

AMERICAN CIVIL LIBERTIES UNION
OF HAWAII FOUNDATION
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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

PARENTS, FAMILY, FRIENDS) CIVIL NO. _____
OF LESBIANS AND GAYS) (Injunctions)
(PFLAG), a non-profit)
organization, by and through)
MICHAEL GOLOJUCH, acting on) **COMPLAINT FOR**
his own behalf and on behalf of) **INJUNCTIVE RELIEF;**
members of the organization; THE) **SUMMONS**
CENTER, an unincorporated)
association, by and through KEN)
MILLER, acting on his own behalf)
and on behalf of members of the)
association; and the GAY)
LESBIAN BISEXUAL AND)
TRANSGENDER FAMILY)
NETWORK, an unincorporated)
association, by and through)
WILLIAM WOODS, acting on his)
own behalf and on behalf of)
members of the association,)
Plaintiffs,)
)
)
vs.)
)
)
CITY AND COUNTY OF)
HONOLULU; JEREMY HARRIS,)
in his official capacity as Mayor of)
the City and County of Honolulu;)
MALCOLM TOM, in his official)

capacity as Deputy Managing)
 Director of the City and County of)
 Honolulu; ALVIN AU, in his)
 official capacity as Deputy Director)
 of Facility Maintenance for the)
 City and County of Honolulu;)
 PAULETTE WILLIAMS, in her)
 capacity as Chair of the Family)
 Day Parade Committee;)
 GARRETT HASHIMOTO, in his)
 capacity as Chair of the Family)
 Day Executive Committee; and the)
 HAWAII CHRISTIAN)
 COALITION,)
)
 Defendants.)
 _____)

COMPLAINT

Introduction

1. This is an action for injunctive and declaratory relief on behalf of three community groups who have been denied the right to march in the upcoming Family Day Parade being jointly sponsored by Defendants City and County of Honolulu (the “City”) and the Hawaii Christian Coalition on July 5, 2003.

Defendants City and the Hawaii Christian Coalition have excluded plaintiffs from the Family Day parade based solely upon the content of their message, namely their message in support of lesbian, gay, bisexual, and transgender families and children, and because of who they are, namely members or friends of the lesbian, gay, bisexual, and transgender community in Honolulu.

2. This content and viewpoint-based restriction on speech and discrimination in a public forum violates one of the most cherished principles of our society: the government may not censor speech based upon its content or discriminate against certain speakers based upon their viewpoint. Without an order from this court requiring the Defendants to permit the plaintiffs to march in the Family Day parade, the plaintiffs will suffer irreparable harm in that they will be deprived of their right to assemble and associate with each other and express their message and identity in a public forum, in violation of the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, and Article I, Section 4 of the Hawaii State Constitution.

Jurisdiction and Venue

3. This Court has jurisdiction of this case under 28 U.S.C. § 1331. Plaintiffs invoke the pendant jurisdiction of this Court to hear their state law claims.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

5. Declaratory and injunctive relief are authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

6. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of law, of rights secured by the United States Constitution.

Parties

7. Plaintiff Michael Golojuch, Jr. brings this action on his own behalf and as a representative member of Parents, Family, and Friends of Lesbian and Gays of Oahu (PFLAG-Oahu), a non-profit organization. He is a resident and taxpayer of the City and County of Honolulu.

8. PFLAG-Oahu is a non-profit organization based in Honolulu that is dedicated to enlightening the public about issues surrounding sexual orientation and gender identity, and providing support and advocating for equality for members of the gay, lesbian, bi-sexual, transgender and intersex community.

PFLAG-Oahu brings this action by and through its member Michael Golojuch, Jr.

9. Plaintiff Ken Miller brings this action on his own behalf and as a representative member of The Center, an unincorporated association. He is a resident and taxpayer of the City and County of Honolulu.

10. The Center is an unincorporated association based in Honolulu that provides services and programs to the local lesbian, gay, bisexual, transsexual, intersex and questioning (LGBTIQ) communities. The Center sought to join the Family Day parade in order to celebrate the various LGBTIQ families of Hawaii and their children as part of family day. The Center intended to focus on the positive images of LGBTIQ couples and their children and how they contribute to a healthy

Hawaiian community. The Center brings this action by and through its member Ken Miller.

11. Plaintiff William Woods brings this action on his own behalf and as a representative member of the Gay, Lesbian Bisexual, and Transsexual (GLBT) Family Network, an unincorporated association. He is a resident and taxpayer of the City and County of Honolulu.

12. The GLBT Family Network is an unincorporated association based in Honolulu. The GLBT Family Network seeks to join the Family Day parade as a visual testament to the diversity and reality of lesbian, gay, bisexual, and transsexual families. The families represent couples religiously married, single parents, and families without children as a demonstration of the variety of real and caring lesbian, gay, bisexual, and transsexual families. GLBT Family Network brings this action by and through its member, William Woods.

13. Defendant City and County of Honolulu is a municipality established by the laws of the State of Hawaii.

14. Defendant Jeremy Harris is the Mayor of the City and County of Honolulu and is named here as a Defendant in his official capacity as the Mayor of the City and County of Honolulu. At all times herein, Defendant Harris was acting under color of state law.

15. Defendant Malcolm Tom is Deputy Managing Director of the City and County of Honolulu and has been charged with overall responsibility for organizing the Family Day Festival for the City, and is named here as a Defendant in his official capacity. At all times herein, Defendant Tom was acting under color of state law.

16. Defendant Alvin Au is Deputy Director of Facility Maintenance for the City and County of Honolulu and is the City Co-chair for the City Family Day parade committee, named here as a Defendant in his official capacity. At all times herein, Defendant Au was acting under color of state law.

17. Defendant Paulette Williams is the community chair for the City Family Day parade committee. She also represents the interests of Keys to the Kingdom Ministries and the Christian Coalition on the Family Day parade committee. Defendant Williams is named here as a Defendant in her official capacity as chair of the parade committee. At all times relevant herein, Defendant Williams was acting under color of state law.

18. Defendant Garrett Hashimoto is the chair for the City Family Day executive committee. He is also State Chairman of the Hawaii Christian Coalition. Defendant Hashimoto is named here as a Defendant in his official capacity as chair of the City Family Day executive committee. At all times relevant herein, Defendant Hashimoto was acting under color of state law.

19. Defendant Hawaii Christian Coalition is a religiously motivated political organization whose mission is “mobilize Christians across denominational lines” in order to influence government policy according to the group’s Christian religious doctrine and beliefs. Defendant Hawaii Christian Coalition is named here in its capacity as a joint sponsor with the City and County of Honolulu of the Family Day Festival, including the Family Day Parade. At all times relevant herein, Defendant Hawaii Christian Coalition was acting under color of state law.

Facts

A. Defendants Have Refused To Allow Plaintiffs to Join the Family Day Parade Based Upon Their Viewpoint and the Content of Their Speech

20. The City and County of Honolulu will host a “Family Day Festival” on July 5, 2003 from 10:00 am to 9:30 pm in the City and County of Honolulu. Family Day is cosponsored by the City and County of Honolulu and the Hawaii Christian Coalition, and the City and the Hawaii Christian Coalition have jointly planned and coordinated the Family Day event.

21. According to its website, the mission of the Hawaii Christian Coalition is to “mobilize Christians across denominational lines with a unified pro-family voice that is having a powerful impact on our government.” The Christian Coalition of America is “working to promote Christian values in government on a local, state, and national level.”

22. Applications and information posted on the City website direct individuals wishing to participate in the Family Day Festival to send checks directly to Christian Family Charities, which is acting as a check-receiving agency for the Hawaii Christian Coalition.
23. The City has extensively advertised the Family Day Parade using taxpayer funds through a variety of means including flyers, radio commercials, the City website, and posters in City buildings and on City buses.
24. The City has bought advertising space on KSSK and KINE radio stations advertising the Family Day Parade.
25. The City has also bought and paid for an advertisement in the Honolulu Star-Bulletin advertising the Family Day Parade.
26. According to City advertisements, the “Family Day Festival” will include a parade, entertainment, displays, food, fireworks, and a movie.
27. A variety of participants will take part in the Family Day Parade including from local and mainland bands, floats, clowns, a string of City vehicles, characters like Pineapple Pete and Chuck E. Cheese, marching groups from community organizations and over 30 “classic” cars.
28. The parade was described as “an enormous community parade” by a “Neighbor to Neighbor” City newsletter promoting the Family Day Parade and mailed out by the Mayor’s Office.

29. Information posted on the City website invited the public to join the parade and stated: “Everyone is welcome to join this parade.”
30. The City is supplying city vehicles for the parade, including city police vehicles, fire trucks, and city trailers for use as floats. The City has obtained and is providing two lowboys and three flatbed trucks to be used in the parade. These vehicles will be decorated by Hawaii Christian Coalition Volunteers and used as floats in the parade.
31. The City has also procured the use of military vehicles for use in the parade by representing the parade as a city event.
32. City officials secured the use of Ft. DeRussey Armed Services Recreational Area as a staging area for the Family Day Parade. In securing Ft. DeRussey, City officials represented the parade to Hale Koa officials as a City event.
33. The City Parks Department intends to provide city workers to clean the staging area after the parade.
34. The City Board of Water Supply intends to provide a water wagon to accompany the parade.
35. Corporation Counsel of the City and County of Honolulu prepared applications for the parade, the food booths and the public service booths, including the applications that requested checks to be sent to Christian Family Charities

36. The City Park and Recreation Summer Fun program plans to bus in four to six thousand children specifically for the parade.
37. The City has dedicated the time of numerous City employees to help plan, organize and execute the Family Day Festival, including the Family Day Parade.
38. The City has spent, and will spend, thousands of dollars of taxpayer money on the Family Day Parade.
39. Defendant Malcolm Tom, Deputy Managing Director for the City and County of Honolulu, has headed weekly organizing meetings for the Family Day Festival in the Mayor's Conference Room for the past two months.
40. Information posted on the City website advertising the parade and other Family Day events states: "Representatives of all participating groups are invited to attend organizing meetings each Wednesday at 2:30pm in the Mayor's Conference Room on the 3rd floor of City Hall at 530 South King Street."
41. Defendant Tom has repeatedly stated at these organizing meetings, including the meeting on June 18, 2003, that Family Day is a City event.
42. On June 25, 2003, Defendant Tom noted at a public meeting discussing the Family Day Event, "we are totally in charge of the parade area," and noted that the City would move any cars in the area.
43. Defendant Tom also noted that city employees would be paid overtime on Friday and Saturday to "make sure that the parade happens." Concerning the

parade, he further noted to an audience comprised of city and community members that they would “sink or swim together.”

44. Over 20 organizing committees have been set up to by the City to plan for the Family Day event. These committees include, but are not limited to, the executive committee, parade committee, float committee, community entertainment committee, songfest committee, children’s games committee and the marketing committee.

45. Each committee, with the exception of the executive committee and the movie committee, is composed of “community members” and “city members” and each committee has a community chair and a city co-chair.

46. Community members of the City Family Day Parade Committee include Paulette Williams of Keys to the Kingdom Ministries, Marcia Harris of Emmanuel Temple, Sherri Vallejo of the Pearl City Foundation, Ruth Fiaseu of the Pacific Revival Center, Vince De Bina of the Palama Settlement, Pohai Ryan of the Kailua Chamber of Commerce, Lisa Kim of the Waikiki Improvement Association, and Lilly Gabriel of Civil Air Patrol (CAP).

47. City members of the City Family Day Parade Committee include Alvin Au, Jerry Silva, Salvatore Lanziolotti, Keoki Miyamoto, Ty Fukumitsu, Lynette Char, Wes Wong, David Jenkins, Skippa Diaz, Doug Aton, Nelson Fujii, and Ken Saito.

48. Defendant Williams is the community chair of the City Family Day Parade Committee and Defendant Au is the City co-chair.

49. The assistance that the City has provided in the planning and promotion of the Family Day Parade goes far beyond mere logistical accommodation typically provided to other private groups holding private parades in the City and County of Honolulu.

50. As a matter of established policy and practice, City assistance in the planning and execution of private parades typically does not go beyond minor logistical coordination, such as route planning and the provision of police traffic control and protection during the parade.

51. As a matter of policy and practice, private parade sponsors are responsible for informing the public of the parade, providing clean-up of the parade route and staging area after the event, coordinating parade line-up and ensuring the timely start and completion of the parade, and for taking care of all logistics needs including but not limited to trolleys to shuttle parade participants, water wagons to accompany the parade if desired, and vehicles and trailers for floats.

52. As matters of policy and practice, public employees are not allowed to help plan private, non-City sponsored, parades on City time and the City may not use public resources to subsidize private parades.

53. Information posted on the City website until June 5, 2003 regarding the Family Day Parade invited the public to “Join the Parade” and stated, “Everyone is welcome to join this parade.”

54. The City website directed individuals to call either Defendant Au or Defendant Williams for an application for the Family Day Parade.

55. On June 5, 2003, Plaintiff Golojuch saw the advertisement on the City website and called Defendant Williams to request an application. Mr. Golojuch introduced himself and explained that he was with PFLAG, Parents, Family, and Friends of Lesbians and Gays. Defendant Williams immediately became hostile with Mr. Golojuch once she learned he was with PFLAG. He asked her to fax the application and gave her his fax number. Defendant Williams agreed to do so and hung up the phone.

56. Neither on June 5, 2003 nor at any other time did Defendant Williams fax the parade application to Mr. Golojuch as promised.

57. Mr. Golojuch also called Defendant Au on June 5, 2003. When Mr. Golojuch began to introduce himself, Defendant Au said, “I know who you are.”

58. Mr. Golojuch asked for a parade application and Defendant Au agreed to e-mail one to him.

59. Neither on June 5, 2003, nor at any other time, did Defendant Au e-mail the parade application to Mr. Golojuch as promised.

60. On the morning of June 6, 2003, the day after Mr. Golojuch called both Defendants Au and Williams about the parade application, the sentence “Everyone is welcome to join this parade” was removed from the City website.

61. On June 6, 2003, Mr. Golojuch called Defendant Williams twice and left messages regarding her failure to fax the application. She did not return his calls.

62. On June 6, 2003, Mr. Golojuch also called Defendant Au twice and left messages regarding his failure to e-mail the application. Defendant Au did not return Mr. Golojuch’s calls.

63. Mr. Golojuch also sent Defendant Au an e-mail message again requesting the application. Defendant Au never responded to this e-mail message.

64. On June 9, 2003, Mr. Golojuch again left messages for Defendants Au and Williams, but they again did not return his calls.

65. On the afternoon of June 9, 2003, Mr. Golojuch spoke with Matt Char of Big Brothers Big Sisters and Mr. Char immediately faxed Mr. Golojuch a copy of the parade application.

66. The parade application, and the City website, indicated that the deadline for submitting the application was June 20, 2003. The parade application instructed applicants to fax the application as well as to mail a copy that was to be received by June 20, 2003.

67. On June 9, 2003, Mr. Golojuch faxed and mailed a copy of PFLAG's application as instructed.

68. In the portion of the application requiring that the applicant describe their organization, Mr. Golojuch described PLFAG as follows:

Parents, Family, and Friends of Lesbians and Gays (PFLAG-Oahu) is a national non-profit organization that is dedicated to enlightening a sometimes frightened and ill-informed public about issues surrounding sexual orientation and gender identity. PFLAG provides support and advocates for equality for members of the gay, lesbian, bi-sexual, transgender and intersex community.

69. Before submitting PFLAG's application, Mr. Golojuch struck through one short sentence on page three of the application that stated, "The Parade Committee must approve all entries," as Mr. Golojuch was concerned that the Parade Committee, comprised of individuals hostile to PFLAG's cause, might use that sentence to censor PFLAG's message in support of gay and lesbian families.

70. However, Mr. Golojuch signed and dated the portion of the application requiring that all applicants agree that they are "subject to all rules and regulations of the Family Day Committee."

71. On June 10, Defendant Williams confirmed that she had received his application by informing Mr. Golojuch that she had seen where he had stricken out a phrase. However, she did not indicate that it would be a problem that he did so. When Mr. Golojuch followed up on Defendant Williams' comment by asking if

PFLAG's application would be accepted, Defendant Williams responded, "Don't you ever just care about the children?"

72. Mr. Golojuch asked what about the gay children, and Defendant Williams gave no answer. Subsequently, during the June 10, 2003 parade meeting, Defendant Williams, in response to a query as to who would be part of the parade, stated, "We hand-picked the parade applicants."

73. On June 16, 2003, Mr. Golojuch received a letter from Defendant Williams, sent by certified mail on June 13, 2002, indicating that because PFLAG's application was in an "altered state," it would not be submitted to the parade committee for entry into the Family Day Parade.

74. On June 16, 2003, Mr. Golojuch sent another application by fax and by mail without the sentence "the Parade Committee must approve all entries" marked out.

75. On June 18, 2003, Mr. Golojuch attempted to hand the application to Defendant Williams in person at the organizational meeting in the Mayor's Conference Room at City Hall. Defendant Williams refused to accept the application. Mr. Golojuch left a copy of his application on a stack of Defendant Williams' belongings.

76. On June 17, 2002, Ken Miller of "The Center" called Defendant Williams to inquire as to the deadline to submit an application for the parade. Defendant Williams confirmed that the deadline was June 20, 2003 and told him to fax over

the application. At the time, Mr. Miller stated only that the Center was a non-profit organization that serves the local community and did not further elaborate on the nature of his organization. Defendant Williams was not familiar with The Center.

77. Shortly after this conversation on June 17, 2003, Mr. Miller faxed an application to join the parade to Defendant Williams.

78. The Center's application to join the Family Day parade contained the following description of the Center:

The Center is an organization that provides services and programs to the local LGBTIQ communities. Our group will be celebrating the various LGBTIQ families and their children. We will be focusing on the positive images of LGBTIQ couples and their children and how we contribute to a healthy Hawaiian community.

79. At approximately 4:00 pm on June 17, 2003, Defendant Williams called and told Mr. Miller that The Center's application had been rejected because a decision had been made the week before to limit the number of entries and to not accept any additional applications.

80. Mr. Miller explained that the deadline on the application was June 20, 2003 and that Defendant Williams had earlier that day confirmed the June 20, 2003 deadline. Mr. Miller asked whom else he could call to talk to about this and Defendant Williams directed him to call Defendant Hashimoto.

81. On June 17, 2003, Mr. Miller talked to Defendant Hashimoto over the telephone. Defendant Hashimoto told Mr. Miller that the deadline for applications was changed to the previous week “due to concerns for the kids.” Defendant Hashimoto said that the event was becoming “too unwieldy” with “too many different groups” and “too many people” and thus the decision was made to limit parade participants.

82. On June 10, 2003, William Woods called Defendant Williams regarding submitting an application to be part of the Family Day parade. Mr. Woods indicated that he represented a Gay, Lesbian, Bisexual, and Transsexual family group. Defendant Williams responded that it might be a problem for Mr. Wood’s group to participate in the parade and that she would call him back later in the day. Defendant Williams did not call back as promised.

83. On June 12, 2003, Mr. Woods called Defendant Williams to tell her that he was faxing over his group’s application. He then attempted to fax his application three times, but each time someone on the other end picked up the phone and hung up, causing the fax transmission to fail.

84. Mr. Woods then went to Reverend A. Joris Watland’s home and asked Reverend Watland if he could fax the application. Reverend Watland called Defendant Williams, identified himself as a reverend, and asked if he could fax over an application for the parade. He did not identify on whose behalf he wished

to fax the application. Defendant Williams instructed Reverend Watland to fax over the application and he faxed Mr. Wood's application without incident.

85. The application submitted by Mr. Woods described his organization, GLBT Family Network, as follows:

The Gay Lesbian Bisexual and Transgendered Family Network is a visible testament to the real diversity and reality of traditional families around the world. These families represent couples religiously married, single parents, families without children – a real rainbow of caring family units.

86. On June 18, 2003, Mr. Woods asked Defendant Williams in person at the Mayor's Conference Room whether his application had been accepted. Defendant Williams asked if he had received the certified letter in response to his application. He replied that he had not, and asked her what it said. Defendant Williams refused to respond to Mr. Woods' question or tell him if his group's application had been accepted.

87. On June 19, 2003, Mr. Woods called Defendant Williams and left a message inquiring as to the status of his application. Defendant Williams did not return his call.

88. At the June 18, 2003 organizational meeting held in the Mayor's Conference Room, Defendant Williams announced that the deadline for applications for the parade had been moved up to June 17, 2003 (the day the Center applied) and that new applications were not being accepted. When a representative of a Latino group expressed concern that this would keep them out of the parade because they

had not yet gotten around to submitting their application, Defendant Williams responded that the Latino group could still submit their application because they had previously been in contact with Defendant Williams about their application previously.

89. When Mr. Golojuch asked whether this meant that his revised application would be also accepted since he was first in contact with Defendant Williams on June 5, 2003, Defendant Tom interjected that it is up to the Hawaii Christian Coalition to decide who gets in the parade because they are the sponsor.

90. On June 19, 2003, Mr. Woods received a phone call from Defendant Tom informing him that the deadline for submitting applications had been extended back to the original date of June 20, 2003. Mr. Woods indicated that he had yet to hear about his parade application and asked if it had been accepted. Mr. Tom responded that, "The City has no obligation to make any selection. It is up to the sponsoring agency to determine selection."

91. On June 19, 2003, Mr. Golojuch also received a phone call from Malcolm Tom, informing him that the deadline for submitting applications had been extended back to the original date of June 20, 2003. Mr. Tom told him that he should thus be sure to submit an application by June 20, 2003.

92. Unlike Mr. Woods and Mr. Golojuch, Mr. Miller, whose application was allegedly rejected due to the deadline being moved up, did not receive a phone call

on June 19, 2003, from Malcolm Tom indicating that the deadline had been extended back to the original date. However, upon learning from others that the deadline had been pushed back again, Mr. Miller called and left a message with Defendant Williams and faxed a letter inquiring as to whether their application would now be accepted.

93. Defendant Williams called Mr. Miller at approximately 4:30 pm on June 19, 2003 and informed him that The Center's application would have to be received by mail by June 20, 2003 in order for The Center to be considered for the parade. Mr. Miller explained that he had only faxed, and not also mailed the application on June 17, 2003, because Defendant Williams called Mr. Miller after he faxed the application and told him that it was too late to submit an application. Defendant Williams replied that the application still had to be received in the mail by June 20, 2003 to be considered. Mr. Miller offered to hand-deliver the application and Defendant Williams said that it had to be sent by mail to the post office box on the application.

94. Mr. Miller subsequently drove out to the airport post office in order to ensure that The Center's application was mailed on June 19, 2003. Mr. Miller was informed by postal employees that the letter would be likely be delivered the next day, June 20, 2003.

95. On June 20, 2003, Mr. Woods spoke with Defendant Williams by telephone. Defendant Williams informed Mr. Woods that his group's application was being rejected because he had not mailed the application as required and had not faxed the second page. Mr. Woods said that he did not realize there was a second page and offered to hand-deliver an application to Defendant Williams that day.

Defendant Williams told Mr. Woods that it had to be mailed and could not be hand delivered.

96. Defendant Woods then went to the post office and mailed a copy of the application by certified mail on June 20, 2003.

97. In contrast to plaintiff, individuals from other organizations were allowed to fill out applications and hand them directly to Defendant Williams at Family Day organizational meetings held in the Mayor's Conference Room, or were allowed to fax their applications without also being required to mail in their applications.

98. As plaintiffs persisted in their efforts to join the parade despite the above efforts of defendants to discourage them for doing so, defendants were forced to changed tactics and now pretextually contend that the parade, which defendants advertised publicly as cosponsored by both the City and the Christian Coalition, is actually privately sponsored by the Hawaii Christian Coalition.

99. As such, on June 25, 2003, Defendant Hashimoto, state chair of the Hawaii Christian Coalition, signed letters denying plaintiffs entry into the parade based

upon the Hawaii Christian Coalition's religiously grounded belief that homosexuality is immoral, and the Hawaii Christian Coalition's plan to use the parade to inculcate the views of its particular religious faith and to promote it conservative Christian, anti-homosexual religious doctrine.

100. On the evening of June 25, 2003, Mr. Golojuch was informed on the telephone by Garrett Hashimoto that applications by PFLAG, The Center and the GLBT Family Network were denied.

101. At the public parade meeting on June 25, 2003, Mr. Golojuch was hand-delivered a letter by Defendant Hashimoto that said the following:

We regret to inform you that your application to participate in the Family Day Parade scheduled for July 5, 2003 has been denied. As you are aware, the Hawaii Christian Coalition is the sponsor of the private parade. The Hawaii Christian Coalition has chosen to honor the military and the children of traditional families. We view the military and traditional family as institutions which do not endorse and promote the same-sex and transgender lifestyles. Moreover, the Hawaii Christian Coalition has consistently taken the position that the traditional family consists of a married man and a women [sic], albeit there may be families with one parent only. We hope to convey that message at and during the parade. It would be incompatible with the message to allow your organization that has a message contrary to ours.

102. Letters similar to the one given to Mr. Golojuch on June 25, 2003 were sent to The Center and the GLBT Family Network.

FIRST CAUSE OF ACTION – FREEDOM OF SPEECH
42 U.S.C. § 1983, First and Fourteenth Amendment, Article I, Section 4 of the
Hawaii State Constitution.

103. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations set forth above.

104. By denying plaintiffs the right to march in the Family Day Parade based upon the content of the plaintiffs proposed expression and the fact that the members of plaintiffs’ groups are gay, lesbian, bisexual or transsexual, the defendants, acting under the color of state law, have deprived the plaintiffs of the rights to freedom of speech, association, and assembly in violation of the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983 and Article I, Section 4 of the Hawaii State Constitution.

ALTERNATIVE SECOND CAUSE OF ACTION –
SEPARATION OF CHURCH AND STATE
42 U.S.C. § 1983, First and Fourteenth Amendment, Article I, Section 4 of the
Hawaii State Constitution.

105. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations set forth above.

106. In the alternative, if Family Day Parade is a private event sponsored by the Hawaii Christian Coalition, and the Hawaii Christian Coalition intends to exclude certain individuals or organization from the parade based it intention to use the parade to inculcate the views of its particular religious faith and to promote it

conservative Christian, anti-homosexual religious doctrine, then City endorsement, promotion, aid and support of the Family Day parade constitutes government financing of religious activity and promotion of religious doctrine in violation of the Establishment Clause of the First Amendment of the United States Constitution as incorporated by the Fourteenth Amendment, 42 U.S.C. § 1983 and Article I, § 4 of the Hawaii Constitution.

THEREFORE THE PLAINTIFFS REQUEST THE FOLLOWING RELIEF, as to their First Cause of Action:

A. A declaratory judgment that Defendants violated the First and Fourteenth Amendments to the United States Constitution, and Article I, Section 4 of the Hawaii State Constitution, by denying plaintiffs the right to march in the Family Day Parade

B. A temporary restraining order, and preliminary and permanent injunctions ordering defendants to permit the plaintiffs to march in the Family Day Parade on July 5, 2003.

IN THE ALTERNATIVE, PLAINTIFFS REQUEST THE FOLLOWING RELIEF, as to their Alternative Second Cause of Action:

A. A declaratory judgment pursuant that Defendant City and County of Honolulu endorsement, promotion, aid and support of the Family Day parade constituted government financing of religious activity and promotion of religious

doctrine in violation of the Establishment Clause of the First Amendment of the United States Constitution as incorporated by the Fourteenth Amendment, 42 U.S.C. § 1983 and Article I, § 4 of the Hawaii Constitution.

B. A temporary restraining order and preliminary and permanent injunctions directing defendant City and County of Honolulu to account for all expenditures of City resources and time in relation to the preparation and execution of the Family Day event;

C. A temporary restraining order and permanent and injunction ordering Directing that all money sent to Christian Family Charities by individuals or organizations participating or sponsoring the Family Day event be turned over and deposited in trust to the Court for determination as to how the money should be distributed to compensate the City, and thus taxpayers, for the value of the services and resources expended by the City in furtherance of the Family Day event;

D. A temporary restraining order, and preliminary and permanent injunctions Directing the City to remove all references to the Parade, and logos of the Hawaii Christian Coalition, from its advertisements, press releases, invitations, web sites or programs distributed for Family Day;

E. A temporary restraining order, and preliminary and permanent injunctions enjoining the City from using or donating any additional City resources and/or property to promote or support the Family Day Parade.

PLAINTIFFS REQUEST THE FOLLOWING RELIEF, as to both Causes
of Action:

A. An award of costs and attorney fees to Plaintiffs pursuant to 42 U.S.C.
§ 1988; and,

B. Any additional relief as the court deems appropriate.

A non-jury trial is hereby requested.

Respectfully Submitted,

Brent T. White
Attorney for Plaintiff