

THE SECRETARY
OF THE
TREASURY
WASHINGTON, D.C.

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TREASURY
WASHINGTON, D.C.

IN REPLY TO YOUR LETTER OF 10/15/44

Enclosed for you are two copies of the report of the Committee on the Administration of the Government, dated October 10, 1944. One copy of this report is being furnished to the Senate and the House of Representatives. The report is being published in the Government Printing Office. It contains a detailed account of the work of the Committee and its findings. It also contains a number of recommendations for the improvement of the administration of the Government. The report is being published in the Government Printing Office. It contains a detailed account of the work of the Committee and its findings. It also contains a number of recommendations for the improvement of the administration of the Government.

Very truly yours,
W. M. C. [Signature]

REPLY TO 10/15/44

Law Office of Thomas F. Coleman

Post Office Box 65756, Los Angeles, CA 90065
(213) 258-5831 / Fax 258-8099

January 24, 1996

Honorable Rey Grauly
Chair, Judiciary Committee
State Senate
Honolulu, HI 96813

Re: January 27 Hearing on the Report of the
Commission on Sexual Orientation and the Law

Dear Senator Grauly:

I have made plans to be in Honolulu for Saturdays' hearing so that I may testify in person regarding the Commission's report and its two primary recommendations. Since I am coming from the mainland for this purpose, I would very much appreciate having at least ten or fifteen minutes to present my remarks to the members of the Judiciary Committee.

You should be commended for taking a leadership position in support of the Commission's recommendation that the legislature enact a comprehensive domestic partnership law. Passage of your bill (S.B. 2419) would be an appropriate way for the legislature to acknowledge the reality of family diversity, to eliminate unjust discrimination against unmarried couples who have formed primary family relationships, and at the same time to avoid ignoring or overriding the opinion of a large majority of citizens who presently oppose the legalization of same-sex marriage.

I would be grateful if you or a member of your staff could call me to confirm that you have received this letter, and to verify the amount of time that you will afford me to testify at the hearing. Since I will be in transit on Friday, receiving a call from your office today or tomorrow would be most helpful.

Very truly yours,



THOMAS F. COLEMAN

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Second block of faint, illegible text, appearing to be a main body paragraph.

Third block of faint, illegible text, continuing the main body of the document.

Signature block containing a handwritten signature and a printed name below it.

Law Office of Thomas F. Coleman

Post Office Box 65756, Los Angeles, CA 90065
(213) 258-5831 / Fax 258-8099

January 26, 1996

Honorable Rey Grauly, Chair
and Members of the Judiciary Committee
Hawaii State Senate
Honolulu, HI 96813

Re: Written testimony on the Report of the
Commission on Sexual Orientation and the Law
Hearing date: January 27, 1996

Dear Senators:

I would like to commend the members of the Commission for the excellent work they have done. The methodology of the Commission was not only responsive to their legislative mandate, but it was open and fair. Due to the impressive leadership of the Commission's chairperson, Thomas Gill, and due to the diligence and competence of its staff attorney, Pamela Martin, the Commission's report was thorough and, unlike many government agencies, was finished on time.

Now that the research phase is complete, the Legislature should pass an appropriate bill in response to the challenge presented by the Supreme Court in *Baehr v. Lewin*. The Commission has suggested two possible legislative actions: either pass a statute legalizing same-sex marriage, or alternatively, enact a comprehensive domestic partnership act. I believe that a domestic partnership act would be the better approach at this time.

In October, 1995, I testified before the Commission and explained why domestic partnership is a better approach. In December, 1995, I sent each member of the Legislature a 17-page memorandum entitled "The Hawaii Legislature Has Compelling Reasons to Adopt a Comprehensive Domestic Partnership Act." That memo not only discussed the policy reasons for domestic partnership rather than gay marriage, it also explained the effects that such an act would have on the pending litigation in *Baehr*.

After having worked in the field of marital status and sexual orientation discrimination for more than 20 years -- both as a researcher, a professor, an advocate, and a litigator -- and after having studied the political and legal situation in Hawaii in the aftermath of the Supreme Court's decision in *Baehr*, I have come to the following conclusions:

THOMAS F. COLEMAN

Testimony to the Judiciary Committee
for the Hearing on January 27, 1996

Page Two

- Under current law, the Attorney General will not be able to convince the Supreme Court that the state has compelling interests to treat same-sex couples who live in long-term committed family relationships as if they were strangers with virtually no legally recognized rights.
- If current law does not change, the Supreme Court will ultimately mandate that marriage licenses be issued to same-sex couples.
- There are only three measures the Legislature could pass that might stop the Supreme Court from legalizing same-sex marriage: (1) put a constitutional amendment on the ballot to prohibit same-sex marriage; (2) amend the marriage statute to permit same-sex marriages; and (3) enact a comprehensive domestic partnership act that would give same-sex and opposite-sex couples who function as an immediate family the same obligations and benefits as married couples now enjoy.
- There are not sufficient votes in the Legislature to put a constitutional measure on the ballot (two-thirds of the members do not support such a divisive approach). Nor are there sufficient votes to legalize same-sex marriage by statute (a large majority of legislators, like a large majority of voters, oppose same-sex marriage).
- The most prudent, and conservative, course of action would be for the Legislature to pass a comprehensive domestic partnership law to amend current statutes so that such partners are recognized as having primary *family* relationships and are afforded equal status with spousal family relationships *under state law*. The Governor and many Senators favor this approach.
- The House of Representatives will not take a leadership role in resolving this dispute with the Supreme Court. However, if the Senate passes a comprehensive domestic partnership act, members of the House may eventually approve the measure. Once they realize that domestic partnership is the only way to avoid court-mandated gay marriage, a majority of representatives may ultimately follow the Senate's lead.
- Passage of Senate Bill 2419 (Grauly-Baker-Tanaka) would adopt one of the Commission's primary recommendations. It would show respect for family diversity and eliminate discrimination under state law. It may also satisfy the constitutional concerns of the Supreme Court.

THOMAS F. COLEMAN

**Testimony to the Judiciary Committee
for the Hearing on January 27, 1996
Page Three**

Other states are already reacting negatively to the prospect of gay marriage being legalized in Hawaii, especially since it is anticipated that thousands of gay couples will fly to Hawaii for a marriage ceremony and will return to the mainland demanding that their marriages be legally recognized in every state.

In anticipation of this scenario, the Assembly Judiciary Committee of the California Legislature only this week passed a bill that, if enacted, would refuse to recognize same-sex marriages performed out of state. (See attached article.) Similar measures are pending in Washington, South Dakota, Virginia, and Alaska. Utah already enacted such a law.

If same-sex marriage is legalized in Hawaii by court order, Hawaii can expect a negative reaction from virtually every other state in the nation. Some of this reaction may necessitate that Hawaii expend funds as it is entangled in litigation involving interstate compacts to which it is a signatory. Multi state corporations may sue the state arguing that Hawaii marriage law is preempted by federal law which, they will argue, does not require them to recognize same-sex marriages performed in Hawaii when their employees return to work in other states.

No one seriously expects Congress to accept Hawaii same-sex marriages as valid marriages under federal law. If necessary, a bill to clarify that federal law contemplates only opposite-sex relationships would sweep through Congress with lightning speed. It is unlikely that President Clinton would veto such a measure, since he has already indicated that he does not support federal recognition of same-sex marriages. It is very possible that Congress will use the budget as a way to limit the effect of Hawaii same-sex marriage law. Through block grants or otherwise, Congress may very well restrict the use of federal funds that pertain to marriage and require that such funds be applied only to opposite-sex relationships.

Again, these problems can be avoided by adopting the Commission's recommendation to pass a comprehensive domestic partnership act.

I am aware that many people feel very strongly that domestic partnership is not an adequate substitute for same-sex marriage. They want full rights under state and federal law and they want those rights now. Their feelings are understandable. However, with public opinion running two-to-one against same-sex marriage, with expected resistance from other states and the federal government, and with not even one other nation on earth recognizing same-sex marriages (some have passed registered partnership laws, but not same-sex marriage laws), it would be reasonable for the Hawaii Legislature to pass a domestic partnership law as a major step forward. Such a law would put Hawaii ahead of all other states and every other nation. That would be a civil rights achievement for the Aloha state.

THOMAS F. COLEMAN

Testimony to the Judiciary Committee
for the Hearing on January 27, 1996
Page Four

In closing, I would like to commend the Commission for its excellent work. I hope that the Judiciary Committee will follow up by passing on to the full Senate, with its approval, a comprehensive domestic partnership act such as S.B. 2419.

If I can be of any assistance to any Senator, please let me know. I am willing to discuss any of these matters on the telephone or in person. When S.B. 2419 is set for a hearing, I would be most willing to return to Hawaii to testify before this Committee. However, I would appreciate at least one week's notice in advance so that I can arrange my travel plans.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Coleman". The signature is written in black ink and is positioned below the typed name.

THOMAS F. COLEMAN

Encl.

Panel Approves Bill to Shun Gay Marriages

■ **Assembly:** New GOP majority on Judiciary Committee votes to keep California from recognizing same-sex unions sanctioned by other states.

By DAN MORAIN
TIMES STAFF WRITER

SACRAMENTO—The newly Republican-controlled Assembly Judiciary Committee on Wednesday approved a bill that would preclude California from recognizing same-sex marriages sanctioned by other states.

The hearing on the bill by Assemblyman Pete Knight (R-Palmdale) drew gay activists from across the state to condemn it and conservative Christian activists from as far away as Virginia to support it.

The party line 9-4 vote occurred against the backdrop of Hawaii considering legislation authorizing same-sex

marriages. It is the only state considering such a move and, even there, action has been put off at least until summer.

Knight, who is in a tough race for the state Senate, said he is pushing the bill

(AB 1982) for economic reasons: Homosexual couples could receive marriage licenses in other states, then move to California and be entitled to the same health, legal and financial benefits af-

forded heterosexual couples, he said.

Assemblywoman Barbara Alby (R-Fair Oaks), who voted for the bill, said same-sex marriages amount to an "assault on our culture." Knight also said state-sanctioned gay marriages would "degrade" heterosexual marriages.

The bill was the first item on the agenda at the initial meeting of the newly reconstituted Judiciary Committee, which now has a GOP majority and chairman. But the opening action left some Republicans questioning the political message being sent by the GOP.

"Mr. Knight is sincere in his attempt. But in terms of priorities, there are far more important issues to be fast-tracking through the Legislature," said Assemblyman Jim Cunneen (R-Cupertino). Republicans, he said, should be showing the state's residents that "we're reinvigorating California's economy."

After most onlookers and reporters left, the committee chaired by Assemblyman Bill Morrow (R-Oceanside) proceeded to approve several sweeping measures to limit lawsuits.

One such bill, AB 1730 by Morrow, would ban product liability lawsuits over products more than 10 years old. If such a measure had been in place, lawsuits over asbestos, defective cars and Dalkon Shields could not have been brought, Democratic critics say.

But at least on Wednesday, Republicans overshadowed their efforts to overhaul civil law by approving Knight's bill. It now goes to the Assembly floor, where it could be taken up next week. Even if it wins approval by the full Assembly, the bill is virtually certain to die in the Democratic-controlled Senate.

"The kinds of bills [Republican lawmakers] have chosen to make their centerpieces—padding, motorcycle helmets, now gay marriage—must be intended to let the people know the things they think are most important," said Assemblywoman Sheila J. Kuehl (D-Santa Monica).

Kuehl, the first open lesbian to serve in the Legislature, was in line to be chairwoman of the Judiciary Committee until Curt Pringle (R-Garden Grove) was elected speaker. Kuehl tried to scuttle Knight's bill but failed, saying the refusal to sanction gay marriages is similar to laws on the books earlier in this century barring interracial marriages.

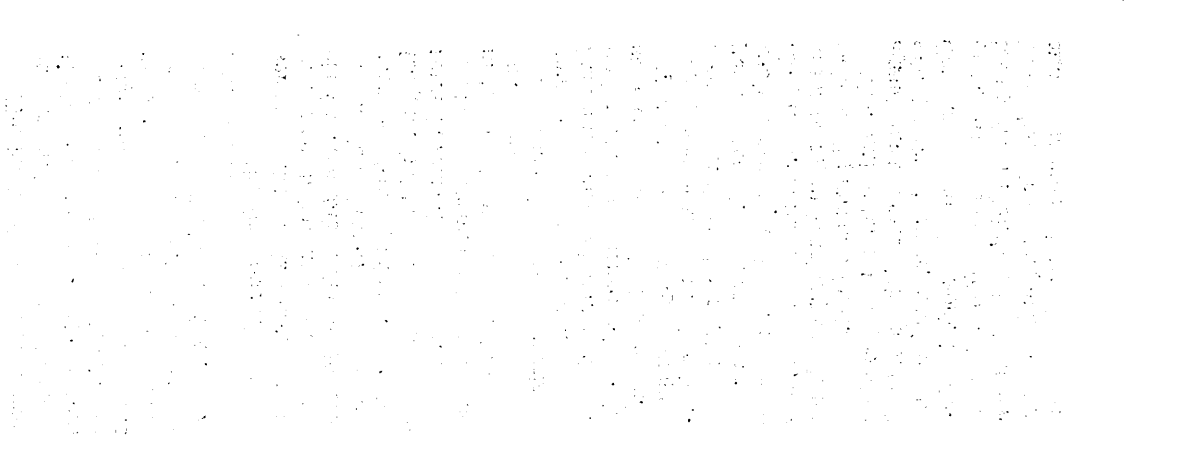
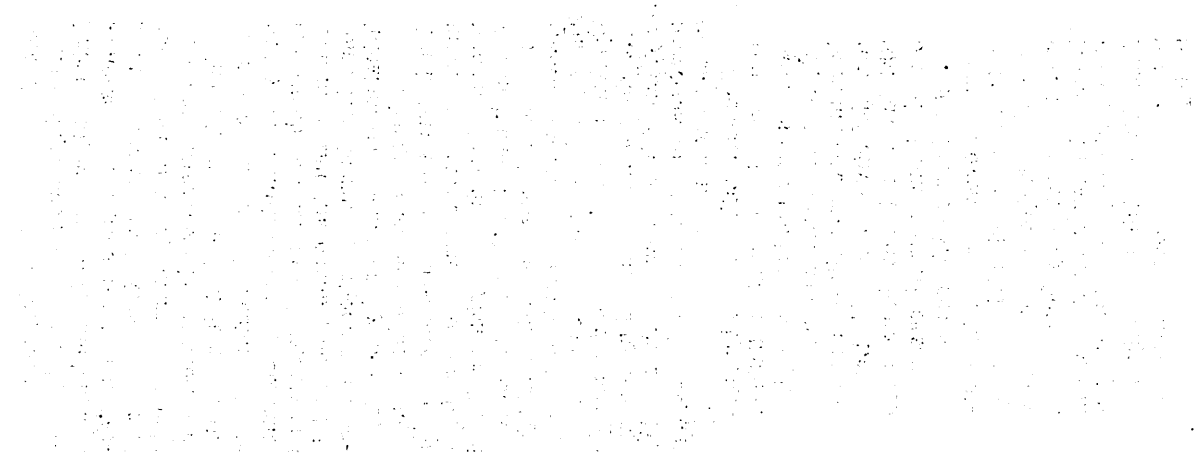
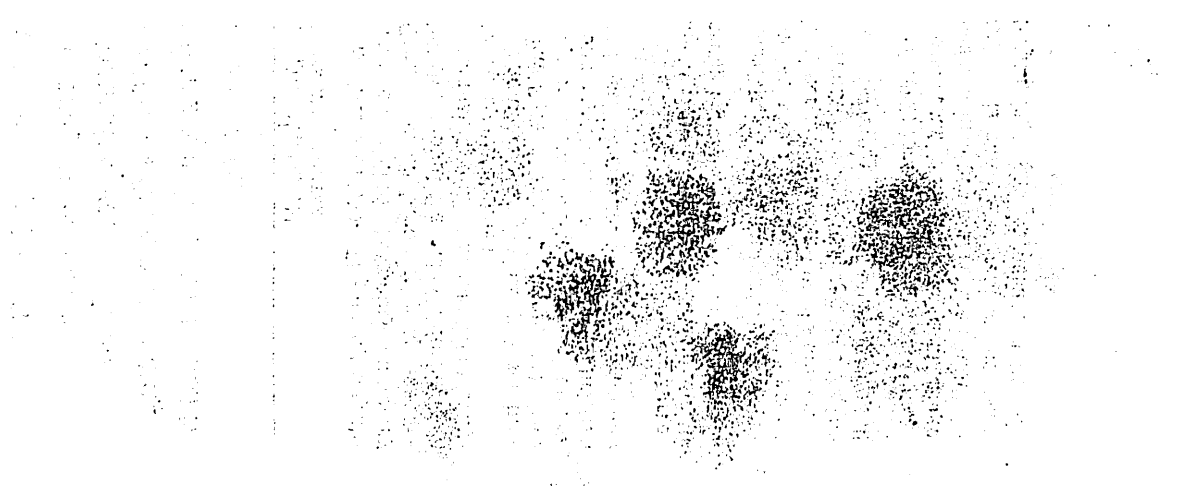
The issue of same-sex marriages came up as a result of a Hawaii Supreme Court ruling in 1993 that, under Hawaii's constitution, the state could not prohibit such marriages without showing a compelling reason. A trial court is scheduled to consider the matter this year. Since the Hawaii decision, Utah approved a law similar to Knight's bill, and similar measures are pending in Washington, South Dakota, Virginia and Alaska.

"California often sets the political agenda for the rest of the country," said Martin Mawyer, head of the Christian Action Network in Virginia, who came 3,000 miles to testify for Knight's bill, "and we hope that Pete Knight's current efforts continue this trend."

Attachment to Testimony of Thomas F. Coleman

LOS ANGELES TIMES

THURSDAY, JANUARY 25, 1996



JAMES R. BAIRD, JR.
ATTORNEY AT LAW
2791 LA CASTANA DRIVE
LOS ANGELES, CALIFORNIA 90046-1330
(213) 874-3442 FAX (213) 876-7699

January 25, 1996

To the members of the Judiciary Committee of the Hawaii State Senate:

- Senator Rey Graulty, Chair
- Senator Mike McCartney, Vice Chair
- Senator Whitney Anderson
- Senator Avery Chumbley
- Senator Matt Matsunaga
- Senator Richard Matsuura
- Senator Rod Tam

WRITTEN TESTIMONY OF JAMES R. BAIRD, JR.

Let me introduce myself. I am an attorney and have been a member of the California Bar since 1954. I am also a long-time active Republican and an openly gay man. I view myself - and my peers view me - as a political conservative on almost every issue.

As I am unable to attend your Committee hearing scheduled for Saturday, January 27, 1996 to consider the Report of the Commission on Sexual Orientation and the Law, I respectfully request that my written testimony set forth in this document be considered as if I presented it orally and that it be made a part of the record of the proceedings.

Leaving aside moral, economic, religious and historical reasons for opposing or supporting the legalization of same-sex marriages, I am extremely concerned about the political consequences which seem almost inevitable to occur if and when "gay marriages" are legally recognized in Hawaii.

Unless the Hawaii legislature takes action in the immediate future, the scenario I see unfolding if events take their likely course is as follows:

As you all are aware, the trial court in Hawaii will commence the trial of Baehr v. Lewin in July of 1996. The trial court most likely again will find that the State has no compelling interest in prohibiting same gender marriage. The State will appeal. As it now stands, the Supreme Court of Hawaii will uphold the validity of such marriages.

Many of the legislatures in the rest of the 49 states will

January 25, 1996
Hawaii Senate Judiciary Committee
Page 2

immediately commence legal steps to (a) attempt to deny full faith and credit to gay marriages performed under a valid Hawaiian law, and/or (b) adopt such legislation and/or constitutional measures to embed in the laws of the respective states a permanent ban on same-sex marriage. In fact, some states have already commenced the process of denying recognition to such unions. Additionally, the Federal government will become embroiled in the issue on a myriad of legal problems, including the implications on income tax, Social Security, housing, Medicare, state grants - the list is endless.

There is a conservative, realistic and practical solution to this dilemma. It is: The enactment of a comprehensive domestic or registered partnership law in the State of Hawaii.

If, prior to the decision in Baehr v. Lewin in the Hawaii Supreme Court, the Hawaii legislature adopts a comprehensive domestic or registered partnership law which provides almost all of the rights and obligations of marriage, it would appear that there may no longer be a "compelling interest" for the Hawaii Supreme Court to interpret existing Hawaii marriage law as requiring the recognition of same-sex marriage. Hopefully, such a meaningful and comprehensive partnership law could become a model for other states to follow. At the very least, it will give to the Attorney General of Hawaii some legal "ammunition" - something sorely lacking at this moment.

Perhaps more importantly, a comprehensive domestic or registered partnership law in Hawaii could forestall the national political and religious firestorm which inevitably will follow the legalization of same-sex marriages in Hawaii.

Thus, I urge you as legislative leaders to take the only conservative path available at this moment, and guide Hawaii into the position of championing and enacting a comprehensive domestic or registered partnership statute, such as the pending legislation embodied in SB2419.

Respectfully submitted,



Law Office of Thomas F. Coleman

Post Office Box 65756, Los Angeles, CA 90065
(213) 258-5831 / Fax 258-8099

January 24, 1996

Honorable Mike McCartney
Vice-Chair, Judiciary Committee
State Senate
Honolulu, HI 96813

Re: Request to meet with you
during week of January 29

Dear Senator McCartney:

Last month I sent you a letter and a memorandum on why the legislature has compelling reasons to pass a comprehensive domestic partnership act. I hope that you have found the memo helpful as you begin to deliberate on the recommendations of the Commission on Sexual Orientation and the Law.

I am traveling from the mainland on Friday so that I can testify on Saturday at the hearing of the Judiciary Committee. I look forward to meeting you at that hearing.

I have made arrangements to spend the following week in Honolulu so that I can meet with various legislators to discuss the passage of domestic partnership legislation as an appropriate response to the challenge presented by the Supreme Court in *Baehr v. Lewin*. I share the view of constitutional law professor Jon Van Dyke that, if the legislature does nothing this session, the Supreme Court will ultimately mandate the issuance of marriage licenses to same-sex couples. However, if a comprehensive domestic partnership law is passed, the Supreme Court may find that such a measure satisfies the requirements of the state constitution's equal protection clause.

I would like to schedule an appointment to meet with you at your office to discuss this issue further. I would be available any day next week, Monday through Friday. If by some chance I don't meet you on Saturday, I will call your office on Monday morning to speak with the person who schedules your appointments to see if there is any time on your calendar to meet with me.

Very truly yours,



THOMAS F. COLEMAN

I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,

I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,

I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,

John F. Johnson

JOHN F. JOHNSON