

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
THE SEVENTY
17 EAST SOUTH TENDLER STREET, SALT LAKE CITY, UTAH 84143

4 March 1997

Elder M. Russell Ballard
CAB 407

Dear Elder Ballard:

Re: H.L.M. Strategy for California and Hawaii

As we watch to see what the Legislative Conference Committee is going to do with H.L.M. in Hawaii and as the first overtures to the Catholic Church in California have been made, it is a good time to see what has been learned and to review strategy.

Background

When we first became involved in Hawaii ^{three} ~~two~~ years ago, the Hawaii Supreme Court had asked the legislature to show cause as to why H.L.M. should not be legalized in Hawaii. The two daily newspapers supported this position, as did the Hawaii Senate and a special commission set up to review the matter. Surveys put public opposition to this matter at about 60% but it was soft. When Elder Maxwell took me to meet the First Presidency on this matter, President Hinckley said we better move ahead. But he also said the Church should be in a coalition and not out front by itself.

We held a preliminary meeting at Church headquarters which included, among others, Dallin Oaks, Lynn Wardle of B.Y.U. who is recognized as a top legal scholar on this subject, Richard Wirthlin who was not yet a General Authority, and representatives from the Church Public Affairs Department. The meeting reaffirmed that:

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- Because of our late arrival, it will be an uphill battle.
- The Hawaii issue is critical because if H.L.M. were passed into law, it could force other states to accept H.L.M. on the basis of constitutional "full faith and credit."
- Proposed domestic partnerships need to be watched carefully. While offered as alternatives to H.L.M., they can become H.L.M. by another name.
- Elder Oaks was the first to recognize that in the political process that in order to win this battle, there may have to be certain legal rights recognized for unmarried people such as hospital visitation so opponents in the legislature will come away with something. This is proving to be the case.

Organization

I went to Hawaii in company with Richard Withlin and Bruce Olsen. I asked Don Hallstrom to arrange an all-day session with representatives of McNeil-Wilson, the public relations firm that represents the Polynesian Cultural Center, Linda Rosehill, a Hawaiian liberal Democrat female lobbyist, Jack Hoag, our Hawaii D.P.A., Father Marc Alexander of the Catholic Church and others. Later that day I called on Bishop DeLorenzo of the Catholic Church whose unfailing support has made the coalition possible. It was here the coalition took shape. Its name reflects an organization designed to rise above current issues and look at what kind of life Hawaii people want to have in the future - *Hawaii's Future Today*. We decided on three major issues: Casino gambling, legalized prostitution and H.L.M. in order to broaden our base and appeal. Richard Wirthlin was extremely valuable here drawing on his past experience in other campaigns and also doing a survey in Hawaii to determine our strengths and weaknesses. We were careful to make this an Hawaii based group. Hawaiian's worrying about Hawaii.

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We brought in as the leadership of *Hawaii's Future Today* Debi Hartmann, a young mother who gained prominence as Chairman of the State Board of Education. To serve as Vice Chairmen, Father Marc Alexander, a Catholic Priest with Jewish and Buddhism roots and Jack Hoag, a prominent businessman. Although Hartmann and Hoag are members, they are known more in the community for the titles just mentioned.

The Coalition

Hawaii's Future Today was officially announced at a Press Conference set up by McNeil-Wilson. The conference got broad coverage. *Hawaii's Future Today* immediately began to enlarge its base primarily among L.D.S. and Catholic members, the two largest Churches in Hawaii. A carefully crafted letter approved by the First Presidency and Twelve was read in Sacrament Meetings in Hawaii restating the Church's position on traditional marriage and urging support for the coalition. A similar letter went to Catholic congregations. The coalition membership went to over 2,000, and the Wirthlin survey showed opposition to H.L.M. had risen to 73% and support for H.L.M. had diminished.

The real show of strength came when the coalition got 2,000 people out to a rally during the last legislature and 7,000 out during this legislature. Support is holding.

1996 Hawaii Legislature

Thanks to the tireless work of Linda Rosehill and the influence of the coalition, the issue of a constitutional ban on H.L.M. in the 1996 Hawaii Legislature moved from absolutely no chance to pass, to the House reporting out a constitutional amendment with two-thirds vote and the Senate barely falling short in conference committee. Our position was helped by intense

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lobbying, increased media awareness and a barrage of letters and faxes from *Hawaii's Future Today* members to legislators.

1997 Hawaii Legislature

Due to some key legislators losing the election over H.L.M., the Senate has expressed a need to cooperate with the House and resolve the matter. It is currently in conference committee.

Courts

Although this matter is also traveling through the courts, everyone is aware that the final decision rests with the legislature. The Chief Justice of the Hawaii Supreme Court told the legislature as much. H.L.M. has been upheld in the appeals court and will undoubtedly be upheld in the Hawaii Supreme Court unless the legislature acts. The matter is in conference committee and the issue is what accommodations will the House be willing to offer in order to bring the Senate on board. Amicus Briefs were filed in this case. The Church legal department handled this matter.

Gambling:

The last of the Hawaii gambling bills has now been killed. We have made it through another year without any form of gambling.

The Major Players

You have probably not met the major players who support us on this issue. The first is **Linda Rosehill** who, although hired by *Hawaii's Future Today* as a lobbyist, has paid a price. She lost her position as Chairman of the Clinton/Gore Reelection Committee in Hawaii and was defeated as a Democratic Committee woman from Hawaii over this issue. She is very bright and has a lot of influence with both Democrats and Republicans. She is a great lady and absolutely dedicated to this cause.

- **Debi Hartmann, Marc Alexander and Jack Hoag**, as officers of *Hawaii's Future Today*, have been working day and night with the legislators, public and news media. As we planned in the beginning, neither ourselves or the Catholics have been singled out on this issue and the coalition is looked on by both sides of the isle as a responsible, moderate voice. These three, however, have taken some abuse.
- **Arthur and Janice Anderson**, although called the first year to help get the coalition started, they are now helping with Marlin Jensen and his committee on the national level.
- **Fritz Rolfing** - a local lawyer used by the Church in the past. *Hawaii's Future Today* uses him to advise on legal matters.
- **McNeil-Wilson**. P.R. firm assisted in the beginning by helping the coalition keep up-to-date on certain hearings and also with basic P.R. work. As of January, they are no longer on retainer and only used as needed. I was worried that the firm was helping to elect people who oppose us on this issue.
- **Lynn D. Wardle**. His expertise on this subject is unsurpassed. He was invited to testify before a Hawaii House Committee and to meet with the leadership of the Senate. He has been helpful to the coalition by

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suggesting areas of accommodation that might extend a few fundamental rights so the marriage amendment can get passed.

- **David Coolidge.** A national specialist on this matter who is receiving some support from the Church legal department.
- **Donald Hallstrom.** The success of *Hawaii's Future Today* is based on its ability to be an independent voice representing the Hawaiian people. As Area Authority, Don is the Church's representative in Hawaii. The Church's input to the coalition is from myself to Don to Jack Hoag. When things were beginning, Don and I talked daily but now it is every few days as we pass information back and forth. He stays in the background and this protects the integrity of the coalition and is a show of good faith to the Catholic Church that we are not trying to dominate things, although they rely on us for help on this issue.

H.L.M. activists have attacked the Church in one or two interviews and tried to bait us into a public fight. I would not let Don respond but we had him refer everything to the coalition. This killed the controversy and kept everyone focused on the issues.

California:

Anti-H.L.M. legislation through both Houses of the California Legislature appears virtually impossible at the present. There is consensus that a referendum is the only route. While expensive, there are at least two coalitions coming together with one of them showing promise as to raising money.

Richard Wirthlin has run a survey which shows public support for our position in the mid-fifty percentile. As in Hawaii, his survey also shows the public image of the Catholic Church higher than our Church. In other words, if we get into this, they are the ones with which to join .

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With your permission, Stuart Reid, Richard Wirthlin and I met recently with the Chairman of the Catholic Bishops Conference in California, Bishop Cummins. He had with him the Secretary of the Conference, Monsignor Petersen and the Auxiliary Bishop of San Francisco. It was a cordial visit. They are prepared to join with us on this issue. Bishop Cummins told us the California Catholic Bishops are united in their opposition to H.L.M. Richard and Stuart and I are meeting to determine what kind of arrangement we might recommend to you. If the right people can be found, we may end up with a coalition who will work in the background assisting other coalitions where we can agree on what they are doing.

Any advice or comment on any of this will be greatly appreciated.



Loren C. Dunn

Enclosures

cc: Elder Dallin H. Oaks
Elder Robert D. Hales
Elder W. Eugene Hansen
Elder Marlin K. Jensen
Elder Lance B. Wickman
Elder Richard B. Wirthlin
Stuart Reid

We need same-sex amendment

In an attempt to pre-empt the Circuit Court's decision to legalize same-sex marriage, legislators have been searching for a solution to address the many complex issues associated with the marriage debate.

While this session holds great promise for opponents of same-sex marriage, we need to stay abreast of new proposals and keep on top of legislators to pass a clear constitutional amendment for the people to vote on. The battle is far from over.

Early on in the legislative session, the state House of Representatives proposed an amendment to the state Constitution confirming the existing statute that marriage is the union between one man and one woman. The Senate countered with a substantively flawed version. Under the Senate's proposal it is likely that the Supreme Court will ultimately legalize same-sex marriage.

The Senate bill would allow the state to regulate and define marriage, only if it does not deprive any person of civil rights on the basis of sex. While this may initially sound appealing, the Hawaii Supreme Court will likely view this language as self-contradictory. Only a clear constitutional amendment will protect traditional marriage.

The Hawaii Supreme Court in *Baehr*

Island Voices

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v. Lewin held that while marriage is a fundamental right, there is no fundamental constitutional right to same-sex marriage because the traditions and collective conscience of our people do not support the notion of same-sex marriage. However, the court also found that because a person may not marry another person of the same gender, it is possible that same-sex couples are being impermissibly discriminated against based on their gender. In other words, it is unconstitutional for us to allow a man to marry a woman but not allow a man to marry a man, unless the state can show a compelling reason to preserve marriage as we know it.

It is being argued by both the Senate and the courts that the denial of same-sex marriage is gender discrimination. However, this argument confuses "sex" meaning gender, with "sex" meaning sexual relationship. Gender is clearly different than sexual preference. Sexual relationships are a matter of choice; gender is not.

It is not discriminatory to regulate

that marriage is a union between one man and one woman because our marriage law treats everyone alike and applies to both sexes. Our laws do not discriminate based on gender because both males and females are treated equally under it. Therefore, it is necessary that the constitutional amendment put before the people clearly confirms that Hawaii's marital laws are constitutional even if marriage is limited to one man and one woman in order to pre-empt the court's decision.

The 10 senators who voted against the Senate bill did so because they felt it was substantively flawed and they were right. We need to remain focused with these senators in our efforts to resolve this issue with an amendment that is clear in language and purpose.

The public wants resolution soon on this issue. We will continue to remain visible and active during these upcoming discussions to ensure that a constitutional amendment that does the job comes out of the committee.

Debi Hartmann, Jack Hoag, Father Marc Alexander and George Shea are members of the steering committee for Hawaii's Future Today, a nonprofit, grass-roots coalition opposed to the legalization of same-sex marriage.