



## Honolulu, Hawaii

by Dustin Tamashiro

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The Port of Honolulu as seen from a departing airliner. Photograph by Michael Oswald.

According to the *Rainbow Handbook Hawai'i: The Islands' Ultimate Gay Guide*, in 1998 there were 1.2 million people living on 6,423 sq. miles of landmass, making Hawaii the third smallest of the United States. The state possesses an exceptionally diverse population and a rich--sometimes tragic--history. Ancient Hawaiian ideals of *'ohana* (family) and *aloha* (love) remain strong; and concepts of honor and familial piety, derived from missionaries, Asian immigrants, and Pacific Islanders themselves, have not dulled over the years. Acceptance of diversity and the "aloha spirit" have thus become a major trademark of modern Hawaiian society.

### Attitudes toward glbtq Persons

Despite this, the Hawaiian population tends to be apathetic toward a number of gay-related issues. *Mahu*, a generic Polynesian term for transvestites and gay men, has now been twisted to mean something tantamount to *fat* in the greater culture. Within Honolulu, the state's capital city, there are only seven bars that offer services to queer clientele, several of which only offer relatively unpublicized "gay nights" for glbtq patrons despite overwhelming interest. The annual gay pride parade, which marches from Oahu's Sand Island to Ala Moana Beach Park, is only a decade old, still in its infancy compared to other, more progressive cities across the nation.

In fact, a heart-wrenching article in the June 19, 2002 edition of the Honolulu *Advertiser*, featured the all-too-common story of Ken Miller, a 47-year-old activist, who chose to march in his first gay pride parade over the caution of his friends. According to the article, his friends told him that it was "OK" to be gay, but not to advertise it. Miller, however, found marching to be a fulfilling experience, which ultimately helped him come to terms with his sexual identity. The action, however, was not without its consequences; upon seeing a newspaper photo of their son proudly marching in the gay pride parade, his parents chose to disown him.

### Support Services

Island queers may have to search hard, but there are several sources of support. There is currently one non-university affiliated center serving the glbtq community in the islands. The Gay and Lesbian Community Center, or The Center as it is commonly known, was founded over 30 years ago as the "Sexual Identity Center," a name chosen to preempt community backlash in response to the word "gay" in its title. The Center currently maintains regular business hours six days a week, and houses a staff of 12 people who oversee the majority of glbtq functions on Oahu.

There are also several common glbtq support groups run out of various national organizations, such as Alcoholics Anonymous, Parents, Families and Friends of Lesbians and Gays, the American Civil Liberties Union, and the National Organization of Restoring Men. In addition, there are several uniquely Hawaiian organizations such as I.K.O.N., the Island Kane Ohana Network, the Gay Surf Club, and LIPS, the Lesbian Island Project. Overall, these groups are relatively new and small, as Hawaii often tends to lag behind

social trends seen on the United States mainland.

### **The Fight over Same-Sex Marriage**

Politically, though, the state's lawmakers have precociously dealt with a number of glbtq issues far ahead of their time. One of these issues, which made national headlines in 1993, was with regard to gay marriage. In 1990 three homosexual couples (one male, two female) applied for marriage licenses and were denied. Civil rights attorney Dan Foley filed an appeal, arguing that the denial of marriage licenses to homosexual couples was a form of gender discrimination. In 1993, the Hawaii Supreme Court in *Baehr v. Lewin* finally ruled that gender could not be a basis of discrimination in regards to marriage.

This ruling of the Hawaii Supreme Court caused other states, in order to preempt rulings by their own courts, to pass legislation defining marriage as a bond between a man and a woman. On the national level, Congress passed the Defense of Marriage Act in 1996, which stated that "no state, territory, possession, or tribe" is required to recognize a same-sex marriage granted in any other "state, territory, possession, or tribe."

Back in Hawaii, the 1994 legislature passed Act 217, which redefined marriage as a bond between two people with the intent of procreation. The act also created the Commission on Sexual Orientation and Law, which in 1995 issued a statement recommending full marriage benefits for same-gender couples.

In late 1997, Judge Henry Chang, of one of Hawaii's lower courts, ruled that there is no compelling state interest justifying the limits on marriage. Unfortunately, the state Department of Health appealed the ruling, and awaited a final decision from the Supreme Court before it issued marriage licenses to same-sex couples.

During the interim, the Alliance to Save Traditional Marriage introduced a constitutional amendment that defined marriage as a union between a man and a woman. The legislature passed the amendment and submitted it to the state's voters in hopes that the public would finally put the issue to rest at the next election. They did. In November 1998, the amendment redefining marriage as a union of a man and a woman passed 68% to 32%, voiding the state Supreme Court's landmark ruling.

### **Other Gay and Lesbian Issues**

In 2000 the State Board of Education struggled with initiatives to outline protected categories (that is, race, color, national origin, ancestry, sex, religion, disability, or sexual orientation) for Chapter 19, the student code of conduct. After heated debate and inflammatory accusations that gay activists were trying to infiltrate the public school system and poison children's minds, protected categories were eventually added by a narrow vote by board members. Likewise, in 2001, the Hawaii State Legislature joined 25 other states in adding sexual orientation to a hate crimes law; unfortunately, it chose not to include gender identity.

The year 2002 was an important year in glbtq history in Hawaii. That year the Board of Education, taking a step back, voted to remove all of the protected categories in their code of conduct. In the same year, the first high school club to mention sexual orientation by name was established at Kalaheo High School. Also in 2002, the state received a visit from the anti-gay Westboro Baptist Church, pastored by notorious homophobe Fred Phelps, in response to a middle school teacher's distribution of a nationally certified pamphlet on sex education that discussed homosexuality. Near the end of the year, the ACLU fought for, and won, a transgender student's right to wear a gown at her graduation.

Over time Hawaii is slowly catching up to the rest of the nation. The political scene in the islands has been tense with regard to gay issues, but glbtq people continue to struggle to secure recognition and rights.

## **[Recent Developments**

The long struggle for equal rights for gay and lesbian couples in Hawaii finally led to the adoption of civil unions in 2011

In 2010, a civil unions bill was passed with comfortable but not veto-proof margins by Hawaii's House of Representative and Senate. The bill would have conferred on partners in civil unions all the rights and responsibilities of marriage.

After a long period of consulting with opponents and proponents of the bill, Governor Linda Lingle announced on July 6 that she would exercise her right of veto to prevent the bill from becoming law.

In vetoing the bill, the Governor called for a referendum on the issue, declaring "I have become convinced that this issue is of such significant societal importance that it deserves to be decided directly by all the people of Hawaii."

The veto of the civil unions bill sparked a call to action on the part of gay rights groups in Hawaii and on the mainland. The Human Rights Campaign, Equality Hawaii, and the lesbian-gay-transgendered caucus of the Democratic Party worked hard to register voters and to campaign for the election of former Representative Neil Abercrombie as Governor of Hawaii in the 2010 election.

An unabashed supporter of civil unions, Abercrombie defeated opponents of civil unions in both the Democratic primary and the general election. In addition, some key opponents of civil unions were defeated for election to the state Senate and House of Representatives.

In 2011, the newly-elected legislature fast-tracked the civil unions bill that Governor Lingle had vetoed. In February, the state House of Representatives passed the bill by a vote of 31 to 18; in the Senate it was passed by a vote of 18 to 5.

The law took effect on January 1, 2012, making Hawaii the seventh state to provide same-sex couples civil unions or domestic partnerships with all the rights and responsibilities of marriage.

Upon the announcement of the Senate's vote on February 16, 2011, Governor Abercrombie issued a statement declaring that civil unions "respect our diversity, protect people's privacy, and reinforce our core values of equality and aloha. . . . this bill represents equal rights for all the people of Hawaii."

On the same day that the Senate approved the civil unions bill, it also ratified Governor Abercrombie's appointment of Circuit Judge Sabrina McKenna to the state Supreme Court. McKenna became the first openly gay Justice to sit on the Hawaii Supreme Court.

A well-respected jurist, McKenna had been in the running twice before for a spot on the Supreme Court, and numerous times for seats on other courts, but each time she was passed over, perhaps at least in part because of her sexual orientation.

The Senate's unanimous vote to confirm McKenna to the state's highest court may mark a new era of glbtq acceptance in Hawaii.]

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### **About the Author**

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