



Western PA Freedom to Marry Coalition

Marriage Announcements

April-May, 1997

Volume 2 Issue 2

Hawaii proposes anti-marriage amendment

Vote will take place in November 1998 with no effect until January 1999; Court case proceeds

Hawaii legislators this week moved closer to sending a proposed constitutional amendment to voters for ratification in November 1998; at the same time, the legislature prepared to approve a "rights-and- benefits package" for unmarried couples that would take effect in July 1997. The proposed amendment would seek to give the legislature the power to restrict marriage to opposite-sex couples, although it would not *require* the legislature to do so. If the amendment passes in 1998, the legislature would not be able to enact such a restriction on marriage before 1999.

- Fighting for the freedom to marry compels even our worst enemies to recognize the reality and value of lesbian and gay families.
- There is only one state in the country now preparing to offer our families a broad range of protections. No coincidence -- that state is Hawaii.
- The closer we get to full equality for lesbian and gay families and to winning the freedom to marry, the more concessions opponents throw at us in order to try to divert us and buy us off.
- Pat Robertson and other religious extremists are so desperate to block civil rights for lesbians and gay men that they have made historic and hypocritical

concessions to our families in Hawaii, even while they oppose those very same protections and benefits in other states.

- The mix of benefits we now have won in Hawaii is no substitute for full equality, and only fuels our fight.
- Polls show that the public is very resistant to amending the constitution to discriminate, including discrimination against equal marriage rights. Although about 70% of Hawai'ians oppose marriage rights, only 51% want a constitutional amendment to prevent it, and 45% oppose such an amendment. (There was a 4% margin of error.) LLDEF, the ACLU and others will urge Hawaii voters not to write *separate and unequal* into the state constitution in 1998.
- This latest twist underscores the message to state legislators around the country that there is no reason to be pressured into rushing anti-marriage bills into law.
- Meanwhile, our case, Baehr v. Miike, is fully on track, and we remain confident that this discrimination will end. The Hawaiian Supreme Court has agreed to hear the state's appeal, and oral arguments are expected sometime this summer. We

Marriage Coalition needs volunteers

As Hawaii nears becoming the first state to legalize marriage for same-sex couples, we must continue to educate the public in Western Pennsylvania and prepare for our fight to defend our marriages against a hostile state. The WPAftMC is committed to the cause of educating the community at-large about the need for equality in marriage rights.

Our next meeting will be held on May 13 at 7 PM at the Gay and Lesbian Community Center (corner of Murray and Forward Aves in Squirrel Hill). The purpose of this meeting is to organize two subcommittees.

The marriage coalition is in need of people to organize in communities of faith. As we know, marriage is both a civil contract and a religious institution. While we seek equality in civil marriage, the public-at-large confuses the religious institution with the civil contract. Communities of faith are vital to our cause in explaining how discrimination in civil marriage rights diminishes us all. WPAftMC has done a poor job in organizing in these communities so far, and we hope to address this deficiency at the May meeting.

The marriage coalition needs people to do legal research in preparation to defend our future

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Your donation to the Western PA Freedom to Marry Coalition

helps us educate our community about the marriage for same-sex couples! **Please help by sending donations to WPaFtMC, PO Box 81253, Pittsburgh PA 15217-4253.** Donations are not tax deductible

Name: _____

Address: _____

City: _____, Pennsylvania Zip: _____

Phone: _____

Check if you would like more information about volunteer opportunities

Hawaii update **Continued from page 1**

expect a decision later this year or early next, prior to any vote on the proposed amendment. Once lesbian and gay couples marry legally, people will see that the sky does not fall.

- While it is possible for the Hawaiian Supreme Court to delay rendering a decision, it is very unlikely. The previous marriage law was found unconstitutional as discriminatory and there is nothing on the books to say we should not have equal marriage rights. The amendment that is proposed says the legislature can restrict marriage to be solely between a man and a woman, but does not say that it *shall* do so. The legislature will only have the authority to so limit marriage if the amendment should pass giving it that authority. We expect a decision from the Hawaiian Supreme Court within a year which will make marriage legal for same-sex couples.

- Even if the Hawaiian people should decide to ratify the discriminatory amendment, the fight will not be over. Gays and lesbians in Hawaii will raise legal challenges to this amendment under the federal constitution. This amendment is nothing more than another hoop that we must jump through, but we are determined to fight on until equality in marriage rights is ours.

As the fight against the proposed amendment intensifies, media will become increasingly important. Media, such as newspapers and television, are extremely important sources of information. Because Hawaii is an island state, the cost of living is very high. Most Hawaiians have two or more jobs. Our opponents have a war chest of over a quarter million dollars, funded mostly by the Mormon and Catholic churches, to oppose our marriage rights. On the other hand, gay and lesbian organizations in Hawaii have less than 7 thousand dollars in the bank to fund the fight against the pro-amendment forces. Please consider donating to our friends in Hawaii to help with their struggle.

Marriage Project Hawaii

PO Box 11690
Honolulu, HI 96828

Your donations will help pay for the excellent work of Hawaii attorney Dan Foley. Marriage Project Hawaii, formerly h.e.r.m.p, is the ONLY organization paying his fees.

Friends of h.e.r.m.p

PO Box 11690
Honolulu, HI 96828

Friends of HERMP is a lobbying organization affiliated with Marriage Project-Hawaii that receives non- tax-deductible contributions. They have a 900 number, 1-900-97-MARRY for contributions billed to one's phone number (limit: \$25, must be 18+ years old to call).

Hawaii Gay Marriage Project GLEA Foundation

GLEA Foundation
P.O. Box 37083
Honolulu, Hawaii 96837

All donations are tax-deductible in accordance with IRS donations to non-profit tax-exempt charitable service programs -501 (c) 3.

Marriage coalition needs volunteers

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marriages against the inevitable legal challenges. *Be prepared* is more than the Boy Scouts motto, it is a necessity in a state that was the first to enact an anti-marriage law after the Federal government passed the Defense of Marriage Act. Gay and lesbian couples *will* go to Hawaii to be married, and they *will* expect their marriages to be valid when they return. We must do the legal research now in order to prepare for the fight to come. We must prepare the strongest possible legal challenges so that our marriages will be recognized by the state. We must not fall into the trap that permits a court to render an unfavorable decision making *bad law* that gives the Commonwealth authority to void our marriages. Knowing the law and how to prepare the best possible cases is the key, and the time to organize is now.

If you cannot attend the May meeting, but are interested in helping with either of these activities, please call the Coalition at 441-0356 and leave us a message. We will get back to you.



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<http://www.cs.cmu.edu/afs/cs/user/scotts/wpaf2mc>

Edited by Scott Safier

Baehr v Miike update: Briefs filed with Court

Attorneys General from eleven states file briefs with the Hawaiian Supreme Court asking that marriage for same-sex couples not be made legal in Hawaii. The top state lawyers for Nebraska, Alabama, California, Colorado, Georgia, Idaho, Michigan, South Dakota, Mississippi, Missouri, and South Carolina urged the Hawaii Supreme Court to overturn Judge Chang's Dec. 3 ruling in Baehr v. Miike --at taxpayers expense, naturally. As of 1949, all but one of these 11 states had laws banning inter-racial marriage.

On April 29, Hawaii filed its own brief with the state Supreme Court urging that marriage not be granted to same-sex couples. In the brief, the state cites tradition, moral values, propagation and recognition of the state's marriage law by other governments as reasons to limit marriage to a man and a woman. Much of this brief argued that the Court's original 1993 ruling that required the trial in the lower court is wrong. The state has announced that they intend to ask the court to overturn this decision. Dan Foley, the attorney in Hawaii representing

the three couples that sued for marriage rights, called the state's brief, "a political diatribe". He also said the state Legislature this session granted numerous rights and benefits for same-sex couples, adding, "How can the state argue same-sex marriage is immoral if it gives legal recognition to same-sex couples?"

Foley and Evan Wolfson from Lambda Legal Defense and Education Fund are currently working on a response to the state's brief. Briefs from other organizations supporting equal marriage rights for same-sex couples will be filed with the court within the next few weeks.

Undoubtedly the State will ask the court to delay its ruling a year and a half awaiting a speculative outcome of a speculative outcome (that is, to see whether the voters ratify this discriminatory amendment proposal, and if so, what the legislature does, and, based on that, how it affects the case). "We are hopeful the court will not delay and will hear oral arguments this summer," said Wolfson.

Coalition plans for Pride '97

For the second year, the Western Pennsylvania Freedom to Marry Coalition is excited to participate in Three Rivers Pride. The Pride Festival will take place on Saturday, June 21, 1997 in Shadyside. The Marriage Coalition will march in the pride parade, and have an informational table set up at the pride festival. The coalition is also pleased to support Three Rivers Pride with an ad in the Pride Guide (left).

The Pride Parade will line up at 11:00 AM on Westminister Place in Shadyside and step-off at 12:00 noon. The coalition

will march behind its beautiful banner made for us last year by two of our talented volunteers. Please consider marching with us.

The PrideFest '97 program starts after the parade at approximately 1:30 PM. The PrideFest will be in Mellon Park at the corners of Shady Ave. and 5th Ave. in Shadyside. Please stop by our booth and say hello. Coalition t-shirts will be on sale for \$10.

Join us at our May 13 and June 10 meetings to discuss more about out plans for this year's pride festival.