

# **SPECTRUM INSTITUTE**

*P.O. Box 65756, Los Angeles, CA 90065 / (213) 258-8955*

**Date:** February 2, 1996

**To:** Honorable Rey Graulty, Chair  
and Honorable Members of the  
Senate Judiciary Committee

**Re:** Legal and Economic Implications  
of a Domestic Partnership Law

My name is Thomas F. Coleman. I am executive director of Spectrum Institute and its Family Diversity Project. Thank you for inviting me to testify today about the economic and legal implications associated with passage of a domestic partnership law in Hawaii.

Before discussing the substance of these issues, I would like to explain a little about the mission of Spectrum Institute and its activities, as well as my own professional qualifications in civil rights law in general, and domestic partnership law in particular.

Spectrum Institute is a nonprofit corporation. Our mission is to promote respect for human diversity, including family diversity. Our projects have focused heavily on elimination of marital status discrimination from government policies and private-sector programs. We promote the use of inclusive definitions of "family" by the public and private sector so that relationships that function as a family unit are treated as a family, regardless of structure. For example, if two people live together and assume the obligations and responsibilities of a primary family unit, then it is our position that the law should afford them the same benefits as other primary family units. It is in this context that we promote equal rights for domestic partners, regardless of whether the partners are of the opposite-sex or of the same-sex. (See attached Mission Statement of Spectrum Institute.)

Turning to my own qualifications, I have been practicing law for the past 23 years. My law practice has concentrated heavily on protecting the right of privacy and eliminating marital status and sexual orientation discrimination from the workplace and the marketplace as well as from government programs and services. Although I am a resident of California, my work with Spectrum Institute is national in scope.

I have been fighting for the fair housing rights of domestic partners for the past several years, opposing discrimination against unmarried couples by landlords in court cases in Alaska, California, Illinois, Michigan, and Massachusetts.

In the past two years, I have filed briefs before the Supreme Court of Alaska and Georgia in support of benefits for government employees who have domestic partners.

# SPERMATOPHYTES

P.O. Box 501, Los Angeles, CA 90005 (213) 261-5001

February 1, 1987

Dear Sirs:

Enclosed for the Secretary of the Senate Judiciary Committee and the House of Representatives are two copies of the report of the Senate Judiciary Committee on the bill to amend the Federal Election Campaign Act of 1971.

I am sure that you will find the report of the Senate Judiciary Committee on the bill to amend the Federal Election Campaign Act of 1971 to be of interest to you.

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For the past 15 years, I have assisted government officials in California as they have addressed the issue of marital status and sexual orientation discrimination. I was the executive director of the Governor's Commission on Personal Privacy, a member of the Attorney General's Commission on Minority Violence, special consultant to the Los Angeles City Task Force on Family Diversity, a member of the California Legislature's Joint Select Task Force on the Changing Family, chairperson of the Los Angeles City Attorney's Consumer Task Force on Marital Status Discrimination, and author of the report of the California Insurance Commissioner's Anti-Discrimination Task Force. As you can tell, I am a big fan of research and study of public policy issues.

Finally, I would like to mention that for several years I was an adjunct professor at the University of Southern California Law Center where I taught a class on "Rights of Domestic Partners." (For other professional involvements, see the attached biography.)

I would now like to focus on my involvement with the domestic partnership issue that has surfaced recently in Hawaii.

Because of my experience with these issues, I was invited by the Commission on Sexual Orientation and the Law to testify at its meeting on October 25, 1995. The question posed by the Commission was the same question that faces members of this Committee today: what should the Legislature do in response to the challenge presented by the Supreme Court's decision in *Baehr v. Lewin*.

In addition to my verbal presentation, I submitted a written paper to the Commission entitled "The Hawaii Legislature Has Compelling Reasons to Adopt a Comprehensive Domestic Partnership Act." I suggested that the Commission should recommend that the Legislature pass a comprehensive domestic partnership act and gave the following reasons for that recommendation:

1. The legislative process normally involves gradual change rather than radical reform;
2. The public overwhelmingly opposes same-sex marriage but tends to favor domestic partnership;
3. Legalizing gay marriage in Hawaii would create havoc in intergovernmental relations with Congress and with other states and nations;
4. A domestic partnership would distance the state from a volatile religious dispute.

When I completed my testimony, Chairman Thomas P. Gill asked me if I would submit a draft of a domestic partnership act. In response, I submitted a "Framework for a Comprehensive Domestic Partnership Act." That framework has now taken the form of Senate Bill 2419.

When the Commission issued its report, and recommended passage of a same-sex marriage bill or a domestic partnership act or both, I wrote an epilogue to the paper that

For the past 15 years I have assisted government officials in California in their efforts to address the issue of racial and ethnic discrimination. I was the executive director of the Governor's Commission on Racial and Ethnic Discrimination, a member of the Attorney General's Commission on Minority Violence, a member of the California Legislative Task Force on Family Diversity, a member of the Los Angeles City Attorney's Task Force on the Changing Family, a member of the Governor's Task Force on Racial and Ethnic Discrimination, and a member of the Governor's Commission on Racial and Ethnic Discrimination. I have also been a frequent speaker at public hearings and forums on public policy issues.

Recently, I would like to mention that for several years I was an adjunct professor at the University of Southern California Law Center where I taught a class on "Rights of Domestic Partners" (for other professional involvements see the attached biography).

I would now like to focus on my involvement with the domestic partnership law that has resulted recently in Hawaii.

Because of my experience with these issues, I was invited by the Commission on Domestic Partnership and the Law to testify at its meeting on October 23, 1997. The deposition passed by the Commission was the same question that faced members of the Commission today: what should the Legislature do in response to the challenge presented by the Supreme Court's decision in *Baron v. Baron*.

In addition to my verbal presentation, I submitted a written paper to the Commission entitled "The Hawaii Legislature: The Compelling Reasons to Adopt a Comprehensive Domestic Partnership Act." I suggested that the Commission should recommend that the Legislature pass a comprehensive domestic partnership act and give the following reasons for that recommendation:

1. The legislative process normally involves a careful dialogue rather than a sudden reform.
2. The public over-reliance on the courts to resolve domestic partnership issues is not a desirable outcome.
3. A legislative act would allow Hawaii to continue its long-standing relationship with other states and nations.
4. A domestic partnership would ensure the state's compliance with its obligations.

When I completed my testimony, Chairman Thomas H. Hill asked me if I would accept a draft of a domestic partnership act. In response, I submitted a "checklist for a Comprehensive Domestic Partnership Act." This framework has been taken the heart of Senate Bill 1111.

When the Commission received its report and recommendations, a number of amendments to a domestic partnership act were suggested. I wrote an opinion on the proposed amendments.

I had originally submitted to the Commission. The epilogue is entitled "Effects of a Domestic Partnership Act on the Litigation" referring to *Baehr v. Lewin*.

Having given the matter further thought, in the epilogue I suggested ways in which my proposed domestic partnership act could be improved. I also suggested that if the Legislature passed a comprehensive domestic partnership act, and gave compelling reasons for doing so, the Supreme Court might dismiss the *Baehr* case as being moot, or otherwise rule that by granting all of the rights and obligations of marriage to domestic partnership, under Hawaii law, the legislature has satisfied the requirements of the equal protection clause of the state constitution.

As for federal benefits or benefits in other states, the court might well rule that the state constitution does not require the legislature to pick a fight with Congress or with other states. Of course, that remains to be seen. However, we will never know the answer to that question unless the legislature passes a domestic partnership bill and places it before the court for consideration prior to oral argument in the Supreme Court early next year. If the legislature wants to insure that domestic partnership is considered by the court before it issues a final ruling, it should act now. Next legislative session may be too late.

The original paper to the Commission and the epilogue were subsequently distributed to each member of the Hawaii Legislature for his or her consideration. I was pleased when the Tulane University Review of Law and Sexuality recently expressed an interest in publishing the entire paper as an article in its upcoming issue. The editors felt that the academic community needed to consider a perspective that differed from the usual articles that are either totally for or totally against same-sex marriage.

I would now like to turn my attention to specific legal and economic issues that have arisen in connection with domestic partnership.

**What type of a legal relationship is a domestic partnership?** A domestic partnership law, such as S.B. 2419, recognizes domestic partners as a primary family unit, similar to the way in which the law recognizes a husband-wife relationship or a parent-child relationship as a primary family unit. Primary family units assume obligations that are not imposed on extended family relationships. That is why the law gives more benefits to immediate family relationships such as spouses. Since domestic partners would assume all of the obligations of primary family units, it is appropriate that S.B. 2419 requires that domestic partners be included in the "family," "immediate family," "dependent" and "spouse" as those terms are used in the Hawaii codes and regulations.

**Would domestic partnership avoid the intergovernmental problems that would occur as a result of court-mandated same-sex marriage?** If the Supreme Court were to mandate the legalization of same-sex marriage in this state, hundreds or even thousands of same-sex couples would fly here to get married and would then return to their home states demanding legal recognition of their Hawaiian marriage certificates. Lawsuits would be filed against private employers or government agencies that refused to grant them legal recognition as spouses. As a result, courts in each state would be required to determine if the Full Faith and Credit Clause of the federal constitution required that state to recognize same-sex marriages performed in Hawaii. The final decision on this issue would be up to the United States Supreme Court. As I stated in my legal memo to the Legislature, it is

is to establish the rights of a partner in the partnership. The rights of a partner in the partnership are established by the partnership agreement. The partnership agreement is a contract between the partners, and it is enforceable in court. The partnership agreement is the primary source of the rights and obligations of the partners. The partnership agreement is a contract between the partners, and it is enforceable in court. The partnership agreement is the primary source of the rights and obligations of the partners.

Having given the matter further thought, I suggested ways in which the proposed domestic partnership law could be improved. I also suggested that if the proposed domestic partnership law was passed, it would give a partner in a domestic partnership the same rights and obligations as a partner in a partnership. I suggested that the proposed domestic partnership law should be amended to give a partner in a domestic partnership the same rights and obligations as a partner in a partnership. I suggested that the proposed domestic partnership law should be amended to give a partner in a domestic partnership the same rights and obligations as a partner in a partnership.

As for the benefits or benefits of other states, the Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states. The Commission might want to consider the benefits of other states.

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First, the type of legal relationship is a domestic partnership. A domestic partnership is a legal relationship between two people who are not married. A domestic partnership is a legal relationship between two people who are not married. A domestic partnership is a legal relationship between two people who are not married. A domestic partnership is a legal relationship between two people who are not married. A domestic partnership is a legal relationship between two people who are not married.

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my opinion that the Supreme Court would probably rule that if a state has a fundamental public policy against same-sex marriage, then such a state does not have to recognize such marriages performed in Hawaii.

Domestic partnership, on the other hand, does will not result in intergovernmental conflict with other states or with Congress. There is no domestic partnership system in place at the federal level or in any other state (except for some state government workers). Therefore, persons who may register as domestic partners in Hawaii, and who later move to another state, will not be able to transport their domestic partnership status to that other state so as to automatically entitle them to local benefits in the other state. This is no different than someone who gets a driver's license at the age of 15 in one state, and who them moves to another state with a minimum age of 18 for driver's licenses. The second state need not allow the 15 year-old to drive on its highways. In other words, the Full Faith and Credit Clause does not contemplate that one state may reach across its borders and regulate the internal affairs of another state. Therefore, by passing a domestic partnership law, Hawaii would give full benefits and obligations within its geographical and legal jurisdictional boundaries, but it would avoid legal and political battles with Congress and the other states -- fights which at this time are probably unwinnable.

**What is the fiscal impact of passing a domestic partnership act?** If the legislature does not pass a domestic partnership act, the Supreme Court will most likely mandate that marriage licenses be issued to same-sex couples. The Supreme Court will not be concerned with the fiscal cost of providing equal protection on the basis of gender any more than it would be concerned about the cost of providing equal protection to racial or ethnic minorities. Therefore, from a constitutional point of view, equality must be the overriding concern.

However, much of the data that is available indicates that a domestic partnership act will not have significant costs associated with it. The fiscal benefits will probably balance the fiscal costs.

Under a domestic partnership act, each partner will be legally obligated to support the other. Thus, if one partner has funds and the other is on the brink of financial disaster, the one with the money must support the other so that he or she will not become a public welfare recipient. This continuing obligation of support is a great benefit to the taxpayers.

Furthermore, a domestic partnership act will promote stability and monogamy in domestic partner relationships. This could save the state hundreds of thousands or even millions of dollars in health costs arising from diseases associated with unsafe sexual practices.

In terms of the ability to sue for wrongful death, this benefit may save the state money and shift the financial burden to the wrongdoer or his insurance company. If someone's negligence causes the death of the primary breadwinner of a family, dependents can sue for the lost income to the family through a wrongful death lawsuit. Unless a domestic partner is given this same right, the survivor may be forced to collect welfare when his or her partner is killed by a wrongdoer. In this instance, passing a domestic partnership act that gives partners the same benefits and obligations as marriage may save the state considerable money since the wrongdoer or his insurance company will pay for the wrongful

the fact that the State has not been able to exercise its power in the same manner as it would have done if it were not subject to the limitations imposed by the Constitution.

In the case of a State, the power to tax is not unlimited. It is subject to the limitations imposed by the Constitution. The power to tax is not unlimited in scope. It is not unlimited in time. It is not unlimited in the manner of its exercise. The power to tax is not unlimited in the objects to which it may be applied. The power to tax is not unlimited in the persons to whom it may be levied. The power to tax is not unlimited in the mode of its collection. The power to tax is not unlimited in the rate at which it may be levied. The power to tax is not unlimited in the manner of its distribution. The power to tax is not unlimited in the manner of its expenditure. The power to tax is not unlimited in the manner of its collection. The power to tax is not unlimited in the manner of its distribution. The power to tax is not unlimited in the manner of its expenditure.

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death, rather than the taxpayers.

Probably the major economic area for domestic partnerships involves employment benefits such as sick leave, bereavement leave, health and dental benefits, and pension plans. Although there are some costs associated with these benefits, they are not significantly different than similar benefits for spouses.

We now have a proven track record on employment-based benefits with hundreds of employers now offering domestic partner benefits, some of them having done so for more than ten years. Every study done so far has shown that the costs associated with domestic partner employment benefits are the same as or less than the costs of employment benefits for spouses. On average, less than 3% of workers sign up for domestic partnership benefits. Using census data available for Hawaii as a whole, it is likely that the experience here will be the same.

**Should close blood relatives be allowed to register as domestic partners?** Some legislators have suggested that close blood relatives, such as father and daughter or brother and sister should be allowed to register as domestic partners. While this may sound egalitarian in concept, it is probably unwise at this time for two reasons.

First, there is a public perception that domestic partnerships, like marriage, involve intimate sexual relationships. While that is not necessarily true in all cases, and although sexual intimacy is not a requirement of either marriage or domestic partnership, that is still the public perception. As a result, allowing close blood relatives to register as domestic partners, would give the appearance of condoning incest. As a result, there is probably little support in the community at large to remove the blood relationship restriction from the requirements of domestic partnership.

Second, the business community would probably oppose opening up domestic partnership to an unmarried adult and any of his or her blood relatives as a partner. The reason for this opposition stems from the concept of adverse selection. Because health benefits are often provided at no cost to an employee. As a result, if all unmarried adults are allowed to put any blood relative on the health plan at no cost, there is a risk that large numbers of employees will name blood relatives as a domestic partner who have or are about to have major medical problems. In workforces where 30 or 40 percent of the workers are unmarried, this could result in huge increases in health costs. However, by limiting domestic partners to persons who are not related by blood, the risk is minimized significantly. Years of experience has proven that non-blood-related domestic partners account for no more than 3% of health care costs of an employer. Therefore, if Hawaii defines domestic partnership consistent with what employers have been doing for years, the state will be building upon what the business community has found to be workable.

**Should the state impose a residency requirement for domestic partnership?** Hawaii does not have a residency requirement for marriage. In fact, impediments to quick marriages in Hawaii have been removed. Recently, the state removed the requirement of blood tests prior to marriage. The state seems to be saying, "come one come all, get married in Hawaii, we will make it easy for you." Imposing a residency requirement for domestic partnership would send a contrary message and impose burdens on establishing a domestic partnership that do not exist for marriage. The Supreme Court of Hawaii may

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easily rule that such disparity is unconstitutional and does not satisfy any compelling state interest.

On this one issue, I take exception with Professor Van Dyke. He cites a United States Supreme Court case that upheld a residency requirement for obtaining a divorce in Iowa. However, that case was decided under the federal constitution. In contrast, the *Baehr* case involves only the state constitution. It may be that the only way to satisfy the equal protection clause of the state constitution is to allow the same benefits and burdens, and impose the same procedural requirements for domestic partnership and marriage. Anything short of full equality under *state law* may be declared invalid under the state constitution. Since there is no compelling reason to impose a residency requirement for domestic partnership anyway, it would seem that adding such a restriction would only weaken a domestic partnership act.

How could a domestic partnership bill such as S.B. 2419 be improved? I drafted what is now S.B. 2419 in late October 1995. Since then I have given the matter much further thought and analysis. I believe that a comprehensive domestic partnership act, such as S.B. 2419, can be improved in several ways. As a result, I am submitting these suggestions to Senator Grauly.

*Rules of Construction.* A clause could be added authorizing courts to depart from precedents under marriage law, as it resolves cases under the domestic partnership law, if rigid adherence to marriage precedents would create absurd results or unjust consequences. One example comes to mind. A marriage can be annulled if one of the spouses fails to or refuses to consummate the marriage. Courts have determined that for purposes of an opposite-sex marriage, consummation occurs as a result of the act of sexual intercourse. Should courts now have to decide what sex act constitutes consummation of a domestic partnership of two men or of two women? This aspect of marriage law should have no place in domestic partnership law. A rule of construction such as that suggested above would allow the courts to use some discretion as they develop a jurisprudence of domestic partnership.

*Interagency Task Force.* A clause should be added that directs the Governor to convene an Interagency Task Force on Domestic Partnership Implementation. A representative of each of the following departments should serve on the task force: (1) Attorney General, (2) Budget and Finance, (3) Business, Economic Development and Tourism, (4) Commerce and Consumer Affairs; (5) Health, (6) Human Services, (7) Labor and Industrial Relations, (8) Personnel Services, and (9) Taxation. A representative of the administrative director of the courts should also be invited to serve on this task force. The purpose of the task force would be to monitor the implementation of the domestic partnership act and to issue a report to the legislature every two years. The report would bring to the legislature's attention any problems that have been experienced in implementation of the law and to suggest ways in which the law may be improved. There should be a sunset clause specifying that the task force shall cease to operate after 10 years. The creation of a system to monitor implementation may increase the chances of the court dismissing the *Baehr* case as moot and declining to



continue ongoing jurisdiction over the case for several more years.

*All deliberate speed.* A clause could be added to the statement of findings in S.B. 2419 that indicates that, by passing a comprehensive domestic partnership act, the legislature is meeting the demands of the equal protection clause of the state constitution "with all deliberate speed." Because the challenges imposed by *Baehr* involve economic and legal implications that are untested and unprecedented, the legislature finds that the creation of a system of domestic partnership under state law, with ongoing monitoring of implementation of the act, is the most responsible way for the legislature to respond to the requirements of the state constitution at this time. A comprehensive domestic partnership act is the least restrictive means of providing equality and at the same time avoiding the intergovernmental conflicts that would arise with court-mandated same-sex marriage.

If other issues arise as the domestic partnership legislature moves through the legislative process, please let me know and I would be willing to assist in any way possible.

Respectfully submitted:

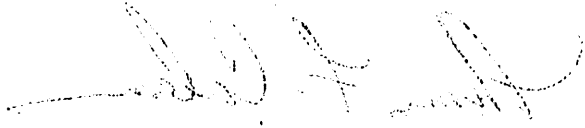
A handwritten signature in black ink, reading "Thomas F. Coleman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

THOMAS F. COLEMAN  
Executive Director  
Spectrum Institute

It is submitted that the statement of the court in the case of *United States v. ...* is a landmark decision. The court held that the federal government has the authority to regulate interstate commerce. This decision is the basis of the federal government's power to regulate interstate commerce. The court held that the federal government has the authority to regulate interstate commerce. This decision is the basis of the federal government's power to regulate interstate commerce. The court held that the federal government has the authority to regulate interstate commerce. This decision is the basis of the federal government's power to regulate interstate commerce.

It is further submitted that the court's decision in the case of *United States v. ...* is a landmark decision. The court held that the federal government has the authority to regulate interstate commerce. This decision is the basis of the federal government's power to regulate interstate commerce. The court held that the federal government has the authority to regulate interstate commerce. This decision is the basis of the federal government's power to regulate interstate commerce.

Respectfully submitted,



THOMAS M. COLEMAN  
Executive Director  
Department of Justice

## I. Introduction

# OUTLINE OF COLEMAN'S Testimony

Coleman: exec dir of Spectrum Institute

written testimony

- a. information about Spectrum
- b. my background and experience
- c. my involvement with the Commission with the legislative process here, and with drafting proposed legislation
- c. an assessment of legal and economic implications
- d. attachments, documents that I will refer to

## II. My Position:

in favor of full equality that will satisfy the equal protection clause of the Hawaii constitution

not against same-sex marriage

but realize that the legislature must take account of strong public opposition and therefore will not legalize gay marriage as a response to *Baehr*

~~(not one senator has authored a same-sex marriage bill)~~

even the Commission realized that the legislature has limits, and therefore it recommended dp as a backup recommendation

## III. Legal Implications of doing nothing

same-sex marriage will be mandated by the court, since there is no compelling interest without dp

Information about the subject's activities

within the country

Information about the subject's

background and experience

my involvement with the Commission  
with the legislative process later  
and with drafting proposed legislation

an assessment of legal and economic implications

of other laws that I will refer to

My Position

In view of the fact that the Commission  
is composed of the following members

and against the interests of the

for which the legislature must also account  
of strong public opinion and therefore will not  
legally be regarded as a response to their

(The Commission has stated that it is not

and therefore it recommended that the Commission  
was limited in its powers)

legal implications of doing nothing

since there is no compelling interest within the  
Commission will be mandated by the court.



#### IV. **Legal Implications of DP**

- a. Builds on the **traditional flexibility of "family"** historically inclusive, as opposed to "marriage"
- b. Decreases or **eliminates intergovernmental conflicts** with Congress and other states

court-mandated same-sex marriage results in conflict with 49 states and federal government as thousands of couples from all 49 states fly here, get married, and then go home

marriage in all states & presumption of FF&C): but US Supreme Court will probably not require FF&C, allowing states to invoke the public policy exception

dp does not have this result, since there is no statewide dp system in other states

no different than a couple registering in Laguna and then showing their dp certificate to Phoenix

- c. court may accept dp as **satisfying state ep**, either:
  - \* on a procedural theory of "**mootness**", since all state benefits are granted
  - \* **substantively since state ep only requires state benefits**
  - \* state ep does not require the state to **pick a fight** with other states and the feds
  - \* ep is not static, requiring instant equality if major adjustments are required and if strong public opposition (Brown v. Bd "**all deliberate speed**": 12 yrs)
  - \* **comp. dp is the least restrictive means of achieving equality with all deliberate speed and avoiding intergovt conflict**



5. **Wrongful Death:**  
shift cost from state to wrongdoer and insurer
6. **Other Fiscal Benefits:** addressed in commission report

#### IV. Suggested Amendments that Should be Resisted

1. Close blood relatives:
  - \* public perception and incest taboo
  - \* resistance by businesses because of adverse selection
2. Residency requirement —
  - \* court will require full equality if dp to pass muster
  - \* no residency for marriage (no health certificate either) *Consistency*
  - \* state, not federal, constitution must be satisfied:  
one disagreement with Prof. Van Dyke

#### IV. Improvements to DP Bill

1. Add Section on: Rule of Construction
2. Add Section on: Interagency Task Force
3. Add statement to findings on: all deliberate speed and least restrictive means of providing equality within state without disrupting public business by intergovt conflicts

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Time For Study + Time For Action

Now is the Time For Action

or the Supreme Court will Act For you.

will not from state to state and interest

Other Federal Reserve and Treasury report

Proposed Amendments that should be included

1. Close bank activities

\* Public perception and trust when

\* treatment by business partners of various relations

2. Regulatory requirements

\* court will require full equality of rights to pass money

\* no liability for marriage (to health certificate entry)

\* state not federal constitution must be satisfied

one disagreement with Frank Dixon

Amendments to the bill

1. Add Section on Rules of Construction

2. Add Section on Interstate Bank Force

3. Add statement to findings on all delinquent banks and

local restrictive means of providing equality within state

without disrupting public business by interstate conflicts

1987-1988

1987-1988

1987-1988

## V. **Economic Impact**

### 1. **Census data:** small numbers of dp's

1990 census: unmarried partner vs. roommates  
same-sex couple households = 602 self identified  
opposite-sex households = 15,000  
total = 4.2% of all households

### 2. **Experience with employers** for past 10 years

\* 1984 = City of Berkeley / today: about 400 employers

### 3. **International Foundation of Employee Health Benefits**

"Cost increases are small and sometimes negligible"

Seattle: covering a dp is less expensive than covering a spouse

Lotus Development and Levi Straus:

dp coverage is the same as or less than spousal coverage

### 4. **BNA:** Berkeley: a surcharge added by Kaiser but dropped after 3 years, because no risk different than spouses

### 5. **Hewitt:**

"Generally speaking, and contrary to warnings and predictions by insurers and others, extending coverage to dp's has not resulted in statistically significant differences in costs."

"Experience thus far indicates employers are at no more risk when adding dp's than when adding spouses."

"Typically, only up to 2% to 3% or less of all employees elect dp coverage at org's offering the benefit."

While coverage has usually been by HMO's, companies such as Aetna, CIGNa, and Prudential now offer it in some places

### 4. **Disney:** despite protects from the religious right

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ramsey@math.hawaii., 06:29 PM 2/5/96 H, HAWAII, FEB. 5

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HAWAII HOUSE AND SENATE DIFFER  
OVER DOMESTIC PARTNERSHIPS

Senator Rey Graulty, Chair of the Senate's Committee on the Judiciary, held a briefing last Friday with 3 witnesses. Two witnesses supported domestic partnership (Tom Coleman of the Spectrum Institute in LA, Jon Van Dyke of the UH Law School) and the third, an official of the Kaiser Permanente Health Plan, described the fiscal impact on his company of domestic partner-  
ships elsewhere [negligible, with many more opposite sex couples using them than same-sex couples]. Senator Graulty may holding hearings on a specific draft of a DP bill on February 22.

Joe Souki, Speaker of the House, was quoted as saying that the DP concept is dead for this session in the House (the House Judiciary Committee tabled a DP bill about two weeks ago). This sets up an interesting dynamic between the House and the Senate.

Van Dyke emphasized to Graulty the likelihood that a domestic partnership bill might satisfy the Hawaii Supreme Court as far as providing equal protection to same-gender couples [it definitely does NOT confer the same rights, benefits and obligations, but it would reduce the degree of discrimination against same-gender couples]. Van Dyke said that, in the absence of DP, the Hawaii courts would have to grant marriage rights.

HERMP's court case to get marriage rights, with its next hearing in July of 1996, is the background to all this scurrying about to find some kind of alternative to marriage for gays and lesbians.

Tom Ramsey  
Co-Coordinator  
Hawaii Equal Rights Marriage  
Project

P.S. The Hawaii Equal Rights Marriage Project, HERMP, is the sole support of the work of Dan Foley on Baehr v. Lewin (Foley is the attorney who makes all court appearances on behalf of the plaintiff couples). Please be generous in support of HERMP; Hawaii is a small state, and the tiny gay and lesbian community here is very active in advocacy work which HERMP cannot address. Donations to HERMP are fully tax-deductible, and should be made out to GLCC-HERMP, 1521 Alexander Street, #503 , Honolulu, HI 96822.

The HERMP branch in Kona, on the Big Island, has produced a T-shirt for sale. One can send a check for \$17.50 to HERMP, P.O.Box 902, Captain Cook, HI 96704, together with a note about being sent a T-shirt (S, M, L, XL, XXL). It is also available in a tank top. The design is multi-color on white. A large triangle points down, with the letters h.e.r.m.p above the triangle, some male-male, female-female symbols in the border of the triangle and some palm trees. To place an email order for T-shirts, or to obtain more information, please email skippero@aol.com Thank you!