

AMERICAN CIVIL LIBERTIES UNION  
 OF HAWAII FOUNDATION  
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
 STATE OF HAWAII

REVEREND VAUGHN BECKMAN;	)	CIVIL NO. _____
HOLLY HUBER; JULIET BEGLEY;	)	(Injunctions)
MICHAEL GOLOJUCH, Jr.; and	)	
RUPERT H. TEVES;	)	
	)	<b>COMPLAINT; SUMMONS</b>
Plaintiffs,	)	
	)	
vs.	)	
	)	
CITY AND COUNTY OF HONOLULU;	)	
MAYOR JEREMY HARRIS, in his	)	
individual and official capacity as Mayor	)	
of the City and County of Honolulu;	)	
MALCOLM TOM, in his individual and	)	
official capacity as Deputy Managing	)	
Director of the City and County of	)	
Honolulu;	)	
	)	
Defendants.	)	
	)	

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**COMPLAINT**

**Introduction**

1. This action seeks declaratory, injunctive and monetary relief relating to the defendants' use of the City's Family Day Festival to promote, endorse, and inculcate fundamentalist Christian religious beliefs and to raise money for fundamentalist religious organizations associated with Christian Family Charities and the Hawaii Christian Coalition. The use of City

resources to endorse and promote Christian religious organizations and messages violates 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.

### **Parties**

2. Plaintiff Reverend Vaughn F. Beckman is a Senior Minister at the First Christian Church (Disciples of Christ), located at 1516 Kewalo Street in Honolulu, Hawaii. Reverend Beckman is a resident and taxpayer of the City and County of Honolulu. He is also president of the Interfaith Alliance of Hawaii, a board member for the American Friends Service Committee of Hawaii, and a board member of the National Institute for Welcoming (Church) Resources. He is a graduate of Liberty University and Liberty Baptist Seminary, in Lynchburg, Virginia.

Previously, Reverend Beckman was Executive Director of the Council of Churches of Santa Clara County, a school principal and high school and middle school teacher, and a minister of Christian Education at various Baptist churches.

3. Reverend Beckman is deeply concerned and offended that the City and County of Honolulu (the "City") violated the principle of separation of church and state when it hosted "Family Day" with the Hawaii Christian Coalition. He is offended that the Family Day Festival was used to promote fundamentalist Christian beliefs that are at odds with Reverend Beckman's own Christian beliefs.

4. Reverend Beckman believes that government should not endorse any religious belief or non-belief, and he objects to the use of his taxpayer dollars by the defendants to promote and endorse religion. He has suffered injury and deprivation of his constitutional rights as a result of the action of the defendants.

5. Plaintiff Holly Huber is a resident and taxpayer of the City and County of Honolulu. Ms. Huber and her partner run a hi-tech business in Honolulu. She also volunteers for various non-profit organizations including Kumu Kahua Theatre, Big Brothers Big Sisters, Civil Unions-Civil Rights, Friends of the Library, PFLAG-Oahu, and Hawaii Citizens for Separation of State & Church.

6. Ms. Huber was present at the City's Family Day Festival on July 5, 2003. She attended portions of the Keiki Stage entertainment and came into unwanted and unwelcome contact with Christian proselytizing and preaching. She eventually left the Family Day Festival because she was offended by the Christian proselytizing that she witnessed at the Keiki Stage. She purposely avoided many of the other events because she saw in the program that they were almost entirely religious. She stayed away from the Bandstand because she noticed that Reverend Dan Chun, a right-wing Evangelical minister and participant in The Jesus Project, was scheduled to provide a blessing. Nor did she wish to be subjected to the preaching of the other groups slated to perform at the Bandstand, or at "Songfest."

7. Ms. Huber is deeply concerned and offended that the City and County of Honolulu used the Family Day Festival to promote fundamentalist Christian beliefs, which are at odds with her own non-religious beliefs. She suffered injury and deprivation of her constitutional rights as a result of the action of the defendants.

8. Plaintiff Juliet Begley is a resident and taxpayer of the City and County of Honolulu. She was present at the Family Day Festival on July 5, 2003. She attended portions of both Songfest and the Keiki Stage entertainment, and came into unwanted and unwelcome contact with Christian proselytizing and preaching. She was deeply offended by the religious message conveyed by the City at the Family Day event and the use of taxpayer money to promote

conservative Christian religious beliefs, which are at odds with Ms. Begley's own beliefs. She has suffered injury and deprivation of her constitutional rights as a result of the action of the defendants.

9. Plaintiff Michael Golojuch, Jr. is a member of Parents, Family, and Friends of Lesbian and Gays of Oahu (PFLAG-Oahu), a non-profit organization 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. He is a resident and taxpayer of the City and County of Honolulu.

10. Mr. Golojuch was present at the City's Family Day Festival on July 5, 2003. He attended portions of both the Songfest and the Keiki Stage entertainment, and came into unwanted and unwelcome contact with Christian proselytizing and preaching. He was deeply offended by the religious message conveyed by the City at the Family Day event and by the use of taxpayer money to promote fundamentalist religious beliefs which are diametrically opposed to his own. He has suffered injury and deprivation of his constitutional rights as a result of the action of the defendants.

11. Plaintiff Rupert H. Teves works for the City and County of Honolulu and is a ceramics instructor at the Ala Wai Community Center, where he has worked for three years. Mr. Teves was born and raised in Honolulu and is a resident and taxpayer of the City and County of Honolulu.

12. Mr. Teves was present at the Family Day Festival on July 5, 2003. He attended portions of both Songfest and the Keiki Stage entertainment, where he came into unwanted and unwelcome contact with Christian proselytizing and preaching. Mr. Teves was deeply offended by the hateful religious message that he felt was conveyed by the City at the Family Day event

and by the use of taxpayer money to promote religious beliefs that are at odds with Mr. Teves's own beliefs. He has suffered injury and deprivation of his constitutional rights as a result of the action of the defendants.

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 herein as a defendant in his individual and official capacity. Defendant Harris is ultimately responsible for the policies of the City and County of Honolulu and the supervision and direction of City officials. Defendant Harris directed City officials to carry out the Family Day event with the Hawaii Christian Coalition, was aware that the event was being used to promote and inculcate conservative Christian religious beliefs, and encouraged City officials to collude with the Hawaii Christian Coalition in using Family Day to inculcate conservative Christian religious beliefs. 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 was charged with overall responsibility for organizing the Family Day Festival for the City, and is named here as a defendant in his individual and official capacity. Defendant Tom was aware that the event was being used to promote and inculcate conservative Christian religious beliefs, and colluded with the Hawaii Christian Coalition in using Family Day to inculcate conservative Christian religious beliefs. At all times herein, Defendant Tom was acting under color of state law.

### **Facts**

16. The City and County of Honolulu hosted a "Family Day Festival" on July 5, 2003 from 10:00 am to 9:30 pm in the City and County of Honolulu. The City and County of Honolulu and

the Hawaii Christian Coalition cosponsored Family Day, and the City and the Hawaii Christian Coalition jointly planned and coordinated the Family Day event.

17. The City extensively advertised the Family Day Festival using taxpayer funds through a variety of means, including posters displayed on City buses and on flyers. These advertisements include the logos of the Hawaii Christian Coalition and were paid for with City funds and/or printed by City employees.

18. The City also bought and paid for an advertisement in the Honolulu Star-Bulletin advertising the Family Day Festival.

19. According to City advertisements, Family Day included a parade, entertainment, displays, food, fireworks, and a movie.

20. 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.

21. The City dedicated the time of numerous City employees to help plan, organize and execute the Family Day Festival.

22. The City spent tens of thousands of dollars of taxpayer money on the Family Day Festival.

23. Defendant Malcolm Tom, Deputy Managing Director for the City and County of Honolulu, headed weekly organizing meetings for the Family Day Festival in the Mayor's Conference Room for more than two months preceding the event.

24. Information posted on the City website advertising the Family Day events stated: "Representatives of all participating groups are invited to attend organizing meetings each

Wednesday at 2:30pm in the Mayor's Conference Room on the 3<sup>rd</sup> floor of City Hall at 530 South King Street.”

25. Defendant Tom repeatedly stated at these organizing meetings that Family Day was a City event.

26. Over 20 organizing committees were 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 marketing committee.

27. Each committee, with the exception of the executive committee and the movie committee, was composed of “community members” and “city members” and each committee had a community chair and a city co-chair.

28. The City and the Hawaii Christian Coalition used the Family Day Event to promote and inculcate conservative fundamentalist Christian beliefs.

29. 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.”

30. The Hawaii Christian Coalition is a chapter of the Christian Coalition of America and is a registered political organization in the State of Hawaii.

31. The Christian Coalition of America describes itself on its website as the “largest and most active conservative grassroots political organization in America” and as “working to promote Christian values in government on a local, state, and national level.”

32. In order to assure that the Hawaii Christian Coalition could influence and control the content of the City Family Day event and could use the event to promulgate and inculcate its

conservative Christian religious doctrine, the City and the Hawaii Christian Coalition conspired to ensure that the vast majority of Family Day “community” committee members for each major planning category were representatives of religious organizations selected by the Hawaii Christian Coalition.

33. Community members who do not share the conservative Christian beliefs of the Christian Coalition were actively prevented by the City and the Hawaii Christian Coalition from joining planning committees.

34. Hawaii Christian Coalition members were also hand-selected and given the vast majority of prominent committee chair positions for Family Day.

35. Hawaii Christian Coalition State Chairman Garrett Hashimoto was appointed Chair of the City Family Day executive committee in order to assure the Hawaii Christian Coalition’s overall control over the content of the City’s Family Day event.

36. The City did not allow equal access to all organizations to perform at Family Day events but instead invited only selected groups and individuals to provide entertainment. The City reserved a majority of the entertainment and programming opportunities at Family Day for Christian organizations and churches.

37. Children’s entertainment at the Keiki Stage, located in the “Keiki Village” portion of Kapiolani Park, was a distinct featured event of the Family Day Festival.

38. The entertainment and speakers featured at the Keiki Stage were almost exclusively Christian in nature. No other religious viewpoints were represented.

39. The schedule of performances at the Keiki Stage included the following:

- 12:00pm - Holy Warriors at Work Youth Ministries featuring Pastor Via Mausau’s Youth Singers
- 12:35pm - Emmanuel Temple featuring Bishop Carl Harris’ Youth Dancers



- 1:05pm - Lighthouse Ministries featuring Pastor Joe Hunkin’s Youth Choir
- 1:35pm - Totally in Christ featuring Dr. Rhodes’ Youth Dancers
- 3:35pm - Waipahu Samoan Assembly of God, featuring Pastor Suipapa Vaovasa, Brother Desmond, Youth Pastor and Praise Team
- 4:05pm - Pacific Revival Center featuring Pastor Kelsey Lewis’ Youth Choir

40. The Family Day Festival program also listed other performances at the Keiki Stage as “To Be Announced.” These performances were scheduled at four different time slots throughout the day. Upon information and belief, these performances either did not happen or were also Christian in nature.

41. The purpose of the “Keiki Stage” was to convey a conservative Christian message and to proselytize to young children present at the Family Day Festival. The effect of the “Keiki Stage” was the promotion and endorsement of Christianity to susceptible and impressionable young children.

42. The City Family Day Festival also featured an event called “Songfest at Kodak Hula Stage.” Songfest took place concurrently with other Family Day events and was a distinct Family Day event in the City’s Festival program.

43. A banner in front of the Kodak Hula Stage read “Family Day Songfest” and contained the official seal of the City and County of Honolulu.

44. Songfest consisted of at least nine separate Christian performances by Christian groups. There were no other religious groups or viewpoints represented at Songfest. The purpose and effect of Songfest was the promotion and endorsement of Christian beliefs.

45. The schedule of performances for Songfest at Kodak Hula Stage, as it appeared on the Family Day Festival program, was as follows:

- 12 pm: Koinonia Christian Church
- 12:30 pm: Central Samoan Assembly of God
- 1:00pm: Testimonies in Paradise

1:30 pm: Jewish Messianic Singers and Dancers  
2:00 pm: Waipahu Samoan Assembly of God  
2:30 pm: Lighthouse Assembly of God  
3:00 pm: Created for Praise  
3:30 pm: Halau Hope 4 You  
4:00 pm: Schofield Gospel

46. The Jewish Messianic Singers and Dancers are Jewish individuals who have converted to Christianity, and their performance, like all performances at Songfest, was intended to inculcate Christian religious beliefs.

47. Testimonies in Parade consisted of “testimonials” from “born-again Christians” who urged others to convert to Christianity.

48. The Family Day Festival also featured a “Concert at the Bandstand.” Though, unlike the Songfest at Kodak Hula Stage, the “Concert at the Bandstand” contained some secular performances, the “Concert at the Bandstand” promoted and endorsed Christian beliefs to the exclusion of all other religions.

49. Christian religious performances and rituals at the “Concert at the Bandstand” included a Christian prayer by the Reverend Dan Chun of Hawaiian Island Ministries, religious songs performed by Lighthouse Youth Ministries, preaching that condemned abortion on religious grounds, and performances by a group named “7 Simple Pieces”, a group that “spreads the gospel through Hip Hop.”

50. One of the group members of the 7 Simple Pieces addressed the public audience by saying, “Good evening. Isn’t this the most glorious of days? We are so happy to be here. But you know what we have to do as Christians? We need to tell everyone about salvation. We need to tell them that Jesus is the one that loves you.” He then stated, “Jesus is the only one who is keeping it real.”

51. The City's actions in relation to Family Day are part of a broader policy and practice of using various City events supported with taxpayer funds to provide religious organizations with special access to large audiences to which they can spread their conservative Christian message. For example, at Sunset on the Plains held in Kapolei on May 3-4, 2003, Lighthouse Youth Ministry, the same evangelical Christian organization that performed on the Bandstand at Family Day, sang songs praising Jesus, condemning homosexuality and abortion, and criticizing the separation of church and state.

52. The City's selection of fundamentalist Christian organizations to provide religious entertainment at City events constituted improper endorsement of religion and the Christian messages of selected Christian organizations.

53. The City's inclusion of Christian prayers, performances and messages as part of Family Day, and the promotion of the event through press releases, invitations, and advertisements conveyed approval and/or endorsement of the religious message, and had the effect of promoting Christianity.

54. The City's cosponsorship of the Family Day event with the Hawaii Christian Coalition and the inclusion of the Hawaii Christian Coalition's name and logo on City advertisements conveyed a message of approval or endorsement of the Hawaii Christian Coalition's religious message, and had the effect of promoting the fundamentalist Christian beliefs of the Hawaii Christian Coalition.

55. Applications and information posted on the City website directed individuals wishing to participate in the Family Day Festival to send checks directly to Christian Family Charities.

56. Organizations wishing to set up “Public Service” booths were directed on the City website to send checks payable to Christian Family Charities in the amount of \$25 per table and \$25 per electrical outlet.

57. Non-profit organizations wishing to set up food booths were directed on the City website to send checks payable to Christian Family Charities in the amount of \$100. For profit organizations wishing to set up food booths were directed on the City website to send checks payable to Christian Family Charities in the amount of \$250.

58. The City also solicited businesses as sponsors on the City website by promising them advertising access to an audience of 50,000 to 75,000 thousands individuals at the Family Day event. Businesses were offered different levels of exposure depending on their sponsorship level – supporting, silver, gold or platinum. Businesses wishing to be sponsors were directed on the City website to send checks payable to Christian Family Charities in the following amounts: supporting \$500, silver \$1000, gold \$2500 or platinum \$5000.

59. Christian Family Charities, Inc. is a non-profit corporation, organized and registered in the State of Hawaii.

60. Promotional materials distributed by Christian Family Charities, Inc. describe Christian Family Charities as a “Christian non-profit group supporting organizations and individuals in the promotion of traditional family values through education, financial aid and referrals.”

61. Christian Family Charities promotes “traditional family values” by giving money to local and national religious organizations.

62. The largest recipient of funds from Christian Family Charities is the Aloha Pregnancy Care and Counseling Center run by the Calvary Chapel of Central Oahu.

63. The Aloha Pregnancy Care and Counseling Center is a religious organization whose mission is to prevent women with unplanned pregnancies from choosing to have abortions, to provide “abstinence education” and “to teach the gospel of Jesus Christ.”

64. Upon information and belief, the second and third largest recipients of funds from Christian Family Charities are the Hawaii Christian Coalition and Hawaii Right-to-Life.

65. Upon information and belief, a majority of the funds sent to Christian Family Charities as a result of the Family Day event are being funneled through Christian Family Charities to the Hawaii Christian Coalition.

66. Additional local groups funded by Christian Family Charities include, but are not limited to: Calvary Chapel, Christian Surfers of Hawaii, Compassion Pregnancy Centers, God’s Love TV, Hawaii Catholic Conference, Hawaii Family Forum, House of Hope, March for Jesus, The Gideons, Totally in Christ, and Word of Life Christian Center.

67. Christian Family Charities also funds out of state religious and political organizations. A partial list of these organizations include: Operation Rescue West in Las Vegas, Nevada; Church of the Holy Cross in Montgomery, Alabama; American Center for Law and Justice (ACLJ) in Virginia Beach, Virginia; First Life Center for Pregnancy in Orlando, Florida; Focus on the Family in Colorado Springs, Colorado; Legal Action for Women in Pensacola, Florida; Life Choices Women’s Clinic in Phoenix, Arizona; Michigan Right to Life in Grand Rapids, Michigan; and the With Child Center in Phoenix, Arizona.

68. Through the staging of the Family Day Festival with taxpayer resources and the directing of funds to Christian Family Charities, the defendants intentionally used City resources to advertise and raise thousands of dollars for the conservative Christian religious organizations that Christian Family Charities funds.

69. The City has previously used other City events to raise money for similar Christian religious organizations. For example, organizations wishing to participate in or act as sponsors for Sunset on the Plains in Kapolei on May 3-4, 2003 were directed by City officials to send checks payable to St. Francis West, a Catholic organization opposed to abortion and that refuses, on religious grounds, to provide abortion services at its clinics. Upon completion of the Sunset on the Plains in Kapolei event, the City made no accounting of funds sent to St. Francis West, which was allowed to keep all or a portion of the proceeds collected.

70. The defendants' utilization of City resources to raise money for religious organizations constitutes improper use of public funds and has the primary effect of advancing religion.

## **CAUSES OF ACTION**

### **Count I – Separation of Church and State**

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

72. The defendants used the Family Day Festival to promote, endorse, and inculcate fundamentalist Christian religious beliefs and to raise money for local and national religious organizations associated with Christian Family Charities, including the Hawaii Christian Coalition. The use of City resources to endorse and promote Christian religious organizations and messages violates 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.

### **Count II- Common Law Taxpayer's Action**

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

74. Defendants Harris and Tom's use of public resources to promote, endorse, and inculcate fundamentalist Christian religious beliefs and to raise money for local and national religious organizations associated with Christian Family Charities, including the Hawaii Christian Coalition, violated 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.

75. Defendants Harris and Tom's use of public resources to endorse, promote, and inculcate Christian religious beliefs and to raise money for religious organizations exceeded any authority granted to them by the City Charter, or any other applicable law.

76. Corporation Counsel, the responsible City official, has failed to take any action to carry out his responsibility to recoup the value of taxpayer resources illegally used by Defendants Harris and Tom and has declined to seek the return of the money improperly diverted to Christian Family Charities rather than directed to the City to compensate taxpayers for the costs of the Family Day event. Moreover, Corporation Counsel drafted the applications directing individuals to send their checks to Christian Family Charities, and thus has a conflict of interest in this matter.

77. Under such circumstances at common law, the plaintiffs are authorized to seek relief on behalf of taxpayers and demand compensation payable to the City from Defendants Harris and Tom in their individual capacities for the public money and resources illegally used by Defendants Harris and Tom and improperly diverted to Christian Family Charities.

**Count III-Declaratory Action**  
**H.R.S. § 632-1**

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

79. As detailed above, the plaintiffs contend that the defendants improperly used the Family Day Festival to promote, endorse, and inculcate fundamentalist Christian religious beliefs and to raise money for local and national religious organizations associated with Christian Family Charities, including the Hawaii Christian Coalition. Plaintiffs contend that the use of City resources to promote, endorse, and inculcate fundamentalist Christian religious beliefs violated 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.

80. Defendants deny that their actions violated 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.

81. There is an actual controversy between the parties as to the legality of the defendants' actions in relation to the Family Day Festival.

THEREFORE THE PLAINTIFFS REQUEST THE FOLLOWING RELIEF:

A. A declaratory judgment pursuant to H.R.S. § 632-1 that the defendants' endorsement, promotion, aid and support of the Family Day Festival 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. An injunction directing the defendants to account for all expenditures of City resources and time in relation to the preparation and execution of the Family Day Festival;

C. An injunction ordering defendants Harris and Tom to compensate taxpayers for the value of the services and resources expended by the City in furtherance of the Family Day Festival, and/or ordering Defendants Harris and Tom to compensate taxpayers for the money improperly funneled to Christian Family Charities rather than used to compensate taxpayers for the costs of Family Day;

D. An injunction enjoining the City from using or donating any additional City resources and/or property to promote or support religious events in the future;

E. An award of costs and attorney fees to plaintiffs pursuant to 42 U.S.C. § 1988; and;

F. Such other relief as the court deems justified, appropriate, and necessary in the interests of justice.

A jury trial is hereby requested.

Respectfully Submitted,

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Brent T. White  
Attorney for Plaintiff