless of the state they live in, there are numerous other federal benefits and protections that are currently only available to married couples who live in states that recognize their marriages. There is still much uncertainty about whether federal agencies, such as the Social Security Administration and the Department of Veterans Affairs, will recognize same-sex marriages of couples living in non-marriage equality states like Hawaii.

Civil unions simply are not recognized as marriages under federal law. Lacking the right to legally marry in Hawai'i, same-sex couples must leave their home to marry in order to receive some but not all federal benefits and protections. Even after they have unfairly expended extra money, time, and effort not required of heterosexual couples, these married same-sex couples are still ineligible for many federal benefits and protections. Passing marriage equality in Hawaii can change this.

It is time for the Hawai'i to stand on the right side of history and become the 15th state to stand for the equitable recognition of all committed couples. Please pass SB 1 to allow for marriage equality for all of Hawaii's families.

Mahalo for you time, consideration and leadership

Tara O'Neill
431 Nahua Street
Honolulu HI, 96815

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

Senator Clayton Hee, Chair
COMMITTEE ON JUDICIARY AND LABOR
Senate Bill 1
Monday, October 28, 2013
10:30 a.m.
Auditorium, State Capitol, 415 Beretania Street

My name is Katie Slade and I am a voting resident of Hawaii and a resident of Laie. I am writing my testimony in regards to Senate Bill 1. I am testifying in opposition to this bill.

I have friends and family who are homosexual. I love them and never want to see them hurt or mistreated for their choice to be so. However, this is not the issue in this bill. These friends and family members who are homosexual have the opportunity (thanks to the law passed in 2011) to be married if they choose. I sincerely would hope they were happy in their decision. They know and would not **force** me to accept their choice, nor teach my children in school that their behavior is normal and right. Again, we love these friends and family. This bill is asking me, and religious organizations, to change my definition of marriage. I cannot do that. I sincerely want to uphold the law and be a law-abiding citizen, but I cannot (and will not) uphold, support or teach this. Religious organizations, whose individuals believe they are accountable to God, cannot and will not uphold, support, or teach this either.

I am a wife and mother and will NEVER teach my children that marriage is anything but an institution between a man and a woman. The institution of marriage, between a man and woman, is sacred to me. This definition is what holds our society together. If this is broken, the outcomes to our state would be disastrous. Will the need on the side of the homosexual individuals to be accepted stop with this bill? I truly don't think it will. Again, I implore you to think about **all** the ways the implementation of this bill will change our society and the increase in conflict and lawsuits that will undoubtedly occur. Can we even foresee all the problems and repercussions?

The wording and content in the current bill does not adequately protect religious liberty.

The bill purports exemption, but really provides no exemption from anything at all. The bill's heading professes to imply "liability exemption", however subsection (c) takes away protections to religious facilities (that were purported in lines 2-17) if they are "places of public accommodation". Those protections are then taken away in lines 20-21 if they are also places of public accommodation. Aren't most of these

religious facilities places of public accommodation? What is going to be covered then?

In lines 3-5 on page 7, the issue of making "a religious facility...available for solemnization" of same-sex marriages, is too narrow. While it attempts to protect the religious facility for "solemnization", it doesn't protect a religious facility from receptions, celebrations nor individuals or small businesses who may be involved, like a photographer, caterer, etc from involvement.

The protections limited to "religious organizations" is not defined. Does that include religious schools and universities?

Restricting the use of religious facility to it's members (page 7, lines 8-10), may have been an attempt to protect, but is likely to create problems. What if two people who marry have separate faiths... does that mean that they cannot be married in either one of their religious facilities?

Regarding that places of worship are generally places of public accommodation, if a facility fails to meet the criteria in subsection (a), won't that result in more lawsuits and conflict as the current bill fails to protect the religious liberty promised in the Bill of Rights?

In short, the current bill fails to protect religious liberty in the aforementioned areas as well as is an infringement upon my personal religious rights. I hope you will seriously consider these concerns as they are of great importance to me as well as many of your religious constituents. I am testifying in opposition to Senate Bill 1.

Thank you,
Katie Slade
808-489-4247

Evelyn Delgado

Phone: (808) 393-1241

E-mail: delgadoohana@yahoo.com

Subject: Special Session On Same Sex Marriage

Dear Honorable Hawaii Senate Committee on Judiciary and Labor,

As a concerned citizen of the State of Hawaii I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any Same Sex Marriage issue. As a voter in the State of Hawaii, I feel that it is important for you to know how I feel about this as part of your decision making process.

It is my opinion that the issue of Same Sex Marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people you have been elected to represent.

In closing, I greatly appreciate your representation of the voters of the State of Hawaii. I am praying that God will continue to lead you in all of your decision-making and that He will continue to encourage you in all that you do.

God Bless,

Evelyn Delgado

October 25, 2013

Dear Elected Officials and the General Public,

My name is Joy Salinas Agard and I live in Kailua-Kona on the Big Island of Hawai'i. I would like to testify as a parent, a highly-qualified licensed elementary school teacher, a Solid Rock Ministries Kingdom Kidz small groups volunteer leader, a community volunteer, and a general excise tax license holder. I plead to stop the special legislative session and allow the people of Hawai'i to vote on the proposed Same-sex Marriage Bill, SB1. I believe that SB1 is flawed and does not protect my religious freedom.

I believe our religious freedom will be compromised if SB1 becomes a law. My main concern is that of a parent of three children, ages 10, 11, and 13, who attend public school in the Kealahou District. I raise my children upon biblical principles and values. We are active members at Solid Rock Ministries which belongs to the Assemblies of God organization. We believe that we should love all people. I raise my children to love and honor all people in loving kindness. It concerns me that Christians are being seen as a threat to others with different beliefs. My view as a parent is that I have the right to teach my children that there are different types of people in this world and we are to respect everyone. I believe that I also have the right to teach my children from God's Word which in Ephesians 5 says that marriage is between a man and a woman, in covenant with God, which is likened to Christ's relationship with His church. After watching a video about what has happened in Massachusetts (<https://www.youtube.com/watch?v=EZX55HUPFSU>) I believe that this religious freedom will be compromised if the special legislative session continues and SB1 becomes a law. Public schools will teach my children about same-sex relationships and same-sex sexual acts, and I will no longer be able to raise my children with the principles and values set forth by my religious beliefs because same-sex marriage will be normalized, and negate any religious teaching that precedes SB1 becoming a law. This special legislative session has raised a lot of conversations in my home questioning why our leaders are compromising our religious freedom by introducing a bill that is not clearly written and does not protect all citizens. I plead you to stop the special legislative session and let people vote on this matter.

Thank you for reading my testimony.

Respectfully submitted,



Joy Salinas Agard
73-978 Ahulani St.

Kailua-Kona, HI 96740

Dear Senator Clayton Hee,

10/26/2013

My name is Rita May Meatoga a mother, a daughter and a sister that believe in standing firm in my beliefs. **I am very concern about this Bill #SB1 and very much against it.** As a good citizen and mother in my community that teaches what is pono. I urge you to vote against this BILL and preserve the traditional family and protect religious freedom.

Mahalo,

Rita May Meatoga

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

Ua mau ke ea o ka aina i ka pono. The life of the land is perpetuated in righteousness. Do what is right--heed the voices of the local and the Hawaiian people.

First, I do not equate the urgency of this Bill as the same emergency surrounding 9/11 for instance, when a Hawaii special session was called. I believe we as a State have much, much more other pressing matters at hand. Forcing this coercive Bill and the special session without consideration of the local and Hawaiian people is not right.

Secondly, the issue at hand on November 3, 1998 was very similar to the one today where a majority of the people overwhelmingly voted against same sex marriage. I strongly think that the legalization of same sex marriage is counter to the welfare of individuals, families, communities, schools, business and governments. Give this legislation proper due process during a regular session and I respectfully ask you to allow the people to decide on the issue of marriage. The people and the land of Hawaii will speak.

The prosperity of our lives and our Islands, present and future, depend on pono--doing the right thing for the local people of Hawaii.

Thank you for the opportunity to testify.

Jonathan Lee
Honolulu, HI 96816

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, my children and to my traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

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In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

Date of Hearing: October 28, 2013

To: Senate Committee on Judiciary and Labor

Person testifying: Kathleen Tanaka

Re: Senate Bill 1: Relating to Equal Rights

In Opposition

Chairs & Committee Members:

I would like to state my concerns and reasons for opposing SB1.

1. My first concern pertains to Section 572-G which exempts religious organizations from being required to make their facility available for a particular marriage provided that "For solemnization of marriages pursuant to this chapter, the religious organization restricts use of the religious facility to its members" (line 8-10). However, not every religious organization has a membership system, and therefore these religious organizations would not be protected by this bill. Because of the strong moral component involved with religion, I believe that, out of respect, religious organizations should be reserved the right to decide what their facilities are used for based on the nature of the event and if the event conflicts with the religious organization's morals, values and beliefs, regardless of whether or not they have a membership system.
2. My second concern is in regards to the way this bill is being handled. Marriage is not an emergency or an issue of health and safety compared to issues such as human sex trafficking and homelessness. This special session is using tax payers' money for something that could wait like all the other bills people want to pass. There are other pressing issues that probably could have used such a session instead.
3. Lastly, I believe that marriage was designed to be between one man and one woman. Every human being, including those desiring to enter into a same-sex marriage relationship, needed a biological father and mother to even come into existence - not two fathers or two mothers. Therefore, this bill would go against the very concept of procreation. Furthermore, if these couples want children in their family, this bill would actually permit and condone the idea that it is okay to deprive the child of either his/her mother or father.

Thank you for this opportunity to submit my testimony.

Tawna Chun

47-010 Kamehameha Hwy

Kaneohe HI 96744

I'm writing to testify in behalf of the rights of people of faith. I understand that there are probably enough votes for this bill to go forward, but I hope that the bill will be adjusted to protect all of the people of Hawaii and not only those who want marriage equality.

I'm not motivated by hate. I have never treated a person of any sexual orientation with less than respect. I love and respect many people, family and friends whose life styles differ from my beliefs.

I am motivated by fear of issues I have seen arise in my home state of California, as well as other states. It's important that :

*Churches be excepted from participation in same sex ceremonies that contradict their beliefs without regard to members, non-members, use of facilities and so forth. The present wording sets up law suits and puts the state in a position to dictate to churches.

*Private citizens need to be protected from fear of the kind of vindictive discrimination law suits that we've seen in other states and even in Hawaii. Bakers, caterers, wedding planners, photographers and musicians should preserve the right to stay out of ceremonies that conflict with their religious beliefs—especially when there are other vendors willing to do the job.

*Children should not be subjected to sexual information that is opposed to their families' beliefs or is inappropriate for their age. Parents have a right to decide what their minor children will learn about sex and reproduction and teachers have a right to refuse to teach concepts that go against their conscience.

While preserving the rights of gays, lesbians, transgendered persons and their families, please remember to preserve the rights of persons of faith and the innocence of Hawaii's children.

Thank you.

Sincerely,

Tawna Chun

To Whom It May Concern:

I strongly OPPOSE the bill #SB1 and believe the people of Hawaii should be allowed to vote regarding the issue. I believe in traditional marriage and feel that this bill does not adequately protect MY rights and beliefs.

In Hawaii, we already voted regarding this issue. Does our vote as a people mean nothing?!

Sincerely,

Jerry Tefan

October 2, 2013

To: Committee on Judiciary and Labor, Hearing on Monday, October 28, 2013, 10:30 a.m.

Senator Clayton Hee, Chair

Senator Maile Shimabukuro, Vice Chair

Senator Mike Gabbard, Senator Brickwood Galuteria, Senator Les Ihara, Jr., Senator Sam Slom,
Senator Malama Solomon

Testimony in Support of SB 1 – Equal Rights

Aloha, Chair Hee, Vice Chair Shimabukuro, and Senators of the Committee on Judiciary and Labor.

I strongly support Senate Bill 1 on Equal Rights, that would recognize marriages between individuals of the same sex, and extend to same-sex couples the same rights, benefits, protections, and responsibilities of marriage that opposite-sex couples receive.

I am Jo Chang, a state retiree, and 70 years old. I am the mother of 3 sons, one gay and two straight, and the grandmother of a bi-sexual granddaughter. I co-founded a support group called DA MOMS for parents of lesbian, gay, bisexual, and transgender children, "LGBT" for short, because the bias and discrimination that hurts our LGBT children and youth in the community, also causes great pain and distress to their parents and their family members. This bias and discrimination also hurts same sex couples and their children, elderly LGBT, and all LGBT individuals. The extent of the harm caused by such bias and discrimination is so great. As a community educator, we can try our best for the rest of our lives to help people to see that this bias and discrimination is unwarranted and unfair, but we, alone, cannot make the changes that are needed to end this unwarranted discrimination.

So we are turning to you, our elected representatives, to send a strong, positive and inclusive message to everyone in our state, as did the U.S. Supreme Court in its recent decision in striking down section 3 of the Defense of Marriage Act, by recognizing marriages of same sex couples, and making them eligible for federal benefits as a married couple. We need you, our elected representatives, to help us to say clearly that our gay family members and gay families in our Hawaii communities have an equal place in Hawaii – and to recognize them as the wonderful family members and valuable citizens that they already are.

Many people have cast the debate over this measure as one of discrimination by gay people against the religious community. But so many of those who support this bill, including our gay and lesbian family members and their families, also are a very large part of our religious communities. Our gay and lesbian children, family members, and friends are not outsiders or a separate group in Hawaii. They are, as we are, a part of our Hawaii families, and of all the communities in Hawaii –they work and contribute and they too are the people that we call our Hawaii. It is time that our gay ohana have their relationships sanctioned by the state, just as our straight relationships are, and that they have all the protections and support that the state and federal governments provide to our straight families.

I wish this for my gay son, and look forward to the day that he can marry his partner right here at home.

Thank you.

October 26, 2013

Senate Committee on Judiciary and Labor

Re: Bill #SB1

Hawaii State Capitol

415 Beretania Street

Honolulu, Hawaii 96813

SUBJECT: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **OPPOSITION** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

According to an article on page A-13 of the September 20 edition of the Wall Street Journal, same-sex marriage legislation has had a devastating impact on citizens who decline to serve same-sex ceremonies due to religious conflicts. For example:

- Many County recorders, magistrates, judges, town clerks and justices of the peace in Iowa, Massachusetts and New York have resigned because they were told that refusing to perform services for same-sex couples will result in criminal prosecutions for misdemeanors or other sanctions.
- A florist in Richland, Washington, was sued by the States Attorney General and American Civil Liberties Union for refusing to provide flowers for a same-sex couple.
- A Christian couple that owns a bakery in Oregon closed their shop; permanently because the State launched an investigation into their religious objections.
- The New Mexico Supreme Court upheld a \$6,637 fine against Elane Photography, stating that being “compelled by law to compromise the very religious beliefs that inspire their lives” was the “price of citizenship.”

This legislation will have little effect on the civil rights of the estimated 5% of Hawaii’s residents who identify themselves as gay or lesbian, because they can travel to any one of the fourteen states or the District of Columbia (which have adopted same-sex marriage legislation) to get married. However, it will have a catastrophic effect on the First Amendment rights of the 95% of Hawaii’s residents who identify themselves as religious.

For these reasons, I humbly request that you VOTE IN OPPOSTION to Hawaii Marriage Equality Act of 2013.

Sincerely,

Elaine Lee
Hilo, Hawaii

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Being a mother of two, I am worried and feeling so helpless about this SSM bill. This Special Session is coming up so quick and without giving Hawaii residents enough information about the consequence and impact that SSM will bring to our society, especially to the education system for our children.

Since this bill will affect all the children in Hawaii, I truly believed that being a mother, a resident of Hawaii and a citizen of the United States, I should have a right to vote on this matter.

Please say No to the bill and give this importance decision back to the people to decide.

Sincerely,

Vera Tong

Clayton Hee, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813

Date: Oct. 26, 2013

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

We are in opposition to same sex marriage. Please oppose this bill as it is principally against God's created order and His word. Please give us the opportunity to vote on this bill.

Sincerely,

Roland

Aloha to those who will be deciding the fate of this bill.

My name is Joy Yamada and I live in Mililani. I am a concerned citizen who expects you as the representatives of the people of Hawaii to remember who you are representing. I oppose this bill. This bill will affect everyone for generations to come. Our country was and is based on freedom and free agency, this bill takes away that freedom and agency from churches and other religious institutions; by forcing them to go against their beliefs rights. We expect you to please protect this freedom and agency for the people and our churches. Do not rush this bill through, I expect as a citizen and voter to let us exercise our right to vote and let us vote on this matter. Thank you for your time.

Sincerely a concerned citizen and voter,

Joy Yamada

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I would like to voice my strong opposition to SB 1, as it is one of the most divisive, damaging measures I have heard of in my life. Giving so-called marriage equality to a veritable handful of citizens, will effectually trample on the rights of the vast majority of citizens. To say that the exemptions proposed are inadequate is an understatement. The exemptions proposed are rendered invalid because of the public accommodations which are carved out in the language of the exemptions. It is my belief that the governor's current bill will violate the religious and moral convictions of a huge majority of Hawaii's citizens. SB 1 will change forever the fabric of our society, and it will not be a change for the better.

Yours respectfully,

Elizabeth K. Lyons
Mililani, HI

Carol Parker
PO Box 25714
Honolulu, HI 96825

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

Re: In **Opposition** to S.B. 1: *The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, The Hawaii Marriage Equality Act of 2013, because

1. It denies individual citizens their First Amendment right of freedom of religion, and ultimately also denies individual citizens the right of free speech and lawful assembly.
2. It is in utter opposition to the will of Hawaii voters who voted in 1998 to define marriage exclusively between a man and women in the Hawaii constitution. More than 250,000 Hawaii voters expressed their resolute position on the definition of marriage as exclusively between a man and women. The language “reserve marriage” indicates that the people of Hawaii recognize that the institute of marriage deserves and demands special consideration and criteria, one man and one woman exclusively.
3. It denies business owners their First Amendment right of freedom of religion and ultimately also denies individual citizens the right of free speech and lawful assembly.
4. It re-defines the most core institution of society, marriage without regard to the impact and consequences on Hawaii, society, the community, and individual rights.
5. It fails to protect churches, religious groups and temples from lawsuits. It fails to protect church-affiliated organizations (universities, hospitals, adoption agencies, housing agencies, etc.) from lawsuits. It fails to protect bishops, priests and other clergy members from lawsuits.
6. It is fast-tracked through a process that does not offer Neighbor Island individuals the opportunity to present testimony in person.
7. It appears to be the act of the State of Hawaii Executive Branch and the Legislature to put the ‘wants’ of non-residents of Hawaii over the needs and will of residents of the people of Hawaii and the registered voters of Hawaii.
8. It appears to be the act of a legislative body attempting to ignore the firmly expressed will of registered Hawaii voters and bypass the voters of Hawaii who have already voted on this issue.
9. It appears to be the first act of a legislative body being forced to pass legislation by an Executive Branch attempting to show its first step in showing its power over the people of Hawaii.
10. It excludes legislative representatives of some registered voters of Hawaii the process and opportunity to vote on the legislation. This violates the US Constitution guaranteed right for the people to be represented in the legislation process.

I urge you to vote **NO on S.B. 1**. Thank you for your time and leadership.

Sincerely,

Carol Parker
Registered Hawaii Voter

Testimony to Senate Bill No. 1

Relating to Equality

Before the Senate Committee on Judiciary and Labor

Monday, October 28, 2013, 10:30 a.m.

Thank you for the opportunity to testify on SB1, relating to equality, which recognizes marriages between individuals of the same sex. I do not support this bill.

My belief is that marriage should only be between a man and a woman. You cannot procreate between two people of the same sex, so this bill is not about equality because they are not the same.

Due to its sensitive nature, this bill should not be rushed through. The language should be thought out carefully with input from both opponents and supporters. The people of Hawaii should be allowed to vote on this measure, not by legislators who are being pressured by the Governor. There is absolutely no reason why a special session had to be called.

Once we allow same-sex marriages in Hawaii, we may not be able to reverse it; therefore, I pray that you will make the right decision for the people of Hawaii.

October 27, 2013

Senate Committee on Judiciary and Labor

Re: Bill #SB1

Hawaii State Capitol

415 S. Beretania Street

Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

According to an article on page A-13 of the September 20 edition of the Wall Street Journal, same-sex marriage legislation has had a devastating impact on citizens who decline to serve same-sex ceremonies due to religious conflicts. For example:

- A florist in Richland, Washington, was sued by the State Attorney General and the American Civil Liberties Union.
- A Christian couple that owns a bakery in Gresham, Oregon closed their shop because the State launched an investigation into their religious objections.
- The New Mexico Supreme Court upheld a \$6,637 fine against Elane Photography, stating that being “compelled by law to compromise the very religious beliefs that inspire their lives” was “the price of citizenship.”
- Many County recorders, magistrates, judges, town clerks, and justices of the peace in Iowa, Massachusetts, and New York have resigned because they were told that refusing to perform services for same-sex couples will result in criminal prosecutions for misdemeanors or other sanctions.

This legislation will have little effect on the civil rights of the estimated 5% of Hawaii's residents who identify themselves as gay or lesbian, because they can travel to any one of the fourteen states or the District of Columbia, which have adopted same-sex marriage legislation, to get

married. However, it will have a catastrophic effect on the First Amendment rights of the 95% of Hawaii's residents who identify themselves as religious.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,

Wayne A. Frank

15-1909 26th street

Hawaiian Paradise Park Kea'au 96749

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because Same Sex Marriage violates Chinese Tradition.

American Chinese are very serious about family. We tell the youth that taking care the elderlies in the family is their duty. We finance businesses through family. We borrow money to buy properties through family. We obtain the best education through family.

We know from our hearts that we need love from father and mother, so we apply the same to others. Our children need love from their father and mother as we do.

Same Sex Marriage bill is going to destroy Chinese tradition. We want our local boys and girls know that rearing family biologically is the best. We want to give the best to our future.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am opposing Same Sex Marriage because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, my children and to my traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, please vote NO on any piece of the Same Sex Marriage bill!

26OCT13

Dear Committee members:

I wanted to thank you for taking the time to meet with the people on such short notice to discuss the most divisive and polarizing issue of our time, Marriage Equality. As a young man in my early twenties I have experienced much in my short life, from growing up in the projects of New York city to learning how to deal with the absence of a father and coping with stresses of military life as a child. My mother joined the United States Army at the age of 32 in 1998 when I was only 10 years old, we moved to Colorado as she was stationed at Fort Carson in hopes of a better life and a better future than the one we were currently headed towards.

Over the years I began to discover myself and figure out who I wanted to be and who I already was. I was sent to a residential vocational school in CO to finish my high school years, it was there that I came out of the closet as gay man and then what I feared most happened, the gay bashing started and for 2 years this continued until I finished my high school diploma and went on to college, I met my Ex in Colorado and he was in the army and I thought things would be great until I started to learn about the difficulties that service men and woman who were in the closet had to go through. Don't ask don't tell!

It was hard to maintain a relationship where we constantly looked over our shoulders to make sure that no one from his command or any one he knew was around or watching. It was scary to say the least wondering if today was going to be the day that our world came crashing down around us. Then proposition 8 was introduced to the people of California and passed with 52% majority, another blow to the LGBT community but when we thought all had been lost, our community pulled together and we marched, that night we marched on Hollywood and Highland, through tear gas and dogs, police with batons and bean bag guns. We marched on silver lake and finally we marched on city hall. It would be a little more than 5 years after those rallies that proposition 8 would be overturned and then dismissed on appeal by the Supreme Court, the walls had finally started to come down.

Soon after that don't ask don't tell was repealed and then DOMA at the same time. States rallied together and it became a domino effect, New jersey is the most recent of that domino effect. The Secretary of Defense Leon Panetta got the ball rolling for the military and started to implement changes that could effectively allow same sex couples and single same sex military member who wanted to get married to serve openly and proudly as well as receive benefits including BAH and dependant support, Tricare, and death benefits. The current Secretary of Defense Chuck Hagel has continued Mr. Panetta's legacy and has continued to Champion the cause for Marriage Equality from a military stand point, allowing gays and lesbian to marry in other states outside the ones that they are stationed at if those states that they are stationed at do not allow gay marriage.

I am a United States Sailor; I proudly serve my country something that I have dreamed of since my mother served. I protect and defend the Constitution of the United States and we as a people have to understand that we are all different; we come from different regions of the world, different religions, different societies, different backgrounds and different lives but there's one thing we all have in common, one thing we all look for in someone else, one thing we crave as human beings something we cannot live without and that is love. My love for my boyfriend is strong and I intend to marry him one day but I cannot do that here in Hawaii until equality is passed; love is not discriminatory nor is it biased, it treats everyone the same with no difference in color or race, height or weight, age and/or gender. I implore you members of this committee show good faith and duty to your country; show the good people of Hawaii that this state can see that love has no prejudice and that it welcomes everyone. You made history by starting this movement, how will history judge this moment in time when Hawaii debates whether it should become the 15th state in the union to allow marriage equality, how will you judge this moment in your life, what will you say to yourself or your children in 10, 15, or 20 years down the road knowing you have the opportunity to make a difference in so many lives, right now. What if the lives of your "Ohana" could be changed forever by the decisions you make here today. The bible speaks of love and it also speaks of judging others, do not judge me by whom I love but judge me based on the content of my character, judge me based on my actions and not by whom I share my bed with.

There is a man who currently sits in the oval office, who grew up on this very island he made history by advocating change, in as little over a year ago he became the 1st and only President to openly support marriage equality, I stand next to him as his supporter and I proudly serve as one of his sailors as well as one of yours but In the words of President Obama:

"...that their voices could be that difference. It's the answer spoken by young and old, rich and poor, Democrat and Republican, black, white, Hispanic, Asian, Native American, gay, straight, disabled and not disabled. Americans who sent a message to the world that we have never been just a collection of individuals or a collection of red states and blue states.

We are, and always will be, the United States of America."

Members of the committee show the rest of the country that Hawaii is united in its cause to promote freedom, equality and most importantly love.

Please try to ignore all the special interest groups, religious groups, mainland right-wing groups pushing hateful messages upon the people of Hawaii and do the right thing during the special session.

Please pass SB1 as quickly as possible so we can continue living with Aloha and respect for other people who might be different than "us".

The people that oppose equal rights are the same people that oppressed people through the ages and they are using the same arguments that were used to oppose women's rights, minority rights and they often do that in the name of religion.

But it's not my religion to oppress other people or deny them the same rights that everybody else enjoys. Those that oppose this measure on religious grounds are using religion to their advantage. Nobody is forcing same-sex marriage on any religious institution with SB1.

I suspect it will be very noisy in the capital next week during these hearings.

Please do the right thing.

End this fight by supporting SB1 now.

Thank You,
David Kahn
Makawao, HI

I am opposed to this bill for three reasons.

First, marriage between a man and a woman is the foundational unit of our civilization. No one can or has the right to change that. A home led by a man and a woman, legally married, is the ideal environment for raising children. No other system can adequately substitute for it.

Second, the current draft does not provide enough protection for individual religious freedom. While it does preserve some rights for churches (which is good), religious freedoms for individuals and businesses are not sufficiently addressed. I will cite two examples. Adoption agencies should not be forced to place children with same-sex couples. Private businesses should not be required to extend family discounts to same-sex couples.

Third, this legislative session seeks to overturn the voice of the people. In 1998 the people of Hawaii voted to preserve marriage as an institution between a man and a woman. Any changes to that should again be put to a direct vote by the people.

Thank you for your time.

Maria P. Draper
55-568 Naniloa Loop #9C
Laie, HI 96762

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

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

I am **opposing Same Sex Marriage** because of our heartfelt concern and compassion for the future of our state. I concern over the physical, mental and emotional problems that will beset those who choose the homosexual lifestyle, and I object to what this will do to our community, the children and to our traditional family life. Evidence clearly show that children must be raised in a traditional family environment to thrive and to grow.

In addition, legalizing Same Sex Marriage will have a negative effect on the liberties of religious freedom, as it relates to what the Bible holds as God's Truth and Christians' freedom to teach from it. Government should never define moral value and limit the teachings of faith group. Legalizing Same Sex Marriage will put a threat to religious freedom.

Therefore, **please vote NO** on any piece of the Same Sex Marriage bill!

Sincerely,

Pui Shan Ng

I am opposed to this bill for three reasons.

First, marriage between a man and a woman is the foundational unit of our civilization. No one can or has the right to change that. A home led by a man and a woman, legally married, is the ideal environment for raising children. No other system can adequately substitute for it.

Second, the current draft does not provide enough protection for individual religious freedom. While it does preserve some rights for churches (which is good), religious freedoms for individuals and businesses are not sufficiently addressed. I will cite two examples. Adoption agencies should not be forced to place children with same-sex couples. Private businesses should not be required to extend family discounts to same-sex couples.

Third, this legislative session seeks to overturn the voice of the people. In 1998 the people of Hawaii voted to preserve marriage as an institution between a man and a woman. Any changes to that should again be put to a direct vote by the people.

Thank you for your time.

Geoffrey Draper
55-568 Naniloa Loop #9C
Laie, HI 96762

Aloha Kakou,

My name is Eva Ku'uiipo Hubbard. I live in Nānākuli and I am from Nu'uaniu. I speak on behalf of family and friends throughout the islands to address the concerns we have with SB 1. Having researched comprehensively, attending several workshops, community meetings and speaking extensively with relatives and friends, the decision was very clear of the compounding, devastating affects this will have on my family, my community, the education system, the cultural and traditional systems and on my Hawai'i. With the constant changes to our culture, our Hawaiian society is being diminished and diluted, continually suffocated in philosophy, in traditions, and in religions by the influences of ideologies that have been introduced to this government.

I have examined the results and devastating effects this decision has had on our different states, in other countries and Canada, but the most controversial and impacting result was made in their education system and on their children as this same agenda was introduced. Are we willing to open the door to curriculum with blatant, graphic and descriptive adult acts that would be taught to children 5 years and younger? Whether through books, videos, or discussions the fact of the matter is that details of all lifestyles are made available to be mandatory for teachers in the schools and are being taught at that very young age.

Will we let others from outside of our state rule and dictate to the people of Hawaii how we should lead and govern? Have we come to the conclusion that the leaders of Hawaii cannot make simple decisions reflecting the hearts, the hearts of the Hawaiian people, the people of Hawaii, that we must be persuaded, coerced or pressured to agree with the majority. I think not. We value and honor the decisions you make, we think highly of you and respect that which you agree to help benefit all that Hawaii is and what Hawaii can become and will become as an example to the world. Who among you will hear these lessons from the past and see the ruin that awaits you in the future? (Isaiah 42:23) If you take away the heart of the Hawaiian people what do you have left..... I implore and ask of you my fellow natives, you leaders of Hawai'i to let the people decide, for our children, our keiki. Please do not dictate to us what so many states and nations are already doing. Is there no justice? Is there no justice? The histories of our islands lie in the values and decisions that were made by our kings and queens. One last political request by Princess Ka'iulani made at a banquet was to ask that her people were able to vote. All we are asking is that you allow the voters of Hawaii that decision.

I thank you for your hard earned efforts in all that you are doing for us. I appreciate you and am grateful for your endurance and your perseverance through the trials, the sacrifices and choices you make every day. Thank you. Mahalo nui maoli 'oia. Aloha ahui hou, mālama pono. Ke Akua pu.

The SB1 bill should be approved and put into place in the state of Hawaii. All same sex couples have a right to marry whoever they want. In the United States of America people are allowed to believe what they want whether or not others disagree. Therefore it is unconstitutional to hinder gays rights. However, gay couples should not be able to marry in a church if it goes against the church's religion. Therefore pastors and priests should be protected by that rule so no one can take them to court for refusing marrying a same sex couple. In many religions, same sex marriage isn't allowed therefore making churches marry same sex couples will violate there constitutional right to freedom of religion.

Hawaii has been supportive of gay rights since 1996 when the trial between Baehr vs. Mike emerged. It was the first high court ruling in favor of marriage equality. However, it only agreed that no marriage equality is discrimination but no marriage equality rules came into law. Ergo a time for change has come and the court shall finally allow same sex marriages.

To the Senate Committee on Judiciary and Labor

Testimony regarding Senate Bill 1 (SB1)

Hearing to be held on Monday, October 28, 2013 at 10:30 a.m.

I will not be testifying in person.

I am against bill SB-1 Marriage is between a man and a woman. Same-sex *marriage* should not be the goal. Marriage is not a civil right, it is a religious institution. Marriage is between a man and a woman as established by God. I am not against civil unions which recognize same-sex unions in regards to the laws of the land, however redefining marriage and infringing on religious freedom is attacking an ideal that this country was founded upon. Separation of God and State should be upheld here.

At the very least, the people of Hawaii deserve the right to vote on such a polarizing subject and not have their voices swept aside by the few. And at the very least, I ask you to take this issue to the people for a fair vote.

Sincerely,

Kami Yuen
Laie, Hawaii 96762

For the Senate hearing: Hearing on 10/28 @ 10:30am

Clayton Hee, Chair

Senate Committee on Judiciary and Labor

Re: **TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY**

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

I would like to take this opportunity to inform you that I am opposed to there being a Special Session on any same-sex marriage issue.

Same-sex marriage is not a civil right. No court (including the United States Supreme Court) has ever said that same-sex marriage is civil right. In 2002, the **Error! Hyperlink reference not valid.** rejected the complaint that New Zealand banned same-sex marriage violating civil right.

It is my opinion that the issue of same-sex marriage should be voted on by the public just as it was back in 1998 when the majority of citizens in the State of Hawaii voted to approve a constitutional amendment against same-sex marriages. The use of a special session limits my opportunity to voice my opinion on this issue and may result in legislation that does not represent the will of the people.

Please let the people decide on marriage.

On our very own island of O‘ahu in 1991, during *Baehr v. Miike*, the Supreme Court of Hawaii was the first state supreme court in the nation to acknowledge that homosexuals had the constitutional right to marriage, and that depriving them of said right was discrimination. Several courts prior to and since this case have established that “marriage is one of the ‘basic civil rights of man’” (*Loving v. Virginia*), therefore to deprive a defined group the right to marriage is in clear violation of the Fourteenth Amendment of the United States’ Constitution.

Acknowledging the dissenters who argue that same-sex marriage is a violation of their religious freedom (a right granted by the First Amendment and thereby holding the same relative power as the Fourteenth Amendment), SB1 has allowed religious institutions to refuse to solemnize same-sex marriages. Putting this bill into effect would not infringe on the people’s First Amendment rights, but letting it die would infringe on their Fourteenth Amendment rights.

Decades of empirical studies have shown that homosexual couples are just as capable of being loving and nurturing and protective and supportive as heterosexual ones. The family unit is not intended for procreation because infertile individuals can marry. A child does not need a mom and a dad to be successful because the President of the United States only had a mom. There is no consistent empirical evidence that homosexual couples are in any way inferior to heterosexual couples. There is no reason that same-sex couples should not be granted their constitutional rights.

We ball began rolling over a decade ago in 1991. It is time to finish what we have started.

Addressing the Marriage Equality Bill:

Richard T. Bair and Mililani Bair strongly oppose this bill on the basis that:

- 1) Same sex marriage should not be passed in a special session because:
 - a. A five-six day session is not enough time to discuss the most controversial issue of our time.
 - b. No amendments can be made to legislation. As a result, true democracy is made a mockery of.
 - c. Hawaii is the only State rushing into special session as a result of the Supreme Court decision. If the need was truly dire, then why haven't the other 34 states that do not permit same-sex marriage done so?
 - d. A "yes" vote during special session is a "no" vote to democracy because the voice of the people is NOT heard in a five-six day special session, especially if that voice is "amend the bill".
 - e. The so-called religious exemption language is rendered invalid because of the public accommodation carve out.
 - f. The people believed they voted on this issue in 1998.

We strongly urge Legislators to respect fundamental democratic principles as:

- 1) The People believed they addressed the issue in 1998 and should be the ones consulted again.
- 2) Marriage is not a civil right, and no court, including the Supreme Court, has ever said that it is.
- 3) A Constitutional amendment would better address same-sex marriage and allow for ample public input.

As Hawaii State residents and voters we would like to add our voices to the many who have strongly spoken out and respectfully ask that our rights as voters be heard. This issue is so volatile that it can split the unity of our State and families within these Islands. In the Spirit of Aloha we add our voices and ask that this bill be killed and this Special Session ended.

Mahalo for hearing the people of Hawaii,

Richard T. Bair
Mililani Bair
PO Box 654
Keaau, Hawaii 96749

Ciera Ku'uleimomi Cummings
P.O. Box 22069
Honolulu, Hawai'i 96823

October 24, 2013

Senate Committee on Judiciary and Labor
Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair
Hon. Mike Gabbard
Hon. Brickwood Galuteria
Hon. Les Ihara, Jr.
Hon. Sam Slom
Hon. Mālama Solomon

Re: Testimony IN STRONG SUPPORT of SB1 Relating to Equal Rights

Honorable Chair Hee and committee members:

My name is Ciera Ku'uleimomi Cummings. I was born and raised on Kaua'i and currently reside in Honolulu. I am a Native Hawaiian educator and advisor of the student organization P.R.I.D.E. ("People Respecting Individuality and Diversity in Everyone"). My 'ohana is just one of hundreds of local families who will be strengthened by the protection and affirmation afforded to us through the recognition of our unions. Therefore, I write in **STRONG SUPPORT OF SB1.**

I write as a member of many communities: Native Hawaiian, Filipino, Okinawan, Christian, and LGBTQ. Although these identities are often presented in contradiction, Native Hawaiians, Filipinos and many indigenous peoples traditionally accepted and revered individuals with non-normative gender identity and attraction. We see the last vestiges of opposition to same-sex marriage are rooted in Christian ideology, even though a rigorous reading of scripture does not in any way oppose the type of committed relationships solemnized in marriage. Thus, we must acknowledge that any argument in opposition of same-sex marriage, from the egregious to the oblivious, is based in malicious bias or prejudice masquerading as culture or religion.

My partner Kathryn and I both watched helplessly as our mothers battle Breast Cancer. So when Kathryn discovered a suspicious mass and couldn't be treated using my health insurance, I was devastated. I am not asking for special consideration; I simply want the same opportunity as my siblings and neighbors: to provide my family the best care possible.

One might think Civil Unions are sufficient, but until you have been limited to a Civil Union as your only option, you cannot fully understand why it will not suffice. We exist in a separate class, cumbersomely and often reluctantly recognized in a legal sense, but painfully ostracized from our married peers in a social and cultural sense. This piece of legislation is not a cure-all for the many injustices the LGBTQ community suffers, including harassment, discrimination, and rejection by families and churches, but it's a step in the right direction.

As Hawai'i's leaders, you are entrusted with the kuleana to do what is pono for our entire community. I encourage you to look into your na'au and consider the peaceful and just world you want to shape for our keiki and mo'opuna. I am confident you will arrive at the same conclusion: that voting in favor of SB1 is the right thing to do.

Mālama Pono,

Ciera Ku'uleimomi Cummings

To The Committee on Judiciary and Labor

SB 1 RELATING TO EQUAL RIGHTS

DATE: Monday, October 28, 2013

TIME: 10:30A.M.

Written testimony **opposing** the gay marriage bill. I will not be testifying in person.

I find it outrageous that gay rights groups from outside of our State are lobbying our representatives and senators to pass a gay marriage bill. These people, according to the Honolulu Star Advertiser, have spent thousands of dollars to try to sway our local representatives and senators.

This bill would affect **ALL** the people of Hawaii. Why are we catering to a small group of people. They ARE NOT being discriminated against. They hold jobs, eat at restaurants, shop where ever they want, go to the movies, travel, rent and buy houses, go to the church of their choice, chose whatever medical they want, etc. Since there is no constitutional right to marry, there is no discrimination.

The Supreme Court ruled that same sex couples were being discriminated against by the **Federal government**. The lesbian and gay community need to stop fighting for marriage in the States. They need to take their fight to the Federal government via the U.S. Congress; get the Federal Tax Codes changed to recognize civil unions. Stop dividing communities.

Since our governor is so sympathetic to their economic situation, he should write and submit a bill to our representatives in Washington, D.C. on their behalf, to change the Tax Code so that Civil Union partners can file jointly on their Federal Tax Return.

In 1998, the people decided. If that constitutional amendment accorded the Legislature the right to "**redefine marriage**" as necessary, then the amendment on the ballot must have purposely been written to mislead the people.

Do not be disingenuous. Let the people decide if the legislature has the right to redefine marriage. Take this issue to the polls again. This time be very clear and offer two options:

- 1: ***"the legislature again defines that marriage is between one man and one woman. This definition may not be changed except through constitutional amendment."***
- 2: ***"the legislature redefines marriage as being between two individuals of the opposite sex OR of the same sex, who are not related to each other by blood or half-blood."***

Thank you.

October 26, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **OPPOSITION** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

According to an article on page A-13 of the September 20 edition of the Wall Street Journal, same-sex marriage legislation has had a devastating impact on citizens who decline to serve same-sex ceremonies due to religious conflicts. For example:

- A florist in Richland, Washington, was sued by the State Attorney General and the American Civil Liberties Union.
- A Christian couple that owns a bakery in Gresham, Oregon closed their shop because the State launched an investigation into their religious objections.
- The New Mexico Supreme Court upheld a \$6,637 fine against Elane Photography, stating that being “compelled by law to compromise the very religious beliefs that inspire their lives” was “the price of citizenship.”
- Many County recorders, magistrates, judges, town clerks, and justices of the peace in Iowa, Massachusetts, and New York have resigned because they were told that refusing to perform services for same-sex couples will result in criminal prosecutions for misdemeanors or other sanctions.

This legislation will have little effect on the civil rights of the estimated 5% of Hawaii's residents who identify themselves as gay or lesbian, because they can travel to any one of the fourteen states or the District of Columbia, which have adopted same-sex marriage legislation, to get married. However, it will have a catastrophic effect on the First Amendment rights of the 95% of Hawaii's residents who identify themselves as religious.

For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,

Jolyne Oyama
Naalehu 96772

Kyle N. M. Chang
111 Hoolako Place
Honolulu, Hawaii 96825

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813
Fax: (808) 586-7334

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, the Hawaii Marriage Equality Act of 2013, because it includes provisions of parentage presumptions based on marriage for same-sex couples that would transfer Native Hawaiian ethnicity claims to Non-Native Hawaiian individuals.

In S.B. 1, section 572 C Right of parents, it reads, "Parentage rights, benefits, protections, and responsibilities based on marriage shall be the same for all married spouses regardless of the gender of the spouses. These rights, benefits, protections, and responsibilities shall include paternity, maternity and parentage presumptions based on marriage."

In every instance in a same-sex marriage, at least one of the partners is not the biological parent of the child. In other cases, both partners are not the biological parent. However, as a consequence of parentage presumptions applied, the benefits reserved for Native Hawaiians will be transferred to Non-Native Hawaiian children.

In the Preamble of our Hawaii Constitution it states, "We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono." The life of the land is perpetuated in righteousness.

As a Native Hawaiian, I urge you to vote NO on S.B. 1.

Warmest mahalo,

Kyle N. M. Chang

Ruth Foster Chang
111 Hoolako Place
Honolulu, Hawaii 96825

October 26, 2013

The Honorable Clayton Hee, Chair
The Honorable Maile S. L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813
Fax: (808) 586-7334

Hearing Date: Monday, October 28, 2013 at 10:30 am
I will be present to personally deliver my testimony.

*Re: In **Opposition** to S.B. 1: The Hawaii Marriage Equality Act of 2013*

Dear Senate Committee on Judiciary and Labor,

I am opposed to S.B.1, the Hawaii Marriage Equality Act of 2013, because it includes provisions of parentage presumptions based on marriage for same-sex couples that would transfer Native Hawaiian ethnicity claims to Non-Native Hawaiian individuals.

I am Native Hawaiian. S.B. 1 will have a profound negative impact on Native Hawaiians now and in the future. I ask you to vote NO on S.B. 1 to prevent this from happening.

Sincerely,

Ruth Foster Chang

Dear Members of the Committee on Judiciary and Labor:

I am writing to voice my **opposition** to Bill SB1.

The reasons for my opposition of redefining marriages because

- (1) It's contrary to our fundamental religious beliefs.
- (2) It will harm children, families, and society. Numerous empirical studies over many decades establish that children develop best when raised by a father and mother in a stable marriage relationship.
- (3) It will reduce our religious freedoms. If same-sex marriage has been legalized, school will start teaching the new definition of marriage and children will be ostracized if they openly disagree based on their family's religious beliefs. Potentials lawsuits will be brought against individuals, churches and businesses. Religious groups that provide family-related services such as adoption will be stripped of the State licenses.

After carefully reading and studying the Bill, I honestly believe that the Bill will **NOT** provide any benefits for both religious and homosexual people. It's a lose-lose situation. If this Bill passed, it will greatly enlarge the disharmony between both groups as the Bill unfairly taking out the freedom from the religious group. As a result, a greater disharmony, or even contention and hatred will rise up between both groups. For me, religious freedom also means our church leaders have the right to decide who and on what occasion to use the church facilities based on the church handbook and guidelines. However, the bill took away this right from our church leaders to decide. Based on the bill, once our facilities are open to non-members, then the facilities are not protected by the exemptions. The bill provides no protections against lawsuits seeking to force religiously affiliated organizations with sincere religious objections to accommodate celebrations, receptions, parties, and other events associated with same-sex marriages.

In order to be fair for both religious and homosexual groups, I am sincerely asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Jared Wong

Mililani, HI, 96789

There have been numerous testimony about equal rights by Civil Unions supporters as well as SSM supporters. I am against SSM but I do support what has already been passed in Civil Unions. I believe that, as it was passed, Civil Union couples should be afforded the rights of married couples especially in reference to Federal Benefits. To have passed Civil Unions without including the marriage benefits part would have be a slap in the face to the C.U. supporters. It is what they were asking for and was part of their main arguments for equality.

If by some chance this law does not cover marital benefits for C.U. couples then fix it. Make the wording to include all of the benefits of a married couple. It is what was expected when this passed and should've been included. But to redefine marriage just to fix a faulty law is irresponsible.

If it is needed, fix the law to give Civil Union couples something tangible as far as equality (benefits). It is a quality of life issue for C.U. couples. The feelings, for each other, will not change whether it is a marriage, Civil Union, or Reciprocal Beneficiary. What does make the difference in their lives is if they are able to have the same benefits as Married couples. This should have been already addressed in C.U.

I don't believe that it is our government's place to redefine marriage. Marriage is defined in the Bible. Christians, with good reason, see SSM as the opening of Pandora's box when it comes to our religious freedom. With all do respect, Government does not have a good track record when it comes to after affects of laws passed. Obamacare is a prime example of something that was not properly thought through and passed and it is literally blowing up in people's face. The promises made are non-existent. We are heading down the same path with this and it does no justice for either side. There is no need for this special session and there are alternative bills in the waiting for the regular session. Rushing this through via special session does a disservice to everyone in Hawaii.

Please do not support this bill up for special session. There are other bills to look over in the next session. Either that or let the people decide.

To: Senate Committee on Judiciary and Labor
Hearing Date and Time: October 28, 2013, 10:30 a.m.
Capitol Auditorium

Re: Strong Support of SB1, Relating to Equal Rights

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

I am writing in strong support of SB 1. I am resident of Hawaii who joins with the vast majority of Hawaii residents in supporting Marriage Equality. It is crucial that all families have the same rights and protections under law. All couples deserve to have their relationship recognized and valued and to have access to the same benefits. I have seen too many gay and lesbian couples suffer emotionally, financially and legally due to inequity from disparate treatment by the government. Civil Unions are not enough. Civil unions allow for second-class citizenship and do not ensure the same respect and rights as marriage. Increasingly more states are recognizing the necessity of this important legislation and we should follow in this this direction that allows for freedom for all. We must remember that we are all one Ohana and should treat all members equally. Please support this law that will allow all couples to express their love and commitment through marriage.

Most importantly, I want to emphasize that passing the legislation for same-sex marriage teaches our youth that everyone deserves equal treatment and that discrimination is not tolerated in our state. I hope for the children growing up in Hawaii to learn that our government ensures equal rights for gay and lesbian couples. If we want our children to stop bullying and discriminating against others, then we must make sure our laws truly reflect the promotion of equality.

I am confident that Hawaiian legislators will support a path to justice by voting in support of marriage equality. It has been too long of a wait for gay and lesbian couples and the time is now to ensure that equality for all couples is recognized here in Hawaii.

Thank you very much for your time and the opportunity to testify.

Sincerely,

Laura Schuetze
500 University Avenue
Honolulu, HI 96826

Lance Takai
PO Box 5236
Hilo, Hi 96720

Clayton Hee, Chair
Senate Committee on Judiciary and Labor

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

As a concerned parent and a resident born and raised in Hawai'i, I would like to urge the Senate to allow the people of Hawai'i to vote on the Marriage Equality Act of 2013. This is not just a bill that affects an individual or a group of people; this bill would affect the entire State of Hawai'i.

Our Governor has stated that by passing this bill, it would raise more money for Hawai'i. Have we asked ourselves, if this bill passes what would be the cost to the state, county and private firms to implement this bill?

Who does this bill protect? I do not see an equal side to this, if the people of Hawai'i does not get a fair vote on this bill? We trust in you standing up for the people and that is why we voted for you. Aren't the residents of Hawai'i the ones who families created Hawai'i through their heritage and culture? Don't you think these are the residents you need to hear?

Who is this bill really for? Is it for Hawai'i? We have been sign waving with many of you're own constituents and we have seen the support of Hawai'i get behind us. We have also had unruly comments and gestures from people who only now are starting to call Hawai'i their home. I believe if you had seen the overwhelming support of your people to let the people vote on marriage, you would and should be proud to call Hawai'i your home.

Hawai'i is not open for business. There's a term amongst friends that people use to those who are only in it for the money and not their own family or people (pardon me), the term is "Sell Out". I leave you with this and this is what Hawai'i was founded on, "**Ua Mau ke Ea o ka 'Āina i ka Pono**", "The life of the land is perpetuated in righteousness". In other words, righteousness amongst our people brings life to the land. It is the People who make Hawai'i. Let the People Decide on Marriage!

Thank you,

Lance Takai

SUBJECT: TESTIMONY IN OPPOSITION TO SB 1 RELATING TO EQUALITY

26 Oct 2013

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

As an active registered voter it is of great concern to why this Bill has been called to a special session in our state without the normal procedures to pass a bill. Our trust in our law makers is first and foremost in in healthy democracy. I “urgently” request your vote of no in opposition of this SB. Please let the people decide on this important matter.

I trust you will make the right decision,

Robert J. Santos



October 28, 2013

Senator Clayton Hee, Chair of the Committee on Judiciary and Labor
Senator Maile S.L. Shimabukuro, Vice Chair
Hawaii State Capital
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Subject: S.B. No.1, Hearing on October 28, 2013 Testimony in Support.

To: Senator Clayton Hee, Senator Maile S.L. Shimabukuro, and the Committee on Judiciary and Labor.

Aloha, my name is Steve Canales, and I strongly support S.B. 1, Relating To Equal Rights.

The Labor Caucus believes every individual must have the same equal rights. We support marriage equality and benefits to all same sex couples.

We the Labor Caucus **strongly support** S.B. 1. I would like to thank, the Committee on Judiciary and Labor for this opportunity to testify.

Sincerely,

Steve Canales
Labor Caucus Chair
Democratic Party of Hawaii
1050 Ala Moana Blvd. Ste. #2150
Honolulu, Hawaii 96814

Written Only Testimony
Committee on Judiciary and Labor
Second Special Session
S.B. NO. 1 - Hawaii Marriage Equality Act of 2013
Monday, October 28, 2013 10:30am

Good afternoon JDL committee members. As a registered voter and father I am opposed to S.B. NO.1, the Hawaii Marriage Equality Act of 2013. Our voices were overwhelmingly heard back in 1998 and marriage was defined to be between one man and one woman. I believe the majority of the people of Hawaii have confirmed and reaffirmed this position over the years. At the very least, we again should be given the opportunity to exercise our democratic rights through the voting process.

I have deep concerns about how gay rights and same sex issues will be presented in our schools and it's influence on our children. I want to make it clear that I do not condemn gay people or their views, but I do not condone them. I am fearful of how people with influence over our children, namely teachers and other educators, will integrate same sex marriage teachings into their classrooms. As a parent we should have control over how our children are exposed to important issues such as these and the influence it has upon them. We should also have the reassurance that homosexuality is not being advocated to our children. As far as I can tell there is nothing to address any of these issues in this current form of the bill.

As elected officials, I ask that you hear the collective voices of your constituents and the people of Hawaii. This special session has a rush feeling to it. An issue as controversial and important as same sex marriage is not to be rushed to decision, especially when the result could be destroying the sanctity of traditional marriage. Thank you for your time and consideration.

Sincerely,

Chad Taira

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

First, let me say that I do support equal rights for all, but I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I do understand that if this goes to public vote, it may pass. I would feel much better about it then. But, not as it is currently written. There should be more protections for people who do not agree with this bill for religious reasons. The way it is written currently leaves many opportunities for religious freedoms to be violated. I am not just referring to religious leaders, but also to the people.

I also believe that the process should take longer than a week to decide for something of this magnitude. Please consider hearing this bill during the regular session instead so that it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions.

Thank you for the opportunity to testify.

Jessica Plummer
Honolulu, HI 96826

To: Senator Clayton Hee, Chairman
Senator Maile Shimabukuro, Co-Chairman
Members of the Senate Judiciary and Labor Committee

From: Lisa Yoshimura

Date: October 28, 2013

Re: Testimony Opposing SB 1 Marriage Equality

My name is Lisa Yoshimura. I strongly oppose SB 1 for the primary reason that a homosexual marriage law will never work because it runs counter to God's laws and the moral fabric of our society. When we choose to live by man's standards rather than God's laws, we can expect disaster.

I wish today, however, to focus my testimony on the injustice of this Special Session. Convening this Special Session with the obvious intent of passing the homosexual marriage bill in five days is an affront to our U.S. Constitution and to the citizens of Hawaii. Clearly, the lengthy legislative system was established for good reason. While it may be an arduous process, it provides an "as fair as possible" means for the people to participate in crafting laws that would govern them. Circumventing this democratic process to force enactment of a contentious law with devastating consequences is egregious to the people of Hawaii.

Regardless of whether individuals agree or disagree on this Bill, many do agree that convening this Special Session is an arrogant act by our legislators and Governor.

I strongly urge you to cancel this Special Session and allow We the People the opportunity to discuss this critical issue during the Regular Legislative Session and to vote on traditional marriage in Hawaii by way of a constitutional amendment.
Thank you.

Aloha,

I am writing to voice my opposition to Bill SB1. I am a person of faith. I love my family, and am striving to provide the best life I possibly can for them. I have found for myself the importance of the family unit. Its structure and dimensions are divinely designed and when properly utilized, they secure peace and happiness not just to the individual family but to society as a whole. I have witnessed this truth in the family I grew up in as well as families I have come to know throughout my lifetime. I am also a student of science. I seek logical explanations and skeptically await the evidence to support theory as it is presented in its various forms. It has been made clearly evident, that although a man may be exceptionally nurturing, it takes a mother, in the truest sense of the word to fulfill the role of a mom. Likewise a woman is an extremely capable being who can direct and protect her family with valor. Yet when carefully observed, it still takes a father to be a dad. I submit my witness that the traditional family unit is vital to success of a society and a culture as a whole. The latter will not be realized without the protection of the former. That being said, as a man of faith I know without a shadow of a doubt that God loves His children and has blessed them with the ability to choose for themselves how they live their life. Understanding this truth enables me to be not only tolerant but loving to those who practice a homosexual lifestyle. Essentially my feeling toward this bill can be summed as follows: "(I) claim the privilege of worshiping the Almighty God according to the dictates of (my) own conscience, and allow all men the same privilege." The writing of this bill allows for equality regarding the rights and benefits of marriage, but it does not protect religious freedoms that are at the root of this great nation. How do we justify sacrificing freedoms to grant other freedoms? Surely we can do better than this.

Respectfully, Zach Hall

October 26, 2013

To: Chair Senator Clayton Hee
Vice Chair Senator Maile Shimabukuro
and Members of the Senate Judiciary & Labor Committee

RE: In **Strong OPPOSITION to SB1**, relating to "Equal Rights"

Hearing Day and Date: Monday, October 28, 2013

Hearing Time & Place: 10:30 a.m. in the Hawai'i State Capitol Auditorium

My name is Lynne Kasaoka and attend Mililani Missionary Church and I am a registered voter in the State of Hawaii. This is my testimony regarding my **STRONG OPPOSITION** to SB1. Additionally, I am a preschool teacher at Mililani Missionary Preschool, an extension of the church who teaches Bible study to 3-4 year olds here at the school.

I oppose SB1 because the passage of this bill would greatly restrict the religious freedom of the people of Hawaii and such enactment would eventually violate the constitutional rights of the people. The First Amendment of our US Constitution clearly states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech..." The passage of SB1, as recent history has shown, would eventually nullify our first three constitutional rights of the First Amendment.

First, although the intent of this bill is not to establish a state or government religion, the passage of such a bill would establish a belief system that will be imposed upon the will of the people regardless if they agree with it or not.

Second, the passage of SB1 would greatly prohibit our ability to freely exercise our religion as guaranteed by the Constitution. There are numerous cases across the United States (including Hawaii) where parents, school teachers, and businesses were denied their Constitutional right to freely practice their faith. These people of faith were often penalized, fined, disciplined or fired because they could not in good conscience approve same-sex marriage or disagreed with the promoting of homosexual teachings and materials.

Thirdly, as a person who believes in and teaches the Bible, the passage of SB1 will inevitably take away my freedom of speech. Our fundamental right to "freedom of speech" will be greatly limited in the near future if SB1 is enacted.

It is truly unfortunate that any disagreement to the acceptance of homosexuality is automatically determined to be "hateful" and "bigoted." There is no middle ground where both sides can agree to disagree, and tolerance appears to be only one-sided. If equality is truly the goal of this bill, then we must ensure that equal rights will be extended to ALL and not just a select group of people.

A bill of this magnitude, surrounded by such controversy needs more time to be discussed than the time allotted in a special session. If both sides are to be heard and both sides are to be protected, then it is imperative that we do not rush this bill through in a Special Session.

That is why I strongly oppose this Special Session and the passage of SB1. I urge you to please consider my testimony and to vote 'NO' on SB1.

Sincerely,

Lynne Kasaoka
95-1021 Paepae St
Mililani, Hawaii 96789

October 27, 2013

Senate Committee on Judiciary and Labor
Re: Bill #SB1
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in Opposition of Proposed Hawaii Marriage Equality Act of 2013

I am writing in **opposition** to the proposed Hawaii Marriage Equality Act of 2013 that will be discussed in your Special Legislative Session beginning on October 28, 2013.

Redefining marriage not only affects the estimated 5% of Hawai'i residents who identify themselves as Gay or Lesbian, but will change society forever for the other 95% of Hawai'i residents. Changing the definition of marriage is changing the morals of our society. I believe that the 95% of the people deserve to have their rights to remain intact and should have the ability to live their lives in freedom.

If perhaps the majority of people in Hawai'i do feel that they would like Same-sex marriage to be deemed as an acceptable alternative to heterosexual marriage then it would be important that **sufficient protections are put in place so that the religious rights of our people are not infringed upon**. Religious Freedom is one of the founding principles of our country. It is common knowledge that the bible teaches that Gay and Lesbian relationships are against the laws of God. It is not a new radical philosophy but a moral principle that has been in place for thousands of years. It is a principle that even our founding forefathers believed in. Although society is changing, the bible has not changed, and many people still uphold the principles in the bible. It is their religious right to do so. To require any religious leader, organization, small business or individual to provide goods or services that assist or promote the solemnization or celebration of any marriage, or provide counseling or other services that directly facilitate the perpetuation of any marriage that is against their religious beliefs would be infringing on their religious rights.

I believe that if the people were to vote they would vote in opposition to this legislation. For these reasons, I humbly request that you **VOTE IN OPPOSITION** to Hawaii Marriage Equality Act of 2013.

Sincerely,
Dave Heaton
PO Box 1483
Honoka'a, HI 96727

There have been numerous testimony about equal rights by Civil Unions supporters as well as SSM supporters. I am against SSM but I do support what has already been passed in Civil Unions. I believe that, as it was passed, Civil Union couples should be afforded the rights of married couples especially in reference to Federal Benefits. To have passed Civil Unions without including the marriage benefits part would have be a slap in the face to the C.U. supporters. It is what they were asking for and was part of their main arguments for equality.

If by some chance this law does not cover marital benefits for C.U. couples then fix it. Make the wording to include all of the benefits of a married couple. It is what was expected when this passed and should've been included. But to redefine marriage just to fix a faulty law is irresponsible.

If it is needed, fix the law to give Civil Union couples something tangible as far as equality (benefits). It is a quality of life issue for C.U. couples. The feelings, for each other, will not change whether it is a marriage, Civil Union, or Reciprocal Beneficiary. What does make the difference in their lives is if they are able to have the same benefits as Married couples. This should have been already addressed in C.U.

I don't believe that it is our government's place to redefine marriage. Marriage is defined in the Bible. Christians, with good reason, see SSM as the opening of Pandora's box when it comes to our religious freedom. With all do respect, Government does not have a good track record when it comes to after affects of laws passed. Obamacare is a prime example of something that was not properly thought through and passed and it is literally blowing up in people's face. The promises made are non-existent. We are heading down the same path with this and it does no justice for either side. There is no need for this special session and there are alternative bills in the waiting for the regular session. Rushing this through via special session does a disservice to everyone in Hawaii.

Please do not support this bill up for special session. There are other bills to look over in the next session. Either that or let the people decide.

**ADDENDUM TO RUSHFORTH TESTIMONY (24 OCT 13) ON S.B. 1, DATED OCT 28 2013,
TITLED “THE SENATE” TWENTY-SEVENTH LEGISLATURE, 2013; SECOND SPECIAL SESSION,
STATE OF HAWAII. “RELATING TO EQUAL RIGHTS.”**

THE FOLLOWING ADDITIONAL “LAY PERSON” (Voter) COMMENTS ARE OFFERED:

1. **SECTION 1, page 2, (3) (A).** Why would anyone trust your language that supposedly honors the “Hawaii State Constitution,” when you have tortured the legal intent of “Hawaii Constitution Amendment 2” to mean that the Legislature can define & “solumnize” marriage any way it wants, any time it wants?? It is clear that these feeble attempts to make us believe that the Legislature will not intrude upon religious prerogatives are meaningless at best, disingenuous at worst.
2. After declaring that “Marriage” is whatever the Legislature says it is, what is the Legislative intent and status of the “Hawaii Constitution Amendment 2,” that states “The legislature shall have the power to reserve marriage to opposite-sex couples?”
 - If we leave Amendment 2 on the books, after declaring “Same Sex Marriage” as the law of the land in Hawaii, we’ll be the jurisprudence laughing stock of the country.
3. **Legislative Power:** Is it true, that if we accept the legal shenanigans of the Governor and the Legislature, giving the Legislature all power for definition of Marriage, that (with no public input) the Legislature can now just as easily declare that polygamy is the law of the land in Hawaii?
4. **Definition of FAMILY:** Since the “Family Court” has jurisdiction over all activities and legal relationships addressed in S.B. 1, the definition of “Family” is changed in a defacto way to mean any relationship being defined in S.B. No. 1? (male/female, same sex marriage, and civil unions of all kinds will now be Families).
5. Can we assume that the personal relationships described in S.B. No.1 apply to all Persons/Residents of Hawaii equally and without exception (such as for any religion that allows polygamy? – OR – Will polygamy soon be the Law of the Land in Hawaii? (I’m not thinking MORMON. I’m thinking MUSLIM!))
6. **SECTION 3, Page 6, x572-1, Requisites of valid marriage contract (1).** Laws about marriage “Blood Relationship” restrictions have been accepted for all of human history. However, that same logic does not apply to “Same Sex marriage,” since no children will result from their conjugal relationships. Logically, that restriction should be removed from the “Same Sex Marriage” legal restrictions to their marriage contract?? Anyone can “marry” anyone else of the same sex! If not? Why not? Really!

ADDENDUM TO RUSHFORTH TESTIMONY (24 OCT 13) ON S.B. 1, DATED OCT 28 2013, TITLED “THE SENATE” TWENTY-SEVENTH LEGISLATURE, 2013; SECOND SPECIAL SESSION, STATE OF HAWAII. “RELATING TO EQUAL RIGHTS.”

7. **SECTION 3, Page 6, x572-1, Requisites of valid marriage contract (2). Minimum age for Marriage:** The Hawaii State minimum, Fifteen & 16 years old seems very young for children to be getting married. At that point in life they are totally dependent upon their parents or other adults. This paragraph states that the only approval required for these child marriages is from the “Family Court of the Circuit” within which the child (minor) resides. Common sense leads one to conclude that the parents and other adults responsible for the child should be involved?? After all, they will surely be left to pay the bills. The COURT certainly won’t. Never mind any familial relationships that might be salvaged. Wait! The Court could take over responsibility for that young family, till death do they part!
8. **SECTION 4. x572-3 Contracted without the State.** This sentence, “Marriages between two individuals..... “ makes no sense at all. You were obviously in a big hurry to get something on the street for this “Special Session.”
9. **SECTION 2, page 5, X572-E Refusal to solemnize a marriage.** Not surprisingly, the first sentence in this paragraph is incomplete and makes no sense. This does not inspire confidence that much thought or even commitment has gone into the drafting of this document.
10. **SECTION 8. (f)x572C-2(f) Findings, Page 13, lines 11-14.** So – the rights and benefits presently available only to married couples are now to be made available to any two individuals who are legally prohibited from marrying one another. **This establishes the legal foundation for Mothers/dayghters, Fathers/sons and any other couple combo composed of same sex relationships to establish Civil Unions.** What a great Tax dodge. Leave that one to the people, they’ll figure out how to use it best.
11. **Section 11, page16, line 5. (So- The Depaartment of Health is supposed to sort all this out later???)** “The Department of Health may in its discretion, make any changes that it deems necessary to internal procedures or forms, to aid in the implementation of this ACT.” Huh! Does any thinking person think that will turn out in the best interest of anyone but the “department of health? We are again in a huge hurry to get this S.B. NO. 1 approved and into law as fast as possible. So – in this case, we won’t know what the real impact of the Law is until the “Department of Health” (and who knows who else) adds the details. Meanwhile, it will be a done deal (the law of the land). Sound familiar??

TESTIMONY AGAINST SB1

I am asking you to please vote against SB1 because it does not represent my views and most of your constituents. This issue is not about "equality" by any means. I am not against equality. I am against changing the definition of marriage between one man and one woman.

I trust that you have polled your communities for their acceptance or rejection of this legislation. No matter which side had the majority, I ask you as a leader to consider the experience of other states who have already taken this road. I believe that your research will reveal a long list of unintended consequences as a result of establishing same sex marriage in Hawaii. Some rights will be forfeited.

I'm sending you a YouTube link to watch presented by MassResistance.org. I have attached the video transcript if you'd like to study it later. I apologize for the length of this material, but these points are only the highlights of what will be if you allow this law to pass.

In the YouTube video is described the following changes:

<http://www.youtube.com/watch?v=EZX55HUPFSU>

- 1) Businesses/Corporations; All insurance must recognize homosexual couples in their policies, and so must businesses. Employees have been fired for stating their views on homosexual marriage.
- 2) Wedding businesses are held liable for discrimination if they refuse to service homosexual couples on religious grounds.
- 3) Lawyers are tested on same-sex law as part of their bar exam. One fellow failed the exam because he refused to answer a question on homosexual marriage. Homosexual judges are overseeing Massachusetts Family Court.
- 4) Marriage licenses no longer say husband/wife, they say party A and party B.
- 5) Justices of the Peace ordered to perform same-sex marriages against their religious objections were led to resign
- 6) Climate of fear of public officials regarding all homosexual matters and intimidation of pro-family people.
- 7) During Gay Pride Week, officials pledge allegiance to the rainbow flag as it is raised above the capital building along with the state flag and the flag of the USA
- 8) April 2009, Republican Party went on record that they would no longer oppose homosexual issues
- 9) State adoption and foster care workers were forced to train LGBT youth awareness

- 10) 2006 Parents of the year were two men who adopted a child.
- 11) Massachusetts Adoption Resource Exchange has been pushing GLBT family formations and holds adoption parties
- 12) Birth certificates changed from mother and father to mother/first parent and father/first parent
- 13) Well over 40% of adoptions are to homosexual couples. How will their children survive?
- 14) on May 15, 2013 a Representative of the Massachusetts Dept of Children and Families told a Bar Association meeting that they (the dept) are weeding out adoptive and foster parents who are not willing to wholly accept and support GLBT self identification by a child in their care
- 15) Gay domestic violence now has it's own line item in the State government
- 16) Increase in sexually transmitted diseases
- 17) 2011 prominent physician objected to hospital's involvement of Gay Pride Week, threatened to be fired for harassment and discrimination
- 18) Any church or religious group who refuses to serve homosexuals for marriage

and on and on

I challenge you to admit that forces outside of Hawaii have come in and are making a loud noise over this issue. This is not much different than what took place in Hawaii's history when a chief from Tahiti named Pa'ao brought in the kapu system to Hawaii. There were blood sacrifices and the like until the system was banished from the islands by our Hawaiian royalty professing Christian values.

The shape of our families in Hawaii will change. No doubt. This law may be good for the gay community, but it will not be good for everyone else. Again, it's unhealthy and unwholesome and deceptive.

At the very least, I would ask that you say NO to this legislation and let the citizens decide.

And incidentally, what will we do with our state motto ("Ua mau ke ea o ka aina I ka pono") when righteousness is no longer our foundation?

Will our children benefit? No.

Thank you for your service to Hawaii,
Lorene Godfrey
1241 Ala Alii St., #117
Honolulu, HI 96818

Dear Members of the Committee on Judiciary and Labor:

I am writing to voice my **opposition** to Bill SB1.

The reasons for my opposition of redefining marriages because

- (1) It's contrary to our fundamental religious beliefs.
- (2) It will harm children, families, and society. Numerous empirical studies over many decades establish that children develop best when raised by a father and mother in a stable marriage relationship.
- (3) It will reduce our religious freedoms. If same-sex marriage has been legalized, school will start teaching the new definition of marriage and children will be ostracized if they openly disagree based on their family's religious beliefs. Potentials lawsuits will be brought against individuals, churches and businesses. Religious groups that provide family-related services such as adoption will be stripped of the State licenses.

After carefully reading and studying the Bill, I honestly believe that the Bill will **NOT** provide any benefits for both religious and homosexual people. It's a lose-lose situation. If this Bill passed, it will greatly enlarge the disharmony between both groups as the Bill unfairly taking out the freedom from the religious group. As a result, a greater disharmony, or even contention and hatred will rise up between both groups. For me, religious freedom also means our church leaders have the right to decide who and on what occasion to use the church facilities based on the church handbook and guidelines. However, the bill took away this right from our church leaders to decide. Based on the bill, once our facilities are open to non-members, then the facilities are not protected by the exemptions. The bill provides no protections against lawsuits seeking to force religiously affiliated organizations with sincere religious objections to accommodate celebrations, receptions, parties, and other events associated with same-sex marriages.

In order to be fair for both religious and homosexual groups, I am sincerely asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session.

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Thank you for the opportunity to testify.

Chui Fun Lee

Mililani, HI, 96789



The Episcopal Diocese of Hawai'i

The Right Reverend Robert L. Fitzpatrick, Bishop

Date: October 26, 2013

RE: Testimony Regarding SB 1 urging positive action on Marriage Equality

The Annual Meeting of the Episcopal Diocese of Hawai'i (the annual gathering of 44 resident Episcopal ordained clergy and 136 lay delegates elected by the congregations) adopted the following resolution at our meeting today in the Cathedral of St. Andrew, Honolulu, Hawai'i:

BE IT RESOLVED that the Annual Meeting of the Diocese of Hawai'i encourages the Hawai'i state legislature to pass the Marriage Equality bill that is being presented at a special session of the legislature, meeting October 28 – November 1, 2013.

The resolution was adopted by voice vote without a single “nay” vote.

As Bishop of the Episcopal Diocese of Hawai'i, I, therefore, urge, on behalf of the Episcopal Church, the members of the legislature to enact legislation to ensure Marriage Equality as soon as possible.

Faithfully Submitted,

Robert L. Fitzpatrick, Bishop

To: Senate Committee on Judiciary and Labor
Hearing Date/Time: Monday, October 28, 2013, 10:30 a.m.
Place: Capitol Auditorium
Re: Strong Opposition of SB1

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

I am writing to voice my opposition to Bill SB1.

I am asking you to allow the people to decide on the issue of marriage as I believe the legislature is going against the will of the people. I support equality for all including the rights of conscience and religious freedom, which I ask you to respect as our elected leaders. I am concerned that this bill is being fast-tracked through this special session without recognizing the voices of those who oppose it.

I am opposed to the most contentious social issue in our history being decided virtually in one week and ask that you please uphold the principles of democracy and the democratic process which are being disregarded in this special session. Why not hold off until next January and allow the public time to weigh in on the issue with vigorous and healthy debate? Why not put the issue on a ballot and let the people decide once again, as was done back in 1998, where close to 80% of the vote was in favor of traditional marriage between a man and a woman?

This bill should be given due process during the regular session where it can properly be vetted and examined as all other bills. The people who elected you to serve as their voices should have a say in public policy that will forever obliterate thousand of years of indigenous and non-native culture, customs and traditions. Your "yes" vote in special session is clearly a NO vote to democracy!

Diversity is a strength that we have here in Hawaii, and yes, our gay and lesbian friends and family members deserve our respect and aloha. However, their desire for same-sex marriage equality should not infringe on the constitutionally protected rights of those who believe in traditional marriage between a man and a woman. Affording them the same rights will essentially change the definition of marriage in a legal sense and this will, no doubt, have an adverse effect on our society and negatively impact the religious freedoms of others.

Thank you for the opportunity to testify.

Kahele Keawe
P.O Box 5
Anahola, HI 96703