

national news

Running for cover

Hoping the whole tsunami will blow over, Hawaii moves to ban same-sex marriage—but grants rights and benefits

by Inga Sorensen

Compromise, cop out or politics as usual?

It depends on whom you talk to. One thing is for sure, however, when it comes to same-sex marriage, nothing is simple. Hawaii state legislators proved that when they passed a bill that would make Hawaii the first state to grant gay and lesbian couples a slew of rights and benefits currently enjoyed by married couples, including spousal benefits for insurance and state pensions, inheritance rights, and the right to sue for wrongful death.

Simultaneously, lawmakers passed out legislation that places a proposed state constitutional amendment that could bar same-sex marriage on the 1998 general election ballot.

That proposal says the Legislature has the right to restrict marriage to opposite-sex couples.

The amendment gained unanimous Senate approval and passed in the House by a 45-6 vote. (A couple of representatives who voted against

the spirit of aloha," House Judiciary Committee Chairman Terrance Tom, a key negotiator on the benefits bill, told The Associated Press.

Hawaii's tolerance will indeed be tested in November 1998, when voters consider the constitutional amendment which would allow the Legislature to bar same-sex marriages.

Some lawmakers who backed the amendment say they did so because they believe the state Supreme Court erred in its interpretation of the Hawaii Constitution when it ruled that denying marriage licenses to three same-sex couples in 1990 was unconstitutional gender discrimination.

In that landmark 1993 ruling, the court said the state must show a compelling reason for denying the licenses.

Following a trial this past September, a Circuit Court judge ruled the state had failed to do so, and the case remains on appeal before the state Supreme Court.

In response, Congress passed the Defense of



Two of the three Hawaiian couples who are suing for the right to marry: Tammy Rodrigues (left) and Antoinette Pregil; Patrick Lagon (left) and Joseph Melillo

the bill voiced concern that religious groups were imposing their morality on state law.)

The "reciprocal beneficiaries" bill passed in the House on April 29 by a 41-10 vote; the Senate approved that bill a week earlier.

Tagged as a compromise, the measures gained final approval during the last hours of the legislative session.

Gov. Ben Cayetano is expected to sign both bills into law. If he does so, the benefits bill takes effect July 1. The amendment, meanwhile, would take effect only if approved by voters next year.

The "reciprocal beneficiaries" bill extends certain rights enjoyed by heterosexual married couples not only to same-sex couples, but to other nonmarried pairs living together, such as adult blood relatives who share housing. The cost of registering a reciprocal beneficiary relationship is the same as Hawaii's marriage license fee.

"Hawaii has a long and proud history of tolerance and protection of minority rights [which is] a natural expression of a multiracial, multicultural society whose beliefs we in Hawaii describe as

Marriage Act to deny federal recognition of same-sex marriages and allow states not to recognize same-sex unions licensed in other states. President Clinton signed it in September.

The case, *Baehr vs. Miike*, is scheduled to be heard by Hawaii's high court in June.

Tom says he hopes the court will hold off on its decision until voters have a chance to consider the amendment.

"To act before the people have a chance to speak would rock the very foundations of our government," he says.

Some gay-and-lesbian-rights supporters have denounced both bills.

Tracey Bennett of the Marriage Project-Hawaii, which promotes the legalization of same-sex marriages, blasted lawmakers for swapping a few benefits "for allowing the tyranny of the majority to prevail."

The Hawaii case has prompted legislatures throughout the nation (including Oregon and Washington) to consider measures prohibiting equal marriage rights for same-sex couples.

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