

Timeline: Relationship Recognition in Hawai`i

1990 Three Honolulu same-sex couples are denied marriage licenses. They file suit a few months later against John Lewin, then director of the Hawai`i Department of Health.

1991 Circuit Court dismisses the case and plaintiff couples appeal.

1992 Hawai`i Supreme Court agrees to hear plaintiffs' appeal. Lambda Legal and the ACLU of Hawai`i file friend-of-the-court briefs supporting plaintiff couples.

1993 Hawai`i's high court issues first-of-a-kind ruling in *Baehr v. Lewin* that denying lesbian and gay couples the right to marry is discrimination based on sex that violates the equal protection guarantees of the state constitution unless supported by the most persuasive of government justifications. The ruling launches the modern freedom to marry movement nationwide. The case is sent back to the lower court, this time with the burden on the state to prove that denying the plaintiffs the right to marry serves a compelling state interest. Lambda Legal joins the case as co-counsel for the plaintiffs.

1996 Case recaptioned as *Baehr v. Miike* (reflecting new state health director). Circuit court conducts a full trial, complete with expert witnesses testifying on both sides about the state's claimed need to deny same-sex couples marriage to benefit children. On cross-examination, state's witnesses agree that gay people make fine parents and that marriage discrimination hurts children. Court concludes state's arguments lack merit and that same-sex couples must be allowed to marry. State appeals back to state high court.

1997 Legislature approves a proposed constitutional amendment that would allow legislature to restrict marriage just to different-sex couples, and prevent courts from ordering that same-sex couples be able to marry. As a compromise, the legislature also enacts Hawai`i's "reciprocal beneficiaries law" for same-sex couples and others who cannot marry, which provides only limited rights and responsibilities.

1998 Voters approve proposed amendment, writing into the state's constitution: "The legislature shall have the power to reserve marriage to opposite-sex couples."

1999 Hawai`i's high court rules that, following the constitutional amendment, Hawai`i's courts no longer can protect lesbian and gay individuals under the state constitution with regard to their freedom to marry and that *Baehr v. Miike* is moot because it cannot order issuance of marriage licenses to same-sex couples. Court does not alter prior ruling that disfavored treatment of lesbian and gay couples is sex discrimination requiring strict judicial scrutiny, and that sexual orientation discrimination is a form of sex discrimination.

1999 A bill is introduced in the Hawai`i legislature that would establish domestic partnership for unmarried gay and straight couples, giving them the same rights as married spouses. It dies without action by the end of the legislative session in 2000.

2001 A bill is introduced in the state legislature to establish civil unions for same-sex couples, entailing comprehensive rights and responsibilities under state law. It dies without action by the end of the two-year session.

2003 A bill to establish civil unions for same-sex couples again is introduced and dies without action at the end of the session in 2004.

2005 A civil unions bill again is introduced and again dies without action by the end of the session in 2006.

2007 Senate Democrats introduce a civil unions bill in January. That bill, too, dies without action by the end of the session in 2008.

February 2009 The Hawai`i House passes HB 444 by a wide margin, which would have allowed same-sex couples to access comprehensive rights and responsibilities under state law by entering civil unions.

May 2009 The Senate amends HB 444 to allow unmarried heterosexual couples to enter civil unions. The bill is carried over to the 2010 session.

January 2010 The Senate passes HB 444 with a veto-proof majority and sends it back to the House for a conforming vote. House Speaker Calvin Say moves to indefinitely postpone a vote. Lambda Legal and the ACLU of Hawai`i announce they will file suit if the bill is abandoned.

April 29, 2010 The House passes HB 444 after the budget bills on the last day of the legislative session, giving Governor Linda Lingle until July 6 to sign, veto or allow the bill to become law without her signature. Lambda Legal and the ACLU postpone their lawsuit pending action by the Governor.

July 6, 2010 Governor Lingle vetoes HB 444.

July 29, 2010 Lambda Legal and the ACLU of Hawai`i sue Governor Lingle and the State of Hawai`i on behalf of six same-sex couples seeking to protect their families through civil union.