

**HB**

**227**

April 5, 1995

Rep. Cynthia Toohey  
State Capitol Building  
Juneau, Ak. 99801

Dear Representative Toohey:

I want you to know that I appreciate the way in which you handle meetings. You are a good listener and a good moderator and as a woman I am proud you are in that slot. I'm here today because I'm concerned about HB226. I hope it can either be dropped completely or passed with Robinson's amendment.

I agree with you about the bottom line these days being how much something will cost. It is my understanding that ~~this bill~~ will not cost the state anything, as people receiving benefits actually pay into the system themselves. In fact, the cost may be less, as domestic partners with no health insurance when they get sick may not have the means of paying for their care and so would fall back on public assistance.

→ letting the U. of A. ruling stand

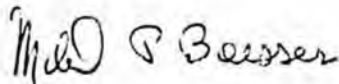
I have lived in Alaska for 36 years, am 70 years old, the mother of 4 children and grandmother of 4. I am a Christian and have been married for 47 years to a Christian pastor.

All the rhetoric around HB226 and HB227 is a smokescreen which unsuccessfully hides the fact that they are both aimed directly at homosexuals. My husband and I are parents of 3 heterosexual daughters and 1 lesbian daughter and we are equally proud of each of them. We have come to firmly believe that each was born the way she is. They are all honest, faith-full, caring contributing adults in this state and it is unthinkable to me that anyone would want to penalize and ostracize and legally discriminate against any one of them. Having lived through the days of Hitler, I am keenly watchful over any attempt to treat one group of people as outside the protection of the state.

As a Christian, I believe that the Church's stand against homosexuality is based on a false interpretation of those few Biblical passages which mention it and that, legislation notwithstanding, eventually the Church will admit we've been working against God's will on this subject, just as we did on the subject of slavery (long endorsed by the Church as "the will of God").

I beg you to concentrate on the things you are rightly trying to address: welfare reform, budget reduction, strengthening families in every way possible. On the latter, remember that families come in many different forms, all of which need strengthening if this nation is to survive. Our lesbian daughter has lived faithfully with her partner for 13 years. They own property together and are mutually responsible for each other. This is a "family" and it in no way undermines the traditional family, in spite of the stereotype which gives rise to needless and harmful prejudice, kept alive by inflammatory rhetoric which is leading to an increased level of violence. That such a family can be denied the benefits of traditional families (and in the UAF case, even if they pay for those benefits) amounts to giving special rights to one group of people: married people! I do not think the majority of Alaskans feel that the great state of Alaska needs to get into this arena, and I'm surprised that Republicans are presenting such a bill, when one of the campaign promises was to keep government out of our private lives. Please let HB 227 die completely, and only pass HB226 if Robinson's amendment is accepted.

Sincerely,



Mrs. Mark A. Boesser  
17585 Lena Loop  
Juneau, Alaska 99801

(907)789-1445

Testimony urging a NO vote on House Bills Number 226 & 227

from the Rev. Mark A. Boesser  
Priest of the Episcopal Church  
Archdeacon of Southeast Alaska  
17585 Lena Loop Road.  
Juneau, Alaska, 99801  
Phone # (907) 789-1445

What these appear to be is a thinly disguised attack against gay and lesbian citizens of Alaska on the part of those who possibly think

- that homosexuality is sick or wrong,
- that homosexual activity is evil,
- that same sex unions should not be legally permitted,
- that gay and lesbian persons are undeserving of respect and protection from discrimination under the law,

For, disguised though they be, these bills would plainly be discriminatory against gay and lesbian persons and, in my opinion, would be illegal for that very reason.

The fact is that there is a growing consensus among medical personnel, serious Bible scholars and Christian theologians that true homosexuality is neither a sickness needing to be healed, nor sin needing to be forgiven, nor is it some kind of evil bondage from which one needs to be delivered. Rather it is increasingly coming to be appreciated as an orientation, a given, a bestowed identity, not a self-chosen behavior pattern. A growing body of scientific research supports the claim that from time immemorial 10 to 15 percent of the human species come into life with a homosexual stamp of identity. Insofar as this represents historic human reality, then even compassion is not adequate as a societal stance toward the gay community. We must move to include justice as we have done in the case of women and blacks and all other human beings whose identity we honor.

Homosexual persons, therefore, have a full and equal claim with all other persons upon acceptance and protection from discrimination of both church and society. If laws are to be passed, they should be to the effect that such protection be provided in actuality and not further compound the already harmful and prejudicial views that cause this segment of our community such undeserved pain..

I urge you to vote NO on House Bills #226 & #227.



Mark A. Boesser

MENDEL & HUNTINGTON  
ATTORNEYS AT LAW

845 "K" STREET  
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ALLISON E. MENDEL, PARTNER  
LAWRENCE E. MENDEL, PARTNER  
KARLA F. HUNTINGTON, PARTNER  
LYNDA A. LIMÓN, ASSOCIATE

April 4, 1995

Honorable Rep. Robinson  
House of Representatives  
Juneau, AK 99801

RE: HB-226 & HB-227

Dear Representative Robinson:

I am writing to you to urge you NOT to support House Bills 226 and 227.

I am opposed to HB-227 because it is unnecessary and a waste of the legislature's time. The State has a clear policy of not issuing marriage licenses to same-sex couples, and that seems unlikely to change in the near future. There are plenty of real issues for you to deal with, without creating nonissues.

The only purpose I can see in this bill is, unfortunately, the usual purpose in gay-bashing. It has proved to be a reliable means of garnering conservative support, and of splintering the community in new ways. I am very disappointed at this cynical use of some people's emotional reactions to the subject of homosexuality for the purpose of political gain. I hope you will not be a party to it.

I am opposed to HB-226 for the same reasons, and because the bill is generally ill-conceived. I oppose chipping away at the Human Rights Act to deny protection to certain disfavored groups in certain situations. This is completely contrary to the purpose of giving equal rights to everyone. It is a very dangerous precedent. Further, there is no evidence that permitting health or other benefits to be extended to the families of all employees is detrimental to the public good. There is no evidence of a negative financial impact on the state. Further, treating employees equally and fairly tends to increase productivity and employee loyalty.

I urge you not to underestimate the number or interest of gay and gay-friendly voters. I am gay, I vote in every election, I donate to candidates and causes, and I am active politically. Because of the hostility which bills like these express, gay voters are likely to be low-profile. That does not mean we are not out here in numbers you may not expect, and in places you might not expect. Some of your best friends might be gay, and you may not know it.

Letter to Honorable Rep. Robinson  
April 4, 1995  
Page 2

We are not monsters who can be identified at a glance. We are voters and citizens just like you.

Sincerely,

MENDEL & HUNTINGTON

A handwritten signature in cursive script that reads "Allison Mendel". The signature is fluid and connected, with a large initial "A" and a long, sweeping underline.

Allison Mendel

HUMAN RIGHTS COMMISSION

300 A STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-3669  
PHONE: (907) 274-4692 / 276-7474  
TTY/TDD: (907) 276-3177  
FAX: (907) 278-8588

March 14, 1995

The Honorable Pete Kelly  
The Honorable Norman Rokeberg  
House of Representatives  
State Capitol  
Mail Stop 3101  
Juneau, Ak. 99801-1182

RE: House Bill 226 and House Bill 227

Dear Representatives Kelly and Rokeberg:

Last week's Representative Kelly's aide, Bruce Campbell, contacted the Commission's executive director and indicated that you would appreciate knowing the agency's position on House Bills 226 and 227, and any suggestions that the Commission might have. At its meeting on March 9 and 10, 1995, in Anchorage the Commission considered the legislation.

The Commissioners reviewed the bills and passed the following motion with regard to House Bill 226:

Motion: The Commission supports House Bill 226 with the following change: the term 'benefits' be clearly defined as health insurance benefits.

Motion By: Commissioner Hamilton; Second by Commissioner Dyson.  
Motion passed unanimously.

The Commission takes no position on House Bill 227 because it doesn't directly effect A.S. 18.80 et seq. the Commission's enforcement statute. The current commission has taken this practice when considering legislation.

If you have questions, please contact either me at 745-3362 or Executive Director Paula M. Haley at 1-907-276-7474, extension 241.

Sincerely,



Edna DeVries, Chairman

3181 Anella AV.  
Fairbanks, AK 99709  
14 January 1995

Representative Pete Kelly  
State Capitol  
Juneau, AK 99801-1182

Dear Mr. Kelly:

The recent decision by Judge Greene in Fairbanks saying that unmarried couples are entitled to the same benefits as accorded to married couples opens Pandora's box to litigation and regulation writing about who is and who is not entitled to family benefits. More important, I view the decision as another step in the dissolution of the fabric that holds our society together.

The next generation of responsible citizens should be recruited from the stable families formed by committed heterosexual couples. The continuation of our society is dependent on the formation of families.

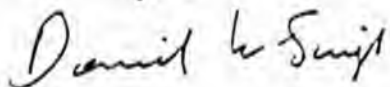
We have all lamented the social ills that have accompanied the breakdown of family life. The State therefore has a compelling interest in formation of families, and is thereby justified in adopting policies that provide special benefits to traditional families. I would therefore urge the adoption of legislation that clearly states that spousal benefits for any state employee shall apply to only those who are legally married. I would further urge that no unmarried person may use the state courts to sue for family benefits.

According to the January 13 *News Miner* article Judge Greene referred to the precedent set by an Equal rights Commission ruling that landlords cannot refuse to rent to unmarried cohabiting heterosexual couples. I would further urge that adoption of legislation asserting the unconditional rights of landlords to evict or refuse to rent to unmarried heterosexual partners.

Please do not construe this letter as being anti-homosexual. I have backed homosexual rights. My interest in writing this letter is that I think it is time for us to send a message to the coming generation that the formation of families is good, and promiscuity and having children out of wedlock is bad.

I thank you for your consideration.

Sincerely yours,



Daniel W. Swift

# ALASKA CIVIL LIBERTIES UNION

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*An Affiliate of the American Civil Liberties Union*  
P. O. Box 201844 Anchorage, AK 99520-1844  
Phone: 1-907-258-0044 Fax: 1-907-258-0288

March 20, 1995

The Honorable Brian Porter  
Chair, House Judiciary Committee  
Alaska House of Representatives  
State Capitol - Room 118  
Juneau, AK 99801-1182

Dear Representative Porter:

I am writing on behalf of the Alaska Civil Liberties Union (AkCLU) to express our opposition to House Bill 227.

First and foremost, we see no stated reason or rationale for this legislation. There are not, nor have there ever been, legal marriages conducted in this state between other than women and men. We ask: why is the Legislature, at a time when we thought "less government" was preferable, expending state funds on a bill that attempts to repair a problem that does not exist?

Secondly, the suggestion -- by the bill's sponsor before the House Health, Education and Social Services Committee -- that the Reviser of Statutes erred in 1974 when he made the marriage statute gender-neutral, *like all other state statutes*, is without merit. The only possible reason *not* to leave the provisions of AS 25.05.011(a) gender-neutral is to allow for discrimination on the basis of sex, something the people of the State of Alaska specifically voted not to allow in 1972, when they amended our constitution to prohibit discrimination on the basis of sex.

We further believe that enacting legislation such as this essentially begs for litigation. Again we ask: why is the Legislature willing to risk exposing the state to costly lawsuits?

The AkCLU certainly supports legal representation of lesbian and gay relationships, including the right to marry. In our opinion, such recognition is imperative for the complete equality of lesbian and gay individuals.

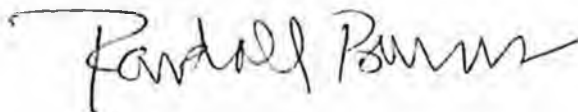
However, as this committee is no doubt aware, no state recognizes a marriage between people of the same sex. While we believe a variety of constitutional arguments can be made to allow same-sex marriages, including the First Amendment right of freedom of association, the right to privacy, and the right to equal protection of the laws, no state supreme court has upheld a final challenge by a same-sex couple to a marriage license.

To date, the state courts have held that the couples did not have a right to obtain a license because the drafters of the applicable legislation contemplated heterosexual marriages only. In Hawaii, this issue is presently back before a lower court, on remand from the state's supreme court. The U. S. Supreme Court has never explicitly ruled on this question.

Because Alaska's present law has presented no risk of allowing same-sex marriages (an event of apparent concern to the bill's sponsor), because removing the statute's gender-neutral language can only be done so in the name of discrimination (something the state must be opposed to), and because amending the marriage provisions will only invite lawsuits (not discourage them), we urge the Legislature to defeat passage of this bill.

We ask again: in this age of dwindling funds, why are state resources being spent to fix what ain't broke?

Respectfully yours,



Randall P. Burns  
Executive Director

cc: AkCLU Board of Directors  
Margaret W. Berck  
All members, AkCLUF Litigation Committee

Dear Representative

Hello my name is Patricia H. Douglas of Chugiak. I am writing this letter in reference to House bills 226/227. Bill 226 states that employers have the right to choose who will receive their health benefits on the basis of marriage. So 227 goes along with this to define what a marriage is 1 man, 1 woman. These two bills working together will allow no misunderstanding of what is allowed, as in reference to health care for spouses only. Also this will give all Alaskans a clear definition of what marriage is.

I urge you to support these bills! If we allow these to be forgotten simply because it's an uncomfortable issue, Alaska's voters will see this as you "drawing a line of political safeness". We need to address all issues that affect the traditional family. We need people in Juneau that are not afraid to stand up for what is right, not what is "politically correct".

Sincerely  
Patricia H. Douglas

Fax #2040

- Please include in Bill packets for comm.
- Make sure each committee member gets one.
- 227 - an act for provision of employ. benefits based on marr. state 227 marriage bill (see context)

FAX MESSAGE  
465-3834

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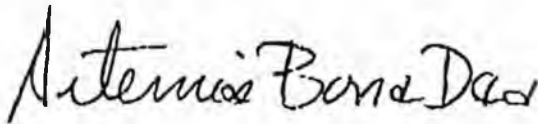
March 15, 1995

Representative Brian Porter:

I would like to share my thoughts on HB-226 and HB-227, currently before you for consideration. I am quite saddened, though not surprised to see these bills introduced and discussed; it seems there will always be those who seek to consolidate their own positions of power by denying equal benefits to others. In the past it has been women and people of color, now it is heterosexual people who choose to remain outside the legal structure and lesbian women and gay men who do not even have the option of becoming part of the legal structure. Regardless who is affected, it is wrong to deny the full benefits of a society to its fully participating members.

It is clear that recent the decision against the University of Alaska for withholding health benefits and the State of Hawaii allowing same sex marriages are the basis for these two bills even though proponents of these bills say their position is not aimed at any particular group. Their actions are clearly focused on non-married heterosexual people and lesbian women and gay men, all groups that remain outside the prevalent power structure. Regardless of these groups choices or orientations, it is wrong to restrict their choices to have the full lives we all deserve.

Thank you for your time.



Artemis BonaDea  
Box 22582  
Juneau, AK 99802

586-8056



Committee for Equality  
PO Box 34202  
Juneau, AK 99803

CFE is a statewide organization.  
Call Sara Boesser in Juneau at  
586-5230 (w); 789-9604 (h);  
789-7450 (home fax).

Representative Brian Porter  
Member, House State Affairs  
Alaska Legislature

March 9, 1995

**Re: HB-227 Discriminates on the basis of gender.**  
**Please stop it in House Affairs.**

Dear Representative Porter:

I am writing against HB-227, to urge you to stop it in your committee, because **I believe it illegally discriminates on the basis of gender.**

Why does HB 227 discriminate illegally on the basis of gender? It's true that both men and women are allowed to marry, so it obviously doesn't discriminate in that aspect. However, if a person does choose to seek a legal marriage license from the state, under HB-227 that person would be forced to choose only a person of the opposite gender for that contract, or be denied the state's license. **Limiting the marriage license applicant's choice to only one gender is obvious gender discrimination.**

**To force a person to discriminate on the basis of gender in order to receive a state service or benefit violates state law.**

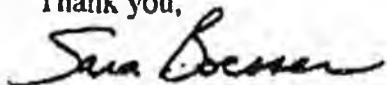
Therefore, I believe you, the legislature and the public would be best served by stopping this bill before it goes any further. It would certainly be a hotly debated bill if it did enter the public process, and I urge you to avoid that since in the end I believe it would only go to the courts for resolution. Furthermore, I believe legislative passage would be overturned by the courts for the reasons discussed above. Alaska has had too many bills pass that turned out to fall short of meeting state law. Such an emotionally charged issue as this should not have to face such a dead-end path.

Certainly it is true that same-gender legal marriage is not the norm in Alaska (nor anywhere else to date), and it is true that people have many and mixed opinions about such a possibility. But this bill won't resolve that scenario. Because whether or not HB-227 passes, it is only a matter of time until some citizens in Alaska do challenge the current state practice of denying marriage licenses on the basis of gender. Passage of HB-227 won't stop those legal pursuits. And only the courts will determine the final outcome, as the courts would have to determine whether or not this bill is lawful in the face of its discriminatory stance.

So, the question of same-gender marriage will certainly some day rise -- the question is do you want the legislature to lead the charge with a bill that I believe will be over-ruled by the courts, or would you rather let the action go directly from public individuals to the courts?

**I believe the legislature should leave AS 25.05.011 alone, and quickly abandon HB-227. The public discussion of who can enjoy legal marriage, with all the benefits it provides, should be left to the courts. The legislature should spend its short 120 days solving genuine priority issues like the budget, health care, economic stability, welfare concerns, etc -- and not consume its and the public's time with this discriminatory legislation.**

Thank you,

  
Sara Boesser, Board Member

cc: Bruce Botelho, Attorney General  
House State Affairs members  
Bill Sponsors