



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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HAWAII MARRIAGE EQUALITY ACT UPHELD AS CONSTITUTIONAL

HONOLULU – On January 29, 2014, state court Judge Karl Sakamoto upheld the Hawaii Marriage Equality Act of 2013, declaring it constitutional under both the state and federal constitutions. Attorney General David M. Louie said that Judge Sakamoto’s ruling “unequivocally affirmed the right of people to marry the person they love without regard to gender.” He continued stating “this is a very good day for the people of Hawaii.”

In October 2013, Hawaii State Representative Bob McDermott and three other individuals challenged the constitutionality of the Hawaii Legislature’s authority to enact a law that would allow same-sex couples to marry in Hawaii. Judge Sakamoto, in earlier rulings, had denied plaintiffs’ request that the State be preliminarily enjoined from enacting the Hawaii Marriage Equality Act of 2013 and then the implementation of the law. On Wednesday, Attorney General Louie asked the Court to enter final judgment in favor of the Defendants, Governor Abercrombie and the Director of the Department of Health. The Court agreed to do so.

In his ruling from the bench, Judge Sakamoto noted the importance of marriage under the federal constitution, drawing an analogy to Loving v. Virginia, the landmark United States Supreme Court case that struck down state laws banning inter-racial marriage. He concluded that the Marriage Equality Act is consistent with Article I, section 23 of the Hawaii State Constitution, and that “same-sex marriage is legal.”

The Hawaii Marriage Equality Act went into effect on December 2, 2013, making the State of Hawaii the 15th State to recognize marriage equality. The State Department of Health’s records show that more than 670 same-sex couples have married in Hawaii since then. In addition, more than 230 same-sex couples have requested licenses to marry, meaning that the number of same-sex couples married in Hawaii will soon exceed 900.

Attorney General Louie stated he was not surprised by Judge Sakamoto's ruling, and continued, "We are particularly pleased that the Court ruled expeditiously, because we do not want any uncertainty for the many couples who have chosen to take advantage of this law. Marriage equality is the law of the land in Hawaii."

Judge Sakamoto's ruling ends the case in the circuit court. Plaintiffs will have the option of appealing Judge Sakamoto's decision after the final judgment is entered.

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