

ALASKA LEGISLATURE

1846

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

56. The court then concluded that there was no fundamental right to same-sex marriage under the Hawaii Constitution either.

Because the right of privacy arises from a due process context, the Hawaii court, quoting *Zablocki*, also held that there was no federal or state due process problem: "the right to marry is part of the fundamental 'right of privacy' implicit in the Fourteenth Amendment's Due process Clause." *Baehr* at 55. Since there was no violation of the right to privacy, there was no violation of due process.

The National Legal Foundation believes that the Senate Bill 308 is constitutional in light of the above brief analysis of the equal protection, due process, and privacy issues under the United States Constitution and under the due process and privacy provisions of Article 1, Sections 1, 3, 7, and 22 of the Alaska Constitution. Furthermore, the National Legal Foundation believes that the Alaska courts would adopt a similar analysis. Any other analysis would fly in the face of every other federal and state court that has ever addressed the issue, including the Hawaii Supreme Court in *Baehr*.

It is true however, that the Hawaii Supreme Court remanded the case to the trial court. It did so because it believed the trial court had erred in granting judgment on the pleadings. *Baehr* at 52-55. The supreme court held that the trial court had erred in applying a rational basis test to the Hawaii marriage statute and remanded case with instructions to apply strict scrutiny. *Id.* at 59-68

It is critical to notice two things. First, the Hawaii Supreme Court went through unconvincing logical contortions to reach the conclusion that strict scrutiny was the proper standard. *Id.* The court analogized its case to *Loving v. Virginia*, 388 U.S. 1 (1967), a case involving Virginia's miscegenation laws: Since the miscegenation laws are unconstitutional because they discriminate on the basis of race, so Hawaii's marriage law must be unconstitutional because it discriminates based on sex. This is a leap of logic that other courts have rejected. Race-based classifications are invidiously discriminatory; sex-based classifications are not because marriage requires by definition a male and a female. In *Singer, supra*, the court made such a statement about the plaintiff's sex discrimination claim and in *Baker, supra*, the court explicitly distinguished *Loving*, rejecting the very argument the *Baehr* court proffered.

Also, the *Baehr* court was forced to acknowledge that the appellant homosexuals were not a "suspect class" but the court would nonetheless consider sex a "suspect category." The court admitted it had never so held before. *Baehr* at 67.

The dissenting opinion thoroughly points out why strict scrutiny should not be applied. *Id.* at 70-74. No fundamental right is involved, the law is not invidiously discriminatory, and no suspect class is involved. *Id.* at 72. The dissent adopted the view of the *Singer* and *Baker* courts: The law does not discriminate on the basis of sex since "the statute applies equally to all

unmarried persons, both male and female, who desire to enter into a legally recognized marriage." *Id.* (emphasis original).

Second and more important than the fact that the Hawaii Supreme Court erroneously applied the strict scrutiny standard, is the fact that the Alaska courts will not have the opportunity to apply this standard. As the Hawaii Supreme Court noted, under its state constitutional jurisprudence, "Whenever a denial of equal protection of the laws is alleged, as a rule our initial inquiry has been whether the legislation in question should be subjected to 'strict scrutiny' or to a rational basis' test." *Id.* at 63 (citations omitted). However, in Alaska the case is otherwise. The Alaska courts do not use a strict scrutiny test for statutes not affecting a fundamental right. A statute must only pass the rational basis test: "Under the rational basis test, in order for a classification to survive judicial scrutiny, the classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike." *Hilbers v. Municipality of Anchorage*, 611 P.2d 31 (Alaska 1980).

The following points from our earlier discussion are germane here. Rational basis is the proper standard since no fundamental right is involved. All persons similarly circumstanced are treated alike. Also implicit in the fact that every court to ever address the issue of same-sex marriage (until the *Baehr* court) has denied the homosexuals' challenges to these laws is the acknowledgment that there is a rational basis for prohibiting same-sex marriage. Various reasons are cited in *Zablocki, supra*; *Skinner supra*; *Meyer supra*; and *Maynard supra*. Perhaps the two most common reasons cited in these cases are that the "traditional" family is the nucleus of society; and the procreative aspect of male-female marriages.

In addition, the United States Supreme Court has stated that "majority sentiments about the morality of homosexuality" are adequate grounds upon which to base a statute. *Bowers v. Hardwick* 478 U.S. 186,196 (1986).

The National Legal Foundation believes that the Senate Bill 308 is constitutional in light of the above brief analysis of equal protection issues under Article 1, Sections 1 and 3 of the Alaska Constitution. Furthermore, the National Legal Foundation believes that the Alaska courts would adopt a similar analysis based on their required use of the rational basis test.

In summary, the National Legal Foundation believes Senate Bill 308 to be completely constitutional and further believes that the Alaska courts would so find.

Notwithstanding the clear weight of evidence that Senate Bill 308 is constitutional, two arguments are sometimes advanced which purport to show that the bill may be unconstitutional. Both of those arguments are fallacious.

First, the idea is advanced that S.B. 308 would violate the Full Faith and Credit Clause of the United States Constitution. This is simply untrue. The United States Supreme Court has declared that:

Prima facie, every state is entitled to enforce in its own courts its own statutes, lawfully enacted. One who challenges that right, because of the force given to a conflicting statute of another state by the Full Faith and Credit Clause, assumes the burden of showing, upon some rational basis, that of the conflicting interests involved those of the foreign state are superior to those of the forum. It follows that not every statute of another state will override a conflicting statute of the forum by virtue of the Full Faith and Credit Clause

Alaska Packers Association v. Industrial Accident Commission of California, 294 U.S. 323, 547-48 (1935).

In *Pacific Employers Insurance Company v. Industrial Accident Commission*, 306 U.S. 493 (1939) the Supreme Court further explained:

the very nature of the federal union of states, to which are reserved some of the attributes of sovereignty, precludes resort to the full faith and credit clause as the means for compelling a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate. . . .

This Court must determine for itself how far the full faith and credit clause compels the qualification or denial of rights asserted under the laws of one state, that of the forum, by the statute of another state. But there would seem to be little room for the exercise of that function when the statute of the forum is the expression of domestic policy, in terms declared to be exclusive in its application to persons and events within the state.

Id. at 502-503.

Thus, as even advocates of same sex marriage concede, the matter is reduced to a choice-of-laws issue. See, e.g., Barbara J. Cox, *Same-Sex Marriage and Choice-Of-Law: If we Marry in Hawaii, are we still Married When we Return Home?* 1994 WIS. L. REV. XXX: 1033 and Deborah M. Henson, *Will Same-Sex Marriages be Recognized in Sister States?: Full Faith and Credit and Due Process Limitations on States' Choice of Law Regarding the Status and Incidents of Homosexual Marriages Following Hawaii's Baehr v. Lewin* 32 University of Louisville Journal of Family Law 551.

The United States Supreme Court will only invalidate a state's choice-of-law doctrine if it is "arbitrary or fundamentally unfair" because there is no "significant contact or significant aggregation of contacts, creating state interests." *Allstate Insurance Co. v. Hague*, 449 U.S. 302 (1981). Because this is inherently not the case in the situation in which a couple seeks to have

their marriage recognized by the forum state, states are free to adopt whichever doctrine they chose. Henson, *supra*. States, including Alaska, that follow the Restatement (Second) of Conflict of Laws (1971) are free to refuse to recognize foreign marriages which violate their strong public policy. Cox, *supra*, 1094-96.

Without Senate Bill 308, Alaska might be hard pressed to prove a strong public policy against same-sex marriage and could be forced by its own courts to recognize these marriages. However, if the bill is enacted, the Alaska courts would be able to refuse to recognize them without any Full Faith and Credit problems.

The second argument advanced against the unconstitutionality of S.B. 308 is that it would infringe the fundamental right to interstate travel. Again, this is untrue. Opponents of S.B. 308 know that they must implicate a fundamental right in order to force this legislation to be subjected to a strict scrutiny standard (see discussion above). However, invoking interstate travel in this context simply will not work.

Interstate travel jurisprudence is notoriously confusing. There was a time when the United States Supreme Court used this right as a means to strike a wide variety of state statutes. See, Gregory B. Hartch, Comment, *Wrong Turns: A Critique of the Supreme Court's Right to Travel Cases*, 21 William Mitchell L. Rev. 457 (1995). Thus, suggesting this right as an avenue of attack on the bill may make sense to its opponents.

However, things have changed. In *Bray v. Alexandria Women's Health Clinic*, 122 L. Ed. 2d 34 (1993), the United States Supreme Court clarified the limitations of the right to interstate travel. It "protects interstate travelers against two sets of burdens: 'the erection of actual barriers to interstate movement' and 'being treated differently' from intrastate travelers." *Id.* at 51 (citations omitted). Certainly, S.B. 308 erects no actual barriers to entering the state and it ensures that interstate and intrastate travelers will be treated equally, not differently--neither can gain recognition of a same-sex marriage. This is in direct contrast to the oft-cited right to travel cases *Shapiro v. Thompson*, 394 U.S. 618 (1969), and *Dunn v. Blumstein*, 405 U.S. 330, (1972) which struck down state statutes that contained residency requirements because they discriminated against those who had recently traveled to the state.

In conclusion, the National Legal Foundation not only believes that Senate Bill 308 is constitutional, but also finds no validity to the arguments advanced by opponents of the bill.

THE IMPORTANCE OF FAMILIES AND MARRIAGE

Testimony of Robert H. Knight
before the
Senate Health, Education and Social Services Committee,
State of Alaska
regarding SB 308, which would amend the state's marriage statute
March 18, 1996

Thank you for inviting me to testify on behalf of the Family Research Council. I've been asked to give a brief statement summarizing the importance of families and of marriage.

One of the Family Research Council's functions is that of a clearinghouse on research about families. Over the years, we have seen studies pile up to an overwhelming magnitude which show that children do best in mother-and-father families, and that communities are healthier where you find the most intact families.

Likewise, numerous studies show that marriage is a societal good, leading to more fulfilled, and even longer lives. Typical is a study in the *American Journal of Sociology* that finds married couples have longer lifespans than unmarried people. The authors conclude that "for both sexes, the hazard of dying falls significantly with marital duration, suggesting a cumulation of the benefits of marriage over time." The researchers say their findings are hardly surprising: "The relationship between marriage and death rates has now reached the status of a truism, having been observed across numerous societies and various social and demographic groups."¹

The heart of family life is marriage, the key organizing principle behind all civilization. Marriage, which brings the two sexes together in a unique legal, social, economic and spiritual union, has had special protection within the law and the culture because it is indispensable to civilized life. No other relationship provides society what marriage does. No other relationship transforms young men and women into more productive, less selfish and more mature husbands and wives, and fathers and mothers, than marriage. No other relationship affords children the best economic, emotional and psychological environment. Only as we have drifted from

the defense of marriage have we experienced soaring social problems, such as divorce, illegitimacy, sexually-transmitted diseases, and crime. The answer is not to push the envelope further but to restore the primacy of marriage within the law and the culture.

Over the years, there have been attempts to redefine marriage outside the one-man, one-woman definition. In the mid-1800s, some people tried to legalize multiple-partner unions, but were soundly rebuffed. In fact, the U.S. Supreme Court declared in 1885 that any prospective state had to have law resting on "the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization, the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement." (*Murphy v. Ramsey*)²

Marriage is not something that can be taken lightly, or altered without much impact. Same-sex proponents often point out that some states once banned interracial marriage, but the comparison is invalid. Skin color is inborn and benign, while sexual behavior has everything to do with character, morality and society's basic rules of conduct. Eliminating one entire sex from an institution defined as the bringing together of the two sexes is a quantum leap from eliminating racial discrimination, which did not alter the fundamental character of marriage.

Marriage reflects the natural moral and social law which is in evidence all over the world. No society has loosened sexual morality outside of man-woman marriage and survived. Analyzing studies of cultures spanning several thousands of years on several continents, Harvard sociologist Pitirim Sorokin found that virtually all political revolutions that brought about societal collapse were preceded by a sexual revolution in which marriage and family were devalued.³ When marriage lost its unique status, women and children most frequently were the direct victims.

Giving same-sex relationships or out-of-wedlock heterosexual couples the same special status and benefits as the marital bond would not be the expansion of a right but the destruction of a principle. One can no more expand a definition of marriage than one can expand the definition of a yardstick and still use it as a reliable measure.

If the one-man, one-woman definition of marriage is broken, there is no logical stopping point for continuing the assault on marriage. If feelings are the key requirement, than why not let three people marry, or two people and a child, or consenting blood relatives of legal age?

Marriage-based kinship is essential to stability and continuity. A man is far more apt to sacrifice himself to help a bona fide son-in-law than some unrelated man (or woman) who lives with his daughter. Kinship imparts family names, heritage and property, secures the identity and commitment of fathers for the sake of the children, and entails mutual obligations to the community. Same-sex relations are a negation of the ties that bind, which are the continuation of kinship through the procreation of children.

Even childless married couples retain the possibility of becoming parents either biologically or through adoption, thus providing children with role models of both sexes. Marriages benefit more than the two people involved, or even the children who are created. Their influence reaches children living nearby, as young minds seek out clues to appropriate sexual behavior. Deliberately creating motherless or fatherless families is not remotely in the interests of children or the community, and benefits only a particular political agenda.

Homosexual activist Michaelangelo Signorile put it candidly when he wrote that activists should "fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, to demand the right to marry not as a way of adhering to society's moral codes but rather to debunk a myth and radically alter an archaic institution..."⁴ Likewise, homosexual activist Tom Stoddard admits that "I am no fan of marriage" but he sees "gay marriage" as a way of forcing society to accept homosexuality because marriage "is the centerpiece of our entire social structure, the core of the traditional notion of 'family.'"⁵ But when homosexuals talk about marriage and monogamy, they mean something different from what folks usually mean. Evidence is overwhelming that few gay couples are stable, and those that are, have an understanding to have outside sexual contacts. Andrew Sullivan, the homosexual editor of *The New Republic*, concedes in his book *Virtually Normal* that homosexual relationships are quite different. He contends that many homosexual households receive "greater understanding of the need for extramarital outlets between two men than between a man and a woman."

Clearly, those who care deeply about children, about morality, about the well being of the larger society, must resist the attempts by a tiny segment of the population to seize marriage for their own purposes. The aggressors here are not ordinary people, who are doing their best to live according to ages-old, time-tested morality and family definition, but those who are trying to harness the power of the law to force acceptance of their agenda. Individuals struggling with same-sex desires should be accorded compassion, but this does not mean they should be given a mandate to radically redefine marriage.

Marriage must be protected, and creating counterfeit versions would undermine the special status of marriage in the law and in the culture--to the detriment of children, families and, finally, to civilization itself.

Thank you.

3/18/96

Robert H. Knight is director of cultural studies at the Family Research Council, a Washington, D.C.-based research and advocacy organization.

ENDNOTES

¹ Lee A. Lillard and Linda J. Waite. "'Til Death Do Us Part': Marital Disruption and Mortality." *American Journal of Sociology* 100 (1995). Pp. 1131-1156. Cited in "Living Longer, New Research." *The Family in America*. Rockford Institute. July 1995.

² *Murphy v. Ramsey* 114 U.S. 15, 45 (1885).

³ Pitirim Sorokin. *The American Sex Revolution*. (Boston: Porter Sargent Publishers. 1956.)

⁴ Michaelangelo Signorile. "Bridal Wave." *Out*. December/January 1994. P. 161.

⁵ Thomas Stoddard. "Why Gay People Should Seek the Right to Marry." *Lesbians, Gay Men and the Law*. William B. Rubenstein, ed. (New York: New York Press. 1993) Pp. 398, 400.

Packet of
information
prepared by
plaintiffs in same
sex marriage
lawsuit

Contact: **Robert H. Wagstaff, lead counsel**
907 277-8611 office

Jay Brause or Gene Dugan, plaintiffs
907 568-1663 voice mail

Same-Sex Marriage Legal Action Filed in Alaska

(August 4, 1995) In Anchorage Superior Court today, two men filed legal action against the Bureau of Vital Statistics, Alaska Department of Health & Social Services, for denying their application for a marriage license one year ago on August 4, 1994.

The two men, Jay Brause and Gene Dugan, are 16-year life-partners, who, with their attorneys, Robert Wagstaff and Erik LeRoy, assert that prohibiting Dugan and Brause's marriage was unconstitutional under Alaska's constitutional equal protection and right to privacy provisions.

Today's action was taken to overturn an administrative memorandum issued by the Anchorage Superior Court presiding judge in 1993 which stated in part that, "... I have concluded that marriage between persons of the same sex is not contemplated by our statutory scheme. Therefore, a marriage license shall not be issued for the purpose of marrying two persons of the same sex."

The action by Dugan and Brause follows the 1993 decision by the Hawai'i Supreme Court that the State of Hawai'i must show a "compelling interest" in denying an application for marriage from persons of the same sex, as based on its interpretation of the Hawai'i Constitution's equal protection provisions. Alaska's Constitution contains an almost unique provision specifically guaranteeing its citizens privacy. Dugan and Brause's claim focuses on this provision of Alaska's Constitution.

• • •

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

JAY BRAUSE and GENE DUGAN,
Plaintiffs,

CASE NO. _____

vs.

BUREAU OF VITAL STATISTICS,
ALASKA DEPARTMENT OF HEALTH &
SOCIAL SERVICES, and the STATE
OF ALASKA.

Defendants.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Jay Brause, a thirty-five year Alaskan, and plaintiff Gene Dugan, a seventeen year Alaskan, at all material times have been and are residents of the Municipality of Anchorage, State of Alaska. They bring this lawsuit in the public interest.

2. Defendants are empowered by law to issue marriage licenses in the State of Alaska.

3. On or about August 4, 1994, plaintiffs Jay Brause and Gene Dugan personally appeared at the Bureau of Vital Statistics in the State of Alaska Courthouse in Anchorage before an agent of defendant authorized to issue marriage licenses and filed with said agent an application for a marriage license pursuant to A.S. § 25.05.091.

4. Mr. Brause's and Mr. Dugan's application for a marriage license was denied by defendant's agent solely for the reason that Mr. Brause and Mr. Dugan are of the same sex, as directed in a memorandum dated May 17, 1993, a true copy of which is attached as Exhibit 1 to this complaint. Upon information and belief,

1 - Complaint for Injunctive
and Declaratory Relief

Law Offices of
ROBERT H. WAGSTAFF
First National Bank Building
435 G Street, Suite 610 • Anchorage, Alaska 99501
Telephone (907) 277-8611 • Fax (907) 258-2329

defendants adhere to the construction of the Alaska Marriage Code set forth in Exhibit 1.

5. Plaintiffs have complied with all marriage license requirements under Alaska Statute §§ 25.05.091-25.05.171, and any other applicable provision of Title 25 of the Alaska Statutes on marriage.

6. Plaintiffs are otherwise eligible to secure a license to marry from a licensing officer of the State of Alaska absent the construction of Alaska Statute § 25.05 et seq. excluding couples of the same sex from securing licenses to marry.

7. The construction and application of AS § 25.05 et seq. to deny a couple of the same sex from securing a license to marry unconstitutionally violates plaintiffs' rights to privacy under § 22 of Article I of the Alaska Constitution.

8. The construction and application of AS § 25.05 et seq. to deny plaintiffs' application for licenses to marry unconstitutionally deny plaintiffs equal protection and due process of the law under Article I, §§ 1 and 7, respectively, of the Alaska Constitution.

9. The construction and application of AS § 25.05 et seq. to deny plaintiffs' application for licenses to marry unconstitutionally deny plaintiffs due process of law under Article I, § 1 of the Alaska Constitution.

10. The acts and omissions of defendants, including its agents and employees acting in their official capacities, were under color of State law and have deprived plaintiffs of their

2 - Complaint for Injunctive
and Declaratory Relief

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constitutional rights under the Alaska Constitution as described in this complaint.

11. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs alleged in this complaint. Plaintiffs are now suffering and will continue to suffer irreparable injury from defendant's acts, policies, and practices unless plaintiffs are granted the relief prayed for in this complaint.

WHEREFORE, Plaintiffs pray that this Court:

A. Declare the construction and application of AS § 25.05 et seq. to deny an application for a license to marry because the applicant couple is of the same sex is unconstitutional;

B. Enter a permanent injunction against defendants and his agents, prohibiting the construction and application of AS 25.05 et seq. to deny an application for a marriage license solely because the applicant couple is of the same sex;

C. Award costs and attorneys fees to plaintiffs as public interest litigants; and

D. Award such further relief as may be just and proper.

DATED this 2nd day of August, 1995.

Robert H. Wagstaff
425 G Street, Suite 610
Anchorage, Alaska 99501
(907) 277-8611

Erik LaRoy, P.C.
1016 W. 6th Avenue, Suite 420
Anchorage, Alaska 99501
(907) 277-2006
Attorneys for Plaintiffs


3 - Complaint for Injunctive
and Declaratory Relief

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Memorandum

Alaska Court System

TO: Vital Statistics

FROM: Karl S. Johnstone 
Presiding Judge

DATE: May 17, 1993

SUBJECT: Application for Marriage License by Two Persons of the Same Sex

Recently we had an application for a marriage license by two persons of the same sex. I have reviewed the statutory provisions relating to marriage and considered the historical foundations for this institution in our society, and I have concluded that marriage between two persons of the same sex is not contemplated by our statutory scheme.

Therefore, a marriage license shall not be issued for the purpose of marrying two persons of the same sex.

KSJ:ln

MARRIAGE LICENSE DOCKET

ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
BUREAU OF VITAL STATISTICS
ANCHORAGE, ALASKA 99511

341842

CITY OR TOWN

or if number of marriage license for

AND

APPLICATION

APPLICATION	APPLICATION MADE BY: <i>[Signature]</i>	DATE OF APPLICATION 08-04-94
	MAILING ADDRESS OF APPLICANT 4	

IDENTIFYING STATEMENT (To be given before the Marriage License is issued)	—IDENTIFYING STATEMENT—			
	NAME GENE	LAST DUGAN	NAME JAY	LAST KARL BRAUSE
	RESIDENCE CITY, STATE ANCHORAGE, ALASKA		RESIDENCE CITY, STATE ANCHORAGE, ALASKA	
	DATE OF BIRTH DECEMBER 10, 1951		DATE OF BIRTH BRANSON, MO 6/3/54	
	PLACE OF BIRTH BROOKLYN, NEW YORK		PLACE OF BIRTH BRANSON, MISSOURI	

IMPORTANT IF MARRIED PREVIOUSLY, REVERSE SIDE MUST BE COMPLETED	
RELATIONSHIP TO APPLICANT (they must be husband and wife) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	RELATIONSHIP TO APPLICANT (they must be husband and wife) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ANY LEGAL REASON WHY MARRIAGE SHOULD NOT BE SOLEMNIZED NO	ANY LEGAL REASON WHY MARRIAGE SHOULD NOT BE SOLEMNIZED NO

I do solemnly swear that the information given above is true and correct to the best of my knowledge and belief.	I do solemnly swear that the information given above is true and correct to the best of my knowledge and belief.
SIGNATURE <i>[Signature]</i>	SIGNATURE <i>[Signature]</i>

Subscribed and sworn to before me on _____ 19____	Subscribed and sworn to before me on _____ 19____
<p style="font-size: 18pt;">8-11-94</p> <p style="font-size: 24pt;"><i>W. Charlene Davis</i></p> <p style="font-size: 18pt;">M2</p>	
SIGNATURE, TITLE, AND SEAL	SIGNATURE, TITLE, AND SEAL

<p style="text-align: center;">—CONSENT—</p> <p style="text-align: center;">MALE</p> <p>PREVIOUSLY MARRIED (Specify First, Second, etc.)</p> <p><input checked="" type="checkbox"/> GIVEN</p> <p>MARRIAGE LICENSE NO.</p>	<p style="text-align: center;">FEMALE</p> <p>PREVIOUSLY MARRIED (Specify First, Second, etc.)</p> <p><input checked="" type="checkbox"/> GIVEN</p> <p>DATE ISSUED</p>
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Do NOT ISSUE WITHOUT WRITTEN AUTHORIZATION OF PRESIDING JUDGE

[Signature]

NUMBER OF THIS MARRIAGE (Specify First, Second, etc.) 1st	IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED BY Death <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment <input type="checkbox"/>	NUMBER OF THIS MARRIAGE (Specify First, Second, etc.) FIRST	IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED BY Death <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment <input type="checkbox"/>
PLACE—Specify Precinct, Street, Number, State, etc.		PLACE—Specify Precinct, Street, Number, State, etc.	

4 FORM 201
8-8-93 REV 100

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

JAY BRAUSE and GENE DUGAN,)
)
 Plaintiffs,) CASE NO. _____
)
 vs.)
)
 BUREAU OF VITAL STATISTICS,)
 ALASKA DEPARTMENT OF HEALTH &)
 SOCIAL SERVICES, and the STATE)
 OF ALASKA.)
)
 Defendants.)

AFFIDAVIT OF JAY BRAUSE

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

JAY BRAUSE, being first duly sworn, states as follows:

1. I am a plaintiff in this case. I make this affidavit upon personal knowledge and belief.

2. I have lived in Alaska and in the Municipality of Anchorage since 1959. In 1978, I met my co-plaintiff Gene Dugan. Since 1979, we have shared our lives as a couple.

3. On August 4, 1994, Gene and I went to the Vital Statistics office in the Alaska State Courthouse in Anchorage. We submitted for filing an application for a marriage license. We were told by the person who accepted the application for filing that it was denied because we were of the same sex. We were given a memorandum from the Presiding Judge of the Superior Court, a true copy of which is Exhibit 1 to the complaint in this case. We were not given any other reason for the denial of our application for a marriage license.

1 - Affidavit of Jay Brause

Law Offices of
ROBERT H. WAGSTAFF
First National Bank Building
425 G Street, Suite 610 - Anchorage, Alaska 99501
Telephone (907) 277-8611 • Facsimile (907) 258-7329

4. My date of birth is June 1, 1954. I do not have a husband or wife now living. I am not related to Gene by the fourth degree of consanguinity or closer, whether of the whole or half blood, computed according to the rules of the civil law.

5. The application we submitted for filing was completed and our signatures affirmed before D. Charlene Doris, deputy clerk, according to law. At the time of filing, we identified ourselves to the satisfaction of the licensing officer, and neither of us was under the influence of intoxicating liquor or otherwise incapable of understanding the seriousness of the proceeding.

DATED AT ANCHORAGE, ALASKA this ___ day of _____,
1995.

JAY BRAUSE

SUBSCRIBED and sworn to before me this ___ day of _____, 1995.

Notary Public in and for Alaska
My Commission expires: _____

Law Offices of
ROBERT H. WAGSTAFF
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625 G Street, Suite 610 • Anchorage, Alaska 99501
Telephone (907) 277-8611 • Facsimile (907) 258-7329

2 - Affidavit of Jay Brause

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

JAY BRAUSE and GENE DUGAN,)
)
 Plaintiffs,) CASE NO. _____
)
 vs.)
)
 BUREAU OF VITAL STATISTICS,)
 ALASKA DEPARTMENT OF HEALTH &)
 SOCIAL SERVICES, and the STATE)
 OF ALASKA.)
)
 _____ Defendants.)

AFFIDAVIT OF GENE DUGAN

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

GENE DUGAN, being first duly sworn, states as follows:

1. I am a plaintiff in this case. I make this affidavit upon personal knowledge and belief.

2. I have lived in Alaska and in the Municipality of Anchorage since 1978. In that year, I met my co-plaintiff Jay Brause. Since 1979, we have shared our lives as a couple.

3. On August 4, 1994, Jay and I went to the Vital Statistics office in the Alaska State Courthouse in Anchorage. We submitted for filing an application for a marriage license. We were told by the person who accepted the application for filing that it was denied because we were of the same sex. We were given a memorandum from the Presiding Judge of the Superior Court, a true copy of which is Exhibit 1 to the complaint in this case. We were not given any other reason for the denial of our application for a marriage license.

1 - Affidavit of Gene Dugan

Law Offices of
ROBERT H. WAGSTAFF
First National Bank Building
425 G Street, Suite 610 • Anchorage, Alaska 99501
Telephone (907) 377-8611 • Facsimile (907) 258-7329

4. My date of birth is December 10, 1951. I do not have a husband or wife now living. I am not related to Jay by the fourth degree of consanguinity or closer, whether of the whole or half blood, computed according to the rules of the civil law.

5. The application we submitted for filing was completed and our signatures affirmed before D. Darlene Doris, deputy clerk, according to law. At the time of filing, we identified ourselves to the satisfaction of the licensing officer, and neither of us was under the influence of intoxicating liquor or otherwise incapable of understanding the seriousness of the proceeding.

DATED AT ANCHORAGE, ALASKA this ____ day of _____, 1995.

GENE DUGAN

SUBSCRIBED and sworn to before me this ____ day of _____, 1995.

Notary Public in and for Alaska
My Commission expires: _____

Law Offices of
ROBERT H. WAGSTAFF
First National Bank Building
425 G Street, Suite 610 • Anchorage, Alaska 99501
Telephone (907) 277-8611 • Facsimile (907) 258-7329

2 - Affidavit of Gene Dugan

BACKGROUND: The Attorneys

Robert H. Wagstaff (lead counsel) was born in Kansas City, Missouri and graduated from Dartmouth College and the University of Kansas School of Law. He was admitted to the Alaska Bar in 1968. Mr. Wagstaff has personally argued over 50 cases before the Supreme Court of the State of Alaska including the landmark privacy case of Ravin v. State of Alaska which decriminalized the private possession and use of marijuana by adults. He has personally argued two cases before the United States Supreme Court: Davis v. Alaska (1974) involving the right of the defendant to cross-examination when accused by a juvenile witness and Hicklin v. Orbeck (1978) in which the United States Supreme Court held that the Alaska Hire law requiring oil and gas employers to first hire and last fire Alaska residents violated the privilege and immunities clause of the federal constitution. Mr. Wagstaff is a former member of the National Board of Directors of the American Civil Liberties Union in New York and was president of the Alaska Bar Association in 1988.

Erik LeRoy (cooperating counsel) graduated from the Evergreen State College and the University of Wisconsin Law School. He has practiced commercial and bankruptcy law in Alaska since 1983. He has climbed extensively in Alaska and the Western United States. He is an avid amateur cabinetmaker and boatbuilder. He has been married for 13 years and he and his wife have two children and live in Anchorage.

STATEMENT: Jay Brause and Gene Dugan, the plaintiffs

WE BELIEVE that the denial of legal recognition of same-sex couples by the State of Alaska is illegally discriminatory, unconstitutionally limiting marriage benefits to opposite-sex couples, while depriving a whole class of persons those important benefits. Our Constitution was designed specifically to protect such civil rights.

If opposite-sex couples who planned to be married were denied the right to marry by the state, they would speak out against such injustice. So must we.

ONE.

WE BELIEVE that love, economic partnership, and commitment are the bedrock of marriage—not the sex of the partners or their potential to procreate.

WE BELIEVE the proof of our relationship of 16 years and that of many other same-sex couples secures our demand for marriage as rightful and legitimate.

WE BELIEVE that with the rights accrued with marriage there are corresponding responsibilities. We recognize that we are first responsible for our partner's physical and emotional health, financial welfare, and relationship to family, friends, and community. In fact, it is these responsibilities that keep many people—heterosexual and homosexual—from forming committed (married) relationships. We claim the right to become responsible marriage partners in our society.

TWO.

WE BELIEVE that the legacy of prohibiting same-sex marriage has been destructive to same-sex partnering in our society and that the double-standard of commending heterosexual marriage while condemning homosexual marriage must give way to equal treatment and support for both forms of relationships.

WE BELIEVE we are part of a larger movement in history working toward full recognition and integration of gay and lesbian persons into a society that supports these individuals becoming the best persons they may become.

THREE.

WE BELIEVE that religious and cultural justification for depriving law-abiding adults of equal treatment in the law to be abhorrent to the democratic exercise of liberty and equality.

WE BELIEVE there must be a formal recognition of two separate constructs in recognizing marriage in our society: that of legal rights and responsibilities bestowed by the state and that of the moral imperative bestowed by religion. To confuse these two distinct and legally separate constructs is a consistent fallacy of those who believe a state-approved marriage is necessarily tied to a religious one.

LAST.

WE BELIEVE that marriage, while difficult, is still the best tool society has in assisting the stable, harmonious conduct of human sexual, emotional, and economic needs. Alternatives to marriage may exist, but these alternatives are untested as to whether they will work as well or better for the majority of people.

This said, we support the examination of other forms of relationships, while we more fully support marriage; that, in fact, is why we have brought this action for ourselves, our gay and lesbian friends and our entire community.

STATEMENT: Robert Wagstaff, lead counsel for lawsuit

I am participating in this lawsuit because I believe more than anything else that all persons are created equal under law. Our Constitution prohibits the government from denying rights and benefits because of (un)popularity. The benefits and privileges given some must be extended to all regardless of who they are. Jay Brause and Gene Dugan's relationship is one of choice, one of validity, and is legitimate. They are entitled to the same benefits of others similarly situated.

BACKGROUND: The Plaintiffs

JAY BRAUSE and GENE DUGAN are life-partners of 16 years, who first met in the Alaska Gay Community Center in Anchorage in September, 1978. Like many other people who fall in love, they decided to recognize their relationship in a religious ceremony. That ceremony was co-celebrated by Jay's father, the Rev. Floyd Brause, a Lutheran minister, on August 4, 1979. It was understood that this ceremony was not a state-recognized marriage. In 1986, Brause and Dugan began their effort to become legally married in the State of Alaska.

Dugan and Brause are employed in Anchorage by Out North as artistic director and managing director, respectively. They are non-profit administrators as well as community activists who are best known for building a professional contemporary arts organization with an international reputation for works that speak to the experiences of diverse communities.

Gene Dugan, an Alaskan since 1978, was born in Brooklyn, New York on December 10, 1951, and raised on Long Island. He received his Masters degree in drama from the University of Essex in England, and was a cultural worker in England before being employed by Alaska Repertory Theatre, Arts Alaska, Alaska State Theatre Association, and Rural Alaska Community Action Program. He received a national award from the Department of Defense for his work as a stage director at Fort Richardson, Alaska. The founder of Out North, he has directed Alaska premieres of new plays such as My Children! My Africa! and Reckless, and the West Coast premieres of Keely and Du and Slavs! Last December he spoke to the annual conference of the National Performance Network on the challenges of presenting openly gay and lesbian performance artists in a conservative environment.

Jay Brause, an Alaskan resident since 1959, was born in Brainerd, Minnesota on June 3, 1954, and raised in Anchorage. He studied music at the University of Alaska Fairbanks, and political science at the University of Alaska Anchorage. He worked for the Center for the Arts in Purchase, New York, Alaska Repertory Theatre, the Center for Alcohol and Addiction Studies UAA, and the U. S. Census. He has been a human service administrator and is the editor and co-author of several public policy studies and research papers; most importantly, the first state-wide evaluation of Alaska's Lesbian and Gay population in 1985 as well as a Municipality of Anchorage sponsored study of sexual orientation discrimination patterns in housing and employment in 1989. He served on the national board of the American Civil Liberties Union, and most recently participated on an international panel on the economic effects of censorship at playRites'95 in Calgary, Alberta, Canada.

They are also known nationally for their stand on artistic censorship. In 1993 Dugan and Brause received an award at the Museum of Modern Art in New York from the Robert Sterling Clark Foundation, the Nathan Cummings Foundation, the Joyce Mertz-Gilmore Foundation, the Rockefeller Foundation, and the Andy Warhol Foundation for their "contribution to upholding the principle of freedom of expression in American life."

BACKGROUND: Affidavits Summary

Jay Brause and Gene Dugan have lived in Alaska 35 and 17 years, respectively, and have shared their lives as a couple since 1979.

On August 4, 1994, Jay Brause and Gene Dugan went to the Vital Statistics office of the Alaska State Courthouse in Anchorage and applied for a marriage license. That license was denied by an agent of the State of Alaska solely on the basis of their being of the same sex.

The birthdates of Jay Brause and Gene Dugan are June 3, 1954 and December 10, 1951, respectively, and each is not otherwise legally barred from being married under the laws of the State of Alaska. The application was witnessed by Jay's brother, Corey Brause; sister-in-law, JoAnne Brause; and mother and father, Lucille and Floyd Brause.

The clerk affirmed the applicants' signatures and filed their marriage license application for no future action.

Because of this denial, the applicants undertook finding legal representation to bring suit against the State of Alaska in order to secure their desired right to marry.

BACKGROUND: Lawsuit Summary

The plaintiffs are Jay Brause, 35 year resident of Alaska, and Gene Dugan, 17 year resident of Alaska. They bring the lawsuit in the public interest.

The defendant is the Bureau of Vital Statistics, Department of Health and Social Services, in the State of Alaska.

On August 4, 1994, Messrs. Dugan and Brause's application for marriage was denied by defendant's agent solely on the grounds that the plaintiffs were of the same sex. The plaintiffs otherwise qualify for marriage under the laws of Alaska.

The claim is made that such denial of marriage license is unconstitutional in Alaska law because it violates the Alaska Constitution's provisions for right to privacy (§ 22, Article I), equal protection and the due process of law (§ 1, 3 and 7, respectively, Article I).

Plaintiffs have no adequate or complete remedy to redress the wrongs stated in this complaint and ask:

1. to declare the denial to marry because the applicant couple is of the same sex unconstitutional;
2. to prohibit the defendant and his agents the ability to deny application for a marriage license solely because the applicant couple is of the same sex;
3. to award costs and attorney fees to plaintiffs as public interest litigants;
4. to award such further relief as may be just and proper.

STATEMENT OF SUPPORT: Floyd and Lucille Brause, parents of Jay Brause

Exactly a year ago we accompanied Jay and Gene in their attempt to obtain a Marriage License and be legally declared a married couple. As an ordained Lutheran pastor and father of Jay, I have always abhorred the discrimination directed against minorities and I have waged private and public battles against those who would limit the rights of fellow human beings. We, as parents, have seen and experienced Jay's and Gene's love and commitment to each other, and in our eyes their long and compatible union should be legally validated. The injustice of the discrimination against homosexuals is a travesty which must be dealt with in the legal system of our free land. All human beings deserve to be treated equally whether they are homosexual or heterosexual.

STATEMENT OF SUPPORT: Alaskans for Marriage, Melissa Green, President 566-1663

Alaskans for Marriage fully supports Gene and Jay in their laudable effort to remove discriminatory limitations on marriage and its benefits. We formed this organization to ensure that costs of the lawsuit will get paid during what will likely be a lengthy legal process. Gene and Jay are in this for the long haul; Alaskans for Marriage will be behind them all the way.

STATEMENT OF SUPPORT: Alaska Civil Liberties Union, Rachel King, Exec. Dir.

(attached)

CIVIL LIBERTIES UNION/FOUNDATION

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

Contact: Rachel King
Executive Director
258-0044

ALASKA CIVIL LIBERTIES UNION SUPPORTS SAME SEX MARRIAGE

The Alaska Civil Liberties Union supports the legal action taken by Jay Brause and Gene Dugan to secure marriage rights in recognition of their long-term relationship. The Alaska Civil Liberties Union, an affiliate of the American Civil Liberties Union, believes that discrimination based on sexual orientation, like that based on race, alienage, age, national origin, political persuasion, religion, disability or gender, denies individuals equal protection of the laws. The AkCLU also believes that an individual's right to privacy includes private sexual behavior between consenting adults.

The AkCLU supports legal recognition of lesbian and gay relationships, including the right to marry. Such recognition is imperative for the complete legal equality of lesbian and gay individuals. Rights or benefits available to married couples such as insurance benefits, should be extended to those lesbian and gay couples who are similarly situated to married couples, except for their marital status. Rights or benefits available to unmarried heterosexual couples should of course be extended to lesbian and gay couples.

"We fully support Jay and Gene's action and are behind them 100%," said Rachel King, Executive Director of the AkCLU. "Jay and Gene are taking a courageous first step to securing the right to marry for gay and lesbian couples.

Discrimination against gays, lesbians and bisexuals continues in all facets of life in Alaska and will only change when their relationships are given the same legal recognition as heterosexuals."

The ACLU has supported same sex marriage cases in other parts of the country, most recently filing an *amicus curiae* brief in support of the Hawaii case, *Boehr v. Lewin*.

END

Some of the Rights that come with Marriage in Alaska

The State of Alaska attaches legal significance to the marriage relationship. State and federal laws award spouses numerous rights simply because of their status as a party to a marriage. The following is a list of some of those rights.

1. Right to file wrongful death action AS 9.55.580
2. Right to notice and consent in adoption proceeding AS 25.23.050
3. Spouse's right of intestate succession AS 13.11.010
4. Intestate succession to Alaska Native Corporation stock AS 13.16.705; 13.11.012
5. Right to authorize anatomical gifts AS 13.50.010
6. Right to revocation of will with marriage annulment AS 13.11.185
7. Surviving spouse's homestead allowance AS 13.11.125
8. Surviving spouse's elective share of estate AS 13.11.070
9. Surviving, omitted spouse's rights AS 13.11.110
10. Applicability of Uniform Disposition of Community Property rights at death AS 13.41.005
11. Surviving spouse's exemptions AS 13.11.130
12. Surviving spouse's family allowance AS 13.11.135
13. Right of notice of guardianship proceedings AS 13.26.135
14. Right to appointment as guardian AS 13.26.145
15. Child custody AS 25.24.150
16. Residency of spouse determining right to Permanent Fund Dividend AS 43.23.015
17. Actions between spouses respecting property AS 25.15.020
18. Authority to act as attorney in fact AS 25.15.040
19. Right to adopt AS 25.023.020
20. Violation of bigamy statute AS 11.51.140
21. Both spouses join in conveyance of family home AS 34.15.010
22. Spouse's services excluded from definition of employee AS 23.30.525
23. Right of first refusal under gasoline product leasing act AS 45.50.825
24. Right to effectuate insurance upon spouse AS 21.42.090
25. Criminal nonsupport rights AS 11.51.120
26. Worker Compensation rights upon spouse's death AS 23.30.215
27. Spouse's right to compensation for permanent partial disability AS 23.30.195
28. Spouse's interest in public employee retirement system AS 39.35.455
29. Spouse's interest in qualified domestic relation orders and retirement plans AS 39.35.455
30. Old age survivor insurance AS 39.30.20
31. Beneficiary public employee group health and life insurance AS 39.30.090
32. Public employee family leave AS 39.20.305; 23.10.500
33. Public employee leave of absence AS 39.20.310
34. Payments due to deceased public employees AS 39.20.360
35. Spouse's interest in supplemental employee benefits AS 39.30.160
36. Spouse's interest in public employee special hazard insurance AS 39.30.130
37. Spouse's interest in public employee's deferred compensation program AS 39.45.010
38. Federal income tax applications
39. Nondischargeability in bankruptcy of spousal support 11 U.S.C. §523 (a) (5)
40. Right to consent to adoption AS 25.23.040

Important Legal Documents Attached:
Brause & Dugan v. State of Alaska

(Action against the State because a Marriage License was denied to same-sex applicants. ~~19~~ pages follow.)

FAX 258-2916

18

Dear MIA

(REP. ROXBOROUGH)

We'll be filing this complaint at 10am on Friday, August 4 at the office of the Clerk of the Court in Anchorage.

If you want to talk with us or with our attorney, that will be a good time to do it.

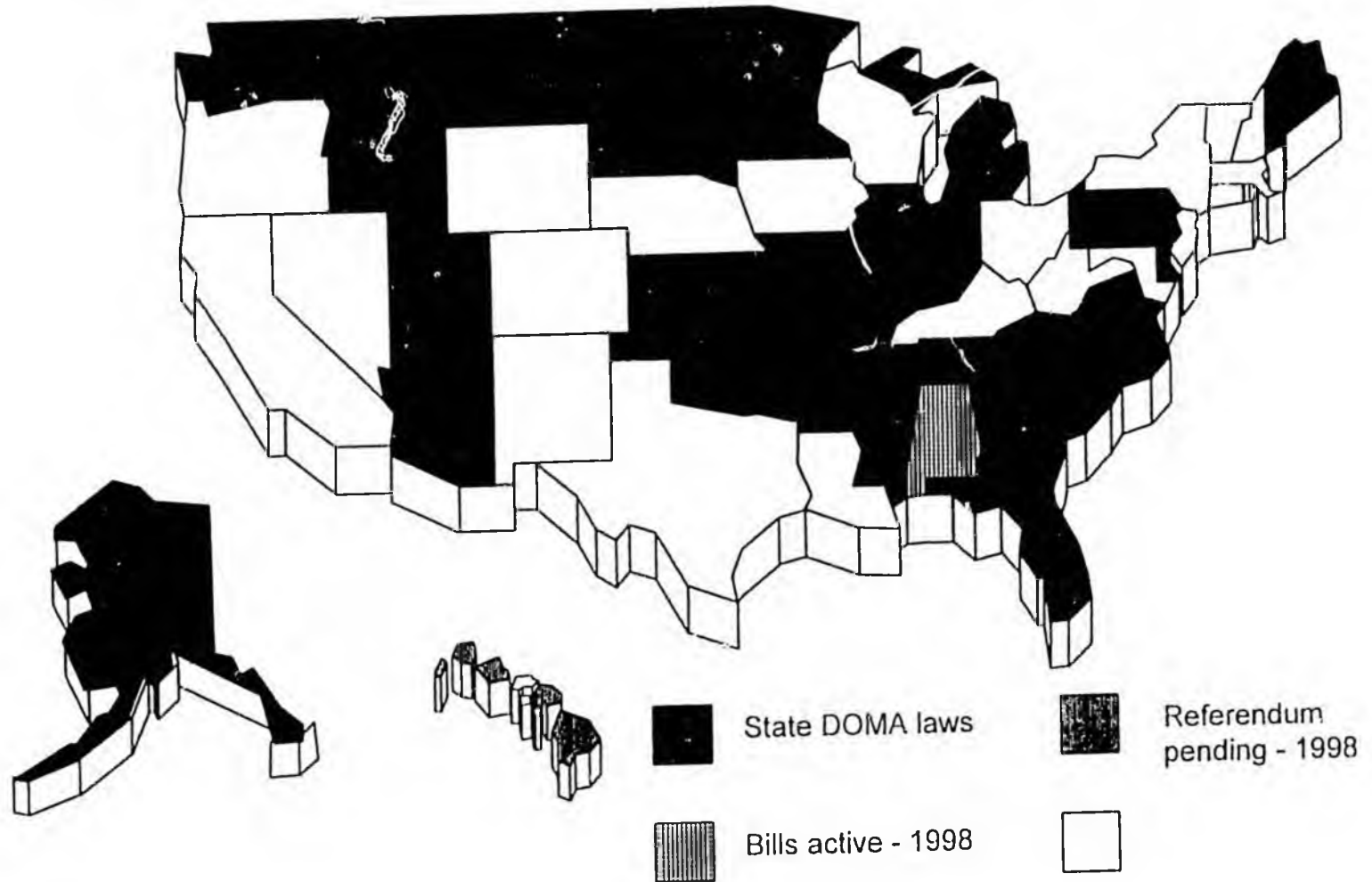
— Gene & Jay, plaintiffs 566-1663

Robert H. Wagstaff, lead counsel 277-8611

This information is not to be released in any form before Noon, August 4, 1995. Thank-you.

Other
background
materials

State Defense of Marriage (DOMA)



Legislative Research Agency

Alaska State Legislature



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

March 8, 1995

MEMORANDUM

TO: Representative Norman Rokeberg

FROM: Carol R. Vander ^{CRV}
Legislative Analyst

RE: **Legislative History of AS 25.05.011 (Requirements for Marriage)**
Research Request 95.152

You asked for a legislative history of AS 25.05.011 which addresses marriage requirements. Alaska Statute 25.05.011 states that marriage is a civil contract requiring a license and solemnization which may be entered into by a person who is 18 years of age or older; those who qualify for a license under section 171¹; or a member of the armed forces of the U.S. while on active duty.

This provision has been simplified over the years. Initially, it established a minimum age for a *male* as 21 years and for a *female* as 18 years. In 1970 the minimum age of a male was lowered to 19. In 1974 the legislature amended the law again to specify that a *person*, rather than a male or female, be at least 19 years of age. A year later the minimum age was lowered to 18, and members of the armed forces on active duty were included.

Alaska Statute 25.05.011 traces its origin to a territorial law (§ 21-1-1) which read

Marriage is a civil contract, which may be entered into by males of the age of twenty-one years, and females of the age of eighteen years who are otherwise capable; provided, however, that no person shall be joined in marriage in this Territory until a license shall have been obtained for that purpose from a duly appointed and qualified United States Commissioner, or Marriage Commissioner as provided by Section 1211, Compiled Laws of Alaska, 1933 [§ 21-1-31 herein]. That nothing in Section 1189, Compiled Laws of Alaska, 1933, as amended [§ 21-1-11 herein], shall prevent a Marriage Commissioner from issuing a marriage license.

¹AS 25.05.171 addresses persons capable of consenting to marriage, minimum ages, and consent of parents or guardian.

Representative Rokeberg

March 8, 1995

Page 2

After statehood, the legislature began to adopt territorial laws as Alaska statutes. The territorial law was revised somewhat and formally adopted as a state law by Chapter 1 SLA 1963. It was renumbered as AS 25.05.010 which read

Marriage is a civil contract, which may be entered into by males of the age of 21 years, and females of the age of 18 years who are otherwise capable. However, no person shall be joined in marriage in the state until he obtains a license from a person authorized by law to issue marriage licenses.

Section 1, Chapter 50 SLA 1963, repealed AS 25.05.010 and enacted AS 25.05.011 as follows:

(a) Marriage is a civil contract requiring both a license and solemnization which may be entered into by

(1) a male who is 21 years of age or older with a female who is 18 years of age or older, who are otherwise capable, or

(2) those who qualify for a license under sec. 171 of this chapter.

(b) No person may be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. No marriage performed in this state is valid without solemnization as provided in this chapter.

Section 9, Chapter 245 SLA 1970 amended AS 25.05.011(a)(1) to read (emphasis added):

(a) Marriage is a civil contract requiring both a license and solemnization which may be entered into by

(1) a male who is 19 years of age or older with a female who is 18 years of age or older, who are otherwise capable, or

(2) those who qualify for a license under § 171 of this chapter.

(b) No person may be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. No marriage performed in this state is valid without solemnization as provided in this chapter.

Section 92, Chapter 127 SLA 1974 amended AS 25.05.011(a)(1) to read (emphasis added):

(a) Marriage is a civil contract requiring both a license and solemnization which may be entered into by

(1) a person who is 19 years of age or older, who is otherwise capable, or

(2) those who qualify for a license under § 171 of this chapter.

(b) No person may be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. No marriage performed in this state is valid without solemnization as provided in this chapter.

Representative Rokeberg
March 8, 1995
Page 3

Section 1, Chapter 28 SLA 1975 amended AS 25.05.011(a) to read (emphasis added):

(a) Marriage is a civil contract requiring both a license and solemnization which may be entered into by

(1) a person who is 18 years of age or older, who is otherwise capable, or

(2) those who qualify for a license under § 171 of this chapter, or

(3) a member of the armed forces of the United States while on active duty.

(b) No person may be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. No marriage performed in this state is valid without solemnization as provided in this chapter.

Minor revisions were made in the law after 1977. Alaska Statute 25.05.011 currently reads (emphasis added):

(a) Marriage is a civil contract requiring both a license and solemnization that may be entered into by

(1) a person who is 18 years of age or older, who is otherwise capable,

(2) those who qualify for a license under AS 25.05.171, or

(3) a member of the armed forces of the United States while on active duty.

(b) A person may not be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. A marriage performed in this state is not valid without solemnization as provided in this chapter.

Copies of the session laws and the replacement statutes are attached. We hope this information is useful to you. If we may be of further assistance, please contact this office.

Attachments

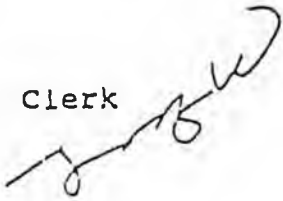
MEMORANDUM

TO: Kris Waugh
Marriage License Clerk

FROM: Larry R. Weeks
Presiding Judge
First Judicial District

Re: Same sex marriages

Date: April 3, 1995



You referred the marriage license application submitted by _____ and _____ to me. It is my understanding that it has long been the policy of the First Judicial District not to issue marriage licenses to same sex applicants. These applicants asked that the matter be referred to the Presiding Judge when you decline to issue a license.

I have reviewed the statutes involved and instruct you not to issue a marriage license to these same sex applicants. I do this based upon my reading of the legislative history and the statutory construction of marriage laws of Alaska.

AS 25.05.011¹, the statute authorizing issuance of marriage licenses, talks about a "person" not "male" and "female". The origin of that statute goes back to section 21-1-1 Alaska Compiled Law Annotated (ACLA). The law has been interpreted by our Supreme Court to mean that a marriage license is mandatory. Edwards v Frank, 364 P.2d 60 (Alaska 1961).

¹AS 25.05.011 Civil contract. (a) marriage is a civil contract requiring both a license and solemnization that may be entered into by

- (1) a person who is 18 years of age or older, who is otherwise capable,
- (2) those who qualify for a license under AS 25.05.171, or
- (3) a member of the armed forces of the United States while on active duty.

(b) A person may not be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. A marriage performed in this state is not valid without solemnization as provided in this chapter. (§ 1 ch 58 SLA 1963; am § 9 ch 245 SLA 1970; am § 92 ch 127 SLA 1974; am § 1 ch 28 SLA 1975)

Section 21-1-1 ACLA provided:

Marriage is a civil contract, which may be entered into by males of the age of twenty-one years, and females of the age of eighteen years who are otherwise capable; provided, however, that no person shall be joined in marriage in this Territory until a license shall have been obtained for that purpose from a duly appointed and qualified United State Commissioner, or Marriage Commissioner as provided by Section 1211, Compiled Laws of Alaska, 1933 [§ 21-1-31 herein]. That nothing in Section 1189, Compiled Laws of Alaska, 1933, as amended [§ 21-1-11 herein], shall prevent a Marriage Commissioner from issuing a marriage license.

In order to qualify for the issuance of a marriage license, ACLA 21-1-1 provides that males must be 21, and females 18 years of age. ACLA 21-1-1 was adopted by Alaska as the state law in 1 SLA 1963 and incorporated into the Alaska Statutes as AS 25.05.011. AS 25.05.011 was subsequently amended on two occasions before the term "person" was substituted for the terms "male" and "female".² Both of those amendments referred to males and females. The 1974 Legislature at section 92 chapter 127 again amended AS 25.050.011. That amended statute provided:

(a) Marriage is a civil contract requiring both a license and solemnization that may be entered into by (1) a person who is 18 years of age or older, who is otherwise capable, (2) those who qualify for a license under AS 25.05.171 or (3) a member of the armed forces of the United States while on active duty. (b) A person may not be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. A marriage performed in this state is not valid without solemnization as provided in this chapter.

A search through the legislative history of this act indicates that the 1974 amendment was an attempt to make gender language consistent throughout the Alaska statutes. There is no legislative history to indicate the legislature intended to authorize licenses for same sex marriages. The Omnibus Bill amending AS 25.050.011 was passed at the request of the revisor of statutes. The duties of the revisor of statutes are normally to make the law consistent as to form.³ Numerous revisions in that act were made to a wide variety of statutes to make the references to gender consistent. There was no apparent attempt to change the substantive law.

² Sec 1, 58 SLA 1963 and Sec 9, 245 SLA 1970.

³ see AS 01.05.031.

If the Legislature had intended to change the marriage requirements in Alaska from "male" and "female" to "persons" for substantive reasons, the Legislature would have clearly expressed such an intention.

Beyond the history of this particular statute it is clear from a review of Title 25, "Marital and Domestic Relations," that the Legislature intended to provide for the issuance of a marriage license to a "husband" and "wife" in a marriage.⁴

Courts are to interpret words in statutes according to their common usage unless there is some indication that they should be interpreted differently.⁵ Webster's New Collegiate Dictionary defines husband as "a married man," and wife as "a married woman."⁶ Based on the above referenced legislative history and statutory interpretation, I believe that same sex marriages have not been authorized by the Alaska State Legislature. Marriages in this state are a creature of statute. Same sex marriages are not authorized, and you should not issue certificates for a same sex marriages, unless authorized by the Alaska Legislature.

⁴ See AS 25.05.021, AS 25.05.051, AS 25.05.301, AS 25.05.361 and generally the chapter AS 25.15 et seq.

⁵ Perrin v U.S., 444 U.S. 37 (1979) and Fagan v State, 779 P.2d 1258 (Alaska App. 1989).

⁶ Webster's New Collegiate Dictionary (1976).

UNITED STATES PUBLIC LAWS
104TH CONGRESS--SECOND SESSION

PUBLIC LAW 104-199 [H.R. 3396]
SEPTEMBER 21, 1996
DEFENSE OF MARRIAGE ACT

An Act

To define and protect the institution of marriage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[*1] SECTION 1. <1 USC 1 note> SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act".

[*2] SEC. 2. POWERS RESERVED TO THE STATES.

(a) In General.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

[*1738C] "Sec. 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) Clerical Amendment.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof."

[*3] Sec. 3. DEFINITION OF MARRIAGE.

(a) In General.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

7 "Sec. 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

[**2420] (b) Clerical Amendment.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

JUNEAU EMPIRE

Alaska should ban same-sex marriages

While Hawaii argues its case in court against issuing marriage licenses to same sex-couples and California flirts with the issue by setting up "domestic partner registries," legislators here have been considering a bill that would outlaw such marriages in Alaska.

On Thursday, the Senate approved the legislation, Senate Bill 308, by a 16-3 margin.

Juneau Democrat and Senate Minority Leader Jim Duncan, who opposes same-sex marriages, voted against the bill because, he said, such marriages already are prohibited by state law.

"We're really correcting a nonproblem," he said. "I really think this causes a controversy that doesn't need to be caused."

But proponents argue the bill is necessary because it extends the prohibition to include marriages in other states.

Anchorage Sen. Loren Leman, who supports the measure, said, "It's important that be clearly stated as Alaska public policy."

Similar legislation is being considered in 15 other states because of the Hawaii court case that could legalize same-sex marriages. Three already have passed such laws.

Opponents claim the bill is an anti-gay proposal, while supporters say it reaffirms the moral value of traditional marriages — those entered into by one man and one woman — and provides protection against lawsuits like the one in Hawaii.

Daniel Collison of the Southeast Alaska Gay and Lesbian Alliance said the measure was an attempt to legislate sexual preference.

"Does Senator Leman think that I and every other gay man and lesbian are going to go back into the closet and maintain the front of a heterosexual relationship?" Collison said. "The reality is more gay men and lesbians are coming out of the closet."

Every adult individual has a right to express his or her own sexual preference within certain limits. It is the matter of a state-sanctioned practice with which we have a concern.

The Juneau Empire supports this bill. For more than 200 years, this country's marriage laws have undergirded traditional one man-one woman marriages. In the 19th century, adherents to the Mormon faith practiced polygamy; that practice, however, was contrary to American tradition and laws were written to ban it. Even today, polygamy persists in other religions and cultures, but it remains banned in the United States. While religious freedom is an American tenet, courts and the Congress have limited certain practices when they are not deemed to be in the best interest of the family or society in general.

Likewise, the tradition of one man-one woman marriages is a strongly held one in this country. National polls have indicated nearly two-thirds of the American public opposes same-sex marriages. While others may differ from our views, we are not obligated to embrace their beliefs and practices, or make them a part of our legal system. Tradition is an integral part of our body of laws; those laws reflect the majority culture and the state has a right — no, an obligation — to write legislation that undergirds and protects it.

Alaska should continue to protect and reinforce the tradition of one man-one woman marriage; it is in the best interest of the larger culture. We urge the House to follow the Senate's example and pass this bill.

FORUM / LETTERS

Hawaii's step toward gay marriage too far for U.S.

By LISA SCHIFFREN

As study after study and victim after victim testify to the social devastation of the sexual revolution, easy divorce and out-of-wedlock motherhood, marriage is fashionable again.

And parenthood has transformed many baby boomers into advocates of bourgeois norms.

Indeed, we have come so far that the surprise issue of the political season is whether homosexual "marriage" should be legalized. The Hawaii courts will likely rule that gay marriage is legal, and other states will be required to accept those marriages as valid.

Considering what a momentous change this would be — a radical redefinition of society's most fundamental institution — there has been almost no real debate. This is because the premise is unimaginable to many, and the forces of political correctness have descended on the discussion, raising the cost of opposition.

But one may feel the same

affection for one's homosexual friends and relatives as for any other, and be genuinely pleased for the happiness they derive from relationships, while opposing gay marriage for principled reasons.

"Same-sex marriage" is inherently incompatible with our culture's understanding of the institution. Marriage is essentially a lifelong compact between a man and a woman committed to sexual exclusivity and the creation and nurture of offspring.

For most Americans, the marital union — as distinguished from other sexual relationships and legal and economic partnerships — is imbued with an aspect of holiness. Though many of us are uncomfortable using religious language to discuss social and political issues, Judeo-Christian morality informs our view of family life.

Though it is not polite to mention it, what the Judeo-Christian tradition has to say about homosexual unions could not be clearer. In a diverse,

open society such as ours, tolerance of homosexuality is a necessity.

But for many, its practice depends on a trick of cognitive dissonance that allows people to believe in the Judeo-Christian moral order while accepting, often with genuine regard, the different lives of homosexual acquaintances. That is why, though homosexuals may believe that they are merely seeking a small expansion of the definition of marriage, the majority of Americans perceive this change as a radical deconstruction of the institution.

Some make the conservative argument that making marriage a civil right will bring stability, an end to promiscuity and a sense of fairness to gay men and women. But they miss the point.

Society cares about stability in heterosexual unions because it is critical for raising healthy children and transmitting the values that are the basis of our culture.

Whether homosexual relationships endure is of little concern

to society. That is also true of most childless marriages, harsh as it is to say. Society has wisely chosen not to differentiate between marriages, because it would require meddling into the motives and desires of everyone who applies for a license.

In traditional marriage, the tie that really binds for life is shared responsibility for the children.

A small fraction of gay couples may choose to raise children together, but such children are offspring of one partner and an outside contributor. What will keep gay marriages together when individuals tire of each other?

Similarly, the argument that legal marriage will check promiscuity by gay males raises the question of how a "piece of paper" will do what the threat of AIDS has not. Lesbians seem to have little problem with monogamy, or the rest of what constitutes "domestication," despite the absence of official status.

Finally, there is the so-called

fairness argument. The government gives tax benefits, inheritance rights and employee benefits only to the married. Again, these financial benefits exist to help couples raise children. Tax reform is an effective way to remove distinctions among earners.

If the American people are interested in a radical experiment with same-sex marriages, then subjecting it to the political process is the right route. For a court in Hawaii to assume that it has the power to radically redefine marriage is a stunning abuse of power.

To present homosexual marriage as a fait accompli, without national debate, is a serious political error. A society struggling to recover from 30 years of weakened norms and broken families is not likely to respond gently to having an institution central to most people's lives altered.

□ Lisa Schiffren was a speechwriter for Vice President Dan Quayle.

3/31/98

SJR 42

(1)

7:10

SITKA

MICHAEL JONES
HELEN CRAIG

OPPOSED
SUPPORT

KODIAK

FRANK GARDNER
KERMIT REPOUR

SUPPORT
SUPPORT

HAINES

NAUDY NASH

OPPOSED

CORNOVA
KETCHIKAN
WRANGELL
KODIAK
TOK
VALDEZ
WHITTEN

NONE PRESENT

JUNEAU

ALAN SCHULER
BILL DEANS
T.J. FARRELL
JEANNE CHRIS FARRELL
CHRIS SCHULER
BEVERLY HAYWOOD
DEBBIE ELIASON
SUSAN PHILLIPS
WAYNE BUNDY

SUPPORT
SUPPORT
~~SUPPORT~~
SUPPORT
SUPPORT (10)
OPPOSED
SUPPORT
OPPOSED
OPPOSED

(15)

ARRANGEMENTS WERE
MADE FOR HIM TO TESTIFY
FROM MANAKOTAK ...

HE CHOSE TO FLY OFF
TO DILLINGHAM AT
THE FIRST CHANCE,

(STEPHEN
JACQUIER)

WILDRED

MARY GRAHAM

CAROL ANDERSON

RICHARD KEENE

PAUL GRANT

PHIL GRAY

SARA BOSEK

SUSAN HARGUS

MARSHA MURRAY

ANTHONY WILLIAMS

MIKE POWERS

LAWRENCE WOODALL

PAUL ARNOLDT

SID HEDERSDORF

JOHN MONAGHAN

DANIEL COLLISON

MARSHA BUCK

JASON NELSON

GRETCHEN BARNES

CAROL HEDLUND

LENNY ESTER

~~JOHN~~

NOREN CHAMPAGN

SAUNDY KING

DARREN WAHL

KIM DOITC

PAUL FLYNN

JIM BRADY

~~JIM ELLINGTON~~

~~CAR~~

(2)

OPPOSE

OPPOSE

OPPOSED

SUPPORT

OPPOSE

SUPPORT (20)

OPPOSE

OPPOSE

OPPOSE

SUPPORT

SUPPORT

OPPOSE

SUPPORT

SUPPORT

SUPPORT

OPPOSE (30)

OPPOSE

OPPOSE

OPPOSE

OPPOSE

OPPOSE

OPPOSE

SUPPORT

SUPPORT

OPPOSE

SUPPORT (40)

SUPPORT

20

30

SEGALA

NASW

40

42

3

CBJ/HLC

45

SHIRLEY DEAN
SCOTT GARNES
LEANN GRIFFIN
SAM GREEN
BETH KERTTULA
MARY HICKS

OPPOSE
OPPOSE
OPPOSE
OPPOSE
OPPOSE
OPPOSE

~~MOLLY HICKS~~

KEN MATTSON

SUPPORT

50

NICCHIA LEANER

OPPOSE (50)

MOREEN LONGWORTH

OPPOSE

LYNN DAVIS

OPPOSE

PEGGY BROWN

OPPOSE

JENSEN LEE

SUPPORT

RAYMOND LEE

SUPPORT

~~MARTHA MURRAY~~

ERIC WIAE

OPPOSE

~~KELLY NAZY~~

GLENN GRAY

OPPOSE

RUSSEL GAREY

OPPOSE

DAVIN ROGER

(60) OPPOSE

EAREN ROBINSON

AKNOWLEDGE OPPOSE

DENISE SHOOK

OPPOSE

CATHY SWEENEY

OPPOSE

WILLIE ANDERSON

OPPOSE

JEAN FINLEY

OPPOSE

LESLIE WOOD

OPPOSE

— VERNON

— VERNON

ACLU

LIZ DODD

OPPOSE

RYAN ~~BETTY~~ SPADY

OPPOSE

- 1. Ballot overload
- 2. Human Rights
- 3. Discrimination
- 4. Wrong Direction
- 5. Create the Golden Rule

MOLLY HICKS
MARY HICKS

(70)

OPPOSE
OPPOSE

03/31/98
18:58:21

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80580 SCHEDULED FOR:03/31/98 19:00 TO 21:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:SIT
FOR:SIT

LOCATION:SITKA

~~SJR 42~~ ~~MICHAEL~~ ~~JONES~~ -
~~SJR 42~~ ~~HELEN~~ ~~CRAIG~~ +

TESTIFY
TESTIFY

03/31/98
18:48:31

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80580 SCHEDULED FOR:03/31/98 19:00 TO 21:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

LOCATION:KODIAK

~~SJR 42~~ ~~MR~~ ~~FRANK~~ ~~GARDNER~~ - +
~~SJR 42~~ ~~MR~~ ~~KERMIT~~ ~~REPOUND~~ +

TESTIFY
TESTIFY

03/31/98
18:50:52

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80580 SCHEDULED FOR:03/31/98 19:00 TO 21:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:SIT
FOR:SIT

LOCATION:HAINES

~~SJR 42~~ ~~NANCY~~ ~~NASH~~ -

TESTIFY

SENATE FINANCE COMMITTEE

SIGN-IN

SJR 42 - CONSTITUTIONAL AMENDMENT RE MARRIAGE

NOTE: 3-MINUTE TIME LIMIT ON TESTIMONY

NAME: Alan Schuler Sub./Bill No: SJR 42
Co./Dept./Title: _____ Phone: 789-2657
Address: 4066 Deborah Dr Zip: 99801
Do you wish to testify? Yes ___ No ___ Respond to Questions Sure

NAME: Bill DEAN Sub./Bill No: SJR 42
Co./Dept./Title: _____ Phone: 789 3512
Address: 2205 MEADOW LN Zip: 99801
Do you wish to testify? Yes ___ No ___ Respond to Questions

NAME: J. J. Farrey Sub./Bill No: SJR 42
Co./Dept./Title: _____ Phone: 586-4113
Address: 3311 Douglas Hwy Zip: 99802
Do you wish to testify? Yes ___ No ___ Respond to Questions

NAME: Jeanie Farrell Sub./Bill No: _____
Co./Dept./Title: _____ Phone: 586-4663
Address: PO Box 20292 13311 Douglas Hwy Zip: 99802
Do you wish to testify? Yes ___ No ___ Respond to Questions

5

NAME: Chris Schuler Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 789 2666 >

Address: 4066 Deborah Drive Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

6

NAME: Beverly Hayward Sub./Bill No: 554 42

Co./Dept./Title: _____ Phone: _____

Address: 985 Mend. Peninsula - Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

7

NAME: Debbie Eliason Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 790-5528

Address: 17025 Towers Rd, Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

8

NAME: Susan Phillips Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 463-2695

Address: 1760 Evergreen Ave. Juneau AK Zip: 99801

Do you wish to testify? Yes No Respond to Questions

9

NAME: Wayne J Bondy Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 759 8092

Address: 3125 Barrett Tr 99801 Zip: 99801

Do you wish to testify? Yes No Respond to Questions

10 NAME: Mildred Boesser Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 789-1445

Address: 17585 Lena Loop Zip: 99801

Do you wish to testify? Yes No Respond to Questions

11 NAME: Mary Graham Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 586-4938

Address: 235 5th St #2 Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

12 NAME: Carol Anderson Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 586-2410

Address: Po Box 22493 Juneau AK Zip: 99802

Do you wish to testify? Yes No Respond to Questions

13 NAME: Richard R. Keen Sub./Bill No: SJR 42

Co./Dept./Title: Husband & Father Phone: 789-4025

Address: 11691 Auke St Juneau Zip: 99801

Do you wish to testify? Yes No Respond to Questions

14 NAME: Paul Grant Sub./Bill No: SJR 42

Co./Dept./Title: _____ Phone: 463-2695

Address: 1760 Evergreen Juneau AK Zip: 99801

Do you wish to testify? Yes No Respond to Questions

15 NAME: Phillip L. Gray Subject/Bill No: STR 42
Co./Dept./Title: _____ Phone: 586-6913
Address: 4410 N Douglas Hwy Zip: 99801
Juneau, Alaska
Do you wish to testify? Yes No Respond To Questions

16 NAME: Sara Bresser Subject/Bill No: STR-42
Co./Dept./Title: Committee for Equality Phone: _____
Address: 9365 View Dr. Zip: _____
Do you wish to testify? Yes No Respond To Questions VS STR-42

17 NAME: SUSAN HARGIS Subject/Bill No: STR-42
Co./Dept./Title: _____ Phone: _____
Address: PO Box 22493 JUNEAU Zip: 99802
Do you wish to testify? Yes No Respond To Questions RE STR-42

18 NAME: Anthony Williams Subject/Bill No: STR-42
Co./Dept./Title: _____ Phone: 789-2361
Address: 9029 Rosedale, Juneau Zip: 99801
Do you wish to testify? Yes No Respond To Questions

19 NAME: Mike Powers Subject/Bill No: STR-42
Co./Dept./Title: Pastor Phone: 789-6431
Address: 8218 Aspen / P.O. Box 34491 Juneau Zip: 99803
Do you wish to testify? Yes No Respond To Questions

20 NAME: Lawrence Woodell Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: 463-3434

Address: PO Box 20586 Juneau, AK Zip: 99802

Do you wish to testify? Yes No Respond To Questions

21 NAME: Paul B. Arnoldt Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: 785-3951

Address: 4356 Cloverdale St. Juneau Zip: 99801

Do you wish to testify? Yes No Respond To Questions

22 NAME: SID HEIDERSPUF Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: Box 658, JUNEAU Zip: _____

Do you wish to testify? Yes No Respond To Questions

23 NAME: JOHN MINAGUE Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

24 NAME: ~~HARRY BENTON~~ Subject/Bill No: ~~SJR 42~~

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

25 NAME: Daniel Collison Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

26 NAME: Marsha Buck Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

27 NAME: Jason Nelson Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

28 NAME: Gretchen Barnes Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

Against

29 NAME: Carol Hedlin Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

30

NAME: Linni Esther Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

31

NAME: John Rugemer Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions Against

32

NAME: Lauren Champagne Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

33

NAME: Sandy King Subject/Bill No: 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions For

34

NAME: Darien Wahl Subject/Bill No: 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

35

NAME: Kim POOLE Subject/Bill No: 42

Co./Dept./Title: _____ Phone: 364-2110

Address: PO Box 22848 JUNEAU Zip: 99802

Do you wish to testify? Yes No Respond To Questions

36

NAME: PAUL FLYNN Subject/Bill No: 42

Co./Dept./Title: _____ Phone: 586-0134

Address: 6739 GRAY ST Zip: 99801

Do you wish to testify? Yes No Respond To Questions

37

NAME: Jim Brayton Subject/Bill No: A2

Co./Dept./Title: _____ Phone: 789-1895

Address: P.O. Box 33872 Zip: 99803

Do you wish to testify? Yes No Respond To Questions

38

NAME: Bill Elkinton Subject/Bill No: 5842

Co./Dept./Title: _____ Phone: 789 9370

Address: 3700 McGinnis Drive Zip: 99801

Do you wish to testify? Yes No Respond To Questions SUPPORT

39

NAME: Carla Timpone Subject/Bill No: 51242

Co./Dept./Title: Committee for Equality Phone: 364-3581

Address: Box 240086 Douglas Zip: 99824

Do you wish to testify? Yes No Respond To Questions Oppose

40

NAME: SHIRLEY DEAN Subject/Bill No: SJR 42

Co./Dept./Title: JUNEAU HUMAN RIGHTS COMMISSION Phone: 364-3581

Address: BOX 240086 DOUGLAS AK Zip: 99824

Do you wish to testify? Yes No Respond To Questions OPPOSE

41

NAME: ANGELA MUÑOZ Subject/Bill No: SJR 42

Co./Dept./Title: (INDIVIDUAL) Phone: 586-4034

Address: PO BOX 22713 JUNEAU Zip: 99802

Do you wish to testify? Yes No Respond To Questions

42

NAME: SCOTT BARNES Subject/Bill No: SJR 42

Co./Dept./Title: --- Phone: 463-1962

Address: 419 2nd ST. APT # 7 Zip: 99801

Do you wish to testify? Yes No Respond To Questions

43

NAME: Leanne GRIFFIN Subject/Bill No: SJR 42

Co./Dept./Title: CITIZEN Phone: 780-6651

Address: 1405 Mary Ellen Way Zip: 99801

Do you wish to testify? Yes No Respond To Questions

44

NAME: SAMRA GREEN Subject/Bill No: SJR 42

Co./Dept./Title: CITIZEN Phone: 780-6651

Address: 1405 MARY ELLEN WAY Zip: 99801

Do you wish to testify? Yes No Respond To Questions

45
NAME: Bern Kerttula Subject/Bill No: SJR 42
Co./Dept./Title: Citizen Phone: 463-5440
Address: 10601 Horizon Dr. Juneau Zip: 99801
Do you wish to testify? Yes No Respond To Questions

46
NAME: Mary Hicks Subject/Bill No: SJR 42
Co./Dept./Title: Citizen Phone: 364-2842
Address: PO Box 22565 Juneau AK Zip: 99802
Do you wish to testify? Yes No Respond To Questions

47
NAME: Molly Hicks Subject/Bill No: SJR 42
Co./Dept./Title: Citizen Phone: 364-2174
Address: PO Box 22565 Zip: 99802
Do you wish to testify? Yes No Respond To Questions

48
NAME: Ken Mattson Subject/Bill No: SJR-42
Co./Dept./Title: citizen Phone: 789-5224
Address: 1125 Slim Williams Way Juneau Zip: 99801
Do you wish to testify? Yes No Respond To Questions

49
NAME: Nicchia Learner Subject/Bill No: SJR-42
Co./Dept./Title: citizen Phone: 364-2433
Address: 2124 Lawson Creek Rd. Zip: 99801
Do you wish to testify? Yes No Respond To Questions

50 NAME: Maurcen Longworth Subject/Bill No: SJR 42
Co./Dept./Title: M.D., citizen Phone: 586 4111
Address: 3099 Nowell Ave Juneau Zip: 99801
Do you wish to testify? Yes No Respond To Questions

51 NAME: LIN DAVIS Subject/Bill No: SJR 42
Co./Dept./Title: CAREER COUNSELOR, CITIZEN Phone: 589.4111
Address: 3099 NOWELL AVE JUNEAU Zip: 99801
Do you wish to testify? Yes No Respond To Questions

52 NAME: PEGGY BROWN Subject/Bill No: SJR 42
Co./Dept./Title: PUBLIC POLICY ANALYST Phone: 463-3254
Address: 619 EAST ST Zip: 99801
Do you wish to testify? Yes No Respond To Questions

53 NAME: Jensine Lee Subject/Bill No: SJR 42
Co./Dept./Title: _____ Phone: 790-3276
Address: Box 32532 Juneau Zip: 99803
Do you wish to testify? Yes No Respond To Questions

54 NAME: Raymond Lee Subject/Bill No: SJR 42
Co./Dept./Title: _____ Phone: 790-3276
Address: Box 32532 Juneau Zip: 99803
Do you wish to testify? Yes No Respond To Questions

55

NAME: Martha Murray Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: 364-2897

Address: 1209 2nd ST Douglas Zip: 99824

Do you wish to testify? Yes No Respond To Questions

56

NAME: Erich Deland Subject/Bill No: 42

Co./Dept./Title: _____ Phone: 364-2758

Address: 720 5th street, Douglas Zip: 99824

Do you wish to testify? Yes No Respond To Questions

57

NAME: Kelly Mangano Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: PO Box 22739 Zip: 99801

Do you wish to testify? Yes No Respond To Questions

58

NAME: Glenn Gray - oppose bill Subject/Bill No: 42

Co./Dept./Title: _____ Phone: 789-7812

Address: PO Box 33646 Juneau Zip: 99803

Do you wish to testify? Yes No Respond To Questions

59

NAME: RUSSELL CAREY Subject/Bill No: 42

Co./Dept./Title: _____ Phone: 789-7822

Address: 19296 RANDALL ROAD Zip: 99801-8208

Do you wish to testify? Yes No Respond To Questions

60 NAME: DAVID ROGERS Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

61 NAME: CAREN ROBINSON Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

62 NAME: DENISE D SHOOK Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: 463.4998

Address: 412 GASTINEAU BLVD Zip: 99801

Do you wish to testify? Yes No Respond To Questions

63 NAME: KATHY SWEENEY Subject/Bill No: SJR 42

Co./Dept./Title: _____ Phone: 463.4998

Address: 412 GASTINEAU AVE Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

64
NAME: Willie Anderson Subject/Bill No: 55R42
Co./Dept./Title: _____ Phone: 780-4190
Address: 8443 Kimberly St Zip: 99801
Do you wish to testify? Yes No Respond To Questions

65
NAME: Jean Findley Subject/Bill No: SJR 42
Co./Dept./Title: _____ Phone: 586-3259
Address: PO Box 22866 Juneau Zip: 99802
Do you wish to testify? Yes No Respond To Questions

66
NAME: Leslie Wood Subject/Bill No: SJR 42
Co./Dept./Title: _____ Phone: 364-2893
Address: 625 5th Street Douglas Zip: 99824
Do you wish to testify? Yes No Respond To Questions

67
NAME: Luke Nelson Subject/Bill No: SJR 42
Co./Dept./Title: I am in favor of SJR42 Phone: 789-5646
Address: 1081 Arctic Circle Zip: 99801
Do you wish to testify? Yes No Respond To Questions

68
NAME: Connie Nelson Subject/Bill No: SJR 42
Co./Dept./Title: I am in Favor of SJR42 Phone: 789-5646
Address: 1081 Arctic Circle Juneau, AK Zip: 99801
Do you wish to testify? Yes No Respond To Questions

4/11/98 STR 42

TIME LIMIT = 3 MI

DELTA JUNCTION

ROBT LEE	SUPPORT
DANIEL E DAVIS	SUPPORT
DEBBIE JOSLIN	SUPPORT
JO McBRIDE	SUPPORT
RUBY HARRIS	SUPPORT
PASTOR MARLIN STARVES	SUPPORT

FAIRBANKS

JEAN BATTIG	OPPOSE	
BRUCE HAMILTON	SUPPORT	
NANCY KAILING	OPPOSE	
STEPHEN KAILING	AM OPPOSE	10
LISA SLAYTON	OPPOSE	
MARI GALERAVE	OPPOSE	

DILLINGHAM

JENNIFER JONES-MOLINA	OPPOSE
DAN MOLINA	OPPOSE
STEVEN JACQUIER	OPPOSE

FAIRBANKS

PATRICK MARLOW	OPPOSE
RICHARD COLLINS	OPPOSE
JANET LEE ROBERTS	OPPOSE
MARK SCHUBAUER	OPPOSE
TIM GLADJETT	OPPOSE (20)
DENA IVEY	OPPOSE

4/1/98

(2)

BARROW

KIMBERLY MACK

OPPOSE

DELTA JUNCTION

BILL TODD

SUPPORT

DILLINGHAM

ROBERTA GILLOT

OPPOSE

FAIRBANKS

ILINA CRAMER

OPPOSE

MIKE WARDMAN

OPPOSE

KAREN MATTHEWS

OPPOSE

SHERY HARRIS

OPPOSE

PETER PINNEY

OPPOSE

JOHN COGHILL

SUPPORT (3)

JENNIFER WILLIAMSON

~~OPPOSE~~

JAMES ANDY CRUZ

OPPOSE

~~TERRY FAULTT~~

MARIANNE BABBARO

OPPOSE

TOLENE BAILEY

OPPOSE

SARAH MASTERMAN

OPPOSE

PATTY CAREN

OPPOSED

DEAN WILLOCK (3)

OPPOSED

JANNVA PIERCE

OPPOSED

RICARDO LOPEZ

OPPOSE

(39)

04/01/98
07:26:16

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80581 SCHEDULED FOR:04/01/98 07:00 TO 11:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

LOCATION:BARROW

SJR 42 MS. KIMBERLY MACK SELF TESTIFY

LOCATION:DELTA JCT.

SJR 42 MR. ROBERT LEE TESTIFY
SJR 42 MR. DAN DAVIS TESTIFY
SJR 42 MRS. DEBBIE JOSLIN TESTIFY
SJR 42 MRS. JO MCBRIDE TESTIFY
SJR 42 MRS. RUBY HARRIS TESTIFY
SJR 42 PASTOR MARLIN STARNES TESTIFY
TESTIMONY LIMI MR. BILL TODD TESTIFY

LOCATION:DILLINGHAM

SJR 42 STEVEN JACQUIER TESTIFY
SJR 42 JENNIFER JONES-MOLINA TESTIFY
SJR 42 DAN MOLINA TESTIFY

~~BILL~~ ~~TODD~~ ROBERT GILLOT

LOCATION:FAIRBANKS

SJR 42 MS. JEAN BATTIG TESTIFY
SJR 42 MR. BRUCE HAMILTON TESTIFY
SJR 42 NANCY KAILING TESTIFY
SJR 42 STEPHEN KAILING TESTIFY
SJR 42 LISA SLAYTON TESTIFY
SJR 42 MARI GALEREAVE TESTIFY

SJR 42 PATRICK MARLOW TESTIFY
SJR 42 RICHARD COLLINS TESTIFY
SJR 42 JANET LEE ROBERTS TESTIFY
SJR 42 MARK SCHUBAUER TESTIFY
SJR 42 TIM GLADIEUT TESTIFY
SJR 42 DENA IVEY TESTIFY
SJR 42 ILINA CRAMER TESTIFY
SJR 42 MIKE WARDMAN TESTIFY
SJR 42 KAREN MATTHEWS TESTIFY
SJR 42 SHERRY HARRIS TESTIFY
SJR 42 PETER PINNEY TESTIFY
SJR 42 JOHN COGHILL TESTIFY
SJR 42 JENNINE WILLIAMSON TESTIFY
SJR 42 JAMES ANDY CRUZ TESTIFY
SJR 42 TERRY FAUTH - LEFT TESTIFY

MARIANNE BABBAGE
JOLENE BAILEY
SARAH MASTERMAN
PATTY CABEN
DEAN WILCOCK
JAHNKE(?) PIERCE

04/01/98
07:03:34

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80581 SCHEDULED FOR:04/01/98 07:00 TO 11:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

LOCATION:BARROW

SJR 42 MS. KIMBERLY MACK SELF TESTIFY

LOCATION:DELTA JCT.

SJR 42 MR. ROBERT LEE TESTIFY
SJR 42 MR. DAN DAVIS TESTIFY
SJR 42 MRS. DEBBIE JOSLIN TESTIFY
SJR 42 MRS. JO MCBRIDE TESTIFY
SJR 42 MRS. RUBY HARRIS TESTIFY
SJR 42 PASTOR MARLIN STARNES TESTIFY

LOCATION:FAIRBANKS

SJR 42 MS. JEAN BATTIG TESTIFY
SJR 42 MR. BRUCE HAMILTON TESTIFY
SJR 42 NANCY KAILING TESTIFY
SJR 42 STEPHEN KAILING TESTIFY
SJR 42 LISA SLAYTON TESTIFY
SJR 42 MARI GALEREAVE TESTIFY

SJR 42 PATRICK MARLOW TESTIFY
SJR 42 RICHARD COLLINS TESTIFY
SJR 42 JANET LEE ROBERTS TESTIFY
SJR 42 MARK SCHUBAUER TESTIFY
SJR 42 TIM GLADIEUT TESTIFY

03/31/98
14:09:27

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80579 SCHEDULED FOR:03/31/98 13:00 TO 14:30
PUBLIC HEARING SENATE FINANCE

4a

LTN1150
BY:JNU
FOR:ALL

LOCATION:ANCHORAGE

SJR 42		BOB	WHEELER	TESTIFY
SJR 42		TAMI	WHEELER	TESTIFY
SJR 42		SEAN	TRIMBLE	TESTIFY
SJR 42		SUSAN	MANYAKY	TESTIFY
SJR 42		MIKE	STAFFORD	TESTIFY
SJR 42		JANETTE	SCHLERETH	TESTIFY
SJR 42		MURIEL	HOUSE	TESTIFY
SJR 42		KEVIN	SAMPSON	TESTIFY
SJR 42		AL	INCONTRO	TESTIFY
SJR 42		JAY	PAGE	TESTIFY
SJR 42		RICK	MITCHAM	TESTIFY
SJR 42		JENNIFER	RUDINGER	TESTIFY
SJR 42		HELENE	MIKES	TESTIFY
SJR 42		DON	CARTER	TESTIFY
SJR 42		TOM	RACHAL	TESTIFY
SJR 42		R.V.	NELSON	TESTIFY
SJR 42		PAUL	UTNAGE	TESTIFY
SJR 42		MARY	IHDE	TESTIFY
SJR 42		BEV	MEAD	TESTIFY
SJR 42		MATHHEW	FRIESE	TESTIFY
SJR 42		TIMOTHY	DAVIS	TESTIFY
SJR 42		ELLEN	TWINAME	TESTIFY
SJR 42		GLORIA	BONDE	TESTIFY
SJR 42		CYNDI	SAUNDERS	TESTIFY
SJR 42		GEORGE	GILCHRIST	TESTIFY
SJR 42	MS	ARTAMIS	BONA DEA	TESTIFY
SJR 42		PAMELA	MILLER	TESTIFY
SJR 42		JESSICA	MCGRATH	TESTIFY
SJR 42		BOB	TOWNSEND	TESTIFY
SJR 42		CRAIG	LAURIE	TESTIFY
SJR 42		DEBORAH	VANDRUFF	TESTIFY
SJR 42		TRANG	DUONG	TESTIFY
SJR 42		PATRICIA	MARK	TESTIFY

AKCLU

--LEFT

LOCATION:HOMER

SJR 42 MR. WALTER GAUTHIER GUARDIANS FAMILY TESTIFY

LOCATION:JUNEAU

LOCATION:KENAI LIO

SJR 42	REV.	RONALD	BLOUGH	CALVARY BAPTIST	TESTIFY
SJR 42	MS.	VICKY	DANIELS		TESTIFY
SJR 42	MR.	LARRY	COBB		TESTIFY
SJR 42	MS.	KIM	KERN		TESTIFY
SJR 42	MRS.	SUSAN	COBB		TESTIFY
SJR 42	MR.	ELMER	OVERPECK		TESTIFY

LOCATION:MATSU

SJR 42	MR	ROBERT	BRYAN	TESTIFY
SJR 42	MR	DICK	STOEFFEL	TESTIFY
SJR 42	MR	ERIC	THOMASINO	TESTIFY
SJR 42	MS	MARTY	ROZKYDAL	TESTIFY
SJR 42	MS	HELEN	MUNOZ	TESTIFY
SJR 42	MR	WILLIAM	THOMAS	TESTIFY
SJR 42	MR	HOWARD	BESS	TESTIFY

--LEFT

03/31/98

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

14:09:27

PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80579 SCHEDULED FOR:03/31/98 13:00 TO 14:30
PUBLIC HEARING SENATE FINANCE

46

BY:JNU
FOR:ALL

LOCATION:MATSU

SJR 42	MS	KATIE	HURLEY	TESTIFY
SJR 42	MR	KEITH	BRUNQUIST	TESTIFY
SJR 42	RS	KATHY	BRUNQUIST	TESTIFY

3/31/98

STR 42

(1)

AL ADAMS WALTER
HOMER → GATHIER SUPPORT

KENAT REV. RONALD BLAUGHT SUPPORT
MINILCHIC
VICKY DANIELS SUPPORT
WARMY COBB " "
KIM KERN " "
SUSAN COBB SUPPORT
ELMER OVER PECK SUPPORT

ANCHORAGE BOB WHEELER SUPPORT
TAMI WHEELER " "
SEAN TRIMBLE " "
SUSAN MANYAKY " "
MIKE STAFFORD " "
JEANETTE SCHLERETH " "
MURIEL HOUSE " "
KEVIN SANDPSON OPPOSED
AL INCONTRO " "
JAY PAGE SUPPORT
RICK MITCHAM SUPPORT

AKOM JENNIFER RUDINGER OPPOSED
HELENE MIKESH ? SUPPORT
DAN CARTER OPPOSED (20)
TOM RACHAL OPPOSED
R.V. NELSON SUPPORT

(10)

ANCHORAGE

(2)

2 MINUTE
LIMIT PASTOR

PAUL UTNAGE

SUPPORT

MARY IIDE

SUPPORT

BERT MEAD

~~SUPPORT~~ OPPOSE

MATTHEW FRIESE

SUPPORT

TIMOTHY DAVIS

SUPPORT

ELLEN TWINAME

OPPOSE

GLORIA BONDE

SUPPORT

CYNDI SAUNDERS

SUPPORT

(30)

ARTAMIS BONA DEA

OPPOSE

PAMELA MILLER

OPPOSE

~~JESSICA M. GRANT~~

BOB TOWNSEND

SUPPORT

CRAIG LAURIE

SUPPORT

MAT-SU

ROBERT BRYAN, PASTOR

SUPPORT

DICK STOEFFEL

SUPPORT

ERIC THOMASINO

~~OPPOSE~~ SUPPORT

MARTY ROEKYDAL

OPPOSE

HELEN MUNOZ

OPPOSE

~~WIM THOMAS~~

HOWARD BESS

OPPOSE

(40)

KATIE HURLEY

OPPOSE

KEITH BRUNQUIST

SUPPORT

KATY BRUNQUIST

SUPPORT

ANCH

TRANG DUONG

OPPOSE

PATRICIA MARK

OPPOSE

(45)

03/31/98
13:03:21

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:80579 SCHEDULED FOR:03/31/98 13:00 TO 14:30
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

1

LOCATION: ANCHORAGE

SJR 42	BOB	WHEELER	TESTIFY
SJR 42	TAMI	WHEELER	TESTIFY
SJR 42	SEAN	TRIMBLE	TESTIFY
SJR 42	SUSAN	MANYAKY	TESTIFY
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SJR 42	JANETTE	SCHLERETH	TESTIFY
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SJR 42	RICK	MITCHAM	TESTIFY
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SJR 42	HELENE	MIKES	TESTIFY
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SJR 42	PAUL	UTNAGE	TESTIFY
SJR 42	MARYY	IHDE	TESTIFY
SJR 42	BEV	MEAD	TESTIFY
SJR 42	MATHHEW	FRIESE	TESTIFY
SJR 42	TIMOTHY	DAVIS	TESTIFY
SJR 42	ELLEN	TWINAME	TESTIFY
SJR 42	GLORIA	BONDE	TESTIFY

AKCLU

LOCATION: HOMER

SJR 42	MR	WALTER	GAUTHIER	GUARDIANS FAMILY	TESTIFY
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LOCATION: KENAI LIO

SJR 42	REV.	RONALD	BLOUGH	CALVARY BAPTIST	TESTIFY
SJR 42	MS.	VICKY	DANIELS		TESTIFY
SJR 42	MR.	LARRY	COBB		TESTIFY
SJR 42	MS.	KIM	KERN		TESTIFY
SJR 42	MRS.	SUSAN	COBB		TESTIFY
SJR 42	MR.	ELMER	OVERPECK		TESTIFY

LOCATION: MATSU

SJR 42	MR	ROBERT	BRYAN	TESTIFY
SJR 42	MR	DICK	STOEFFEL	TESTIFY
SJR 42	MR	ERIC	THOMASINO	TESTIFY
SJR 42	MS	MARTY	ROZKYDAL	TESTIFY
SJR 42	MS	HELEN	MUNOZ	TESTIFY
SJR 42	MR	WILLIAM	THOMAS	TESTIFY
SJR 42	MR	HOWARD	BESS	TESTIFY
SJR 42	MS	KATIE	HURLEY	TESTIFY

03/31/98
13:12:49

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
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TCN:80579 SCHEDULED FOR:03/31/98 13:00 TO 14:30
PUBLIC HEARING SENATE FINANCE

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BY:JNU
FOR:ALL

2

LOCATION: ANCHORAGE

SJR 42		BOB	WHEELER		TESTIFY
SJR 42		TAMI	WHEELER		TESTIFY
SJR 42		SEAN	TRIMBLE		TESTIFY
SJR 42		SUSAN	MANYAKY		TESTIFY
SJR 42		MIKE	STAFFORD		TESTIFY
SJR 42		JANETTE	SCHLERETH		TESTIFY
SJR 42		MURIEL	HOUSE		TESTIFY
SJR 42		KEVIN	SAMPSON		TESTIFY
SJR 42		AL	INCONTRO		TESTIFY
SJR 42		JAY	PAGE		TESTIFY
SJR 42		RICK	MITCHAM		TESTIFY
SJR 42		JENNIFER	RUDINGER	AKCLU	TESTIFY
SJR 42		HELENE	MIKES		TESTIFY
SJR 42		DON	CARTER		TESTIFY
SJR 42		TOM	RACHAL		TESTIFY
SJR 42		R. V.	NELSON		TESTIFY
SJR 42		PAUL	UTNAGE		TESTIFY
SJR 42		MARY	IHDE		TESTIFY
SJR 42		BEV	MEAD		TESTIFY
SJR 42		MATHHEW	FRIESE		TESTIFY
SJR 42		TIMOTHY	DAVIS		TESTIFY
SJR 42		ELLEN	TWINAME		TESTIFY
SJR 42		GLORIA	BONDE		TESTIFY
SJR 42		CYNDI	SAUNDERS		TESTIFY
SJR 42		GEORGE	GILCHRIST		TESTIFY
SJR 42	MS	ARTAMIS	BONA DEA		TESTIFY
SJR 42		PAMELA	MILLER		TESTIFY
SJR 42		JESSICA	MCGRATH		TESTIFY

LOCATION: HOMER

SJR 42	MR	WALTER	GAUTHIER	GUARDIANS FAMILY	TESTIFY
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LOCATION: KENAI LIO

SJR 42	REV.	RONALD	BLOUGH	CALVARY BAPTIST	TESTIFY
SJR 42	MS.	VICKY	DANIELS		TESTIFY
SJR 42	M.	LARRY	COBB		TESTIFY
SJR 42	MS.	KIM	KERN		TESTIFY
SJR 42	MRS.	SUSAN	COBB		TESTIFY
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SJR 42	MR	WILLIAM	THOMAS		TESTIFY
SJR 42	MR	HOWARD	BESS		TESTIFY
SJR 42	MS	KATIE	HURLEY		TESTIFY

03/31/98
13:29:35

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
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TCN:80579 SCHEDULED FOR:03/31/98 13:00 TO 14:30
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

3

LOCATION: ANCHORAGE

SJR 42		BOB	WHEELER	TESTIFY
SJR 42		TAMI	WHEELER	TESTIFY
SJR 42		SEAN	TRIMBLE	TESTIFY
SJR 42		SUSAN	MANYAKY	TESTIFY
SJR 42		MIKE	STAFFORD	TESTIFY
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SJR 42		KEVIN	SAMPSON	TESTIFY
SJR 42		AL	INCONTRO	TESTIFY
SJR 42		JAY	PAGE	TESTIFY
SJR 42		RICK	MITCHAM	TESTIFY
SJR 42		JENNIFER	RUDINGER	TESTIFY
CJR 42		HELENE	MIKES	TESTIFY
SJR 42		DON	CARTER	TESTIFY
SJR 42		TOM	RACHAL	TESTIFY
SJR 42		R. V.	NELSON	TESTIFY
SJR 42		PAUL	UTNAGE	TESTIFY
SJR 42		MARY	IHDE	TESTIFY
SJR 42		BEVET	MEAD	TESTIFY
SJR 42		MATTHEW	FRIESE	TESTIFY
SJR 42		TIMOTHY	DAVIS	TESTIFY
SJR 42		ELLEN	TWINAME	TESTIFY
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SJR 42		CYNDI	SAUNDERS	TESTIFY
SJR 42		GEORGE	GILCHRIST	TESTIFY
SJR 42	MS	ARTAMIS	BONA DEA	TESTIFY
SJR 42		PAMELA	MILLER	TESTIFY
SJR 42		JESSICA	MCGRATH	TESTIFY
SJR 42		BOB	TOWNSEND	TESTIFY
SJR 42		CRAIG	LAURIE	TESTIFY

AKCLU

LEFT

LEFT

LOCATION: HOMER

SJR 42 MR WALTER GAUTHIER GUARDIANS FAMILY TESTIFY

LOCATION: KENAI LIO

SJR 42	REV.	RONALD	BLOUGH	CALVARY BAPTIST TESTIFY
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SJR 42	MS	HELEN	MUNOZ	TESTIFY
SJR 42	MR	WILLIAM	THOMAS	TESTIFY
SJR 42	MR	HOWARD	BESS	TESTIFY
SJR 42	MS	KATIE	HURLEY	TESTIFY
SJR 42	MR	KEITH	BRUNQUIST	TESTIFY
SJR 42	RS	KATHY	BRUNQUIST	TESTIFY

10

APRIL 2, 1998

OPPOSITION TO SJR-42

Can You Hear the Call to Violence?

Delta Junction.

April 1, 1998.

Testimony for 42.

Baptist pastor passionately declares 'the Bible says homosexuals should be stoned to death.' Then continues, 'and we should add people who live together without being married.'

Can't you hear it? It's a call to violence. Clear and simple and with the authority of God implied in it.

This kind of violent rhetoric can be all it takes for already-violent people to lash out against gay and lesbian citizens.

This kind of violent rhetoric can be the last straw that leads someone to feel overwhelmed enough to commit suicide. Not because they're gay, but because they despair of life when they're so condemned by so many.

This is not imaginary fear of violence. In states where statewide anti-gay ballot campaigns have raged, violence against homosexuals — and against those perceived to be homosexual whether they in fact were or not — rose dramatically. For example:

From January 1992 to early December 1994, a total of 151 known anti-gay murders were reported to gay victim assistance groups nationwide. This includes 59 murders in 1994; 62 in 1993; and 30 in 1992. "One way to look at this data," said the letter to Janet Reno, "is that in the years since anti-gay initiatives emerged on the scene in Oregon, Colorado, Idaho and Maine, and made national headlines, anti-gay murders have almost doubled."

"In 1992, the Lesbian Community Project in Portland, OR, tallied 968 incidents of anti-gay violence, more than any other gay victim service agency in the U.S. in that year. Measure 9, defeated by voters, was introduced in Oregon in 1992 by the Oregon Citizens Alliance and included sensationalistic rhetoric such as bestiality and other homosexual "perversities." Hattie Mae Cohen, a lesbian, and Brian Mock, a gay man, were killed when their home in Oregon was firebombed during the 1992 ballot battle."

[Excerpts = letter from National Gay Lesbian Task Force to Attorney General Janet Reno in December 1995.]

Alaskan legislators — only you can stop this kind of violence from starting in Alaska. If SJR-42 goes to the ballot, no one can stop it. The call to violence is sounding already. Please -- leave the marriage debate in the courts. Leave the religious debate in the churches. There's no need to prematurely pass a bill that you know endangers innocent people. **Vote no on SJR-42.**

Sara Boesser Board member

Committee for Equality

Box 34202

Juneau

99803

SJR

42

File 5

SFIN

FILE

**PUBLIC
TESTI-
MONY**

**PUBLIC
COMMENTS**

FOR

SJR 42



PEOPLE FOR THE AMERICAN WAY

Your Voice Against Intolerance

March 11, 1998

Senator Bert Sharp
State Capitol
Juneau, Alaska 99801-1182

Re: Senate Joint Resolution No. 42

Dear Senator Sharp:

I am writing on behalf of People For the American Way and our more than 700 Alaska members in opposition to Senate Joint Resolution No. 42, a mean-spirited and harmful piece of legislation that would, if passed by the legislature and approved by the electorate, amend the state Constitution by defining valid marriages as only those between persons of the opposite sex, and by prohibiting any other provision of the Constitution from being construed to require the state to recognize same-sex marriages. SJR-42 is unwise, unfair, and divisive. It violates the federal Constitution's requirement that all persons be guaranteed the equal protection of the laws, and it is completely contrary to Alaska's long tradition of individual liberty and its spirit of "live and let live." We strongly urge you to vote against it.

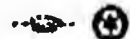
As you know, SJR-42 was hurriedly introduced following the recent decision by a state Superior Court Judge in Brause v. Bureau of Vital Statistics that the right to choose one's marital partner is a fundamental right, and that, in the absence of a compelling interest, the state may not discriminate against gay men and lesbians by prohibiting them from exercising their right to marry the person of their choice. The court did not hold that the state must recognize same-sex marriages, but has given the state the opportunity to prove whether a compelling interest exists to prohibit same-sex marriages. SJR-42 would pre-empt the judicial process. Moreover, it would place a matter of fundamental civil rights -- the right to choose one's partner -- up to a statewide vote, an unseemly and expensive undertaking that is certain to create needless divisiveness within the state. All of these are reasons why SJR-42 should be rejected.

In addition, there is no legitimate reason for the proposed amendment. Some opponents of equal marriage rights for gay men and lesbians cite procreation and parenting as "reasons" for their position. These individuals completely ignore the fact that many gay and lesbian couples have children and are raising them successfully, while many heterosexual couples do not have children, and are not required to promise to do so in order to obtain a marriage license. And as a court in Hawaii recently found, based on the testimony of expert witnesses,

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Washington DC 20036

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pfaw@pfaw.org / E-mail
<http://www.pfaw.org>



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the single most important factor in the development of a happy, healthy and well-adjusted child is the nurturing relationship between parent and child. . . . The sexual orientation of parents is not in and of itself an indicator of parental fitness . . . [nor] does [it] automatically disqualify them from being good, fit, loving or successful parents. The sexual orientation of parents is not in and of itself an indicator of the overall adjustment and development of children. Gay and lesbian parents and same-sex couples have the potential to raise children that are happy, healthy and well-adjusted.

Baehr v. Miike, 1996 WL 694235, *16 (Hawaii Cir. Court, Dec. 3, 1996).

Some opponents of same-sex marriage have also urged passage of anti-gay-marriage legislation such as SJR-42 on religious grounds, invoking their views of God and the Bible to deny equal marriage rights to gay men and lesbians. But the only issue here is the institution of civil marriage, i.e., whether the state will deny legal recognition to the marriage of two men or two women. The separate institution of religious marriage is simply not involved. And just as the First Amendment of the federal Constitution prohibits the government from compelling any religious group to perform a marriage ceremony between any two people, it prohibits the government from using the religious beliefs of some to deny equal rights to gay men and lesbians.

We have been appalled at the efforts that some people in this country have undertaken to deny gay men and lesbians the equal right to participate in civil marriage, and at the vehemence of their rhetoric. Committed, long-term, loving relationships are a good thing; most of us hope for them and work toward them, and try to keep them once we have them. If a gay or lesbian couple seeks to take on the responsibilities and obligations of civil marriage, the state should not prevent them from doing so. Certainly the state of Alaska has no quota on love or on marriage licenses. Giving legal recognition to the marriages of gay and lesbian couples will not in any way prevent other couples from marrying or affect those marriages. Indeed, the notion that it is necessary to prohibit same-sex marriages in order to "defend" the institution of marriage is absurd.

SJR-42 has not been proposed in a vacuum. It is part and parcel of a concerted effort to deny equal marriage rights to gay men and lesbians across this country, an unwise and unlawful goal that Alaska should not assist in bringing about. Throughout this state, thousands of gay men and lesbians have formed loving and committed relationships. They work, they pay taxes, they contribute to their communities, and many are raising children, just like heterosexual couples. Nonetheless, all of these families are denied the legal rights, benefits, and protections that accompany civil marriage. This is not only

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Page 3

unfair and unconstitutional, it is significantly harmful to the families involved. For example, if one partner becomes critically ill, or is taken to the hospital following an accident, the other partner may be prohibited from making urgent and necessary medical decisions, or even from visiting his or her partner in the hospital in the first place. Gay and lesbian couples generally lack access to "spousal" or "family" health insurance coverage. They may be denied bereavement or sick leave to care for a partner or child. They cannot inherit automatically from each other in the absence of a will. The list goes on and on.

In addition, denying legal recognition to same-sex marriages deprives the children of gay and lesbian couples of a legal relationship with their non-biological parent. This situation is harmful to the interests of such children, since the non-biological parent may often find himself or herself prohibited by third parties (such as teachers, doctors, and hospitals) from making decisions critical to his or her child's health, education or welfare, a particularly dangerous situation when the other parent is unavailable. It cannot be denied that the legal rights and protections that accompany civil marriage in this country are many and significant.

Indeed, the United States Supreme Court has made it clear that marriage is a fundamental federal right, and that a state may not deprive any individual of the right to marry in the absence of a compelling state interest. See, e.g., Zablocki v. Redhall, 434 U.S. 374 (1978); Loving v. Virginia, 388 U.S. 1 (1967). As the Court stated in Loving, "[t]he freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men." 388 U.S. at 12. The proponents of SJR-42 have failed to demonstrate any legitimate governmental interest that would be served by the proposed amendment, let alone a compelling one.

SJR-42 is also unconstitutional because it violates the Equal Protection Clause of the 14th Amendment of the federal Constitution, which prohibits a state from denying the equal protection of the laws to any person. This provision prohibits a state from enacting legislation based on animus toward gay men and lesbians, Romer v. Evans, 116 S. Ct. 1620 (1996), clearly the true impetus for SJR-42. Like the anti-gay measure struck down in Romer, SJR-42 "seems inexplicable by anything but animus toward the class that it affects...." 116 S. Ct. at 1627. Indeed, the fact that the proposal singles out one specific set of marriages for the discriminatory treatment of non-recognition, as well as its quick introduction following the court's preliminary decision in Brause, underscore its impermissible intent.

Finally, we urge you to keep in mind that, not long ago, interracial marriage was prohibited in many states. In defending Virginia's "anti-miscegenation" law, which made

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Page 4

interracial marriage a felony punishable by five years in prison, a state judge declared that:

"Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."

Loving v. Virginia, 388 U.S. 1, 3 (1967) (quoting a Virginia trial judge).

Our society today considers this argument as clearly intolerable, only several decades after it was made by a state court judge. The arguments now being offered in opposition to same-sex marriage are equally so, born out of the same type of intolerance, fear and prejudice toward those "different" from the majority. Our society must aspire to be better than that, and should not repeat the mistakes of the past. For all these reasons, we urge you to reject SJR-42.

Thank you for your consideration of this letter.

Sincerely,

Carole Shields

Carole Shields
President

cc: All state legislators

FORUM / LETTERS

Hawaii's step toward gay marriage too far for U.S.

By LISA SCHIFFREN

As study after study and victim after victim testify to the social devastation of the sexual revolution, easy divorce and out-of-wedlock motherhood, marriage is fashionable again.

And parenthood has transformed many baby boomers into advocates of bourgeois norms.

Indeed, we have come so far that the surprise issue of the political season is whether homosexual "marriage" should be legalized. The Hawaii courts will likely rule that gay marriage is legal, and other states will be required to accept those marriages as valid.

Considering what a momentous change this would be — a radical redefinition of society's most fundamental institution — there has been almost no real debate. This is because the premise is unimaginable to many, and the forces of political correctness have descended on the discussion, raising the cost of opposition.

But one may feel the same

affection for one's homosexual friends and relatives as for any other, and be genuinely pleased for the happiness they derive from relationships, while opposing gay marriage for principled reasons.

"Same-sex marriage" is inherently incompatible with our culture's understanding of the institution. Marriage is essentially a lifelong compact between a man and a woman committed to sexual exclusivity and the creation and nurture of offspring.

For most Americans, the marital union — as distinguished from other sexual relationships and legal and economic partnerships — is imbued with an aspect of holiness. Though many of us are uncomfortable using religious language to discuss social and political issues, Judeo-Christian morality informs our view of family life.

Though it is not polite to mention it, what the Judeo-Christian tradition has to say about homosexual unions could not be clearer. In a diverse,

open society such as ours, tolerance of homosexuality is a necessity.

But for many, its practice depends on a trick of cognitive dissonance that allows people to believe in the Judeo-Christian moral order while accepting, often with genuine regard, the different lives of homosexual acquaintances. That is why, though homosexuals may believe that they are merely seeking a small expansion of the definition of marriage, the majority of Americans perceive this change as a radical deconstruction of the institution.

Some make the conservative argument that making marriage a civil right will bring stability, an end to promiscuity and a sense of fairness to gay men and women. But they miss the point.

Society cares about stability in heterosexual unions because it is critical for raising healthy children and transmitting the values that are the basis of our culture.

Whether homosexual relationships endure is of little concern

to society. That is also true of most childless marriages, harsh as it is to say. Society has wisely chosen not to differentiate between marriages, because it would require meddling into the motives and desires of everyone who applies for a license.

In traditional marriage, the tie that really binds for life is shared responsibility for the children.

A small fraction of gay couples may choose to raise children together, but such children are offspring of one partner and an outside contributor. What will keep gay marriages together when individuals tire of each other?

Similarly, the argument that legal marriage will check promiscuity by gay males raises the question of how a "piece of paper" will do what the threat of AIDS has not. Lesbians seem to have little problem with monogamy, or the rest of what constitutes "domestication," despite the absence of official status.

Finally, there is the so-called

fairness argument. The government gives tax benefits, inheritance rights and employee benefits only to the married. Again, these financial benefits exist to help couples raise children. Tax reform is an effective way to remove distinctions among earners.

If the American people are interested in a radical experiment with same-sex marriages, then subjecting it to the political process is the right route. For a court in Hawaii to assume that it has the power to radically redefine marriage is a stunning abuse of power.

To present homosexual marriage as a fait accompli, without national debate, is a serious political error. A society struggling to recover from 30 years of weakened norms and broken families is not likely to respond gently to having an institution central to most people's lives altered.

□ Lisa Schiffren was a speechwriter for Vice President Dan Quayle.

To The Senators of Alaska,

I urge you to support SJR 42. Please consider all the effects of honoring homosexual marriage. Do you really want a homosexual couple to be able to adopt? To teach a poor parentless child about love, life, family, home, sex, devotion, reality. It was not so long ago that the thought of having to remind society that boys + girls went to the prom + men + women have sex, that mom + dad were male + female would have seemed ridiculous. I cannot believe I have lived to see the day when such a letter became necessary. Please come back to common sense + stability of doing what's right, support SJR 42.

Sincerely

Glen Cotton

FAX MEMO

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TO: FINANCE COMMITTEE
AK ST LEGISLATURE

DATE: 3/23/98
FROM: NELDA OSGOOD

COMMENTS: I HAVE LIVED IN ALASKA SINCE 1946
AND CANNOT BELIEVE THAT I MUST NOW
SIT DOWN AND WRITE A MEMO SUCH AS THIS.
MARRIAGE OTHER THAN BETWEEN ONE MAN
AND ONE WOMAN IS WRONG. HOMOSEXUAL
ACTIVITY MUST NOT BE LEGALLY ELEVATED
TO THE STATUS OF NORMAL, ACCEPTABLE
BEHAVIOR. IF GOD HAD WANTED IT SO,
HE WOULD HAVE PLUMBED US DIFFERENTLY.
DO THE 'RIGHT THING. PROMOTE STRONG,
HEALTHY ALASKAN FAMILIES. SUPPORT STR 42.

THANK YOU !